SAXTON & STUMP
LAWYERS AND CONSULTANTS

NEWS & INSIGHTS

Top 5 accident response tips for trucking companies

BY: ALYSSA A. ADAMS | INSIGHTS | ARTICLE

FEBRUARY 27, 2024

The moment an accident occurs is not the time to put your company's accident response plan into place.

Having an accident response plan in place, including training your dispatchers on the policy, will allow you to act as soon as an accident occurs. The faster you act, the better prepared you can be to prevent a lawsuit or claim, and the better prepared you will be to defend yourself in the event of a lawsuit.

Also, by acting fast and taking a proactive approach, you can potentially save money and litigation fees. Even if a suit is filed, taking a proactive approach allows you to collect evidence from the scene, perform surveillance, gather statements, or examine social media evidence to use in your favor at trial. Keep in mind these top 5 tips when preparing to respond to an accident:

1. **Act fast and be prepared**. When an accident occurs, the faster you act, the better you can respond. To effectively do this, you must start well before an accident occurs. The best place to start is by training your dispatchers on how to respond when an accident call comes in and let them know what they should be asking the driver, what information to obtain, and what additional individuals – including attorneys or field adjusters – to contact to help with the response.
2. **Do not take statements from your driver**. Do not have your driver make any written or recorded statements regarding the accident. This will have to be produced to opposing counsel if there is any future litigation. These statements will be used against your driver if any inconsistencies pop up later. Also, advise your driver not to give any statements to anyone or talk to anyone else about the accident. One thing you can do to completely protect your driver's version of events is to immediately have an attorney speak to the driver. Everything said to the attorney would be confidential and protected by attorney-client privilege and could not be used later against the driver.
3. **Bring in outside help**. You will want to hire an independent adjuster to help investigate the accident. I recommend in all accidents, both big and small, you hire an independent adjuster to call the other driver and witnesses to obtain their statement. If liability is not in your favor, you can take proactive steps to avoid a future lawsuit, like paying for the damages to their vehicle or resolving any claims for bodily injury before they engage an attorney. Payment to a claimant up front can save future attorney's fees and any future judgment. It is also good to have both sides of the story so you can get a full view of the accident.

Depending on the situation, you can also hire an independent adjuster for further investigation. If you believe that there may be security cameras in the area, from other businesses or entities, you can have the adjuster go out to the scene to try to obtain any videos that have footage of the accident. I always ask drivers if they know if there was a camera in the area and if they had a dash camera. These videos can turn a disputed liability case into one that you can argue completely in your favor. Also depending on the accident, especially in serious accidents, you may want to hire an independent adjuster to go out to the scene and take photographs. Also depending on the situation, especially in serious cases, you may want to hire an accident reconstructionist to inspect the vehicle, do a download of the black box of the vehicle, and to review the accident site to determine how the accident happened.

0. **Social media**. When you find out about a more severe accident, you or your attorney's office should look for information concerning the accident. You can find out a lot of information about an accident just by checking on Facebook and other social media. Family members of the person hurt in the accident may comment on news articles or post about their loved one's injuries.

Another important thing to do in these cases is to have your attorney or independent adjuster run a public record search and a social media search for the claimant. Make sure to keep checking on social media to see if they mention their injuries. Usually, once the claimant retains an attorney, they will be told to take their social media down, so it is important to find it immediately if you think there could be future litigation. Social media is very important and can sometimes be the piece of evidence that you need to prove the claimant is not injured. However, you must act fast on this. If you wait until a lawsuit is filed, it may be too late.

0. **Preservation of evidence**. You should make sure to preserve any evidence from the accident. This would include pulling the driver's logs for the week before the accident. If a preservation letter is received from the claimant's attorney, make sure that you save anything that is included in the letter so that you are prepared in case of potential litigation. If not saved, you can be accused of spoliation and may have sanctions issued by the court. If a preservation letter is received, have counsel send your preservation letter to have the claimant preserve any evidence they have regarding the accident.

This is not an exhaustive list and assumes accident response measures are planned before the accident. Please contact me for questions your trucking company has on accident response or for free accident response packets, forms, and checklists.

Related People

Alyssa A. Adams

Related Services and Industries

Trucking and Commercial Transportation