

Have You Been Injured In A **TRUCK ACCIDENT?**

Here Is Your Step-By-Step Guide To
Winning Big Anywhere In The US

Jimmy Doan, Esq.

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PREFACE

I am proud to work with my wonderful team to create this book to help victims and their families during some of the worst times in their lives. There is light at the end of the tunnel. I hope my experience, passion, and knowledge can help you find peace during the trying times. Godspeed.

DEDICATION

I would like to thank everyone I have encountered in my life. Everyone has added to who I am today. The journey to be a lawyer itself has been very rewarding. I hope to meet many more great people as I continue this journey in life.

DISCLAIMER

This publication is intended to be used for educational purposes only. No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material. The author assumes no liability for any errors or omissions or for how this book or its contents are used or interpreted, or for any consequences resulting directly or indirectly from the use of this book. For legal or any other advice, please consult an experienced attorney or the appropriate expert, who is aware of the specific facts of your case and is knowledgeable in the law in your jurisdiction.

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TESTIMONIALS

“My husband was injured in a work related accident. I found The Doan Law Firm on the internet. I contacted Mr. Doan and we had a consultation about the injury and he agreed to represent us. After several meetings, he determined he needed to consult with another attorney and bring him in to work on our case which really impressed both of us as this indicated to us he had our best interests in mind. Mr. Doan and his team worked with us and I might say, I was probably one of those nightmare clients as I was constantly giving my suggestions on how he should handle the case. He took the time to become familiar with my husband and I and as a result of this personal interaction, I truly believe it helped with our case. He made status phone calls and held meetings with us to keep us abreast of the case. He was honest and truthful (and you don't always get this from an attorney!). My husband and I really appreciated all of his help.”

– Judy

“The Doan Law Firm consulted with me about my case with the utmost professionalism and a positive helpful attitude, I wouldn't hesitate to consult with them again, I highly recommend them!!”

– Anonymous

“Jimmy Doan is a fantastic lawyer. He is extremely professional, very productive and provides successful results. I've known Jimmy for about a year now and he has helped me tremendously. I would highly recommend him and his firms. Jimmy is a straight shooter. He will always give you honest and accurate information. Not to mention he is a work machine. Jimmy will not stop until the job is done right and you are satisfied. Again I would highly recommend him.”

— Grant

“I highly recommend The Doan Law Firm. They have the best customer service in the world. The staff of lawyers and all his employees where so kind and caring to my needs and problems with the wreck. They all guided me through a very traumatic experience that I had no idea what to do. Most of all I experience such a "caring spirit" that I will treasure. I am blessed having found The Doan Law Firm.”

— Alice

“Jimmy Doan is a kind and straight forward man that will work with you properly. He's helped me out a lot and I would recommend his services to anyone that is searching for a lawyer.

— Anonymous

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ABOUT THE AUTHOR



I grew up in Texas, and attended the University of Texas in Austin for my undergraduate degree. Afterward, I went to Texas A&M University for law school. I am licensed in multiple states. As far as my legal background, my uncles were both personal injury lawyers in California. That's how becoming a lawyer piqued my interest. I saw how they were able to help a lot of people that didn't understand the law. That's really what got me going into this field.

Why Do I Take On The Job Of Seriously Injured People?

I feel like there is a lot of confusion and misinformation. The defense often lacks the fact that

clients don't know what they're doing when there is an accident. So, it brings me a lot of joy to be able to guide and navigate my clients toward obtaining what's fair for them in these types of cases.

Why Am I Interested In Major Trucking Accident Cases?

I just wanted to work on very serious injury cases. That's what sets me apart. I'm a very hard worker. I like to look into the details of cases. Many lawyers can easily help people on minor cases, but it takes a special talent and work ethic to be able to help people on very big cases. I like the fact that I can differentiate myself from other lawyers, which consists of my experience and expertise on accidents that often involve life-changing conditions. That's why I chose to work with serious injury cases. There's a lot more at stake, and I feel like my talent is well-suited for it.

