

A D I F F E R E N T A P P R O A C H

WINNING THE FOUR PHASES

2022 Leadership Conference
Georgia Motor Trucking Assn.

Doug Marcello
November 17, 2022

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INSURANCE

Rise in 'nuclear verdicts' in lawsuits threatens trucking industry

PUBLISHED WED, MAR 24 2021 8:08 AM EDT

UPDATED WED, MAR 24 2021 10:58 AM EDT

Contessa Brewer


@CONTESSABREWER

Katie Young

@KATIECNBC

ESCALATING COSTS

- **WHAT?/IMPACT**
- **WHY?/THREAT**
- **HOW?/RESPONSE**

An aerial photograph of a parking lot filled with various vehicles, primarily semi-trucks and trailers. The image is overlaid with a light blue grid pattern. In the center, the words "WHAT?" and "IMPACT" are written in large, bold, white, sans-serif capital letters. The text is semi-transparent, allowing the grid and some of the vehicles underneath to be visible. The overall color palette is dominated by shades of blue and white.

WHAT? IMPACT

An aerial photograph of a parking lot filled with various vehicles, primarily semi-trucks and trailers. The image is overlaid with a light blue grid pattern. In the center, the words "FINANCIAL IMPACT" are written in large, bold, white, sans-serif capital letters. The text is semi-transparent, allowing the background image to be seen through it. The overall color palette is dominated by shades of blue and white.

FINANCIAL IMPACT

The Perryman Group estimates that excessive tort costs to the US economy result in

- **\$284.8 billion** in annual direct costs,
- **\$429.35 billion** in annual output (gross product) and **4.24 million** jobs when dynamic effects are considered, and
- **\$70.3 billion** in annual federal revenues, **\$22.1 billion** in annual State revenues and **\$18.6 billion** in annual local government revenues.

Excess torts result in a “tort tax” of **\$1,303.10** per person.

Impact of Excessive Torts: United States

The Estimated Annual Impact Associated with Excessive Tort Costs
on Business Activity in the United States

| Industry | Total Expenditures | Gross Product | Personal Income | Employment |
|------------------------------|---------------------|---------------------|---------------------|-------------------|
| Agriculture | -\$13.911 b | -\$4.099 b | -\$2.636 b | -38,096 |
| Mining | -\$18.008 b | -\$4.333 b | -\$2.357 b | -12,995 |
| Construction | -\$41.560 b | -\$9.378 b | -\$4.092 b | -16,415 |
| Utilities | -\$51.105 b | -\$24.445 b | -\$20.144 b | -264,083 |
| Total Manufacturing | -\$137.634 b | -\$44.940 b | -\$25.157 b | -333,263 |
| Transportation and Utilities | -\$31.582 b | -\$21.365 b | -\$12.319 b | -130,156 |
| Information | -\$107.848 b | -\$81.011 b | -\$47.117 b | -1,346,329 |
| Wholesale Trade | -\$32.394 b | -\$21.027 b | -\$13.907 b | -176,619 |
| Retail Trade | -\$26.376 b | -\$16.262 b | -\$6.943 b | -57,832 |
| Financial Activities | -\$170.198 b | -\$61.356 b | -\$23.065 b | -218,417 |
| Business Services | -\$120.012 b | -\$86.674 b | -\$70.703 b | -803,264 |
| Health Services | -\$33.554 b | -\$23.188 b | -\$19.606 b | -302,123 |
| Other Services | -\$60.550 b | -\$31.272 b | -\$24.737 b | -545,368 |
| TOTAL | -\$844.729 b | -\$429.350 b | -\$272.783 b | -4,244,960 |

Units: Dollar amounts in billions of 2020 US dollars, employment in permanent jobs

Notes: Retail Trade includes Restaurants, Financial Activities includes Real Estate

Source: The Perryman Group

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TRANSPORTATION IMPACT

- **TOTAL IMPACT: \$31.582 BILLION**
- **GROSS PRODUCT: \$21.365 BILLION**
- **PERSONAL INCOME: \$12.319 BILLION**
- **EMPLOYMENT: 130,156**

ATRI TRILOGY

ATRI TRILOGY

- **NUCLEAR VERDICTS**
- **“SMALLER VERDICTS”**
- **INSURANCE COSTS**

Understanding the Impact of Nuclear Verdicts on the Trucking Industry

June 2020



Prepared by the American Transportation Research Institute



The Impact of Small Verdicts and Settlements on the Trucking Industry

November 2021



Prepared by the American Transportation Research Institute



The Impact of Rising Insurance Costs on the Trucking Industry

February 2022



Prepared by the American Transportation Research Institute



TRUCKING INSURANCE CRISIS


**90% INCREASED
PREMIUMS**

**12.5% INCREASED
INSURANCE**

18.3%

**NO INCREASED INSURANCE
50%+ INCREASE IN PREMIUM**

**KEY: INCREASED
RISK RETENTION**

An aerial photograph of a parking lot filled with various vehicles, primarily semi-trucks and trailers. The image is overlaid with a semi-transparent blue grid. In the center, the words "COMPANY" and "IMPACT" are written in large, bold, white, sans-serif capital letters. The text is centered horizontally and vertically. The background shows a mix of white, blue, and red vehicles, with some trucks parked in designated spots marked with blue lines and wheelchair symbols. A small white arrow points upwards in the top left corner of the image.

