

THE WASHINGTON STATE

TRUCKING

ACCIDENT GUIDE

*Everything You Need To Know If You
Have Been In A Collision With
A Semi-Truck*



CHONG H. YE

DISCLAIMER

THIS BOOK IS NOT LEGAL ADVICE.

This book is in the nature of general information, not specific legal advice. Our law firm will not be your attorney until we enter into a written agreement that our law firm will be your attorney. Every personal injury case is different. Once our law firm fully understands your case, we will be able to give you proper legal advice. Receiving this book does not imply an attorney-client relationship between The Ye Law Firm, Inc. P.S. and the reader. Do not take any legal action based upon the information contained in this report without first seeking professional counsel.

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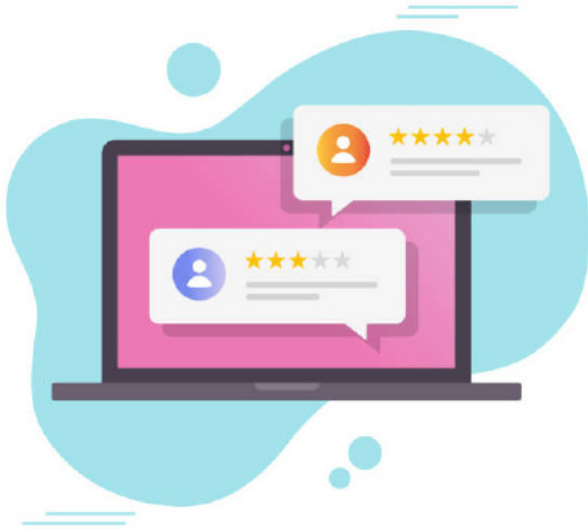
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Client TESTIMONIALS



Before I met Mr. Ye, I had a life of promise, goals, aspirations, and stability.

Also before my accident, I was going to church, being a spiritual person, and afterwards by not being able to attend on a regular basis precipitated me to becoming homeless, loss of wages and livelihood. Just prior to this accident my husband passed away leaving me little and no funds and having me depend on Public Assistance and State Aid.

Little did I know that by choosing The Ye Law Firm what I received was a new lease on life, new direction with employment and positive outlook with a sense of direction.

The Ye Law Firm has been fighting Pierce Transit, the largest transit company in the Northwest and in the State of

Washington. Mr. Ye was not only determined to see justice served, but also helped renew my faith in a sense of self-worth and direction with attainable goals.

I now have a great job at a hospital and I graduated from Highline Community College with an Associated Degree in Business Administration. Upon arriving at The Ye Law Firm, I had zero dollars to speak of and Mr. Ye took my case not knowing that he would have such an uphill battle and taking an enormous risk and amount of time but did so with the pursuit of justice in mind.

I was a passenger on Pierce Transit whose driver ran a red light in downtown Seattle, which ultimately resulted in an oncoming yellow cab T-boning the bus. I was seated right above where the cab hit the bus and the image of the scene still haunts me today. Luckily, by hiring The Ye Law Firm, I was able to receive compensation for my injury and I have a renewed self-worth and life.

I have been truly blessed in knowing that I was led and spiritually directed to The Ye Law Firm and received more than I could ever imagined. And to hear of other successful outcomes of The Ye Law Firm contact Mr. Ye at The Ye Law Firm. - **Tessie**

My wife and I highly recommend The Ye Law Firm to those who are involved in car accidents. He and his staff are knowledgeable and were readily available to answer our questions whenever questions arose when dealing with insurance companies and later on about her medical treatments. Since this was our first accident, we didn't know what to expect, but we realize why having an attorney represent the injured is so important. His office took

the stress out of dealing with auto accidents. Furthermore, we were very happy with how the case was later resolved.

- **Steve**

Customer service was excellent! Professional attitude, Mr. Ye was in no rush, he was very patient, nice and consistent. I had an impression that he genuinely wanted to help me, instead of trying to rush me into hiring him. I appreciate him.

- **Simon**

For sure, the best lawyer in Washington state, me and my wife, got in a car accident on a Saturday. By Sunday, he was already helping us, and we didn't have to worry about anything. Every time I had a question, they responded right the way! And I was really happy about the settlement! Thank you so much!!!! - **Lucas**

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INTRODUCTION



For those who have suffered a serious injury or have lost a loved one due to a serious collision with an 18-wheeler or other large vehicle, this book is intended to serve as a guidebook. As a result, if you find yourself in this situation, you are likely to be upset, overwhelmed, and concerned about your immediate future. If you do not work in the legal or insurance industries, a collision may be your first encounter with the insurance and legal systems, which will become increasingly important to you as time goes on. When combined with serious physical and emotional trauma, not to mention financial concerns, it can be overwhelming to learn all this information at once.

We want to reassure you that you will be able to get through this. Since 2010, The Ye Law Firm has represented seriously injured people and their families who have lost a loved one. Our team has been able to assist thousands of people in Washington to obtain justice and fair financial compensation for injuries they have sustained through no fault of their own over the course of that time. Unfortunately, we will not restore everything to the state it was in before the collision. However, we can assist people who have been injured in coping with the significant medical, personal, and financial changes resulting from the collision. By seeking justice in the civil courts, we can obtain answers and penalize truckers and trucking companies who make dangerous decisions on the road (and maybe even prevent other tragedies).

