



NEW YORK TRUCK ACCIDENT GUIDE

*Commercial Vehicles,
18 Wheelers, and Big Rigs*

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Commercial trucking accidents can have devastating consequences for victims. These accidents can result in serious injury or loss of life. Often, victims don't know who to turn to for help. A New York truck accident lawyer helps victims recover the compensation they rightfully deserve.

Accidents involving commercial trucks are one of the most devastating types of motor vehicle accidents. In fact, according to the National Highway Traffic Safety Association, trucking accidents result in 4,000 deaths per year in the U.S.

Sadly, truck accidents are often avoidable and caused by negligent truck drivers and trucking companies. Overtired or intoxicated drivers, unsafe equipment, and failure to adhere to traffic safety regulations are some of the most common causes of this devastating type of accident.

If you were involved in a trucking accident, you're probably scared, in immense pain, or recovering from serious injury. You likely don't know who to trust, or what your legal options are. We can help. Our New York truck accident lawyers can help you fight for the maximum compensation to ensure you recover physically, financially, and emotionally from your injuries.

DO I NEED TO HIRE A NEW YORK TRUCK ACCIDENT LAWYER?

After an accident, victims have many legal options for recovering compensation. They can file insurance claims, seek settlements with the trucking company, or file a lawsuit against a negligent party. Fighting for and successfully winning compensation requires in-depth legal expertise.

Our New York truck accidents lawyers have years of experience working with these types of cases. We can help you investigate your accident, find evidence of negligence, and fight for fair compensation for your injuries. Our team will also

protect you from the unfair and aggressive behavior of the trucking company's lawyers and insurers.

The majority of trucking companies in the U.S. are protected by multi-million-dollar insurance policies and high-powered legal departments. They often bully and push victims into accepting unfair compensation offers. When you hire a New York truck accident lawyer, your attorney handles all of these negotiations, so you can focus on your recovery.

When you hire our legal team, we will help you:

- » Investigate the accident
- » Reconstruct the scene with the help of experts
- » Collect black box data from the truck
- » Investigate FMCSR violations
- » Determine if traffic laws were violated
- » File claims on your behalf
- » File lawsuits, if this is a legal avenue you choose to pursue

Bottom line, your attorney's primary goal is serving your needs, defending you against unjust behavior, and fighting for the maximum amount of compensation that you rightfully deserve.

WHO CAUSED YOUR ACCIDENT?

Truck drivers and trucking companies must meet stringent safety regulations. These rules are put in place to protect fellow motorists on the road. Unfortunately, the industry often bends the rules, pushing drivers to work long hours, putting off scheduled maintenance, or failing to properly train their workers.



This negligence can have serious and life-altering consequences for victims. Ultimately, if someone's negligence led to your accident, you have a strong case for compensation. Some of the most common causes of trucking accidents include:

- » Overtired drivers
- » Intoxicated driving
- » Failure to adhere to traffic safety laws
- » Unsafe lane changes or sudden stops
- » Failure to conduct scheduled maintenance
- » Failure to properly train CDL drivers

Our legal team has extensive experience investigating trucking accidents. We'll collect evidence, speak with witnesses, and investigate the driver, vehicle and trucking company to determine if negligence caused your accident. Our goal is to help you build the strongest case possible.

INSURANCE COMPANIES ARE NOT YOUR FRIENDS

After an accident, you may hear from insurers and attorneys for the trucking company. You're not legally obligated to talk with them. In fact, we recommend that you do not. Instead, we recommend that you contact a qualified New York truck accident lawyer.

Insurance companies do not have your best interests in mind. They care about the bottom line most. Therefore, they may delay, ignore, or outright deny your insurance claims. And the attorneys for the at-fault party will seek to undercut your case.

You should contact an attorney before calling your own insurance company too. You might be their client, but still, they may not have your best interests in mind. A lawyer helps protect you against unfair settlement offers.