COMPANY IMPACT

TOTAL COST OF RISK

“LINGCHI”

An aerial photograph of a parking lot filled with various vehicles, primarily semi-trucks and trailers. The image is overlaid with a light blue grid pattern. In the center, the words "HUMAN IMPACT" are written in large, bold, white, sans-serif capital letters. The text is semi-transparent, allowing the grid and some of the vehicles underneath to be visible. The overall color palette is dominated by shades of blue and white.

HUMAN IMPACT

RANDY CLIFTON















HAPPY 4TH OF JULY

THE CASE



THE VERDICT




THE IMPACT







An aerial photograph of a parking lot filled with various trucks, including semi-trailers and box trucks. The image is overlaid with a semi-transparent blue filter. In the center, the text "WHY? / THE CAUSES" is written in large, bold, white capital letters. The background shows white parking lines and a few blue handicapped parking symbols. A small white arrow points upwards in the top left corner.

WHY? / THE CAUSES

THE JURORS

JURORS

- **ENTITLEMENT**
- **VICTIMIZATION**

WEALTH

57% of U.S. households paid no federal income tax last year as Covid took a toll, study says

PUBLISHED FRI, MAR 25 2022 9:01 AM EDT

UPDATED FRI, MAR 25 2022 11:33 AM EDT

ANTI-CORPORATE BIAS



Soccer Participation
Trophy – Series T3000

SOCIAL INFLATION



Bruce Springsteen Sells Music Catalog in Massive Deal

Sony Music Entertainment buys the Boss's entire corpus, including classics like "Born to Run," for an estimated \$550 million.



Bruce Springsteen at the Javits Center in New York in October. Krista Schlueter for The New York Times



hulu

THE

KARDASHIANS

KARDASHIAN KASH

THE KARDASHIAN-JENNERS EARNED OVER \$122.5 MILLION COMBINED BETWEEN JUNE 2015 AND JUNE 2016



CASINO- FICATION

DAN
NEWLIN
INJURY ATTORNEYS



DAN NEWLIN
INJURY ATTORNEYS

DATE January 3, 2022

PAY TO THE
ORDER OF

Juan

\$ 3,500,000

Three Million Five Hundred Thousand & ⁰⁰/₁₀₀ DOLLARS

MEMO **Car Accident**

Dan Newlin

⑆00⑆234567⑆ 267580⑆23400⑆⑆234

An aerial photograph of a parking lot filled with semi-trucks. The image is overlaid with a semi-transparent blue filter. In the center, the text "HOW?/THE THREAT" is written in large, bold, white, sans-serif capital letters. The parking spaces are marked with white lines, and some trucks are parked in a row. A small white arrow points upwards in the top left corner of the image.

HOW?/THE THREAT

TRAUMA TAX

- **40% OF COMPENSATION**
- **COSTS OF COLLECTION**
- **MEDICAL BILL PROFITS**
- **20% INTEREST—PRE-RECEIPT**

**40 PERCENT
PLUS COSTS**

**INVEST IN
INFLUENCE**




LEGAL LOBBYING

Top Lobbying Clients, 2021

| Client/Parent | Total |
|---|-------------|
| American Assn for Justice | \$4,663,000 |
| American Bar Assn | \$940,000 |
| Burford Capital | \$700,000 |
| Fay Law Group | \$280,000 |
| National Academy of Elder Law Attorneys | \$264,000 |

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| Client/Parent | Total |
|---------------------------|---|
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| American Bar Assn |  \$940,000 |
| Burford Capital |  \$700,000 |

|

Perceptions of Bias: Do Campaign Contributions Create Public Perceptions of Judicial Bias?

by **Thomas E. McClure**

Fall/Winter 2018 | Volume 102 Number 3




Both the public and the legal community believe campaign contributions influence judicial decisions. Laypersons appear to perceive little difference between an attorney lending money to a judge and contributing money to a judicial campaign. For example, in a January 2009 USA Today/Gallup poll, 52 percent of respondents considered the influence of campaign contributions on judges' rulings to be a major problem, and 89 percent said it was at least a minor problem. More than 90 percent of respondents believed a judge should be removed from a case involving a party that donated to the judge's election campaign.¹⁵ Members of the legal community have voiced similar concerns. For example, in a 2001-02 poll of 188 state supreme court judges, 527 state appellate court judges, and 1,713 state

contributing money to a judicial campaign. For example, in a January 2009 USA Today/Gallup poll, 52 percent of respondents considered the influence of campaign contributions on judges' rulings to be a major problem, and 89 percent said it was at least a minor problem. More than 90 percent of respondents believed a judge should be removed from a case involving a party