The information contained in this book is intended to assist you in protecting your rights and those of your family during this difficult time. However, if you have any questions or require additional information, we encourage you to get in touch with us. Like any other reputable personal injury law firm, The Ye Law Firm provides potential clients with a free and confidential consultation. You can reach us at (253) 946-0577, which is our main office in Federal Way. You can also learn more about us by visiting our website TheYeLawFirm.com, or you can send us a message requesting a free consultation.

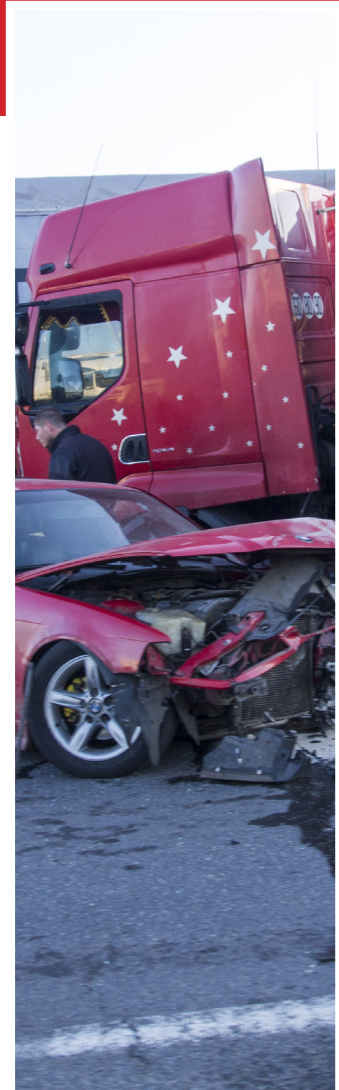
FIRST STEPS

AFTER THE

COLLISION

It is challenging to think immediately following a collision. You may remain conscious, but the shock and adrenaline may alter your reactions or make it difficult to determine what should be done in the future. You can and should take specific steps to ensure that your legal rights are protected and that you have the best possible chance of a successful recovery while you are recuperating.

First and foremost, ensure that you receive medical attention. Although it may seem obvious, there is a great deal to do after a collision occurs. Many people involved in an accident who were not seriously injured may overlook the need to see a doctor while dealing with the accident's aftermath. They may also have been unaware of any pains or changes in their bodies at the time of the collision, in part because of the adrenaline rush that occurred



during the collision. In addition, some injuries are not immediately apparent because of their nature. Therefore, victims who decline medical treatment at the scene may later realize that they are not feeling well.

If this is what happened to you, we strongly advise that you make an appointment with a doctor as soon as possible to discuss your options. There are a variety of reasons to see a doctor, even if you are otherwise healthy. One is to make sure that you defer to a medical professional when making decisions about your medical care. **If you are injured, seeing a doctor as soon as possible can also help you get back on the road to recovery more quickly.**

Aside from that, seeing a doctor is critical because it allows you to get the best possible start on your insurance or legal claim. The insurance industry makes money by refusing to pay claims, as we will discuss in greater detail later in this book. Delaying medical attention may provide them with the justification they require to deny your claim by providing "evidence" that suggests you may be fabricating the injury or that you were injured while participating in another activity. This could ultimately result in the loss of all financial compensation or the need to fight an unnecessary legal battle to obtain compensation.

For the same reasons, you should make sure to notify your auto insurance company as soon as reasonably possible after a car accident happens. Even if there was no serious injury, this might not be the first thing that comes to mind when thinking about what to do. Delaying the filing of an insurance claim, on the other hand, may give your insurer, as well as the truck driver's insurer, a reason to doubt the seriousness of the collision. And, once again, this can make it more difficult for you to recover fair compensation for your injuries. You should, however, make every effort to ensure that this report is as accurate as possible.

It is inappropriate to express your opinion or apologize because doing so may be interpreted as an admission of fault. It is much easier for law enforcement officers who responded to the scene and who most likely wrote a collision report to determine who was at fault than it is for victims.

If you are unsure of your medical diagnosis at this time, you should avoid discussing it with your insurance company until you are certain. This is a good idea because doctors can sometimes take weeks or months to predict your medical needs and requirements accurately. If you report an incorrect prognosis sooner rather than later, the insurance company may conclude that you are lying if you later change your story.

Another very important thing to do following a car accident is to obtain a copy of the collision report and any other necessary paperwork. If law enforcement officers responded to the collision scene, which is likely in the case of serious collisions, they would have written a report on the incident. Along with the drivers' statements, that report serves as a primary basis for insurance companies in determining who was at fault. Officers on the scene may have provided you with information on how to obtain a copy, but if they did not, you could get one from the Washington State Patrol. In addition, if law enforcement did not respond to the collision scene, WSP provides motorists with the opportunity to submit their reports.

You should save any other documents created into a folder because of the collision. In this folder, you'll store hospital forms, auto repair estimates, insurance information, and the contact information for the other driver, among other things. You should keep the names and contact information of any witnesses present at the time of the collision. If you can, you should consider taking photographs of the damage to your vehicle and your own body.

These are probably not the kinds of memories you want to hold on to, but the pictures may be helpful in the future if you need to demonstrate the extent of your injuries to an insurance company or a jury.

