

# Schlichter Bogard



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## Volume IV, Issue II of Schlichter Bogard's Railroad Injury Newsletter

Welcome to Volume IV, Issue II of Schlichter Bogard's Railroad Injury newsletter exclusively covering railroad-related topics.

This quarter, our nationally-recognized attorneys address the importance of the preservation of evidence and steps you need to take if you are injured on the railroad .

We hope you enjoy this issue of the Schlichter Bogard Railroad Injury Newsletter. As always, we are here to answer any questions you may have:

**800-USE-LAWS** | [railroad@uselaws.com](mailto:railroad@uselaws.com).

Sincerely,



Jerry Schlichter & Nelson Wolff



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## How Preservation of Evidence Prevents Injustice

*by John R. Suermann, Jr., Counsel*

The rights of injured railroad workers are governed by the Federal Employers' Liability Act ("FELA"), which requires railroads to provide a reasonably safe workplace. When a railroader is injured due to the railroad's negligence, he can pursue a FELA claim. But building a strong FELA case relies heavily on gathering and preserving evidence from the incident scene.

For decades, Schlichter Bogard has represented countless railroad workers injured on the job. We have seen firsthand how critical preserving evidence can be for protecting your rights and receiving the compensation you deserve. Unfortunately, the railroads often fail to preserve crucial evidence after a work-related injury, and, at times, have been caught—even sanctioned by the courts—intentionally destroying evidence.

Because the railroads have repeatedly shown that they cannot be trusted to properly handle important documents when employees are injured in work-related incidents, photographic and video evidence, incident reports, maintenance records, crew statements, and other documents all play a vital role in demonstrating how the railroad failed its duty of care. Without this evidence properly preserved, it becomes more difficult to prove that the railroad is at fault.

The railroads are well aware of this, and some have engaged in disturbing patterns of evidence spoliation and destruction. From hampering investigative efforts at incident sites to intentionally losing or destroying evidence, railroads have shown that they will go to great lengths to avoid responsibility. For example, while Schlichter Bogard recently obtained a record-breaking \$12 million verdict on behalf of an injured switchman against his employer, Kansas City Southern Railway, we had to overcome numerous obstacles to obtain justice, including combating the railroad's attempts to conceal important evidence. More details about that important case can be found here: <https://uselaws.com/propublica-rail-safety-christopher-cole-nelson-wolff/>.

In the end, a court may sanction and fine railroad carriers for egregious acts of destroying evidence related to work injuries. And although these sanctions punish misconduct, they cannot always undo the damage of lost evidence for impacted workers and their claims.

Injured railroad workers have already suffered greatly due to their employer's negligence. They should not have to overcome evidence destruction tactics to receive justice. But with a resolute approach to evidence preservation from the start, you, with the support of the highly experienced Schlichter Bogard team, can level the playing field and force the railroad to take full responsibility.

Your rights matter. Your evidence matters. Through our efforts to hold railroads accountable, including by preserving critical evidence, preservation, we can make railroads answer for their failures—regardless of their attempts to hide the truth and avoid responsibility.





## Injured on the Railroad? Follow These Steps.

*by Jon Jones, Associate Attorney*

Railroad injuries are often preventable, and with the right approach, you can effectively navigate the aftermath of such incidents. At Schlichter Bogard, we leverage thorough investigation, skillful trial preparation, and the expertise of our team, many of whom have decades of experience as railroad workers, to ensure every railroad injury case is positioned for success.

The first step after a railroad injury is to fill out an accident/injury report. Be sure to note any defective equipment or hazardous conditions that contributed to the incident, and mention if the conduct of another person played a role in your injury. List all eyewitnesses and their contact information and take photos of the scene if possible.

It's crucial to see your doctor for any problems related to the incident. Avoid getting treatment from a railroad doctor to ensure unbiased medical care. Additionally, refrain from giving a written or recorded statement to a claims agent or signing any documents without legal counsel.

Inform your union representative about your injury to ensure they are aware of your situation and can offer support. Maintain detailed records of lost wages and any other expenses related to the injury. This documentation will be essential for your case.

At Schlichter Bogard, we understand the unique concerns of injured railroad employees, including fears of discipline and the loss of the ability to provide for their families. Our team is particularly sensitive to these concerns and has extensive experience in addressing them.







*Top-tier,  
uncompromising  
representation  
to America's railroad  
workers.*

*That's our brand.*



## Questions?

**As always, our team of nationally recognized Railroad Injury attorneys are available to answer any questions you have. Contact our office at [railroad@uselaws.com](mailto:railroad@uselaws.com) or 800-USE-LAWS.**

We hope that you found this newsletter informative and helpful. As always, if you have any questions, please [contact our team](#).

The information contained in this newsletter is provided for informational purposes only and does not constitute legal advice. Reading this newsletter and information contained herein does not constitute formation of an attorney-client relationship. Every potential case must be assessed in accordance with its unique facts and circumstances. If you believe you may have a legal claim, please request a free, confidential case evaluation with our team today.