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**COMPOUND
BY
FINANCING**

Litigation Finance



Legalist

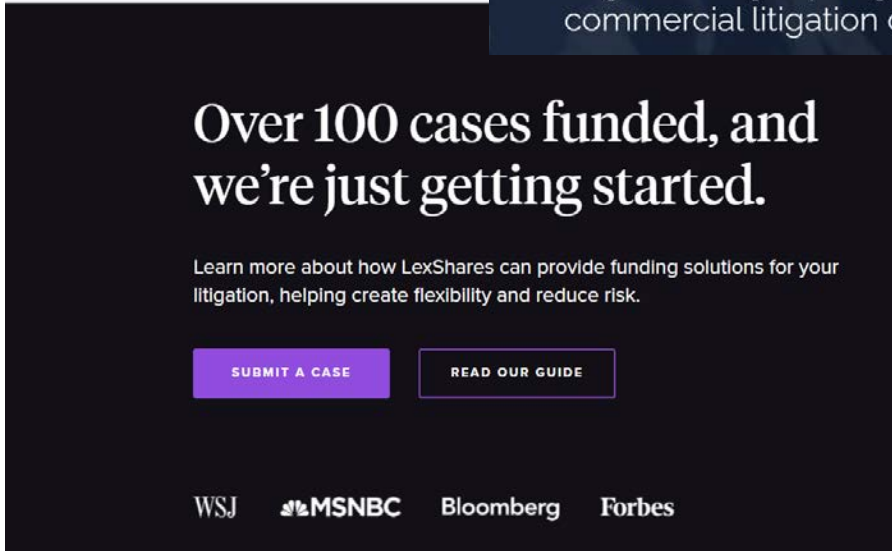
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Litigation Finance

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WSJ MSNBC Bloomberg Forbes



The stock market of litigation financing.

Buy and sell tokens that represent shares in a litigation and access a multi-billion dollar investment class previously unavailable to the public.



50%+
Annual Returns

\$10B+
Asset Class

The stock market of litigation financing.

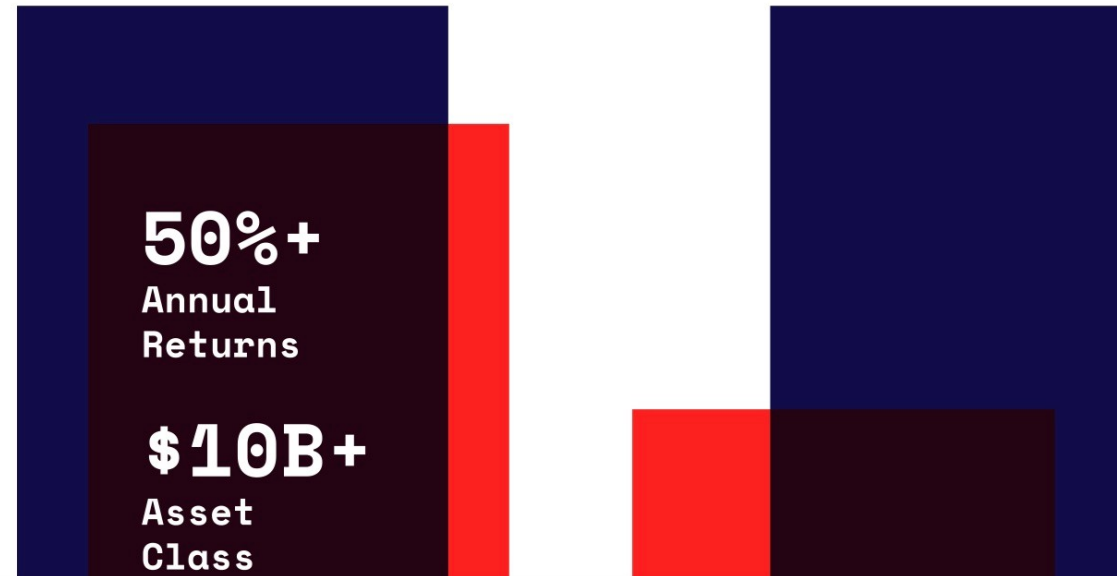
Buy and sell tokens that represent shares in a litigation and access a multi-billion dollar investment class previously unavailable to the public.

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investment class previously unavailable to the public.

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THE **ROBERT
LUDLUM**
Author of *THE SCARLETT INHERITANCE*
and *THE OSTEOMAN WEEKEND*

**MATLOCK
PAPER**



A NOVEL



LITIGATION INSURANCE

Litigation Cost Protection, insurance for cost disbursements

- Coverage is bound immediately online
- Case-by-case coverage
- Reimburses all costs up to policy limits following a trial loss

BUY A POLICY



A+



MEDICAL FINANCING



INJURY FINANCE

I/F

HEALTHCARE FUNDING EXPERTS

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– A PHYSICIAN OWNED COMPANY
PUTTING YOUR INTERESTS FIRST –

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Injury Finance offers transportation services.

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INJURY FINANCE
I/F
HEALTHCARE FUNDING EXPERTS

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[#throwbackthursday](#) to our happy hour with [Touchstone Medical Imaging, LLC](#) at Rhein Haus Denver. This was an incredible event with an amazing turn out! We love hosting these events because we get to build lasting connections with both providers and attorneys to find the best ways to help clients.

