

## **Automobile Accident Cases: Take Nothing For Granted**

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So often lawyers are heard to describe automobile accident cases as “slam dunks”, “sure things”, or “locks to win”. Sometimes such an attitude about a case will lead to complacency and failure to conduct even the most basic investigation. When it is time to go to trial, a lawyer who has failed to conduct the necessary investigation, suddenly realizes that his or her case is not such a slam dunk, sure thing, or lock to win.

Early and thorough investigation should be conducted in each and every case a trial lawyer agrees to take. A case is only as good as the evidence that will come out at trial. Consequently, it is essential for the trial lawyer to obtain such evidence. A simple rule to follow is to conduct whatever investigation and discovery is necessary to prove: (1) how the accident happened; (2) why the accident happened; (3) why the defendant is at fault; and (4) why your client is not at fault. This requires the trial lawyer to create at the outset an investigation plan and a discovery plan that is designed to obtain and preserve all of the requisite evidence.

In automobile accident cases, it is always advisable to investigate the case as soon as possible – while the crash scene and crash vehicles remain undisturbed, photographs and videotapes can be obtained, black box recorders can be downloaded, the investigating officer’s notes and measurements have not been lost, the 911 tapes have not been destroyed, the traffic case of the defendant has not concluded, and most importantly, the witnesses can still remember what they saw or heard. Failure to conduct an immediate investigation is a mistake that may very well prevent the trial lawyer from winning his client’s slam dunk case.

When a client comes in and tells the trial lawyer that he or she is a victim of a rear-end collision, a failure to yield collision, or a driver that ran a red traffic light, such seemingly slam dunk cases must be supported by the evidence. Without forensic proof or eyewitness testimony to corroborate the client’s story, the case may be lost when the defendant claims at trial: “I ran into that car because it stopped abruptly for no reason” or “When I made my turn, I did not expect the other car to be speeding so fast” or “I was actually the one who had the green light”. In automobile accident cases, the trial lawyer should take nothing for granted.