



ST. PETERSBURG TRUCK ACCIDENT GUIDE

*What To Do If You're Seriously
Injured In A Truck Accident*

SALTER, HEALY, BASSETT & RIVERA



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PERSONAL INJURY TRIAL ATTORNEYS



Getting in a truck accident can be absolutely horrifying. It is truly a traumatic event that can lead to some life changing injuries. You might be feeling like your life has been flipped on its head and now you may be feeling confused about what you should do next. If you have been seriously injured in your truck accident, you may

be eligible for personal injury compensation. Our Florida truck accident attorney is here to guide you through this legal situation. We will work tirelessly to get you the result you deserve.

IMPORTANT FIRST STEPS IN YOUR CASE

The most important thing you can do is get immediate medical attention after the accident. Your injuries may be so severe that you are taken on an ambulance and immediately taken to the emergency room. You may want to visit an urgent care after the police come and take a report or you might call your primary doctor to set up an emergency visit. Whatever you do, don't wait to seek medical attention and don't avoid it either. You will only end up making your injuries worse. It will also prompt the liable party's insurance company to try to throw out your case by saying your injuries were not either relevant to the case or that you are not injured to begin with.

MOST COMMON TYPES OF TRUCK ACCIDENT INJURIES

Truck accidents are typically pretty severe because of the nature of the collisions. Trucks are excessively heavy and hard to manage. They don't stop quickly and they have huge blind spots. Because of this, the injuries tend to be extremely serious. The most common injuries we see from truck accident victims include:

- » fractures and broken bones

- » internal organ damage
- » spinal cord injury
- » slipped disc
- » nerve damage
- » traumatic brain injury
- » concussion
- » paralysis

Unfortunately many of these cases result in permanent and life-altering injury. The best thing you can do is seek medical attention and continue to do it. Your health is the most important thing and even trumps your compensation. Make sure you take care of yourself.

FLORIDA STATUTE OF LIMITATIONS

You are allowed four years from the date of your truck accident to either bring your claim or to settle it in civil court. Four years seems like a long time, but with a personal injury case, those years can go by quickly. You do not want to delay in hiring an attorney. If you miss this four year deadline, you will be completely barred from receiving any compensation. Even if you have maybe a week left of your statute of limitations, an attorney might not be able to help you. These cases take time to build into a strong claim. The sooner you get to an attorney, the better off you will be.

HOW TO AVOID GETTING REDUCED COMPENSATION

In Florida there are pure comparative negligence rules which allow for you to receive compensation even if you have shared fault. The only way you can get barred from compensation is if you share 100% of the fault. If you have 0-99% fault, you will have your award reduced by the amount of blame you share. For

example, if you have been awarded \$100,000 and you have been deemed 20% at fault, your award will be reduced to \$80,000. Our job is to keep you from getting any of this shared fault so that you can get the most possible compensation.

DO NOT TALK TO THE LIABLE PARTY'S INSURANCE COMPANY

The insurance company is almost certainly going to call you shortly after the accident to try to get a recorded statement from you. They will be looking to get you to put yourself at the center of the blame. If they do that, they can owe you less money than what you are entitled to. If they are calling you, please understand that you are not legally obligated to cooperate with them. Giving them the recorded statement is not going to benefit you. It is only going to hurt your case if you answer in an unfavorable way. You should never speak to the insurance company before first consulting your attorney. You can also allow your attorney to totally take over communication with that insurance company.



FREQUENTLY ASKED TRUCK ACCIDENT QUESTIONS

How Do I Find the Best Attorney?

I spoke with somebody who was seriously injured in a semi-truck accident in Tampa Bay, Florida. In talking to him about the case, one of the first things they asked was, "With a serious injury like what I have, how do I find the best truck accident attorney?" There are a number of things to look at when hiring a truck accident attorney. The first thing to look at is if this attorney handles only personal injury cases and has significant experience with truck accident cases.

There are a number of attorneys out there who handle all types of matters, from bankruptcy, to divorces, to custody battles, to real estate, and they might

handle a car accident case if you call them, but they don't have the expertise to properly move a case forward if you've got a serious truck accident case.

