

Five Must-Ask Questions In Trucking Accident Cases

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Commercial trucking accident cases can be incredibly complex to litigate. There are critical areas that must be examined in order to protect the plaintiff's interest, including black box data recorders, [U.S. Department of Transportation](#) inquiries, and the like. In this article, we explore five critical questions that must be asked in these types of cases.

What potential evidence is out there and has it been preserved?

Building a commercial trucking accident case must start immediately by determining what evidence is crucial to the case, where to find it, and most importantly, how to preserve it. Oftentimes, the truck itself will be full of information about the accident and the driver. The technology in today's commercial trucks can help reconstruct what happened during the accident and point to what went wrong.

In order to protect this vital information, preservation letters must be sent to the trucking

company and its insurance carrier as soon as possible to ensure black box data recorders and GPS information are preserved for litigation. Find out where the truck is being stored, and ensure that no repairs are done until there is an opportunity to inspect the truck and mine any useful information from it.

Be sure to follow-up on all preservation letters and ensure that letters have been sent to the proper responsible entity. Getting an idea of the condition of the truck as close to the day of the accident as practical will provide a helpful visual of what happened and why.

Has there already been an investigation by an independent source?

Additional evidence may come in the form of outside independent investigations. The Department of Transportation or the [Federal Highway Administration](#) will often perform an investigation when a commercial vehicle is involved in a serious accident. Local law enforcement will likely also be involved and perform a separate examination of the accident.

State law enforcement may become involved as the local investigation proceeds. These independent investigations sometimes include an incredibly helpful reconstruction of the accident. Gathering information from these outside sources can help save costs and provide another perspective of the case. Conclusions from these independent investigations can also be very persuasive as the case progresses towards settlement or trial.

Who are the important players that need to be considered?

When litigating a commercial trucking accident, it is important to sort out all potential defendants that may be responsible for the collision. Obviously the driver and his direct employer are vital to the case, but consider whether other companies and employers may be involved in the trucking transaction.

Ask what type of trip the commercial truck was on at the time of the accident, and who all was benefiting from that specific driver and this particular truck on that day. Be sure to sort out every person or company that maintained any ownership of the truck or had any responsibility for it at the time of the accident.

Every additional potential party may increase the amount of insurance coverage available to the client, and may ultimately contribute to any recovery. Different parties can also provide

different theories of liability that need to be considered when building the case. Negligent entrustment, vicarious liability and straightforward negligence should all be considered when examining the potential defendants.

What did the 24 hours before the accident look like for the driver and the truck?

Painting a picture of the commercial truck driver's day will help point to any potential red flags in his driving. How long had the driver been on the road that day or night? Had he or she been drinking or taking drugs (prescription or otherwise) at any point in the preceding 24 hours? How familiar was this driver with the commercial truck and route on the day of the accident? Was anyone else in the truck at the time of the accident? Was the driver licensed to drive this particular truck? Did the driver have any reason to be in a hurry? These are all important issues to consider when building a case.

Commercial truck drivers are often under extreme pressure to complete deliveries on a schedule, even if it requires driving for longer shifts than allowed. There may even be an incentive for the driver to speed or break other rules of the road in order to complete an order on time.

Knowing the driver's schedule and itinerary on the day of the accident can help explain why he or she might have been driving a particular way at the time of the accident. The driver's log can provide valuable information about the driver and the truck that may bolster a case and ultimately help to prove liability.

What were the violations?

Besides the obvious traffic violations that the commercial truck driver may have committed in causing the accident, there may have been violations of other regulations as well. Commercial truck drivers are heavily regulated in terms of how long they can remain on the road during a single trip, or over the course of a day. As explained previously, there are often reasons for why drivers would choose to violate these types of regulations, and employers may even encourage violations that speed up deliveries.

A driver of a commercial vehicle also must maintain a special driver's license, and a failure to do so can point to negligence on behalf of the driver, as well as his or her employer for allowing an employee to drive a commercial truck without the appropriate license.

Additionally, the trucking company's policies, or even general trucking industry customs, may be helpful in pointing out what rules or regulations the driver violated at the time of the accident. The commercial trucking business is highly regulated at the state and federal level, and those regulations should be used to the injured party's advantage in building a case.

Asking these essential questions will give some clarity to the complexity of catastrophic commercial trucking accident cases, and ensure that every case can be thoroughly prepared from the onset.

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