Finally, you should never speak with anyone from the trucking company or its insurance provider. As previously stated, insurance companies make more money when they deny claims than when they accept them. Occasionally, they will attempt to reduce the amount of money they owe by employing unethical tactics. For example, they may offer collision victims a small sum of money right away to quickly settle their claim. They will not tell you that the law only allows you to collect compensation from a single defendant once, which these companies are aware of. As a result, accepting the money may preclude you from claiming any further compensation in the future once doctors have had enough time to make a thorough diagnosis and determine your prognosis.

It is also possible that representatives from the trucking company will ask you to make a recorded statement or sign documents, which could later be used to show that you "admitted fault," even if this is not what you said. You might be tempted to agree to something because you want to clear the air or because you believe that saying "no" is impolite in this situation. However, it is best to avoid dealing with the trucking insurance company altogether to protect your rights. **You are under no legal obligation to speak with them, and you are free to decline their invitation politely.**

Whenever you are contacted by a trucking company or its insurance company immediately following a collision, you should seriously consider telling them that you are not ready to talk about it or still waiting to learn what the doctors think

about your injuries before you speak with them. Both will likely be true within the first few weeks following a collision. In addition, if you hire an attorney, that attorney should oversee dealing with the insurance companies. It is against the law for an insurance company to contact you directly if they know that a lawyer represents you.





SEMI-TRUCK

COLLISION INJURIES

Car collision victims who have previously been involved in an collision may better understand what to expect from insurance companies and the other party involved. Trucking collisions, on the other hand, are not simply car collisions involving larger vehicles. Because of the significantly greater size of trucks, trucking collision injuries are typically far more complicated than car collision injuries.

Whenever a truck and a car collide, the weight of the vehicles is dramatically increased, with a truck weighing as much as ten times the weight of the smaller vehicle. This can result in serious injury

or death. The laws of physics dictate that the heavier truck, the damage in the collision will be greater. Unfortunately, this means that the car and the people inside it are more likely to sustain much more serious injuries, regardless of who was at fault for the collision. It is more likely that the people in the car will die or suffer permanent disabilities due to this collision than they would have been if the same car had collided with another car.

In the event of a serious trucking collision injury, the financial costs of an insurance claim or a lawsuit can be extremely high. In a wrongful death lawsuit brought against a trucking company, the family members of the deceased person can recover all the income the deceased person would have earned throughout an average lifetime, as well as financial damages for the loss of the deceased person's love, care, and assistance. Because of their permanent disability, the injured party would be entitled to recover the costs of all past and future medical care, which can be expensive and damages for lost wages, pain, and suffering, as well as a diminished quality of life.

Costs can easily reach seven figures in either scenario. Neither scenario is uncommon. It's important to remember that you typically only have one chance to file a lawsuit after a car collision, so you and your attorney must make sure that you and your family can accurately estimate all your family's financial needs before proceeding with your claim. If you decide to take your case to court, you will also be required to present evidence to the jury to support your allegations. As a result, experienced trucking collision attorneys thoroughly investigate their cases and frequently retain experts to calculate expected lifetime earnings. This is a more time-consuming and expensive process than car collision lawsuits, but because the victim's financial future is at stake, it is worth doing it right the first time.

STATE AND FEDERAL TRUCKING INDUSTRY LAWS



Because they involve commercial drivers and commercial vehicles, tractor-trailer accidents are distinct from other types of collision. This is significant because truckers and trucking companies are subject to more stringent and specific regulations than ordinary drivers. Drivers who operate commercial vehicles weighing more than 26,001 pounds in Washington are required to hold special commercial licenses, which allow them to operate vehicles that weigh more than 26,001 pounds. They must pass a separate test to obtain those licenses. They will need even more credentials if they intend to transport hazardous materials, double or triple trailers, or tanker trucks on the highway.

Even though individual states grant commercial licenses, the Federal Motor Carrier Safety Administration, a division of the United States Department of Transportation that regulates interstate buses, supervises, and regulates the industry nationwide. The FMCSA has specific rules that truckers must adhere to obtain and maintain their licenses. They are required to do the following, among other things:

- Accept and pass the results of random drug and alcohol testing. You may also be subjected to testing after collisions or when there is a reasonable suspicion of intoxication.
- Adhere to a lower legal blood alcohol content limit when driving drunk (0.04 in Washington).
- Limit the number of hours they drive in a day and a workweek, with logs documenting the number of hours they drive.
- Stay away from certain traffic infractions or crimes involving motor vehicles.
- Retain good health and avoid disqualifying conditions such as epilepsy, insulin-dependent diabetes, or serious heart and lung conditions.
- Notify their employers if they are involved in a traffic violation other than parking.

When you break a rule, there are repercussions. Drivers who commit less serious traffic violations may be fined or have their

licenses suspended for some time. When they commit the most serious offenses, they can be permanently barred from competing or other consequences. Taking steps to circumvent the law, such as driving while their license has been suspended or attempting to obtain commercial driver's licenses from more than one state, can result in a fine or disqualification.

In a similar vein, safety regulations impose higher legal standards on trucking companies than they do on private automobile owners. Some of the rules listed above, such as random drug and alcohol testing and maintaining hours of service logs, must be enforced by trucking companies. They must also adhere to the

On June 27, 1967, actress Jayne Mansfield died when the car she was riding in rear-ended a tractor trailer. The car didn't just hit the trailer, it slid under the back of the trailer, in the process, it sheared off the top of the car.