The Florida Bar has a civil trial certification. That is only given to those who regularly go to trial in civil cases, and who judges and other attorneys agree are specialists in the field of civil trial law. When looking for a truck accident attorney, be sure that you're only looking at civil trial board certified lawyers. That goes to the third most important point, which is you need a truck accident lawyer who is going to go to trial on a regular basis. That's because the insurance companies, the truck companies, and those who handle those claims know who the attorneys are that go to trial.

The attorneys who don't go to trial are going to get much lesser offers, and if the company forces them to go to trial, they're not going to be capable of doing a good job. On the other hand, if you hire an attorney who is a regular trial attorney, and goes to trial on a regular basis, they're going to get better offers on your claim. Make sure they're board certified, make sure they go to trial, and make sure they regularly handle truck accident cases like our firm.

What Mistakes Can I Avoid?

I got a call last week from somebody who was in a serious truck accident and was injured as a result. One of his concerns was avoiding making mistakes. I told him a number of things. First, when you're in a truck accident and you're injured, it's important to call law enforcement immediately and document what happened in that accident.

As soon as that's done, it's very important to obtain the appropriate medical care immediately. What we found is that insurance companies are going to hold it against you if you don't get immediate medical care by suggesting that somehow you weren't seriously injured, even when you were. Don't make the mistake of waiting days or weeks before getting medical care. Instead, get immediate medical care after your trucking accident.

The next mistake that people make is they think that they can handle these types of cases on their own and they start calling the insurance company. That's a huge mistake. Insurance professionals, and particularly trucking accident

insurance professionals, are highly trained to make sure that they ask the types of questions that are going to make it very hard for you to recover what's fair in your case down the road. Be sure that you call an attorney before you start speaking with anybody from the trucking companies or from their insurance companies so that you can get the appropriate advice and the attorney can handle those conversations on your behalf.

Lastly, make sure you don't hire the wrong attorney. It's important that you hire an attorney who has experience handling only personal injury cases, and has significant experience handling truck accident cases, so that you get the right advice. It's more important to hire somebody who is board certified in civil trial law because that person is a specialist in civil trial law.

What Steps Should I Take?

Recently, we had a client come into our office who was involved in a very serious trucking accident. They wanted to know what the steps of a trucking accident would be. First and foremost, we want to make sure that our clients get the appropriate medical attention that they need. We want to make sure they're getting the treatment and that they're seeing the appropriate doctors.



Second, we immediately begin our investigation. Witnesses can disappear, as well as evidence. We want to make sure that we gather and preserve that as soon as possible. We then look at all the different entities that could possibly be responsible for our client's damages. A lot of times, with trucking accidents, there could be several entities with several different insurance companies. We do that investigation and we find out who ultimately is going to be responsible.

Once our client is done treating, we give a demand to the insurance companies. That's when we gather all the medical records, all the medical bills, and outline the evidence and explain to the insurance company why they are responsible for our client's damages. Typically an insurance company has 30 days to make

an offer. Once our office receives the initial offer, we determine if that initial offer is fair or if it's unreasonable.

If it's fair, then we can start the negotiation process with the insurance company. More often than not, insurance companies are unreasonable with their first offers and sometimes it's necessary to litigate the case.

What Do I Do After a Truck Accident?

If you've been injured in a truck accident, there are a few things that are imperative for you to do. The first thing is to contact law enforcement so that they can arrive at the scene, document any evidence as to how the accident happened, and assess fault. The next thing that you need to do is to make sure that you gather any contact information of independent third-party witnesses. Oftentimes, it's the witness testimony that decides who's going to prevail in a case of disputed liability.

The next thing that is imperative for you to do is to seek immediate medical attention and make sure that you tell your medical provider about every problem that you're having. Oftentimes, we see cases in which people come to us too late after an accident. They've gone days or weeks trying to tough it out, thinking it will go away and it doesn't. What happens is the insurance companies use that gap in treatment against the person to say that they really weren't injured.

The next thing that anyone who was in a truck accident should do is contact a competent attorney, specifically a board certified civil trial lawyer that specializes in personal injury law.

Can We Avoid Trial?