WHAT TO DO IF YOU WERE INVOLVED IN AN ACCIDENT

In the immediate aftermath of a trucking accident, you may be fighting for your life, in immense pain, and in severe shock. In the days following the accident, you may not know where to turn or who you can trust. There are steps we recommend you take to protect your rights and your safety. If you were involved in a truck accident, we recommend you:



- » **Seek Medical Attention** – Your safety and the safety of your passengers should be your number one concern. If you are able to, call 911. Witnesses or other involved parties are responsible for calling for help, if you cannot call 911.
- » **Get Out of Harm's Way** – If you are located in way of oncoming traffic, you should seek a safe space within viewing distance of the scene.
- » **Collect Evidence** – If you are able to, take photos and videos of the accident scene. Record any details about the accident you remember, as well road conditions. Also, take photos of your vehicle and collect witness contact information.
- » **Talk with Investigators** – If you do not require medical attention, you can talk with investigators. Provide any details you can about the accident. But DO NOT admit fault.
- » **Avoid Admitting Fault** – Investigators and insurance companies may want your opinion on who caused the accident. You should not admit fault. This can hurt your case, even if you improperly implicate yourself.
- » **Seek Legal Advice** – A New York truck accident lawyer can help you manage the legal process and fight for the

maximum compensation. Contact an attorney as soon as possible after your accident.



TYPES OF COMPENSATION AVAILABLE FOR VICTIMS

After an accident, victims face many new challenges – both physical, emotional, and financial. For example, paying for medical bills can become an overwhelming burden, and lost wages from time away from work can add financial stress.

Compensation is available for victims for any and all costs related to their accidents. These accidents can cause financial and non-financial burdens, including lost wages, loss of earning capacity, and pain and suffering. Your lawyer will help you fight for any and all compensation, including to help pay for:

- » Medical bills, rehabilitation costs
- » Lost wages, lost earning capacity
- » Emotional distress
- » Pain and suffering
- » Loss of consortium
- » Loss of normal life
- » Disability or disfigurement

Ultimately, you have the right to fair compensation. Your attorney's job is to fight for the maximum amount to help you recover emotionally and financially.



FREQUENTLY ASKED QUESTIONS | NEW YORK TRUCK ACCIDENT GUIDE

How Do I Choose the Best Attorney for My Claim?

If you were involved in a truck accident in New York, you need to seek competent counsel. The one thing you want to know is that attorney has experience in personal injury litigation; that's very important. An attorney that does divorce work is not going to be of use to you. An attorney who does estate work is not going to be of use to you. You want an attorney whose focus of their practice is personal injury litigation.

That's not all; you want to feel comfortable with that attorney. You want to sit down with that attorney, and talk with that attorney, and ask questions. I believe that there's a marriage between the attorney and the client because the attorney and the client together are going to be moving through the process to ultimately get your recovery. You want to know that you feel comfortable with that individual. It's very important.

The third thing is that you need to look at the firm itself. Is it a big firm? Is it a small firm? With some firms, you really don't have the opportunity to speak with the attorney. You're assigned a paralegal. That may be okay to some, but I think it's important that the attorney that you choose is someone that you can have access to, that you can call and ask questions of; not just deal with the paralegal or the legal assistant.

What Should I Do After an Accident?

I got a call the other day from a client who told me that he was involved in a truck accident. He wanted to know what he should do. The first thing I told him

to do was hang up the phone and call 911. He was at the accident scene at the time. The first thing you want to do is call 911. You want to get the police there as soon as possible and you want to get an ambulance there as soon as possible to take care of those who are injured. He called me because he was injured.

Second thing you want to do is make sure you give a proper statement; your statement as to what you saw happen at the accident scene so that the police can document that on the police report. You want to make sure that you tell the police officer at the scene and the ambulance personnel at the scene what your injuries are; that's very important. A lot of times, clients are feeling pain, but they don't say anything at the time. They wait until the next day or two days later to seek medical attention or to notify that they were injured. You want to do it at the scene of the accident.