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**FUELED BY
ADVERTISING**



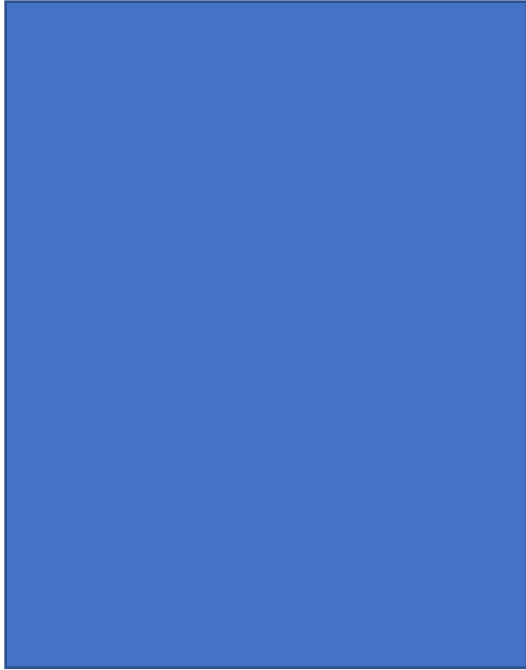
Study: Trial Lawyers Spent \$1.4 Billion on Advertising in 2021

PRESS RELEASES | February 22, 2022

Trial lawyer groups flooded airways with more than 15 million local TV ads last year

A new report analyzing trial lawyer advertising over the past five years revealed that \$6.8 billion was spent on more than 77 million national and local ads between 2017 and 2021.

LEGAL ADVERTISING—BY STATE



- California: \$85.3 million; 809k ads
- Georgia: \$60.6 million; 859k ads
- New York: \$59.3 million; 833k ads
- Pennsylvania: \$36.2 million; 416k ads
- Louisiana: \$34.8 million; 783k ads
- Illinois: \$30 million; 248k ads

LEGAL ADVERTISING—OUTDOORS

All Outdoor Ads

| Year | \$ Spent |
|--------------|------------------------|
| 2017 | \$150,304,939 |
| 2018 | \$181,256,992 |
| 2019 | \$220,972,101 |
| 2020 | \$232,086,175 |
| 2021* | \$253,135,539 |
| TOTAL | \$1,037,755,746 |

**Thru November*

LEGAL ADVERTISING—TELEVISION

National Data & Analysis

National TV Ads

| Year | \$ Spent | # of Ads |
|--------------|----------------------|----------------|
| 2017 | \$152,303,252 | 127,388 |
| 2018 | \$143,028,535 | 102,208 |
| 2019 | \$217,616,256 | 136,611 |
| 2020 | \$151,718,241 | 97,783 |
| 2021* | \$97,007,826 | 71,187 |
| TOTAL | \$761,674,110 | 535,177 |

**Thru November*

All Ads

| Year | \$ Spent | # of Ads |
|--------------|------------------------|-------------------|
| 2017 | \$1,225,214,253 | 13,321,998 |
| 2018 | \$1,302,718,564 | 13,899,679 |
| 2019 | \$1,505,440,140 | 16,162,873 |
| 2020 | \$1,395,858,877 | 16,480,065 |
| 2021* | \$1,420,747,547 | 17,378,165 |
| TOTAL | \$6,849,979,381 | 77,242,780 |

**Thru November*

LEGAL ADVERTISING—TELEVISION

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All Ads

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**Thru November*

In 2021, more than 15 million ads for legal services aired on local television broadcast networks in the 210 media markets across the U.S., totaling approximately \$971.6 million spent. By comparison, pizza restaurants spent \$67.4 million on a mere 845,000 ads while furniture retailers spent \$589 million on 4.8 million ads aired on local television broadcast networks. Additionally, trial lawyer groups aired more than 71,000 ads on national cable television at an estimated cost of \$97 million.

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**DRIVEN
BY
GREED**



Eric Miller | Senior Reporter

April 12, 2022 12:07 PM, EDT

Staged-Accident Convictions in New Orleans Reach 35

Three More Plead Guilty Resulting from June 2016 Incident



The three most recent convictions stem from a faked accident in June 2016. (Michal Chodyra/Getty Images)



ABA JOURNAL

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/ [Plaintiffs lawyer Tom Girardi, estranged...](#)

ETHICS

Plaintiffs lawyer Tom Girardi, estranged husband of 'Real Housewives' star, is disbarred

BY [DEBRA CASSENS WEISS](#)

JUNE 3, 2022, 8:39 AM CDT



ETHICS

Plaintiffs lawyer Tom Girardi, estranged husband of 'Real Housewives' star, is disbarred