I had a client ask me about her trucking accident case. Her question for me was, "Is my case going to have to go to trial, or is there a way that we can avoid that?" I told her that the main reason we have to try cases is if an insurance company is not doing the right thing, and that is fairly evaluating her case and offering what her case is worth, in our opinion. If that doesn't happen, then

sometimes we have to go to trial and have a jury do the right thing, if the insurance company won't.

The way we avoid trials is by being prepared. We will fully and completely prepare not only our case through depositions and through discovery, but also have our client prepared if they have to testify. We will have medical providers prepared if they have to testify about this case. We will have experts prepared as well, so that if we have to try the case, then the insurance company's going to see we're prepared and ready to go, and if they won't do the right thing, we'll have a jury do the right thing for us.



Can Preexisting Injuries Affect My Truck Accident Claim?

A client was in the office who had recently been in a truck accident, and he was concerned that he would not be able to make a claim for his back injury because he was in the construction industry and he had issues with his back for several years prior. That notwithstanding, his back condition was made far worse as a result of his motor vehicle collision.

Having a preexisting condition is not a detriment in those cases, and it often explains why clients who are involved in truck accidents have the extent of injury that they do. We have extensive experience trying truck accident cases involving preexisting conditions. In one particular case, we tried a case where the insurance company refused to even offer our client his past medical expenses, who had significant preexisting conditions but was injured in a truck accident. We went to trial on the case, and the jury awarded all of our client's past medical expenses, future medical expenses, and extensive pain and suffering damages.

How Much is My Case Worth?

We had a truck accident client ask us, "How do I figure out what's a fair settlement in my case?" We reviewed with him all the information that goes into determining a fair settlement value of his case, and those things are the same

for everybody. The first is about the documented injury sustained in the truck accident. That information is obtained by medical professionals treating the person who's injured by obtaining MRI and x-ray studies to document whether there's fractures, herniated discs, tears in shoulders and/or knees, and whether surgery needs to take place. That leads into the second factor.

What was the cost of the medical care? Was it therapy? It may have been more invasive care, like injections or surgeries. Those things have to be taken into account and they're very costly.

The next question is, even if there's been a successful surgery, what is this person going to have to deal with in the future? Doctors will be able to testify about that and explain what future medical care, future surgeries, cost of those things are going to be in the future.

Did this truck accident cause the person to lose time from work? That's an important claim for those lost wages. It's also important, if they will be missing work in the future, that those wages are compensated.

The final piece, which is more difficult to put a dollar figure on, is how this injury affected this person in their personal life and their family life. It involves the loss of enjoyment of life and the inability to do things that you were able to do before the accident.

Do I Have to Have a Lot of Medical Bills to File?

Recently, someone came into our office regarding a trucking accident, and they were concerned that they were not able to make a claim because their medical bills were minimal. When someone comes into our office for a free evaluation, the first question I have for them is, "Are you done with your treatment?" If they still have any type of ongoing issues as a result of the accident, then we make sure that our clients go and get the medical treatment that they need for their injuries. Once treatment is completed, then we submit that information to the insurance company for further evaluation.

Who Pays My Medical Bills?

Recently, someone gave us a call that they were injured in a commercial trucking accident. They wanted to know who was going to be paying for their medical bills. We advised them that, in the state of Florida, there's personal injury protection that pays for some of the medical bills. However, it only pays 80%. Part of our investigation is to find out what insurance company involved in the accident will be paying for the remaining of the bills. Additionally, there will be payment for pain and suffering and future medical care as well.

Do I Need to Give a Recorded Statement?

I met with an individual who had been involved in a truck accident and had sustained significant injuries. In the days prior to meeting with me, he had been getting repeated calls from the other driver's insurance company asking him to give a recorded statement, and he was unsure of what he had to do in response to those inquiries. If you've been injured in a truck accident, do not give any statement to the insurance company without talking to a lawyer first. Specifically, hire a board certified civil trial lawyer with experience in truck accident cases before talking to any insurance company.

The insurance company adjusters are trained to ask questions and elicit responses designed to minimize any payment that they have to make to you for your injuries.

Should I Take a Settlement Offer?