If you're able to take photographs, if you're well enough to do that, take photographs. If you have somebody with you who is not injured, see if they can take pictures of the accident scene; that's also very important. Of course, after he called 911, he got back on the phone with me so that I could guide him through the process which is important. You need to call an attorney as early on so that attorney can guide you through the process. You should make sure that the attorney you're calling is a personal injury attorney.

Should I Talk to the Insurance Companies?

The answer is no. What you want to do is speak with your attorney and let your attorney guide you through the process.

The attorney will contact the insurance carrier. If necessary, the attorney will deal directly with the trucking company. It's not advisable for the client to speak with them. That's what you have the attorney for. The attorney will set it up and set up any statements that are necessary. Let the attorney protect your rights and let them handle that function.

What Mistakes Should I Avoid After an Accident?

I see common mistakes that people make when they're involved in truck accidents. The number one mistake is not advising either the police officer or the medical personnel at the scene that you were injured. Oftentimes, individuals

may be experiencing pain, be it the shoulder, the knee, the back, the neck, but they're not saying anything. I see that as a mistake.

I see also a mistake in not calling 911. Oftentimes, nobody calls 911. They exchange information, but the police never show up, the ambulance personnel never show up, and the accident isn't documented. That can be a problem as well. I see a problem in that clients take too long to seek the advice of counsel. I had a client call me the other day who waited two months before contacting me about the accident. You want to get competent counsel to advise you as early as possible.

What Steps Are Taken After My Accident?

The first step is that you want to make sure that you get the medical bills paid. If there are lost wages, you want to make sure that you collect your lost wages. That requires notifying the insurance carrier. If you were operating the vehicle at the time or a passenger in the vehicle at time, it would be the insurance carrier that covers that vehicle. That's one step we need to take.

Another step we need to take is to notify the insurance carrier for the trucking company. We may be able to find that information on the police report. If not, we'll deal directly with the trucking company and get that information from them. Those are the initial steps.

What you need to do is get yourself healthy. That requires that you seek the medical attention that you need. If the doctors are advising you to do a, b, c, and d, then you should do a, b, c, and d. Those are the initial steps.

How Much Is My Case Worth?

It's not an easy answer. What is the extent of the injury? How early on is it in regards to the injury?

It takes a while for people to recover from an injury. We need to know what the residuals are from that injury. We need to know whether the injury is permanent or not. Those are important factors that go into play.

Other factors that go into play is liability. Whose fault is it? Who caused the accident? There may be a dispute as to whether it was the other guy that caused the accident, but quite frankly, they could be pointing the finger at you and saying you caused the accident. Those often have to be ironed out in court. That will also go into determining the value of the case.

Should I Take a Settlement Offer?

People often ask me if it's advisable to take an offer directly from the trucking company early on after the accident occurred. I had a client call me the other day who told me that there was an offer made and wanted to know if she should accept the offer.



I asked her about the accident, how the accident happened. I asked her about her injuries. She had some significant injuries. The answer that I gave her was, "No, come to my office. Let's sit down and go through this case. Let's file a claim against the trucking company and the insurance carrier for the trucking company."

You need to have competent counsel represent you and guide you through this process. Competent counsel will get you the compensation that you're entitled to. What often happens is that the insurance company will try to get you to take an offer very early on before you've had a chance to speak with competent counsel to close out that case. What people need to be aware of or what you should understand is that if you accept an offer, you're going to be required to sign releases. Then you'll never have an opportunity to have an attorney go after the trucking company down the road.

How Long Does a Case Last?

There's no easy answer. You need to first go through the healing process of your injury. We need to know if those injuries are permanent in nature. You

don't want to resolve a case too soon because you may be losing out on value because it turns out that the injuries are permanent in nature. Those take time to discover.

It may require litigation. It may be a case that certain issues have to be ironed out in court. If it is a case that requires litigation, that could take quite some time. In litigation, it can take two to as much as five years to resolve. Very often that is required in order to get you the compensation that you're entitled to.

How Long Do I Have to File?

There's more than one type of claim relevant to truck accident cases. You have your no-fault claim. That's the insurance company that's going to cover your lost wages and your medical expenses. You have to file your application for no-fault benefits as a general rule within 30 days.