The crash killed the three adults in the car (three of her children were also in the car and survived).

The accident led directly to rule by the National Highway Traffic Safety Administration (NHTSA) that mandated under-ride bumpers on the back of all semitrailers. In the industry, these bumpers are also called "Mansfield bars."

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Vehicle After
The Crash
That Killed
Jayne
Mansfield

This trailer doesn't have any safety bars to protect occupants in crashes.



"Rear Underrun
Protection System"
a/k/a
"Mansfield Bar"

rules governing driver eligibility, which means that they may not knowingly employ drivers barred from driving in the United States.

Furthermore, trucking companies have their safety responsibilities. They must keep their trucks safely before sending them out on the road, which is the most important of these requirements. That means trucks must be equipped with fully functional brakes, properly inflated tires, the proper lights, and reflectors, as well as all other essential pieces of equipment. They must submit to safety inspections regularly to ensure that

they are operating under regulations. The same rules that apply to truck drivers apply to truck companies, which can be fined or barred from operating in the United States if they violate them.

These regulations are intended to reduce the likelihood of serious collisions. Sadly, because trucking companies can save money by breaking the law, some of them choose to do so, and others encourage their drivers to do so as a result. Besides subjecting the violator to regulatory or criminal penalties, violations of trucking laws generally placed the trucker, the trucking company, or both at fault in the event of a collision that results from the violation. For victims, this may come as cold comfort, but it is important in ensuring their success in any insurance claims or trucking collision lawsuits they may file.

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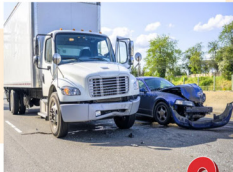
TYPES OF TRUCKING COLLISIONS



1
Underride Collision

2

Left-Turn Collision



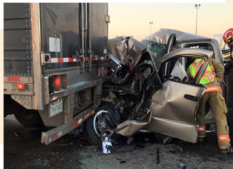
3

Improper Maneuver Collision



4

Rear-End Collision With A Stopped Truck



5

Cargo Spill or Ejection Collision



TYPES OF TRUCKING COLLISIONS

There are five major categories of Truck Collisions. The type of collision can also be a predictor of the severity of injuries suffered.

- **Underride Collision.** This occurs when a vehicle comes under the trailer, causing a collision. Unfortunately, these collisions usually cause serious injury to the driver and are often fatal.
- **Left-Turn Collision.** A left-turn collision typically occurs when a slower truck has not fully completed a left-hand turn and causes a collision with a passenger vehicle with the right of way.
- **Improper Maneuver.** An improper lane change or other maneuvers by a truck result in a collision.



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Chong Hoe Ye, Attorney of Law
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- **Rear-End Collision with a Stopped Truck.** Stopped trucks represent serious hazards because they can be difficult to see. Federal law requires that truck drivers adequately mark their vehicles and set up warning signals for oncoming motorists.
- **Cargo Shift or Ejection.** Collisions are caused by the shift or ejection of the trailer contents.



HANDLING INSURANCE COMPANIES



Your own insurance company will not necessarily be a problem. In Washington, drivers are only legally required to carry enough auto insurance to cover collisions that they caused. If liability insurance is the only type of auto insurance you carry, your insurance company has no incentive to blame you for the collision.

However, suppose you also have collision, PIP, or uninsured/underinsured motorist coverage covering your own damages. In that case, the insurance company may try to avoid paying you by finding reasons to deny coverage. That is especially likely if you have a substantial financial claim to make, which is common in

truck collisions. When you talk to the insurance company, watch for pressure tactics or other evidence that they are trying to misrepresent the facts. If you know or suspect that the insurer is attempting to deny coverage incorrectly, call The Ye Law Firm right away for a free consultation on what to do next. Trumping up reasons to deny insurance coverage you have purchased and paid for is called insurance bad faith, and it is unlawful.

It is even more important to consider hiring an attorney when dealing with the insurance company for the trucker or trucking company because those companies deal with collisions professionally. Collisions are a fact of life for trucking companies, which can have hundreds or even thousands of drivers, each driving many thousands of miles every year. Unlike ordinary drivers, they have a staff of adjusters and attorneys who can start manipulating the insurance and legal systems right away. These employees are not shocked and grieving, like collision victims and their families typically are after a catastrophic collision.

This imbalance of power can put victims' legal rights in danger. Remember, the trucking company and its insurance company have a big incentive to blame the collision on you, so they can avoid paying the full value of your claim. That's why the best policy is to avoid talking to them at all. If you have an attorney or plan to hire one, the attorney should handle all your communication with them. If you are unsure whether you should agree to something the insurance company suggests, you are welcome to contact The Ye Law Firm to discuss it at a free consultation.

Trucking collisions can also be complicated by the question of whose insurance applies. A single truck involved in a collision may have two or more insurance policies covering it because the driver, the truck itself, and the trailer or trailers can all be separately insured. Sorting out who is obligated to pay can be time-consuming, and the insurers sometimes fight among

themselves about who should pay, dragging out the case. Experienced tractor-trailer collision lawyers will fight in court to ensure that their clients never suffer unnecessarily during these fights.



