



TEXAS TRUCK ACCIDENT GUIDE

*Legal Guidance for
Victims of 18-Wheeler Crashes*

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RUSH  GRANSEE



Have you been seriously injured in a truck accident? Your life may have been permanently changed you are might be looking to see how you can get compensation for your damages. You are not alone in this. We can help you deal with this difficult legal situation.

Accidents involving trucks in interstate commerce result in thousands of injuries and fatalities per year in the United States. Unfortunately, Texas has one of the highest annual rates of injury and fatality in the nation.

At Rush & Gransee, L.C., in San Antonio, Texas, based on our extensive experience in representing plaintiffs in truck accident cases, we know how to effectively pursue legal action against both the truck driver and the truck insurance company. Potential causes of action against a truck company and its driver may include negligence per se, negligent entrustment, negligent training, negligent maintenance, and possibly other common negligence theories in motor vehicle accidents such as failure to maintain a safe distance and speeding.

WE SEEK MAXIMUM DAMAGES FOR TRUCK ACCIDENT VICTIMS AND THEIR FAMILIES

Truck accidents, semitruck accidents and collisions involving 18-Wheeler tractor-trailers or big rigs entail a complicated set of laws and large amounts of evidence. The truck industry is heavily regulated; therefore, motor vehicle wrecks involving trucks are generally significantly more complex than typical automobile accidents collisions. Not only are lawsuits complex, but injuries are often devastating, including paralysis, brain injuries, severe burns and death. State and federal laws are in place, designed to keep safe the public roadways, and the drivers who are on them.

When we are retained in an auto accident with serious injuries caused by a truck or 18-wheeler, we immediately hire specialists in accident reconstruction and

get them out to the scene as soon as possible. The accident reconstructionist can very often determine how and why the accident happened.

The accident reconstructionist can often determine right down to the seconds how much time the trucker had to react to some emergency or hazard. Often, truck accidents are caused by driver fatigue as the drivers are on the road too long without rest. This requires that the driver's logs be inspected to determine how long the driver had been on the road. Was there drinking and driving? Was the truck improperly loaded? We will find out.

If you are the victim of a truck accident, you are entitled to compensation for medical bills, property damage and car repairs, lost wages, pain and suffering, and permanent injury or disfigurement. We have the experience and detailed knowledge of the law to lead the investigation into the cause of a truck accident and to help you collect the maximum amount allowed under the law.

DETERMINING THE CAUSE OF A TRUCK ACCIDENT

Due to the size and weight of semi-trucks, accidents involving these vehicles can be particularly devastating. When one of these situations occurs, it is essential that the cause of the accident be carefully investigated in order to make a determination as to fault. Once the cause can be established, it may be possible to move forward with a lawsuit against the negligent parties in order to recover compensation for the losses and injuries that occurred.

At **Rush & Gransee, L.C.**, we have over 25 years of experience handling all types of truck accident cases. We are thorough investigators who gather all evidence in the matter in order to construct the strongest lawsuit on your behalf. Our attorneys are dedicated to aggressively standing up for the rights of individuals and families who have been injured in a truck accident. We help clients who



have questions and concerns about how to deal with the lost wages, medical expenses and pain and suffering that has resulted from the truck accident.

Through our offices in San Antonio, McAllen, or Kenedy, Texas, we can investigate, reconstruct, and pursue any truck crash in South Texas.

If you or a loved one has been injured in any type of truck accident, please contact us to schedule your free initial consultation. Call today at 210-263-3051.

DRIVER NEGLIGENCE

In many truck accident cases, the truck driver is at fault. When the driver of a heavy 18-wheeler makes a mistake or acts carelessly, it can result in a serious and often fatal crash. Semi-trucks are so much larger and heavier than ordinary vehicles; the damages done in a car/truck collision or other type of truck accident are often much more severe. We handle all types of cases involving driver negligence, including:

- » Speeding and reckless driving
- » Falling asleep at the wheel
- » Driver drug abuse (driving under the influence of some type of drugs or alcohol)
- » Driving more hours than allowed by federal laws
- » Driving faster than road conditions allow

UNBALANCED, OVERLOADED AND UNSECURED CARGO

18-wheelers are often carrying many tons of cargo in their trailers. However, if that cargo is not properly loaded, secured or more is loaded than the tractor trailer can carry, other drivers are in danger. An overloaded truck or one with unbalanced cargo can be extremely difficult for the driver to control, often resulting in jackknife accidents. Unsecured cargo can spill out onto the road, causing hazards that other drivers may not have time to avoid.