My Experience With Trucking Accident Cases And What Sets Me Apart

I've been practicing for over 15 years, and I have a huge network of experts and medical field people across the United States. When you get involved in a

commercial truck accident, it's critical to hire a lawyer who has a vast connection with many providers. Oftentimes, the injuries are so serious that you need more than just a chiropractor. You may need a physical therapist, a spine doctor, or even a spine surgeon. It's important for someone that gets involved in a trucking accident to have someone that pretty much has a vast variety of medical providers for different types of injuries. That's really important. That's what I have, and that's what I've dealt with in the last 15 years. I don't think there is any state in which I don't know a doctor or lawyer to co-counsel with if needed on a case.

CHAPTER 1

HOW COMMON ARE TRUCKING ACCIDENTS?



Trucking accidents are very common. Anyone can tell that these trucks are large. They're very difficult to maneuver, especially within the city. Texas, in particular, has a lot of trucking accident cases because the state's involved in a lot of industry, such as ranching, cattle, and oil. Recently, there was an explosion due to fracking in West Texas. Fracking results in extra production of oil, which in turn brings about extra production or

extra transportation needs. Therefore, there are a lot of 18-wheelers all over the highways, especially in Texas. That additional area of Texas, plus the many different industries we already have, increases the amount of 18-wheelers on the road. As a result, that increases the amount of accidents from these trucking companies.

Common Causes Of Big 18-Wheeler Trucking Accidents

I've found that a big cause of 18-wheeler accidents is inattentiveness, especially because of texting. It's not a good idea to be on the phone while driving, but it's a horrible idea to be texting and driving. Compared to drinking and driving, I think texting is even worse because you're totally distracted. Often you're not even looking at the road. Texting is an issue, and a lot of times, the drivers themselves actually admit, "Hey, I was texting, and I didn't know someone was in front of me when I rear-ended them." So, inattentiveness and lack of sleep are common causes of trucking accidents. Usually, on accidents, we'll pull the log. The log will often show

that the driver hadn't slept in 10 hours, and sometimes, 20 hours. That causes a lot of issues with attentiveness on the road.

CHAPTER 2

INJURIES THAT RESULT FROM 18-WHEELER ACCIDENTS



Everyone knows that an 18-wheeler is much bigger than a regular vehicle. In regular vehicle accidents, you see a lot of soft tissue damage. But, on 18-wheeler wrecks, I've seen broken bones, hearing loss, eye injuries, you name it. I've seen abdomen injuries. In 18-wheeler wrecks, the amount of weight and impact of an 18-wheeler versus a normal vehicle is so much more different. The injuries are often much more severe. That's kind of why I don't handle too

many small car accidents. There are more soft tissue injuries, which makes those cases not worth as much. But, on 18-wheeler wrecks, the injuries can be career-ending where people aren't able to go back to work because their injuries are significant. I've had clients that became paralyzed, and I've had clients that died from these cases as well.

Who Is All Potentially Liable For My Injuries After An 18-Wheeler Accident?

There are so many people that could be at-fault, including the driver, the trainer, the president, the company owner, the safety director, and the maintenance operator. Our firm has a good reputation because we make sure that anyone that was involved in the accident, or had a hand in causing the accident, is going to be held accountable. Part of our investigation in our big team of lawyers is to dig to see who owns the company and what business structure they have. We will make sure to get anyone that is involved in the case and lawsuit. We'll make sure that you get the most compensation you can for your case.

Will It Be Harder To Recover The Damages If The Driver And/Or The Trucking Company Are Located In Another State?

Typically, 18-wheelers come from multiple states because they drive across state lines. We have a lot of experience handling trucking companies and drivers that are from out-of-state. Could it complicate another law firm? Sure, it can. We have so much experience dealing with 18-wheeler companies that we also have process servers in many states. We have investigators in many states, accident reconstructionist, and medical providers. For us, whether the driver lives in another state doesn't really matter. Our network is so vast that it pretty much covers the entire United States.

What Evidence Is Critical To Building A Strong Trucking Accident Case?

We have a very large network of private investigators to show up at the scene of the accident within 24 hours. We've worked with them for many years. They know exactly what we need. We'll take pictures from the scene, and interview any witnesses to

get their statement in case they disappear or move later on. After the initial investigation, we'll contact the trucking company and do a full inspection of the vehicle, including pulling what most people know as the black box. We are able to get the data for speed and braking distance. We will also have our investigator get any maintenance and driver history, records, and information that indicates problems with the 18-wheeler itself. Without this information, the trucking company can change their story about how the accident happened. But, they cannot change the information on the black box recorder, and that's why it's so important for us to get all the factors that contributed to the accident.