YOUR LEGAL RIGHTS



In Washington and every other state, people injured in a collision have the right to collect damages, financial compensation for their costs, and injuries from the person or companies at fault. The auto insurance system is supposed to do this by paying claims. But unfortunately, some insurance companies are willing to go to great lengths to avoid fully paying expensive claims, even when their own contracts legally obligate them to do so. Unfortunately, this is especially likely in trucking collisions because these collisions can be so expensive.

When that happens, injured people have the right to sue the insurance company, the at-fault driver or trucking company, or both, to secure the payments to which they are legally entitled. This type of lawsuit is a way of enforcing your rights to a fair

settlement. By pursuing a lawsuit, you are asking the court for a second chance to show that you are entitled to the money you are claiming. This is the way the legal system protects people from mistakes and greed by insurance companies.

Lawsuits also help enforce safety laws by giving trucking companies a powerful financial incentive to follow the law. You have the right to pursue a trucking collision lawsuit.

However, your rights have limits, and trucking companies know it. Some of them do their best to prevent collision victims from suing or otherwise collecting full compensation. You have a legal right to compensation, but you generally only have that right once for each party at fault for the collision. That is why unscrupulous trucking companies sometimes offer small amounts of money to victims very soon after collisions because a court could decide that money was your one chance at compensation. If that happens, you could be barred from requesting any more money, no matter how your medical bills are or how little you understood your rights initially.

That is why the best way to protect your rights is to avoid speaking to the trucking company and its insurance company altogether. Remember, you have no legal obligation to talk to them, and they are not on your side. Nothing you say to them is likely to help your case, but even innocent comments could end up hurting you later. Suppose you want advice on your legal rights after a trucking collision, including dealing with the trucking company or its insurer. In that case, you are invited to contact The Ye Law Firm for a free consultation.

Another important limit on your right to sue is the statute of limitations, the deadline by which you must file your lawsuit. If you try to file after that deadline, you may lose your right to sue at all. It does not matter how strong your case is or how badly you

were hurt. A court will rarely grant exceptions. In Washington, most trucking collision victims have up to three years from the date of the physical injury to file a lawsuit over those injuries. Those three years are not triggered for minors under the age of 18 until they reach their 18th birthday. If you were mentally incapacitated might also delay the start of the three-year deadline (for example, hospitalized and sedated) or not discover the injury until later. In wrongful death cases, the three-year period starts on the date of the death, which is not necessarily the day of the injury.

And if the case involves a truck operated by a government agency, there are typically much shorter deadlines. State and federal agencies are partially exempt from lawsuits under a legal theory called sovereign immunity. Still, they have allowed exceptions for cases where the negligence of a government employee hurt someone. In Washington, the Washington Tort Claims Act requires people planning a lawsuit to go through an administrative process starting no later than sixty days from the date of the injury. It is only after that process is over that you may file your lawsuit. At the federal level, the Federal Tort Claims Act also requires you to go through an administrative process, which you must start within two years of the injury.

The laws governing lawsuits against state and federal agencies also require you to follow the rules and submit all the proper forms strictly. Failing to do this can mean having to start your claim over or losing your right to sue entirely. For that reason, lawyers recommend that people with claims against government agencies get the help of an attorney. Due to stricter deadlines, it is even more important for such people to get in touch with an attorney as early as possible.

CLAIMING COMPENSATION



Some people may be reluctant to sue because they believe it is not appropriate or not morally right. However, a lawsuit is one of the main tools our legal system provides to allow injured people to protect themselves from illegal and unfair behavior. If a trucking company hurts you through negligence and refuses to compensate you fully, it also acts unlawfully. A lawsuit is the best way to enforce your rights, and sometimes, it is the only way.

Some people are also understandably concerned about the implication that money is an adequate remedy for losing a loved one or becoming permanently disabled. Our legal system is the sole remedy the law allows. In addition, financial penalties give trucking companies a reason to think about whether breaking safety laws to save a few dollars now is a good business practice in the long run.

And as time passes after the collision, victims may find that money becomes a serious concern. Trucking collision injuries often lead to death or permanent disabilities such as brain damage and paralysis. In addition to changing victims' lives forever, these can also be financially catastrophic. For example, treatment for a serious head injury can easily reach six or seven figures. Over a lifetime, the costs of care for a disabled family member can run into the millions. People of ordinary incomes are not likely to have the money they need to cover all the costs of that care, even if they have health insurance.

The devastating financial effects of a catastrophic collision can be apparent even sooner when the family depended on the victim's income. A severe disability or a death can take the victim out of the workforce for good, leaving the family with no income at all. In other cases, the victim may still be able to work but not earn the same amount of money as before, usually not for quite a while.

When these financial injuries were no fault of the victim, a lawsuit can provide a form of economic justice, making the party that caused the collision responsible for the costs of the collision. In addition to lost income and medical care, those costs could include car repair or replacement and any other financial costs that were made necessary by the collision.

Lawsuits also allow victims and their families to claim damages for their non-financial losses. These may be harder to quantify, but they are still very real. In the head-injury example above, the victim might be able to claim compensation for the injury itself, the permanent disability it causes, physical pain, emotional trauma, and loss of things like the enjoyment of life. Immediate family members can claim damages for their own emotional pain;

loss of the injured person's services, like mowing the lawn or watching the kids; and loss of his or her emotional care, guidance, and companionship.