OTHER CAUSES OF TRUCK ACCIDENTS

There are other reasons for a truck accident to occur. A Texas truck accident attorney at our firm can examine these possibilities, which can include:

- » Negligent hiring
- » Failure to properly train a driver
- » Defective truck equipment
- » Failure to maintain or improperly maintain a truck
- » Failure to keep proper records and logbooks

TRACING THE NEGLIGENCE IN TRUCK ACCIDENTS

Potential causes of action against a trucking company and its driver may include:

- » Negligent hiring and retention — Failing to conduct background checks; failing to verify proper licensure and claimed experience; continuing to employ a driver after serious trucking violations, traffic violations or accidents
- » Negligent training — Failing to provide mandated or industry-specific instruction in operating a tractor-trailer or other regulated truck
- » Negligent entrustment — Allowing a person to operate an 18-wheeler or another large truck without a valid CDL (commercial driver's license) or while under the influence of drugs or alcohol
- » Negligent maintenance — Bald tires, worn brakes, noncompliant lights or reflectors, broken doors, loose mudflaps, or other neglect in maintenance and repair

- » Other negligence — Speeding, unsafe lane changes, failing to maintain a safe distance, running a traffic signal; texting while driving or other prohibited behavior; weight limit violations; federal Hours of Service violations (too many hours behind the wheel)

FREQUENTLY ASKED QUESTIONS | TEXAS TRUCK ACCIDENT GUIDE

What Do I Do After a Commercial Truck Accident?



There are a lot of commercial vehicles on Texas roadways. The first thing that needs to happen if you've been involved in an accident with one of these vehicles is get medical attention immediately. These vehicles are larger than passenger-cars. They can be up to 85,000 pounds. If they crash into you – even if you don't immediately feel something – the force that your body has just gone through needs medical attention. That commercial vehicle, and their company, have lawyers that are ready to go. They've got their team called Commercial Crash Teams prepared to fight. They're going to be at the scene collecting evidence. They're going to be at the scene trying to figure a way to make sure they can get out of what they've caused.

You need an experienced team to do the same thing. We hire reconstruction experts and engineers. We hire police investigators. We hire everybody that's needed, and we get out to the scene right away. The sooner you hire someone, the better. There is evidence to be found and protected, and you need to have your team looking at it just like the truck company has their team looking at it.

Do I Need a Lawyer?

If you've suffered injuries because of a commercial crash, whether it's an 18-wheeler, or a company van, you need to call a lawyer as soon as you realize that you're hurt, as soon as you realize that you're missing work. You need to call a lawyer quickly. These cases are different. They've got their teams ready to go. Their insurance company has lawyers. The truck company has lawyers. They've got investigators. It's not fair that they get the jump on you. With these kinds of cases, you need to act quick.

What Are the Steps to Take After a Truck Accident?

The first and most important step is investigation. We need to get our people out to the scene. We need to take measurements. We need to take photographs. We need to inspect the other vehicle. We need to get the black box – it's called the EDR – of the truck so we can see how fast they were going. We need to get driver's logs. We need to find out if this driver was driving more than he should have driven.

The critical step is investigation. Then you get your case going and get into the court room. You start holding them accountable. But the first and most important step is investigation.

How Do I Get the Right Attorney?

You should research hard for an attorney. These cases are complex. There are laws that deal with every aspect of the case. You must have an experienced lawyer. You need to ask questions while interviewing attorneys: how many of these types of cases have you handled? How many different states have you handled them in? How many times have you been successful? You need to know that the person you're hiring has a proven track record who's going to help you.

What Should I Know About Tractor Trailer Accident Claims?

When people call and ask us about a commercial vehicle accident in Texas, a lot of times they think it's just another case. It's not. Commercial vehicle cases are a special kind of case. They can be complicated, but with an experienced lawyer,

they can be handled. There are federal regulations that apply to the drivers, the company, owners of the tractor, owners of the trailer, and the brokers. There are all sorts of people in play in one of these cases. In this 80,000-pound vehicle, the tractor may be owned by one person, and the trailer may be owned by another. Some other company might have put an inexperienced driver in the seat, and some other company might have overloaded the trailer and made it unsafe.

All of this requires experience eyes to look over the case. It requires experts in the field that understand the federal regulations. It requires experts in the field that know how to reconstruct crashes involving 80,000-pound vehicles. These cases are different, and they require lawyers that have done it before and have done it successfully.



How Much is My Case Worth?

There's no easy answer for that. What you are entitled to is every penny that that careless act has caused you.

You've got medical bills. You got time missed from work. You can count those bills and add them up. The devastating injuries caused by 80,000 pounds of an 18-wheeler impact every area of your life. It impacts what you can and can't do with your family.

It impacts how you can and can't interact with people. Sometimes these injuries make it so that you can never work again. You need to calculate how much you're going to be missing out on for the rest of your work life. It's impacting every aspect, and the only way to know what the true value of your compensation is, is to have a team behind you that looks at every aspect of your life, everything that's been changed, and every dollar that you deserve.