Where Are You Getting That Black Box Information From?

As soon as the accident happens and you hire us, we send a preservation letter to the defense lawyer. That letter states that you cannot change anything with the truck. You cannot alter the information on the software data of the truck. Then, we arrange a time when we get to inspect the truck. It's like watching a science project. When our investigator goes out there, we bring a laptop

and log directly into the computer system of the truck to grab the data. It's important to hire a lawyer as soon as possible because if the trucking company doesn't get the preservation letter, they can delete all that information, and it'll be gone forever. Therefore, it's crucial to hire me so that we can send that letter.

A lot of law firms don't want to get this information because it's expensive, but we want to make sure we build your case and use our resources to retain any evidence that will be useful for your case. In all of our trucking accident cases, we're going to have an investigator not only go to the scene, but we'll also hire an investigator to pull the data to get the information we need.

Which Factors Determine Viability Of A Trucking Accident Case?

The main thing we look for is whether the police were called to the scene, whether there is a police report, and whether there are witnesses. If the police report puts the blame on the 18-wheeler, there's a great case. But, if the 18-wheeler blames the client that's

trying to hire us, then there are going to be a lot of issues in the case. With every case, there's liability and damages. If the liability is placed on the potential client calling us, that case won't go very far. But, if the police report blames the 18-wheeler, then we can definitely help on that case.

CHAPTER 3

STEPS TO TAKE WHEN INJURED IN A SEMI-TRUCK ACCIDENT



One of the most important things in an accident case is to call the police. You never want to leave the scene without calling the police because you'll want documentation about what happened. If there are any witnesses, make sure you get their information. A lot of times, at the scene, the person that hit you, such as the 18-wheeler driver, has been in a lot of accidents. They kind of know how to work the system. They may agree at the scene that it was their fault, but sometimes, when

they leave, they'll change their story. So, it's important to get witnesses and the police to come out. That way, there is documentation and the story doesn't change.

Secondly, if you have any injuries, it's important to go to the doctor immediately. Whether you get transported to the emergency room or see your primary care doctor, it is essential to get checked out. You can also call a lawyer to see if they have a network of providers that can help. But documentation is the key. It's one thing to say you're hurt, it's another thing to have documentation. The sooner you go to the medical provider or see a doctor, the sooner they can document your injury to help with your case.

How Critical Is It To Seek Medical Attention And Do Follow Up Care After An Accident?

It's so critical to get care immediately after an accident for two reasons. First and foremost, it is important that you get better. Don't do anything to hurt yourself worse. Always put your health on priority first. The second reason why it's so important to go to the doctor immediately is to have a valid argument against

the defense. If you wait, the defense side could say that you weren't hurt. They're going to argue that if you were hurt, you would have gone to the doctor. That's the reason it's so important to have the documentation that you went immediately or soon afterwards. If you get in an accident and wait seven days, ten days, or a month, it'll be very easy for the defense to argue in front of the jury that you were not hurt, and that maybe the lawyer sent you to the doctor. Documentation is the key to every case. I can't stress that enough.

I can't just call the defense lawyer and tell them that my client's hurt. I need documented proof. That's what makes them nervous. That's what makes them pay on cases. When I have proof to win, that is when they pay on the cases. As such, going to the doctor is one of the most important kind of proof I have for your injuries.

Benefits Of Finding Qualified Medical Care Through Your Own Lawyer

I've often found that clients who get into accidents usually go to their primary care doctors,

which is great, but, the truth is that primary care doctors don't handle that many vehicle accidents. A lot of times, a) they don't know how to treat a vehicle accident; and b) they don't understand that soft tissue damage could lead to hard tissue damage. Also, a lot of times, your own doctors, as soon as they know that you got in an accident, don't want to get involved. They're afraid they may have to testify. I've seen that as a big problem. But the good thing about working with us is that all of our doctors are not only great doctors, they're great at understanding the legal system. They know about the documentation they need to have for your case, and they are more than happy to go to court and testify on your behalf if it gets to that point.