Now, you have a bodily injury claim to collect for what's called your pain and suffering. For a private individual, private corporation, private entity, you have three years to bring a claim or settle. However, if it's a municipal entity, let's say it's a Department of Sanitation truck from the City of New York, you have a year and 90 days. It's important that you hire competent counsel, an attorney in New York who can guide you through the process and make sure that these filing deadlines are met.

CALL NOW FOR A FREE CASE EVALUATION

If you or a loved one were injured in an accident involving a semi-truck, we want to help. We offer 100% free, no-obligation case evaluations. You can contact us anytime, and we'll listen to the details of your case. Call now for a confidential consultation.



ABOUT THE AUTHOR

Brian J. Elbaum was only a few years out of law school when he decided to go out on his own in 1996.

Twenty years later, he still holds fast to the same two winning principles:

- » Making sure clients are comfortable throughout the litigation process.
- » Achieving great results by being aggressive and making the responsible party constantly uncomfortable.

1996

Brian graduated from Rutgers University in 1991 and earned his law degree from Brooklyn Law School in 1994. While he had a great job at a good firm after graduating he quickly realized that he could serve clients better on his own, unburdened by the constraints of the law firm model and approach.

Brian felt so strongly in what he was doing that for his first year he was willing to work out of his apartment – a sixth floor walkup on East 37th Street & 3rd Avenue. Getting dressed every day in a full suit and tie to work from the desk in the corner of a modest one-bedroom, Brian took the cases no other attorney wanted. He quickly developed a reputation for making “lemons into lemonade,” helping those personal injury clients who other attorneys couldn’t.

2016

The Law Offices of Brian J. Elbaum have come a long way in 20 years. We’ve represented over 800 personal injury clients in Queens, Brooklyn, the Bronx, New York, Staten Island, Long Island, Upstate New York and New Jersey in cases involving construction accidents, auto accidents, slip & falls, medical/dental malpractice, bar and nightclub assaults, product liability, and much, much more.

We've stayed small by design, continuing to believe as we did 20 years ago that, more lawyers means more internal politics and reduced focus on the client. At our office, you know that every case will be handled personally by Brian. And we've stayed true to our philosophy, demonstrating in case after case that being tough with the adversary and compassionate with our clients is a winning combination.

Brian is licensed to practice law in New York and New Jersey as well as the federal courts. He is active in New York's legal community as a Certified Member of the New York Trial Lawyers Association, Brooklyn Bar Association, and New York County Bar Association.

Our Office

The story of our office mirrors the story of New York's past twenty years. We were located in 150 Broadway on 9/11, and moved to 708 3rd Avenue until downtown was ready for business again. As soon as it was, we moved to 111 John Street – until Superstorm Sandy hit and relocated us to our current location.

Today, our office is inside the historic 11 Broadway building, just outside Bowling Green. Built 120 years ago in 1896, the Western Union branch office inside our building became a focus in the investigation into the Titanic disaster in 1912 as Senator Alden Smith sought to determine whether a message from the doomed ship had been transmitted to New York's White Star Line office next door.

Mr. Elbaum has broad experience in the areas of law practiced by the Firm and manages a team dedicated to meeting client needs. Prior to establishing the Firm, Mr. Elbaum worked for several New York law firms representing clients in cases ranging from workers' compensation to commercial litigation. He also served as a judicial intern to a New York Supreme Court Justice, investigated exchange violations as an intern at the New York Stock Exchange, and worked at an entertainment firm representing musicians. His extensive legal and business background has instilled in Mr. Elbaum a solid understanding of how to get things done in a variety of environments.

Mr. Elbaum once held the position of Vice President at an insurance company, for which he provided advisory services. This position has enabled him to gain

an insider's view of the insurance industry. He translates that insight into solid advice for his clients on insurance-related matters.

In establishing the Firm, Mr. Elbaum received guidance and inspiration from his father, the late David Elbaum, Esq. David Elbaum served as Of Counsel to the Firm in its early years and provided key insights into several cases.

