

TRACTOR-TRAILER LITIGATION RETREAT

November 11-12

Kingsmill Resort
Williamsburg

Retreat Chair:

Jason W. Konvicka, *Allen, Allen, Allen & Allen*, Richmond

8.5 Hours CLE (1 hour of ethics) pending

AGENDA

Friday, November 11

8:00 am **Registration Opens and Breakfast** sponsored by Robson Forensics

8:55 am **Welcome and Opening Remarks** Jason Konvicka

9:00 am **Trucking Case Intake: Early Steps to Make or Break Your Case** (CLE=45 mins)
Bridget N. Long, *Allen, Allen, Allen & Allen*, Petersburg

We'll hit the ground running, starting with the basics. Bridget will cover how to investigate a tractor trailer case. She will also cover intake of the case and the early steps needed to preserve evidence along with a discussion of sources of electronic and video evidence that can be used to succeed in a tractor trailer case.

9:45 am **What Makes Truck Cases Unique: The Big Picture** (CLE=45 mins)
Joseph A. Fried, *Fried Goldberg, LLC*, Atlanta

Joe will discuss what distinguishes trucking cases from car crash cases. Issues he'll cover include driving mindset, characteristics of the vehicles and why that matters, dynamics of crashes, claims handling, the transportation cycle and its player, insurance, technology, documentation and value.

10:30 am **Break**

10:45 am **Sources of Trucking Standards – Federal Regs, CDL Manuals, etc.** (CLE=45 mins)
Michael J. Leizerman, *The Law Firm for Truck Safety LLP*, Toledo, OH

What are the standards of care in truck cases? Where do you find these standards and how do you introduce them in your case? Michael will answer these questions and demonstrate the practical and legal differences between truck crash and car crash cases.

11:30 am **Tire Failures and Other Defective Equipment in Trucking Cases** (CLE=30 mins)
Paul R. Hernandez, *Kalfus & Nachman, PC*, Norfolk

Where do all of the tire treads on the highway come from? Paul will explain the nature of tire failures in trucking cases and how to hold trucking companies responsible for defective and dangerous equipment.

12:00 pm **Lunch** sponsored by Physician Life Care Planning

1:00 pm **Recognizing and Resolving Ethics Issues in Trucking Cases** (CLE=60 mins ETHICS)
Rena M. Leizerman, *The Law Firm for Truck Safety LLP*, Toledo, OH

Rena will provide an update on the latest ABA formal opinions regarding remote work, increase understanding of the duty of technological competence, explain evolving social media issues in the professional misconduct context, explore professional misconduct pitfalls in settlement negotiations, and review common professional misconduct issues in trucking cases.

2:00 pm **Application of the Rules in Left Turn/U Turn Cases** (CLE=30 mins)
Joe Fried

Trucks are dangerous enough traveling in a straight line; controlling them is even more difficult during a turn. Reduced visibility, taking up multiple lanes, length of the truck, wheels not turning in unison, and navigating an intersection are just some of the factors. Joe will lead you in a deep dive into where to find and how to apply the trucking industry standards of care to a case involving a truck making a left turn or U-Turn.

2:30 pm **Application of the Rules in Bad Weather Cases** (49 CFR 392.14) (CLE=30 mins)
Robert E. Byrne Jr., *MartinWren, PC*, Charlottesville

In bad weather cases, Bob will explain how federal regulations, the CDL Manual, and other resources can be used to overcome contributory negligence and turn an otherwise unwinnable trucking case into a winner. Bob will show strategies and techniques for building a bad weather case through every stage of the litigation process.

3:00 pm **Break**

3:15 pm **Deposing the Safety Director in a Fatigue Case** (CLE=45 mins)
Carl L. Solomon, *The Solomon Law Group*, Columbia SC

Driver fatigue is one of the leading causes of tractor trailer crashes. Carl will explain how, why, and when to depose a trucking company's safety director in cases involving sleep apnea, driver fatigue, and hours of service violations.

4:00 pm **Deposing the Defendant Truck Driver in Cell Phone and Sudden Medical Emergency Cases** (CLE=30 mins)
Michael Leizerman

Sudden medical emergency is a defense seen with increasing frequency in truck cases. What are the elements of sudden medical emergency, and can they be overcome? This talk will give specific case example of sudden medical emergency. Michael will also explore cell phone download, what you might be missing, and protocol for obtaining a thorough download.

4:30 pm **Broker Liability in Virginia** (CLE=30 mins)
J. Gregory Webb, *MichieHamlett*, Charlottesville

Greg will lead you through a discussion of his experience with the laws and cover such questions as:

- What is broker liability in a commercial trucking case?
- When is it necessary or appropriate to pursue broker liability?
- What is the state of Virginia law regarding broker liability?
- What are potential limitations on broker liability?
- Is it worth pursuing broker liability in every commercial trucking case?

5:00 pm **Adjournment** Cocktail Reception sponsored by MoveDocs

Saturday, November 12

8:30 am **Breakfast** sponsored by Robson Forensics

9:00 am **Pre-Trip Inspection of a Tractor Trailer** (CLE=60 mins)
Brooks Rugemer, *Robson Forensic*, Lancaster PA, with Joe Fried and Michael Leizerman

We will have an actual tractor-trailer on site! Participate in a live inspection with discussion of legal requirements and practical uses in cases. Take a walk-through what drivers are required to do during a pre-trip inspection of both truck and trailer. Participants will have a chance to sit in truck and experience the differences in visibility (windows and mirrors) from that vantage point. Help your next case by knowing what a driver should be doing before they hit the road – what they should be looking at and what they could miss, potentially leading to the next accident.

10:00 am **New Opportunities and Pitfalls in Commercial Vehicle Cases/Non-Traditional Truck Cases** (CLE=45 mins)
Brooks Rugemer

The Commercial Transportation Industry is changing. New technology and new business models are changing long-time business practices and have brought as many questions as they have opportunities. Robson Forensic has developed a few new Practice Groups to address these changes.

10:45 am **Break**

11:00 am **Case Workshop**
Joe Fried and Michael Leizerman (*no CLE*)

This workshop will apply the standards of care, legal requirements, and industry standards from the day before and apply them to active cases. Our intent is to work on audience cases in real time. Bring your case(s) and Joe and Michael will walk you through the issues they see and standards of care, exploring how truck cases are different from liability and damages aspects. Don't miss this opportunity to tap into a wealth of knowledge and experience and get insight into points you may not have thought of.

12:45 pm **Final Thoughts/Wisdom from the Trenches** *(no CLE)*
Joe Fried and Michael Leizerman

Leave our program with some final tips and advice from two trucking trial lawyers based on successes and mistakes made from past cases and trials. Among the many topics discussed over the past two days, you will leave with parting words of wisdom, including the power of focus in a case – getting better results by setting out to prove less, how to narrow your case to make compelling arguments and how to frame damages in truck cases.

1:45 pm **Adjourn**