The Network Of Medical Providers That I Have At My Disposal

In practicing over 15 years, I've pretty much had cases in every state. With the wide number of providers that I have, the doctors don't usually have a clinic or office more than five or ten miles away from the clients. That's unusual for a lawyer to have that type of strength and ability. Most lawyers only practice

in one city or state. I have a national practice with over 40 offices across the United States, and I'm licensed everywhere. That is a valuable thing that no other law firm can provide. Some lawyers can probably help you in Oklahoma and Texas, but I can pretty much help you throughout the United States because of the vast network of doctors I have at my disposal.

CHAPTER 4

WHY IS IT CRITICAL TO HIRE A LAW FIRM AS SOON AS POSSIBLE?



Not only can the black box information disappear, the actual truck can disappear. I've seen cases where we go out to check the brakes and the truck has been sold, it's been chopped up, or gone to a junkyard. That's why it's so important to hire our law firm as soon as possible because the trucking companies will often get rid of the truck on purpose, especially if they know something's wrong with the truck. If no one sends them a preservation letter,

there's nothing against the law for them to get rid of the truck. My entire firm knows that as soon as the client signs up, within 24 hours, we're going to contact the insurance company and the defense lawyer, and send them that preservation letter to ensure that they keep the truck the way it is. If they don't, they're going to be in a lot of trouble with the law and the judge.

What Do You Tell To People Who Believe The Lawyer Is Going To Take Everything?

A lot of times, people believe that the lawyer is going to take everything. I can't speak for other law firms, and I've heard these horror stories before, but I can tell you, in over 15 years, we have over 500 5-star Google ratings. We have never settled a case where the client has not received money in their pocket after all of their bills have been paid. Also, we will not accept any offer or take any settlement until the client agrees to it and signs off on it. If the client is not happy with the amount, the client can always tell us to try and win more, or just not sign it.

There would never be a situation where the client would sign and say, “Hey, I still owe people. We are very meticulous, and get the client’s approval for everything. That is a good safeguard for the client. The client will get money. At the end of the day, they’re the one that got hurt in the case, not me or my staff. I want to take very good care of my clients and get them compensated for what happened to them.

What Do You Say To Anyone Who Might Be Thinking About Handling Their Own Case?

I always tell every client the same advice that I would give a family member. Sometimes, you don’t need to hire a lawyer on a case if it’s a smaller car wreck case. Most car wrecks that are not commercial, the policy is pretty small, and you could maybe handle it on your own. But, on a commercial trucking accident case, the policy could be a million-dollars or sometimes \$10 million. The insurance company would never pay that type of money unless you have a lawyer, especially a very good, aggressive one.

It is also important to consider that every case involves two parts. It involves liability, which refers to at-fault, and it involves damages, which refers to how much they need to pay for being at-fault. The second part is the difficult part. Liability is often clear, especially in rear-end collisions. It's clear the person that hit you from behind is at-fault. But, the amount of damages can vary. If you try to do the case yourself, sometimes you're probably getting 2% to 5% of what you actually deserve because the trucking company and the defense lawyer knows that you can't do anything about it. You can't go into court and enforce your rights on your own. However, if you have a lawyer, they know that if they don't pay the right amount, I can march into court and make them pay the right amount for your damages.

So, damages are the really complicated part of a case. Often, the liability is pretty clear, especially if there is a police report or witnesses. That's why it's so important on a commercial case to hire a lawyer because there is much more money at stake, and they

won't pay you the amount of money you deserve unless you have a lawyer.

How Does Your Firm Fight For Your Clients Against Large Trucking Companies?

A lot of trucking companies are very large. They're a multi-million dollar companies, sometimes multi-billion dollar companies. Typically, they will lawyer up and intimidate you with a lot of lawyers, experts, and doctors to say that you're not hurt. The good news is that because we've been so successful in the last 15 years, we have a huge war chest. We have many lawyers and a lot of money. We can hire some of the best doctors and accident reconstructionists as well. It really evens out the playing field. Although they may be a giant company, we're one of the biggest law firms in the US, perhaps in the world. We have the resources to go up against these big companies, and we do it all the time. It does not intimidate us at all.