Should I Speak to the Insurance Companies?

After a commercial vehicle accident, one of the first things those companies do is call their insurance company, their lawyers, and get their team in place. One of the first things they're going to want to do is talk to you. You don't want to talk to a company lawyer or a company insurance person who's only interest is

in protecting the people that just harmed you and your family. You should never speak with them, not without a lawyer.

Can I Sue a Trucking Company?

If you've been injured because a commercial vehicle driver caused an accident, there are multiple responsible parties. Most certainly, the driver of the vehicle. If they're the careless one that caused the wreck, you need to go after them. You also need to go after that driver's employer because they're the one that put that driver behind the wheel. One of the things we found over and over again is that there are drivers out there that have no business being on the road, and the company knows it, but they put them out there anyway.

There are other people involved as well. Sometimes there are different companies using the truck for shipping. There are different companies brokering. There are different companies owning the trailer. Sometimes there are even different companies that employ the driver. The only way for you to get full and fair compensation is to get all of them involved and all of them need to pitch in to make sure you're paid.

Should I Take the First Settlement Offer?

In a truck accident case in Texas, one of the things you're going to find is often insurance companies swoop in. They want to try and get you to take a quick check. The reason is they know the devastation that their vehicles can cause and they want you to act before you realize all the impact the crash has to your life. Never take a first offer. Never entertain what they're saying. They're not looking out for your interests; they're looking out for themselves.

How Long is This Case Going to Take?

The insurance companies want it to drag on and you don't. They don't want to face a lawsuit. They don't want to be held responsible. You need to push them, and you need to push them hard. These are complicated cases; they take time. They won't be resolved in six months.

A lot of people want to know if their case is going to have to go all the way to trial. One percent of all cases go to trial, but typically the problem is too many

law firms know that and act on it. If you hire us, day one we plan on being that one percent so that we are prepared. We look at everything as if we're in it for the long haul and the hard fight. When you do that, insurance companies usually come to their senses quicker.

How Long Do I Have to File a Claim?

If you've been seriously injured because of an 18-wheeler or a commercial vehicle of some sort, technically you have two years to take action. That's called the statute of limitation. Texas law says is if you are injured, you need to file a lawsuit no later than two years, but you need to understand something: every day you wait is a day that some piece of evidence might be missing. Maybe a piece of glass at the scene has now blown away because somebody drove by it. Maybe that skid mark is just a little less clear. Can it be worked with? Sure, it can. If you don't realize for six months just how bad your injuries are, we can still help. With our experience and our background, we understand these things. The truth is, when you're dealing with a commercial vehicle accident here in Texas, you need to act quickly.

GET FULL AND FAIR COMPENSATION

If you are looking for experienced San Antonio truck accident lawyers, please call our office today. We are here to help you get what you deserve after this tragic life-altering event.



ABOUT THE AUTHOR

Robert Rush founded Rush & Gransee, L.C. in 1994. Mr. Rush started his legal career at a large, San Antonio based insurance defense firm. He was involved in representing doctors, product manufacturers, insurance companies and drivers of automobiles in cases involving catastrophic injuries.

Robert's current practice is primarily devoted to individuals who have been harmed by negligent drivers, doctors, and corporations. Robert and the firm have rightfully gained a reputation of fighting aggressively to obtain every available dollar to compensate the harms suffered by our clients. Unlike other firms that try to settle cases quickly for less money Rush & Gransee, L.C. has the reputation of pushing cases so that our client's recovery is maximized.

Robert L. Rush has been voted by his peers as one of San Antonio's Best Lawyers, every year from 2005-present in the annual legal poll published in the monthly magazine "Scene in SA". Mr. Rush is identified as one of San Antonio's best lawyers in Personal Injury and Malpractice Law.

Additionally, Mr. Rush has been recognized as a Texas SuperLawyer every year from 2010-present. He is also honored to be rated AV-Preeminent – Peer Rated for the Highest Level of Professional Excellence, as listed in Martindale-Hubbe. Mr. Rush has been awarded the distinction of being listed in Best Lawyers, and Best Law Firms – US News & World Report in 2016 and again in 2017. Mr. Rush is privileged to be a member of the American Board of Trial Advocates, and is Board Certified by the National Board of Trial Advocacy.

Our firm has represented clients and fought cases against wrongdoers involving medical malpractice, medical products liability, insurance disputes, brain injuries, automobile and 18-wheeler trucking wrecks. Mr. Rush has handled State and Federal cases across Texas and in Federal District Courts in several other States. Mr. Rush has developed a broad reaching network with other top attorneys across the United States and can assist clients no matter their locale.

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