

# JACKSONVILLE TRUCK ACCIDENT GUIDE

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

Edwards  Ragatz, P.A.

Personal Injury and Commercial Trials



Trucks are the largest and most dangerous vehicles on the road in Florida. They are immensely heavy, are hard to stop quickly, and have huge blind spots. Because of these factors, truck accidents have the potential to cause massive damages and injuries and can even be fatal at times. Our Florida truck accident attorneys

know how terrifying it must have been for you to be involved in this accident and we want you to feel supported as you journey through seeking full and fair compensation. Once you read and learn a bit about your truck accident case, please do not hesitate to call our Jacksonville truck accident attorneys today to set up your free case evaluation.

## FLORIDA TRUCK ACCIDENT STATUTES OF LIMITATION

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As a general advisory, no matter how long your statute of limitations is, you should hire an attorney as soon as you can. That might be the day of the accident or a couple days later after you've stabilized your condition at the hospital. Statute of limitations is the amount of time in which you can bring your claim in civil court. Florida allows for a considerable amount of time. Counting from the date of your truck accident, you will have four years to get your claim filed. Now, just because you are allotted this amount of time does not mean you should wait. In fact, you should do just the opposite. You should hire an attorney right away so that they have ample time to build a strong case for you. You have evidence that needs collecting, witness testimony that needs to be heard, and these things can disappear if you wait too long to hire an attorney to gather it all.

## HOW FLORIDA COMPENSATION WORKS

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Florida is one of the more lenient of states when it comes to collecting compensation if you have shared fault. When you start the process to determine how

much compensation you will get there are two factors that go into determining that amount. The first is how severe your injuries are and what kind of treatments you have needed and will need in the future and how this will affect your life. The second is how much of the accident was your fault. It will be determined as a percentage. If you are 0% at fault, you will get the full amount of compensation awarded to you. If you are 100% at fault, you will be barred from receiving any compensation. From 1-99%, you will have reduced compensation. If you were 20% at fault for the accident, then your compensation award would be reduced by 20% making \$100,000 into \$80,000.

## FIRST STEPS TO TAKE AFTER YOUR TRUCK ACCIDENT

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The absolute most important step you can take is seeking medical attention. You should never wait to see a doctor for a few reasons. You may think that you have a minor injury that will solve itself but you risk it getting much worse if you don't get it looked at. Also, for us to be able to prove to the insurance company that their insured caused you harm, we use your medical records and if they see that you waited to get medical care, they will either claim you were not that injured if you could wait or that your injuries came from something else. Make sure you are getting medical attention right away.

Another important step is collection of evidence, if you are able to stay on the scene. If you are swept off on an ambulance, you can have a friend, family member, or attorney go to the scene and collect this evidence for you. You will want to get the insurance information from the truck driver and any other drivers involved. You should get the contact information from any witnesses to the accident as their testimony may be extremely important to you later.

The next thing you should do, or rather should avoid doing is interacting with the insurance company for the truck driver and/or liable party. You will be contacted shortly after your accident by the insurance company adjuster and they will be asking to get a recorded statement from you. It is not legally necessary for you to give them a statement. You can have your attorney take over all communication with them to avoid them cornering you into saying something damaging to your case.

# FREQUENTLY ASKED TRUCK ACCIDENT QUESTIONS

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## *What Do I Do After My Accident?*

Clients ask what they should do after they've been injured in a truck accident. First, make sure you receive proper medical treatment after the injury. Move out of the lane of traffic, if possible, and make sure you're okay.

You'll want to get pictures of your car, the other vehicles, skid marks and things of that nature. You do not want to talk to anybody about who is at fault about what happened. Don't give an interview about who was at fault, who saw what, and who did what. You should talk to the police and give them an interview, unless they tell you that they're instituting a criminal investigation, and then you need to ensure that you protect your rights and you have the right to a lawyer. In most automobile accident cases, they're not going to tell you that, but if they start a criminal investigation, they should inform you.

Once the crash scene is resolved and you've left the accident, it's very important that you get medical help timely. When there's a big gap in time in between an accident and an injury, the insurance carriers and the insurance defense lawyers always try to exploit that and say they couldn't have been hurt very badly. Go get evaluated and don't try to downplay your injuries.

The final thing I would say to you is it's very important to get the advice of a lawyer right away. Without the advice of that lawyer, you can make mistakes in how your case is worked up. Evidence can disappear and, most importantly, you're going to be approached by the other side and asked to be interviewed, and you don't want to do that without expert legal advice.



## *How Do I Pick the Right Attorney?*

One of the most important things people injured in truck accidents need to know is how to select their lawyer. You want to look at trial experience and how many successful cases that the attorney or firm has handled.

One important thing to look for is if the lawyer is board certified. Board certification is a state or national standard where a lawyer has to try a certain number of cases in a specific field, and then there's a committee that interviews judges and lawyers that have been up against them to find out what their level of competence is. They then have to go through a written test. Board certification is a very important criteria to look for.

You should also look to see if the lawyer has been admitted into Best Lawyers in America, a national vetting organization. You also want to look at whether lawyers in that firm have achieved recognition as the top personal injury lawyer in their region and field, such as personal injury.

## *What Mistakes Should I Avoid Making?*

A lot of times with our clients, we will see some common mistakes that they make in a truck accident case before they call us, and we would encourage you to avoid these pitfalls. Number one is that a truck accident is a different case than an automobile case. A lot of times these trucking companies are interstate or they cross lines. They have federal motor carrier regulations, and they have different dynamics and different components than a car accident.