CHAPTER 5

HOW IS THE WORTH OF A SERIOUS INJURY DETERMINED?



We have what's called a Life Care Planner. We have multiple life care planners across the United States. Life care planners meet with the client and review the doctor's records and bills to see what the future costs could be. Future costs can include additional chiropractic care, physical therapy, and maybe even additional injections or surgery. A life care planner's job is to meet with the client and doctors to understand how much the future amount

would be. We get that information from the life care planner and submit it as part of our claim handling process to make sure they pay for that. In case you need some care in the future, we will make sure that you receive the money now for future issues you may have.

What Sort Of Compensation Or Damages Could Someone Be Looking At If They've Been Injured In A Trucking Accident?

There is a vast amount of damages and compensation they can get, including medical bills, lost wages, pain and suffering, future medical bills, and future care. There are many different avenues for compensation and damages, and that's something that we take individually, case-by-case. My staff and I spend a lot of time making sure we submit all the damages and compensation you're entitled to. We'll walk you through the process to make sure that you're not forgetting some losses you may not even realize. For example, let's say you get in an accident and need to hire a caretaker to take care of your family, we can submit those items.

If All Parties Agree Upon A Settlement, How Long Does It Take Before The Injured Person Would Receive The Compensation?

Once we come to an agreement, it'll typically take 30 to 60 days for the client to receive their money. The reason why there's a bit of delay is because we want to make sure that we pay all the bills that are out there, such as medical bills and other costs associated with the case. However, when a law firm comes to an agreement or win a case, it's not that much longer. It's about a month or two that the client will actually get the money in their pocket. Again, we want to make sure that all of their bills are paid, so that later on, a hospital or an emergency room doesn't come back and say, "Hey, there's an outstanding bill." We want to ensure that when you receive your money, you know that it's yours, and that you don't owe anyone else in the future. We take the time to check any invoices that are out there.

Does The Other Party's Insurance Company Have Access To My Past And Present Medical History And Can That Hurt My Case?

The defense is always going to ask for your past medical history. In law school, every lawyer learns a simple rule. It says, "The defense takes the client as they see them." Meaning, if you've been hurt in the past, it doesn't mean your case is dead. As we all grow old, we all have injuries. My job as a lawyer is to make sure to differentiate and argue that you might have been hurt in the past, but this accident caused more injuries. So, go to the doctor to get that documented. There are different things we can do as well, such as get your X-rays and MRIs. If you have prior X-rays and MRIs, we can compare the films to show what this accident has done.

Can they get access to it? They can get access to it, but we're only going to allow them to get information that we feel is appropriate. If not appropriate, we'll go to court and argue about those items. But if you have a prior injury, that is not something that kills the case, it's not a deal-breaker. As I mentioned earlier, almost

everyone has some sort of injury. It's my job to make sure I show that this trucking accident caused additional new injuries to you.

If I Was Partially At-Fault For The Accident, How Does That Impact A Trucking Accident Personal Injury Case?

In a lot of cases that I've handled, the trucking companies are always going to try to put some type of blame on the driver. Depending on the state, and what the judge or the law will allow is an offset. For example, let's say you're in an accident and the judge and jury find you to be 10% at-fault. Whatever amount that you win can be deducted from the at-fault percentage. Some states will allow you to be 99% at-fault and still recover 1%. However, a lot of states have different comparative laws that state that if you are more than 50% at-fault, you don't have a case. Therefore, it's state-by-state specific. The good thing is that since I'm licensed in so many states, I'm able to quickly tell you if you have a case depending on your fault level. Usually, there is an offset for your fault level,

but that's not something that we just roll over and accept. A lot of times, they're going to put fault on you. A lot of times, it will be unnecessarily and incorrectly. We're here to make sure that they accept a 100% at-fault liability when they are 100% at-fault.

