

8 DOCUMENTS THAT CAN WIN YOUR JONES ACT CASE

"After handling Jones Act injury cases for more than 20 years, I can tell you there are dozens of reports documenting how your injury occurred. Below are the types of reports that have often helped our clients win their cases. Some companies use all of these while others don't use any. The important thing is to know what to look for during your claim." – Tim Young

1. Accident Report

This is the document most companies start with following any type of accident on a rig or vessel. It can be one page or multiple pages, but most are either a single page or two pages. It usually documents the basics of who got hurt, when, how, and were there any witnesses. Some go into what caused the accident, while others do not address this at all.



2. Medical Reports

On oil rigs and large vessels, the medics will typically fill out reports when they treat an injured worker. These reports can be helpful in your case and are often overlooked. While the report itself will mostly relate to the type of medical treatment you received, many also describe how the accident happened, which can help with your claim, especially if the safety rep or vessel captain wrote up the accident report in a way that was not entirely accurate.



3. Recorded Witness Statements

Many witnesses have their statements recorded. The law usually does not require your company to give us these recorded statements, but there are ways to get these statements. These can be extremely helpful as they were taken right after your injury. I actually look to the guys who the company has NOT taken a statement from yet and want to talk to them first.



4. Witness Statements

If the Accident Report does not have a place for a witness comment, then most companies will have a separate Witness Statement form for any witnesses or workers with important information about your injury. If I see witnesses listed on an Accident Report, I immediately dig into whether or not these guys filled out separate Witness Statements.



5. Emails & Text Messages

Nowadays your injury was probably discussed in email and text messages. From basic texts sent back and forth between coworkers to formal emails sent from the rig or vessel to shore, you have got to look for these in your case. I have won cases with good emails and text messages that we were able to save and download.



6. Vessel Logs & IADC Reports

Don't overlook the 'regular' documents that are routinely completed on your rig or vessel as a source to support your claim. Often the IADC reports on rigs and the vessel logs (get both the rough and smooth logs!) will mention or discuss your injury.



7. Investigation Reports

Many companies will have Investigation Reports which they complete in addition to basic Accident Reports. These are reports that discuss what went wrong that may have caused your injury and how it can be prevented in the future. These can win or lose your case and you have to really fight to get some of them. Companies will often hide these types of reports if they show the company did something wrong that caused your injury.



8. Root Cause Analysis Reports

The grand-daddy of them all. These are very detailed, multiple page reports which address anything at all that may have caused your injury. Similar to basic Investigation Reports but much, much more detailed. Large companies such as Transocean, Diamond, ENSCO, Schlumberger and others use these reports. In the recent past we have had to go to court and force Transocean and Diamond to give us these reports in our cases. The harder they fight to protect these reports, the better the reports are for your claim.



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