BY DEBRA CASSENS WEISS

JUNE 3, 2022, 8:39 AM CDT



Tweet



Share



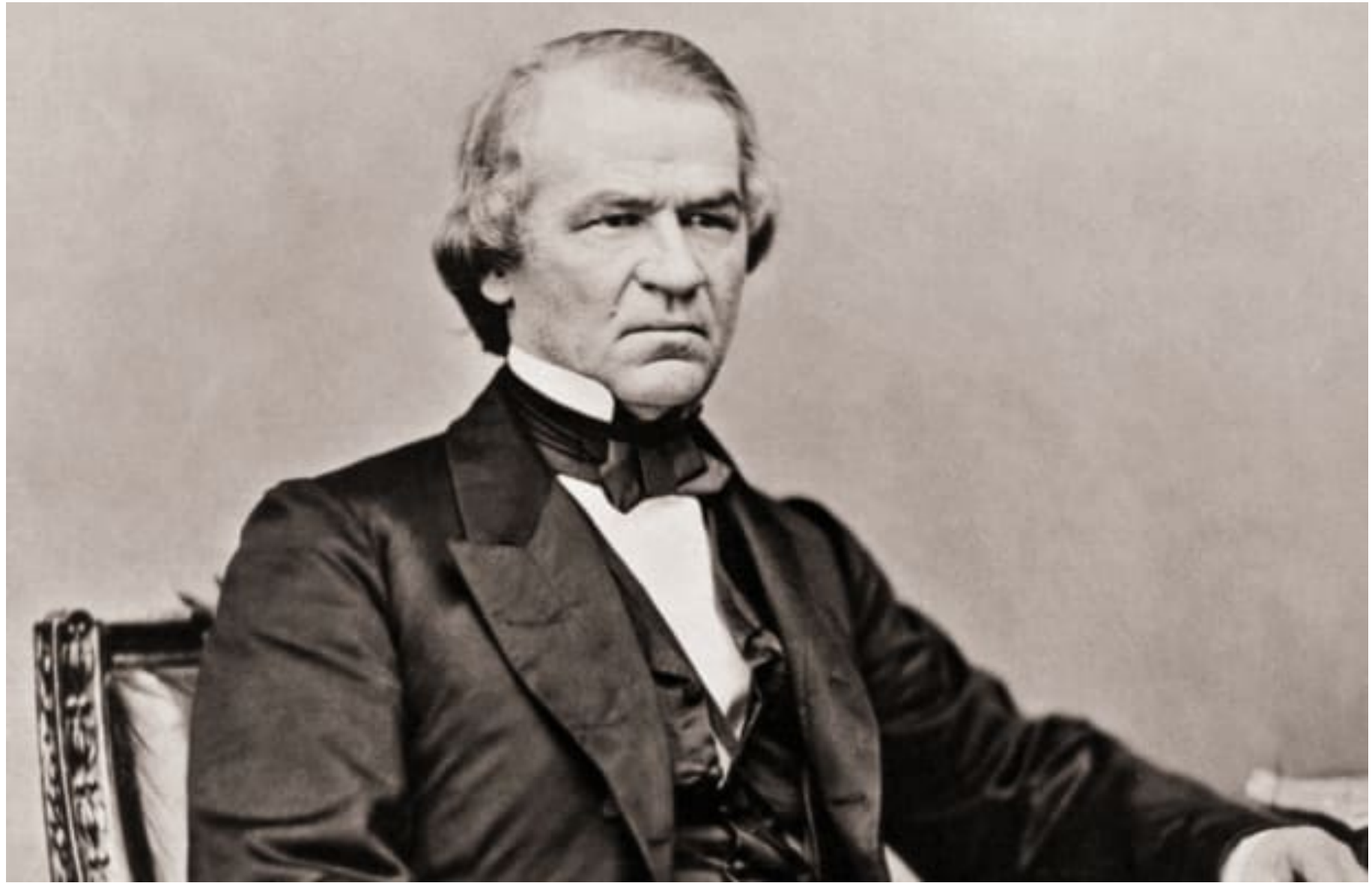


An oceanfront condominium building in Santa Monica where then-Justice Tricia Bigelow bought a unit in 2015. Tom Girardi was having an extramarital affair with Bigelow and he wired her \$300,000 from a client trust account at the time she closed on the property. (Christina House/Los Angeles Times)

A judge's affair with Tom Girardi, a beachfront condo and a \$300,000 wire from his firm

**PRESIDENT
JOHNSON**











THE
MASH
UP

An aerial photograph of a parking lot filled with various trucks, including semi-trailers and box trucks. The image is overlaid with a semi-transparent blue filter. In the center, the words "CURRENT RESPONSE" are written in large, bold, white, sans-serif capital letters. The background shows white parking lines and a few blue handicapped parking symbols. A small white arrow points upwards in the top left corner of the image.

CURRENT RESPONSE



A person in a dark jacket and pants stands in the center of a parking lot, looking towards a row of semi-trucks. The scene is overlaid with a blue tint. The text "REPTILE STRATEGY" is written in large, white, bold, sans-serif capital letters across the middle of the image.