Another mistake is sometimes people will maybe have their guard down and speak to a company representative or a supervisor, or give a statement to corporate. Also make sure to take care of your health and immediately call Edwards & Ragatz.

## *How Much is My Case Worth?*

Clients in truck accident cases always want to know what their case is worth, but a responsible lawyer isn't going to talk to you about value until they've had the opportunity to fully investigate the case, let you reach a stable medical position – meaning maximum medical improvement – gather your medical

bills, know what liens are and know what insurance coverage is. Those type of things impact your ability to evaluate the case, and a responsible lawyer isn't going to talk to you about true value until they've been able to do that type of investigation.

Once they've done that type of investigation, the things they're going to look at are the strength of liability in the case – do you have some fault in the case? For example, in an intersectional collision or red light/green light type situation, do we have a strong set of liability factors where we're going to be able to not only have you testifying, but hopefully witnesses supporting you? If it's a rear-end collision, that's typically, fairly clear liability. We have to assess the strength of the liability, the strength of witnesses, and if there are multiple people at fault.

We then need to know what insurance coverages are available and the ability of the defendant to pay, especially if there isn't insurance coverage available. The most important thing that can impact the size of the damages is what your doctors are going to say your long-term consequences and injuries are going to be from this accident. Without the doctor's support, we can't give you good advice on what the total damages are going to be.

The components of a case are going to be the strength of the liability, the damages that are caused, and what we can prove. Once we have those pieces put together, we can give you the total values.



## *How is My Truck Case Different Than a Car Case?*

We're asked by our clients if a commercial trucking case is different than a collision by an automobile. The answer is yes. The firms that handle them correctly, like Edwards & Ragatz, know how to handle these cases differently. Trucking companies have different applicable laws, different requirements, and federal motor carrier regulations. They're required to have certain evidence. like trucking laws, and a required amount of sleep and rest in between a certain number of hours and miles that they can drive. This is a completely different set of cases that needs to be treated differently from the very beginning.

## *Should I Give a Recorded Statement?*

We had a client call who had been injured in a truck accident asking if they should speak to the other side's insurance company. The answer is no. In Florida law, there are some circumstances where you need to speak to your own insurance company, and even then you're allowed time to speak to us first so we can be by your side, but you're not required to ever speak to the at-fault party's insurance company. The answer is no, do not speak with them. Call Edwards & Ragatz and we'll help you through this situation.

## *Should I Take a Settlement Offer?*

People injured in truck accidents often want to know if they should accept the insurance company's initial settlement offer. The answer is, almost always, that the first offer should not be accepted. You should not even make a response to the trucking company or insurance company who's extending it. They are trying to take advantage of your inability to get professional counseling as to the true value of your case. What we would recommend is to call Edwards & Ragatz. We will take it from there and make sure you get paid full compensation for your injuries.

## *How Long Will This Case Take?*

Many of my clients who have been injured in a truck accident ask me how long their case is going to take. That's a very difficult question to answer because every case is different. There are some national standards which say that the average, simple personal injury case takes about 18 months, and more complex cases take an average of three-and-a-half years once they get into court. Truck accident cases are somewhere in between the average automobile accident case and a complex case, such as medical malpractice and products liability.

The things that can complicate a case include things like whether there are multiple parties and defendants involved. The truck accident cases can be impacted by a number of things. One of the most important things is we don't ever want to take your case into court until your injuries have reached a stable point, and that's generally called maximum medical improvement. In most instances, that takes six months to a year after the accident, so that is going

to slow down starting a case, but it doesn't mean we don't need to get busy immediately.

In a truck accident case, it's important to get investigators out to the scene right away. Even if the case is going to take three years to prosecute, we need to get going and get the investigation started right away by interviewing witnesses, getting photographs, and collecting evidence.

## CONTACT OUR FLORIDA TRUCK ACCIDENT ATTORNEYS

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If you have been involved in a truck accident that left you terribly injured, know that you have legal options. Please call our Florida truck accident attorneys as soon as possible to go over the details of your case during a free consultation and determine what would be the best next step for your case. We are dedicated to get our clients the compensation for their injuries and damages that they deserve. Please call us today to see how we can help you get the best possible result.

## PREPARED BY EDWARDS & RAGATZ, P.A.

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Tom Edwards and Eric Ragatz have worked together for more than 10 years, and between them, they bring decades of experience to every case. Tom is a Board Certified Civil Trial Lawyer, the highest specialty recognition given to lawyers handling injury and death cases and has the highest rating of AV by Martindale-Hubbell, a national attorney rating service. Eric has represented many injured clients in complex personal injury, medical malpractice, nursing home abuse and product liability cases, and has the highest rating of AV by Martindale-Hubbell.

This experience, and the personal devotion to clients and the relentless commitment to pursue justice, is why Edwards & Ragatz, P.A. is recognized for excellence in the Jacksonville area, and throughout the state. We are a dedicated team of various fields of expertise that serve clients with compassion and



the utmost professionalism, making us one of the most trusted law firms in Jacksonville. From seasoned trial lawyers to paralegals and registered nurses, you can rely on the Edwards & Ragatz, P.A. team to deliver the comprehensive service and personal care your case deserves.

If you find yourself in an unfortunate situation and need medical malpractice lawyers or a personal injury attorney in Jacksonville, we will use our legal experience and vast resources to get fair compensation for your injuries. Together, we'll put the law on your side.

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