If the victim of the collision died, specific family members could also claim damages for wrongful death. This is a legal remedy that allows survivors of a decedent to hold a wrongdoer responsible for negligently causing an avoidable death. In Washington, family members who can claim damages for wrongful death include, in this order of priority, the deceased person's spouse, children; if a person's spouse or children is not alive, then the parents and siblings.

In a wrongful death lawsuit, the family's largest claim is likely for all the income the victim would have earned over a lifetime, including future earning capacity or the value of household services for homemakers. They can also claim economic damages for the death costs, such as funeral and burial expenses. In addition, families can claim damages for the non-economic losses a death involves, such as losing the chance to see children grow up. Finally, wrongful death lawsuits can include "survival action" claims for the pain, suffering, and medical expenses the victim incurred if substantial time went by between the injury and the death.



PROVING YOUR CLAIM

Of course, you will not necessarily win these damages just because you claim them in a lawsuit. Just like in other court cases, you still must prove your claims to a jury. In a trucking collision lawsuit, you first must prove that the trucker's actions, the trucking company, or both caused your injuries, that is, prove fault. Once fault is established, you must prove that your claim for compensation is appropriate for your suffered damages.

To prove that the trucker and trucking company were at fault for your collision, your attorney must show that they were negligent. Negligence is a legal concept meaning failure to act with an ordinary amount of caution, extreme carelessness, with or without violations of the law. Drunk driving is a form of negligence, but so are driving while texting and driving with

your eyes closed. In trucking collision cases, common causes of negligence include violations of many of the trucking laws outlined above and others. It can also include the same kind of negligence that any driver might commit.

For example, if a truck driver violated hours of service rules by driving for more hours in a row than he was allowed to, that is strong evidence that he was negligent. Suppose that later that day, the same driver approaches stopped rush-hour traffic in Seattle-Tacoma area, but he is so sleepy that he does not realize a slowdown, so he plows into the line of stopped cars. In a later lawsuit, victims of that collision might argue that the trucker's negligent failure to follow hours of service rules was the cause of the collision. That argument could be strengthened by any incriminating statements the driver might have made, the opinion of a medical professional, or evidence that he falsified the work and sleep logs that all truckers are required to keep.

Most trucking collision lawsuits include the trucking company as a defendant because employers are generally responsible for the behavior of employees acting on the employer's behalf, even if the employer did not specifically ask the employee to do the thing that led to the collision. But trucking companies can also be liable for their own negligent behavior. Among other things, trucking companies are legally responsible for maintaining their trucks in safe condition. Failing to do that can make them directly responsible for a serious collision. Poorly maintained trucks and parts can fail on the highway, causing the truck to a collision. They can also fall off the truck, triggering a collision in the traffic behind the truck. Missing safety equipment like lights and reflectors can make the truck dangerously hard to see.

Trucking companies can also be liable if they negligently did something that contributed to a collision, even if someone else's actions were the direct cause. For instance, in the hours-of-

service example above, the trucking company could be legally liable if it pressured or blatantly asked the driver to violate hours of service rules. This is, unfortunately, more common than you might expect because trucking companies can lose money if they do not meet delivery deadlines. In addition, companies might put more subtle pressure on their drivers through financial penalties or by scheduling deliveries so tightly that they cannot be made without violating the law.

Trucking companies would also be liable for contributing to collisions if they have violated safety regulations such as:

- Intentionally hiring drivers without current, valid commercial driver's licenses.
- Hiring drivers without checking their credentials.
- Failing to take drivers known to have safety problems off the road.
- Failing to perform drug and alcohol tests as required.

You may wonder how your responsibility factors into your case, especially if you think your driving was less than perfect. Here in Washington, the law allows you to collect financial compensation even if you were partly at fault. When that is the case, you will recover damages minus the amount of fault you bear. For example, suppose a jury decides that you were 10 percent at fault for your injuries because of some negligent act or omission. In that case, you will collect only 90 percent of the damages awarded.

In lawsuits that go to court, a jury ultimately decides how much fault each side bears. To make that decision, they rely on the information presented at court, including information presented by trucking company lawyers. That is why it is very, very important

to make sure you do not make any statements that could be interpreted as taking responsibility for the collision, even an apology. The trucking company has a powerful financial incentive to find ways to blame you for your injuries. If it can convince the jury that you bear most of the fault, you could recover no money at all, no matter how badly you were hurt or how clear it was that the trucking company was also negligent.



NEXT STEPS

This book is the first step for trucking collision victims, as well as a guide to your rights and common dangers in the first few weeks after a collision. But once you have passed those hurdles, you will need to think about what to do next. A lot depends on your situation, the severity of the injuries, your financial situation, your fault for the collision, and how the trucking company has treated you. But as a rule, trucking collision victims should begin thinking about whether they would like to sue, and if so, hiring an attorney.

Not every collision victim will need to pursue a lawsuit. It is possible that you will not need to sue if you are offered fair compensation. However, keep in mind that you may not be able to tell how much money will fully cover your injuries, especially if it is so early that doctors have not given you a final prognosis. Again, you can contact the Ye Law Firm for a free, confidential consultation, where our attorneys can help you decide whether the compensation you are being offered is fair. Remember, you usually get only one chance to obtain compensation, so it is important to make sure you get what you need the first time.