REPTILE STRATEGY

DAVID BALL



DON KEENAN



RESEARCH TEAM

DAVID BALL
JAMES E. FITZGERALD
GARY C. JOHNSON
DON KEENAN

REPTILE

THE 2009 MANUAL OF
THE PLAINTIFF'S REVOLUTION

SURVIVAL

DAVID BALL



DON KEENAN



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REPTILE

THE 2009 MANUAL OF
THE PLAINTIFF'S REVOLUTION

REPTILE PREMISE

- **THREAT TO SAFETY**
- **THREAT TO COMMUNITY SAFETY**
- **VERDICT WILL IMPROVE SAFETY**

**NOT ABOUT THE
ACCIDENT**

ABOUT THE COMPANY

**SYSTEMICALLY
UNSAFE**

Breaking News About Board Certification in Truck Accident Law – click here for information



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May
4

Webinar: Framing the
Truck Crash Case.
System Failures:
Showing the Story

Webinar: Framing the Truck
Crash Case. System Failures:
Showing the Story presented
by Michael Maggiano....

ATAA Success Stories

Truck Accident Attorneys



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May
4

Webinar: Framing the
Truck Crash Case.
System Failures:
Showing the Story

Webinar: Framing the Truck
Crash Case. System Failures:
Showing the Story presented
by Michael Maggiano....

**THE STANDARD
RESPONSE...**

...TACTICAL

TACTICAL RESPONSE

-DEPOSITIONS

-DISCOVERY

-MOTIONS

-TRIAL TACTICS





A person is standing in a parking lot with several semi-trucks. The image is overlaid with a blue tint. The text "NEED TO CHANGE" is written in large, white, bold, sans-serif capital letters across the center of the image. The person is standing in the foreground, looking towards the trucks. The trucks are parked in rows, and the background shows a clear sky.

NEED TO CHANGE





**NEED TO
CHANGE**

A person is standing in a parking lot, looking at a document. In the background, several semi-trucks are parked. The entire image is overlaid with a blue tint. The text "CHANGE TO WIN" is written in large, white, bold, sans-serif capital letters across the center of the image.

CHANGE TO WIN

**WIN THE
FOUR PHASES**



LITIGATION

**PRE-
SUIT**

LITIGATION



```
graph LR; A[ACCIDENT RESPONSE] --> B[PRE-SUIT]; B --> C[LITIGATION]
```

**ACCIDENT
RESPONSE**

PRE-SUIT

LITIGATION

```
graph LR; A[PRE-ACCIDENT] --> B[ACCIDENT RESPONSE]; B --> C[PRE-SUIT]; C --> D[LITIGATION]
```

**PRE-
ACCIDENT**

**ACCIDENT
RESPONSE**

PRE-SUIT

LITIGATION

PHASE 1: LITIGATION

LITIGATION

- **AGGRESSIVE**
- **TO “WIN”...NOT “BILL”**

**SETTLEMENT:
90%-95%**

MARKET DISTORTION

AWARDS OVER \$500K

50.3% SETTLEMENTS

31.5% VERDICTS

**PHASE 2:
POST-
ACCIDENT**

**ELIMINATE THE
“DARK PERIOD”**

ELIMINATE “DARK PERIOD”

- **IMMEDIATE OUTREACH**
- **PUSH BACK**
- **PRE-SUIT IME**
- **SURVEILLANCE**
- **“SUE THEM FIRST”**



Eric Miller | Senior Reporter

April 20, 2022 2:41 PM, EDT

Pennsylvania Lawyer Employs Creative Strategy in Crash Case



simpson33/Getty Images

[Stay on top of transportation news: [Get TTNews in your inbox.](#)]

The crash occurred on a chilly morning in Bensalem Township, Pa., between a tractor-trailer and a passenger vehicle traveling at what witnesses described as a "relatively fast speed." The truck driver wasn't injured, but the driver of the passenger car was killed. After a thorough investigation, police determined fault for the accident was shared between the two.

That determination provided trucking defense attorney Doug Marcello of Carlisle, Pa., with an opportunity to deploy a little-used legal strategy to

**PHASE 3:
ACCIDENT
RESPONSE**

IMMEDIACY

PREPARATION



RESPONSE PLAN

ACCIDENT RESPONSE

- **DRIVER TRAINING**
- **DISPATCHER TRAINING**
- **DRIVER EQUIPPED**
- **EXPERT**

**PHASE 4:
PRE-
ACCIDENT**

REALITY

- **ACCIDENTS OCCUR**
- **LAWSUITS FOLLOW**

PRE-ACCIDENT

- **PROACTIVE**
- **STRATEGIC DEFENSE**
- **FOCUS ON CONSEQUENCES
OF RISK**

PROACTIVE

A person is standing in a parking lot with several semi-trucks. The image is overlaid with a blue tint. The text "STRATEGIC DEFENSE" is written in large, white, bold, sans-serif capital letters across the center of the image.