CHAPTER 6

DEFENSES THAT INSURANCE COMPANIES USE TO AVOID PAYING OUT ON BIG CLAIMS



One of the main things insurance companies use to avoid paying out on big claims is to try to put some blame on the driver. Sometimes, they try to put the entire fault. The other thing they try to do is get your past medical history and records to show that you were hurt before. This is a tactic that's used every single time, so we know how to deal with it. If you have any preexisting condition or prior injuries, we

know how to handle it to make sure it doesn't hurt your case. If we get the police report, and the police report puts a 100% fault with the trucking company, their ability to try to argue that you are at-fault is going to fail. We will attack them aggressively to make sure that they take 100% of the fault.

What Do I Do If The Trucking Company's Insurance Company Reaches Out To Me?

As soon as you have a lawyer, by law, the trucking company's insurance carrier is not allowed to reach out to you. If they reach out to you, they're breaking the law. It's expedient to hire us immediately because they will try to call you before they know you have a lawyer. As soon as you have us as your lawyer, we'll send out what's called a letter of representation. Once we send out the letter of representation, they are not allowed to contact you anymore. They have to talk to us and get any questions answered from us.

Is it a possibility at some point they'll get to talk to you? Yes, and that's called the discovery process. In the discovery process, during the interview with you,

we will be there to make sure they ask questions that are appropriate. If they ask questions that are not appropriate, we can object to them. Therefore, if you hire us, we'll make sure that they don't give additional information they're not entitled to.

CHAPTER 7

WHEN IS THE RIGHT TIME TO SETTLE IN A TRUCKING ACCIDENT CASE?



Knowing when it's the right time to settle in a trucking accident case or when to go to trial is probably one of the most difficult questions on any case. A lot of times, there is a very long conversation with the client so that they understand the risks involved in taking the settlement versus going to trial. Of course, everybody always wants to win a large amount of money, and we want the same as well

because the more we win for the client the more we get. But, there is risk involved in every step. Our job is to educate the client to make sure that they understand the risk they're taking if they don't take the settlement. We will never force them to take the settlement or never tell them not to take the settlement. It's ultimately the client's decision, but I pride myself on educating the client about the risk involved.

The good thing about working with our firm is that we have extensive experience. We're not 100% accurate, but we can get pretty close in predicting what we may be able to win in trial. The client will decide on whether they want to settle the case or push further and go to trial to possibly get more or lose the case. We're very good at answering questions. It's often a very difficult decision, but I think with our experience, it really helps our client make a very confident decision when they do come to that conclusion.

How Does Your Reputation And The Skillset Impact Insurance Companies' Approach To Claims?

Defense lawyers are really good at researching the plaintiff's firm. When they know a firm doesn't have that much experience, they'll often take advantage of that and give a lower offer. Because we go to trial often and win often, we usually get much higher settlements offer than many other firms. When we say that we love going to trial, we mean it. We love going to court and finding justice for our clients. The defense lawyers can see our verdicts, and it often strikes a lot of fear in them because they don't want to take the chance of going into court and losing multiple millions of dollars. So, due to our experience, track record, and trial verdicts, we often get a lot higher settlement offers than other firms.

CHAPTER 8

WHAT SETS YOU AND YOUR FIRM APART IN HANDLING TRUCKING ACCIDENTS?



We are really nice, and we really care for our clients. That doesn't mean we don't go out and win multi-million dollar verdicts. What makes our firm really different is that we never forget where we came from. We never forget the first small client we got. Even though we handle multi-million dollar cases, we still make sure that we take care of every client as if it was our first client. We're also very good about

explaining the process to the client. A lot of times, when people get in an accident, especially with an 18-wheeler, it usually only happens once in a lifetime. We deal with this 10 to 30 times a month. Our experience in this area can really help a client because we explain the process to them and the importance of going to the doctor.

As mentioned, we have a network and team of experts. We have medical people that can guide our clients throughout their case. Also, we have a very large amount of money on-hand to fight these big companies. I wish I could pinpoint and make it easier to say one thing that sets us apart, but there are multiple things that really makes us different from many other law firms. But, if I had to mention one, our kindness and care for clients helps us stand out. We go out of our way to help our clients feel comfortable and help them understand the process. When the client understands the process, they'll trust us and do what needs to be done for us to help them out in the case as best as possible.

Furthermore, I can't stress enough how large our network is. It's very unusual for a law firm to have this many offices across the United States and work with so many experts. That really sets us apart from everyone else.

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