If you know you do want to sue, you usually have three years to file your claim. (See the statute of limitations information under "Your Legal Rights" above.) You will not necessarily need all that time. It is best to get started before the absolute last minute, so your attorney can do all the research necessary to file a strong case.

But the length of the deadline means you can take your time finding an attorney. This is one of the most important decisions

you can make affecting the success or failure of your case, so it is important to give it some thought. We should note that it is also an option to pursue the case without an attorney's help, which is perfectly legal. However, lawyers strongly recommend against it because the complex medical, legal, and financial issues in a typical trucking case can be too much for an inexperienced person to learn well enough. Law firms also have much greater financial resources to draw from, which is important if you need to hire experts to testify about your injuries and damages.

When you go looking for an attorney, start by asking friends and family members whether they can recommend someone to handle a truck collision lawsuit. Keep in mind that attorneys specialize, like doctors, so you need an injury attorney, as a divorce attorney or a corporate lawyer will not have the right expertise. Suppose you cannot find someone that way. In that case, you can get names of reputable attorneys from places like [the Local County Bar Association's Lawyer Referral Service](#), or [the list of lawyer referral services](#) provided by the State Bar of Washington.

You can also use the Internet to find an personal injury lawyer. If the service asks for a payment to find you an attorney or wants payment for a consultation, stay away. Most reputable injury law firms offer free consultations to potential clients. That includes the Ye Law Firm. If you meet with us, we will do our best to explain your case and its chances in plain English, without legalese. You will be under no obligation to hire us, and everything you tell us will stay in confidence.

When choosing a lawyer, remember that you are the client, and you are the one doing the hiring. You can and should ask the questions you think are important. You might want to ask about the lawyer's experience with similar cases, including any verdicts

or settlements they must share. You should also consider practical issues like whether you like the lawyer's personality and the office's distance from your home. Stay away from attorneys who guarantee specific results because no attorney can control a jury verdict or settlement decision by the other side.

There is no need to worry about whether you can afford an attorney. Most reputable injury law firms, including The Ye Law Firm, use a fee called a contingency fee. In this arrangement, attorneys are paid with a percentage of the client's financial results when the case has been settled or a verdict obtained. We fully disclose that percentage before clients agree to hire us, so they understand the deal, and we keep clients apprised of issues like litigation costs. This arrangement does involve some risk since it is possible to lose the case, but we do not take cases we do not believe we can win. And by using a contingency fee, we can accept all the strong cases that come our way, regardless of the client's income or background.



WHAT TO **EXPECT** IN A **LAWSUIT?**

If you do hire our firm, you can expect to turn over much of the day-to-day work involved in your case, aside from your medical care. At The Ye Law Firm, we keep clients updated on major new developments in their cases, and of course, we are happy to discuss the case whenever clients call. But as a rule, we handle the legal research, interactions with insurance companies, collision investigation, and other issues, so clients can focus on getting better. You should never, ever must talk to the trucking company

or the insurance company once you have hired us; that is our job. Insurance companies may not contact you directly once they know you have legal representation.

Unfortunately, the litigation process can take time, anywhere from a few months to several years. It is impossible to predict in advance, in part, because settlement negotiations can happen at any point during the process and take any amount of time. In trucking collision cases, many delays come from a large amount of work required to prepare these complex cases for trial or settlement negotiations. To adequately calculate your financial damages and needs, we need to do research or hire experts to do it, and that takes time.

To investigate your case, we start with all the paperwork and other evidence you saved from the days right after the collision, as well as your best recollection of how the collision happened. From there, we start building a strong case by finding information from other sources. We hire an independent collision reconstructionist in many trucking collision cases to look at the scene and the vehicles involved to formulate how the collision happened. As time goes on, we are likely also to hire expert witnesses to provide information about things like the truck's mechanical failure, driver fatigue, compliance with the law, and the financial value of your losses.

We will also send a letter right away to the trucking company to request that it preserves evidence, such as dented truck parts, hours of service logs, and the electronic onboard monitoring systems. Trucking companies are required to preserve information and pass it on because of a legal process called discovery. Discovery consists of the lawyers for the parties reciprocally requesting information. Discovery helps both sides prepare for trial, and it means we are required to send the other side any information it reasonably requests.

During discovery, the other side may ask you to answer questions in writing (called interrogatories) or in person, under oath (which is called a deposition). If this happens, we will prepare you in advance to know what to expect, how to behave, and which questions you are likely to get. We will also be right by your side the whole time to stop any questions that are inappropriate or unfair pressure tactics by the other side.

The best things you can do to help your case are to continue with your medical care and make sure to keep your attorney updated on any changes. Continuing to go to the doctor helps you get better, but it also demonstrates that you are serious about your care, which denies the trucking company the chance to claim your injuries are not serious. Keeping us updated ensures that we have the information we need to build the best possible case. It also prevents unpleasant surprises later. Do not hold back information out of embarrassment or to surprise the other side at trial. Not being fully honest with your attorney can take away your chance to claim all the damages you may be entitled to.

Statistically, your case is much more likely to settle than to go to trial. Settling means taking a sum of money from the other side in exchange for an agreement to dismiss the case and all future cases. This may mean accepting less money than you asked for, but it removes the uncertainty of putting your case in the hands of a randomly selected jury.