STRATEGIC DEFENSE

**REPTILE
THEORY:
STRATEGIC
ATTACK**

A STRATEGIC DEFENSE

**TAKEN FROM
THE PAGES OF...**

DAVID BALL



DON KEENAN



RESEARCH TEAM

DAVID BALL
JAMES E. FITZGERALD
GARY C. JOHNSON
DON KEENAN

REPTILE

THE 2009 MANUAL OF
THE PLAINTIFF'S REVOLUTION





Pearl Harbor's vulnerability to an attack from Japan had been noted by American officials as early as 1925, and was subsequently demonstrated by a US Navy exercise which proved how quickly its ships could be sunk and its defences put out of commission by enemy aircraft. The problem, then, was not that alarm bells weren't ringing before Pearl Harbor; it was that they went unheard in America.

As David Porter explains in the new issue of *Military History Matters*, the US Navy's prescient scenario-planning exercise was largely ignored by US decision-makers – but it had a far greater impact in Japan. Its lessons were incorporated into the curriculum at the IJN Naval Academy, where the students' 1936 final exam even included the ominous question: 'How would you carry out a surprise attack on Pearl Harbor?'

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REPTILE VULNERABILITIES

DAVID BALL



DON KEENAN



RESEARCH TEAM

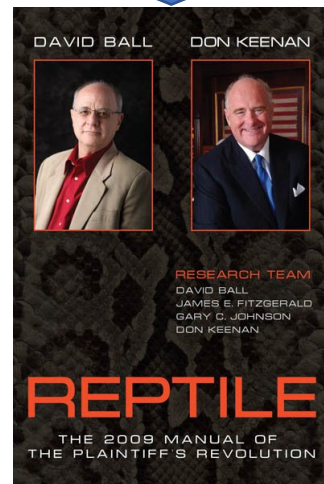
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DON KEENAN

REPTILE

THE 2009 MANUAL OF
THE PLAINTIFF'S REVOLUTION

“...THE REPTILE WILL NOT
HELP IF YOUR CASE IS NOT
LEGITIMATE.”

P. 49



**UNDERMINE
LEGITIMACY OF
CLAIM**

**REPTILE CLAIM:
NOT ACCIDENT**

**REPTILE CLAIM:
SYSTEMIC**

REPTILE CLAIM: CORPORATE

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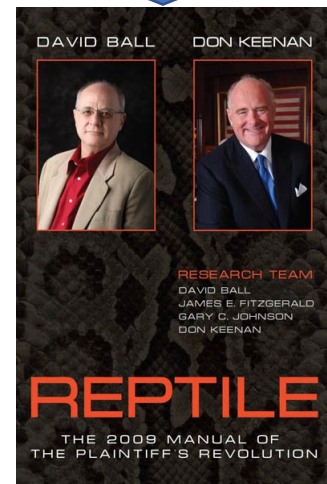
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DON KEENAN

REPTILE

THE 2009 MANUAL OF
THE PLAINTIFF'S REVOLUTION

“SINCE NO ONE CAN PREVENT
INADVERTANCE (MISTAKES, ERROR,
ACCIDENTS, MISJUDGMENTS) THE
REPTILE IGNORES IT.”

P. 53



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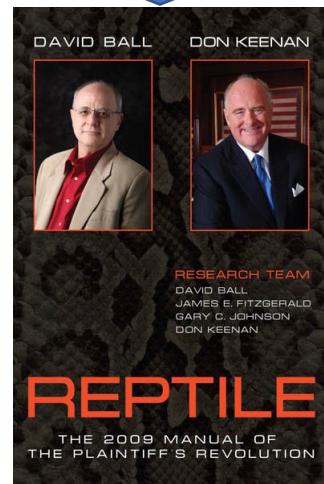
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REPTILE

THE 2009 MANUAL OF
THE PLAINTIFF'S REVOLUTION

“FREAK ACCIDENTS RARELY AWAKEN THE REPTILE BECAUSE THEY CANNOT BE PREVENTED. BUT WHEN SOMETHING HAPPENS OFTEN, THE REPTILE GETS CONCERNED”

P. 31



**ACCIDENT:
NOT SYSTEMIC**

**REPTILE CLAIM:
CORRECT BY
VERDICT**

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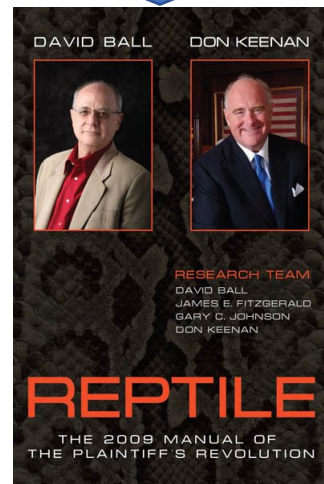
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REPTILE

THE 2009 MANUAL OF
THE PLAINTIFF'S REVOLUTION

“...REPTILE IGNORES
THREATS THAT CANNOT BE
MELIORATED.”

P. 30



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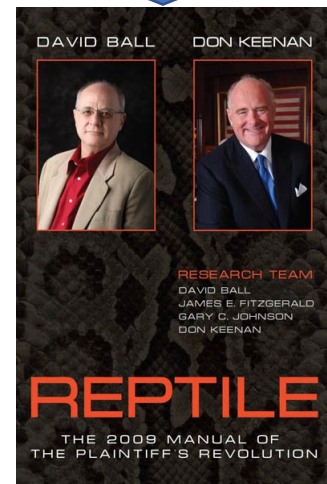
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REPTILE

THE 2009 MANUAL OF
THE PLAINTIFF'S REVOLUTION

“REMEMBER: THE REPTILE DOES NOT FIGHT DANGERS UNLESS YOU CAN ALSO SHOW HOW THE DANGER CAN BE MELIORATED.”