I had a client in a very serious trucking accident ask me, when we received our first initial offer from the insurance company, "Should I take it?" I said no. Typically, I'm going to say no because at that initial stage, the insurance company is potentially lowballing the case. They're not offering what is reasonable and what is fair for the injuries that were sustained.

Usually, we need to push that case downfield. If we have to litigate, we have to show that we're prepared with our depositions, prepared with our discovery, and with a potential trial, if we have to do that. That way, even if we're on the courthouse steps, the insurance company will see that they need to be reasonable and fair. Nine out of ten times, that's when the number that you receive

will be something that is fair. That's the reason why the initial offer generally should be rejected. We're here to help you evaluate that process.

How Long Will This Case Take?

I had a client call recently about a trucking accident. She was involved in a very serious crash involving a semi-truck and she wanted to know, "How long is it going to be until I can get my case resolved?" I told her that the process happens in phases.

We start out with pre-suit, that's prior to filing a lawsuit. During that time period, she would be getting treatment for her injuries that she sustained as a result of that truck crash. At the end of it, we would submit a demand to any insurance carrier that's responsible for her injuries. If they don't do the right thing – and they typically don't – then we would file suit.

The litigation process can be lengthy. I told her, like every client that has a trucking accident, you have to be patient. We'll have depositions, an exchange of paper discovery, and a settlement conference to try to resolve the case. If the insurance company doesn't resolve it with us at that time, we get a trial date.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

If you have been seriously injured in a truck accident in Florida, please do not hesitate to call our office to set up a free consultation. Our Florida truck accident attorney has handled dozens of cases just like yours and will dedicate their practice to getting you the best result possible. You deserve full and fair compensation for your injuries and damages and we want to ensure that that happens for you. Please call us today to set up a free consultation to go over the details of your case and find out what your next step should be.

ABOUT THE AUTHORS



Robert J. Healy

A lifelong resident of the Pinellas County and St. Petersburg area, Rob Healy is a founding partner of Salter, Healy, Bassett & Rivera and an accomplished trial lawyer. Rob honed his trial skills while representing big corporations and insurance companies for one of the largest defense firms in the state of Florida before teaming up with Brad Salter to found Salter Healy. Today, Rob continues to maintain his passion for providing ordinary people with extraordinary legal service. By only representing Plaintiffs now, Rob uses his past experience representing insurance companies to the advantage of his wrongfully injured clients.



Brad Salter

A founding partner of Salter, Healy, Bassett & Rivera, Brad Salter helped create the firm with the intention of providing effective legal service, along with compassion, those who are injured. Brad is a board certified attorney who has practiced in St. Petersburg for over 20 years. Brad honed his skills at a large insurance defense firm after graduating from law school. While with that firm, he earned his Board Certification in Civil Trial Law, which made him the youngest board-certified civil trial lawyer in the state at the time. Shortly after obtaining board certification, Brad decided to change the focus of his practice and represent the injured, instead of the insurance companies.



R. Evan Bassett

R. Evan Bassett is a Board Certified Civil Trial Lawyer who has practiced in Florida for nearly 20 years. Evan is a fifth generation Floridian. He attended high school at Berkeley Preparatory School in Tampa and has lived in the Tampa Bay Area all of his life. He attended Furman University where he obtained his Bachelor of Arts degree with a major in Spanish, and with minors in Political Science and Communications. While at Furman, Evan was invited for membership in the Phi Sigma Iota International Foreign Language Honor Society, and the Sigma Delta Pi National Hispanic Honor Society.



Daniella Rivera

Daniella Rivera is a bilingual attorney practicing in the area of civil litigation, with a focus on personal injury. She is first generation American from El Salvador; born in Baton Rouge, Louisiana, her college endeavors eventually led her to St. Petersburg, FL. Daniella joined Salter, Healy in 2007 and was able to hone her skills while earning her Juris Doctor degree from Stetson University College of Law. Daniella focuses on working closely with her clients and has a passion for providing ordinary people with extraordinary legal service. Daniella focuses her entire practice on fighting for the rights of those who have been injured in car accidents, motorcycle accidents, bicycle and pedestrian accidents, slip and falls, premises liability and other personal injury cases.



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