Settlements are reached by negotiation between the attorneys for the opposing party and us. Generally, both sides typically go through multiple offers and counteroffers before finally settling, so it can take a while. Our attorneys evaluate settlement offers by considering what amount of money will cover your injuries and damages, the likelihood of success at trial, how aggressively the other side is behaving, and more.

We use our professional judgment as experienced attorneys to decide whether we think a settlement offer is fair and then recommend you. **In the end, whether to take a settlement is 100 percent your decision.** We will never pressure clients to make the decisions we prefer. We will also never recommend that you take a settlement we believe is inadequate to cover your basic needs or far lower than you could reasonably expect to win at trial.

If your case does go to trial, you can expect it to take anywhere from one day to several weeks. You may or may not have to testify at trial. Testifying can be difficult emotionally and may also be hard for people who are not comfortable with public speaking. Still, it can also be a powerful tool to demonstrate the effects the collision has had on your body and your life. If you do, we will prepare you thoroughly for it ahead of time, just like with depositions.



FINAL WORDS

No one anticipates being involved in a catastrophic collision. The consequences of being seriously injured by a trucker or a trucking company can be life-changing, even if you were driving as safely as you could have done at the time of your accident. Most of the time, the collision results in emotional distress, physical pain, and financial difficulties for the victim's family as well, expanding the circle of people who have been harmed through no fault of their own.

If this describes your situation, we strongly advise you to read this book to avoid being victimized by aggressive or unethical trucking companies and their insurance companies a second time. Even though not all insurance companies engage in unethical or questionable business practices, they are all in the business of making money. This means that their interests are diametrically opposed to your interest in receiving fair compensation for your work. It is beneficial to understand your rights, obligations, and

options before negotiating with an insurance company. Insurance companies and trucking companies have teams of professional adjusters and attorneys to protect their interests and customers. Knowing your rights is the bare minimum you can do to ensure that everyone has an equal playing field.

An even more effective way to level the playing field is to enlist the assistance of an experienced professional of your own. If you are considering whether to retain legal counsel, please do not hesitate to contact The Ye Law Firm for assistance. You can reach us at 1-253-946-0577 or 425-322-0577 if you are in the Seattle-Tacoma area. You can also learn more about us by visiting our website, where you can also schedule a free, confidential case evaluation. Even if you do not hire our firm, we hope that this book and the free consultation will assist you in obtaining the best possible financial recovery so that you can begin the long and arduous process of rebuilding your financial life.

ABOUT THE AUTHOR

Chong H. Ye is the Founder and Senior Attorney of The Ye Law Firm, Inc. P.S. He is dedicated to helping those seriously injured by the negligence of others. He prides himself on being down-to-earth, reliable, accessible, but capable and comfortable winning a battle, whether via negotiations or court rooms.

Chong has handled thousands of car accident cases and claims ranging from minor injuries to catastrophic injuries/wrongful death. He aggressively advocates for his clients against insurance companies and has recovered tens of millions of dollars for his clients.

Chong emigrated from South Korea at the age of 10. Instilled with a sense of hard work and determination while growing up in the immigrant community in the Seattle-Tacoma area, Chong is a zealous advocate. He especially has a heart for those whose first language is not English. He has personally witnessed his own parents and other non-English speakers injured from collisions due to someone else's fault, he witnessed their attorneys not standing up for them but were much more interested in quick payouts by pressuring their clients to accept what amounted to be less than fair settlements, and thus he decided to fight for the voiceless and the vulnerable. Chong's mission is to represent the helpless fight against the Goliaths of the personal injury industry.

Chong lives with his wife and two children and in Northeast Tacoma. He is a member of the Lifeway Church in Federal Way. He sits on the board for Nest Mission, non-profit homeless

mission organization helping the local homeless communities in Tacoma and Lynnwood.

Professionally, he is a member of the Washington State Bar Association. He is an Eagle member of the Washington State Association for Justice, a Washington plaintiff's trial lawyer association and holds membership with American Association for Justice. He a member of National Trial Lawyers Top 100 Trial Lawyer and The Ye Law Firm has been nominated as 10 Best Law Firms by the American Institute of Personal Injury Attorneys.

He earned his undergraduate degree at Bushnell University/ University of Oregon. He completed his graduate studies at Dallas Theological Seminary. He earned his law degree at Mitchell Hamline School of Law.





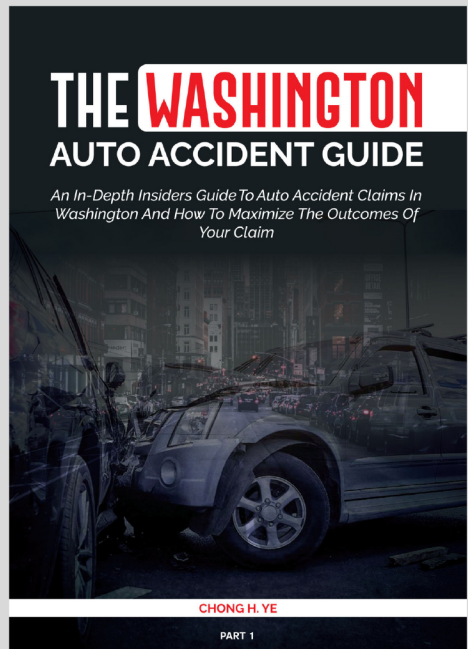


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