

The Importance of Defense Being on the Scene Immediately After A Trucking Accident

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The trucking business operates around the clock, 24-7, every day. An effective defense team for serious trucking matters must be available on the same schedule, and ready to be at the location of an accident at a moments notice. The benefit of a defense professional being present at the accident scene immediately is two fold.

First, an attorney and his investigation team can record the site and the actual evidence as it exists at the time of the incident. This would include the actual vehicles, skid marks or gouges in the pavement, the mental state of the participants and witnesses. Such evidence exists only for a short time post accident; when it is lost, it is lost forever, and is often, the key component to a successful defense case.

Second, if the events incapacitate the driver, the defense needs someone on the scene to ensure that the logs are retained and not tampered. The advent of electronic driver information has not changed the importance of the need for immediate on site Defense team. GPS, data downloads, and tracking logs are all subject to loss or tampering. Conversely, certain data and information should not be retained beyond the time limits prescribed by law. In such cases, the Defense team on scene is best situated to ensure that this information is not retained any longer than strictly required under the law.

Additionally, in today's environment, the defense needs every advantage morally and legally available to it. Plaintiff attorneys are typically not notified of a potential case until long after the event; an average nine months, post accident. As an operator, or manager in the trucking industry, you owe it to your organization to avail your drivers and organization of these advantages.

Becker & Poliakoff is well situated to help you and your operators grasp this advantage. Becker & Poliakoff has more than one hundred seventy attorneys and other professionals spread over much of the important Eastern Corridor with 14 offices throughout Florida and offices in New York, New Jersey, and Washington DC. With only a call, Becker & Poliakoff is close by to mobilize a team to be on site. The defense of such claims is directed by Wayne Alder, a shareholder in the firm, is rated AV "preeminent" by Martindale Hubbell. Wayne concentrates his practice on litigation matters related to trucking and general representation of companies, individuals and municipalities. He also handles matters related to marine and shipyard liability, as well as product liability and environmental claims, personal injury, insurance defense and insurance coverage disputes.

Wayne has successfully defended and resolved claims for local and national trucking companies including:

- Multi vehicle claim involving brain injury alleged caused by sleeping driver where log records were retrieved to demonstrate full DOT compliance.
- Loss of cargo claim involving custom built generator equipment where recovery of the equipment was made through in-depth investigation and legal process.
- Settlement of an accident case with no indemnity dollars paid by the trucking carrier as a result of investigation and analysis of cause of accident by independent third party.

Time is crucial in the trucking industry. Logistics are centered on **planning, implementing, and controlling the efficient, effective flow** and storage of goods, services to maximize time. Part of an effective logistic plan should be a defense that best uses time to your advantage. To get started on putting time on your side for any trucking matter or our top ten tips for using time to your advantage to protect your carriers, please contact Wayne Alder.