P. 38



**NOTHING TO
CORRECT**

REPTILE VULNERABILITY

-ILLEGITIMATE CLAIM

-INADVERTANT CAUSE

-NO CORRECTION WOULD CHANGE

PROACTIVE

An aerial photograph of a parking lot filled with various trucks, including semi-trailers and box trucks. The image is overlaid with a semi-transparent blue filter. In the center, the text "CURRENT FOCUS: RISK ELIMINATION" is written in large, bold, white capital letters. The background shows white parking lines and a few blue handicapped parking symbols. A small white arrow points upwards in the top left corner of the image.

CURRENT FOCUS: RISK ELIMINATION

CURRENT FOCUS

- **TECHNOLOGY**
 - **DRIVER ANALYTICS**
 - **PREDICTIVE ANALYTICS**
- **ACCIDENT PREVENTION**

TECHNOLOGY LIMITATIONS

DRIVER ANALYTICS

- **ACCIDENT REDUCTION**

- **50%**
- **20%**

- **ACCIDENT REMAINDER**

- **50%**
- **80%**

PREDICTIVE ANALYTICS





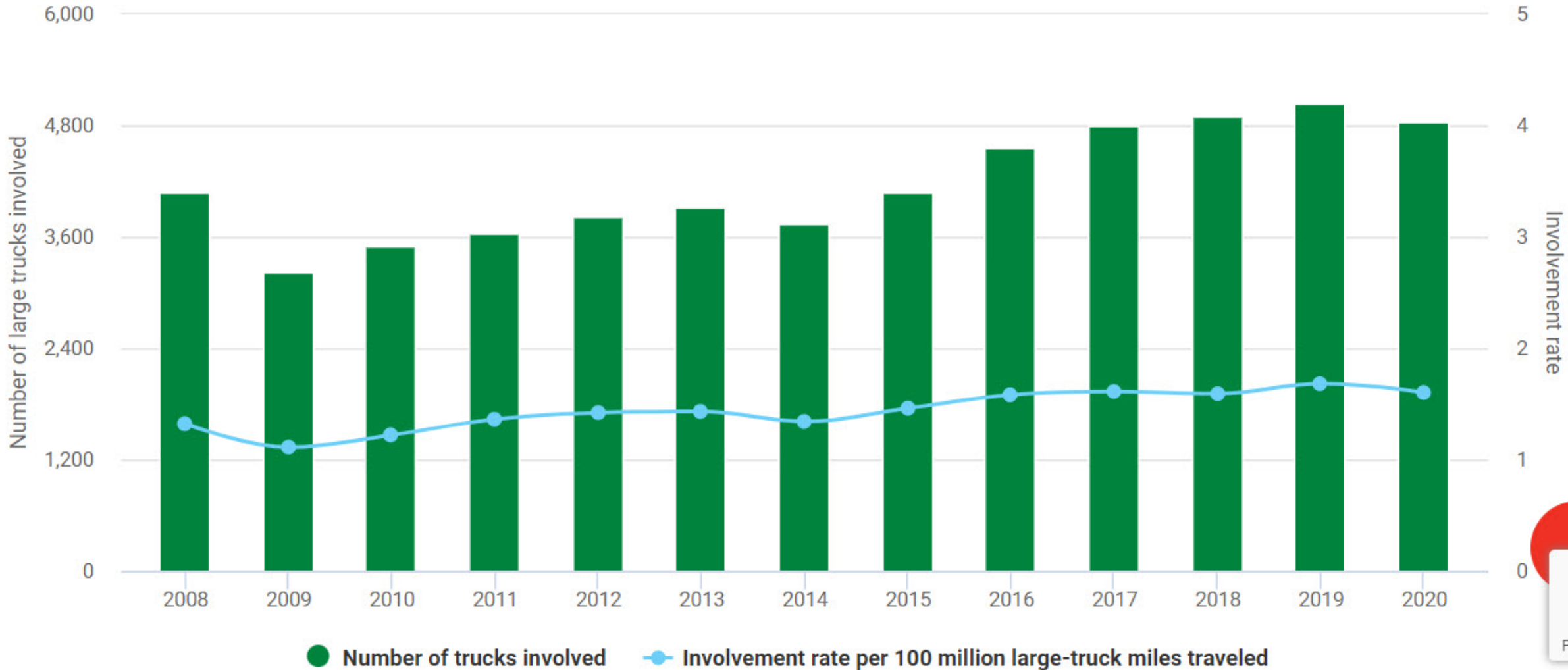
PREDICTIVE ANALYTICS

- **CROSS LANE ACCIDENT**
- **ESCORT ACCIDENT**

ACCIDENT PREVENTION

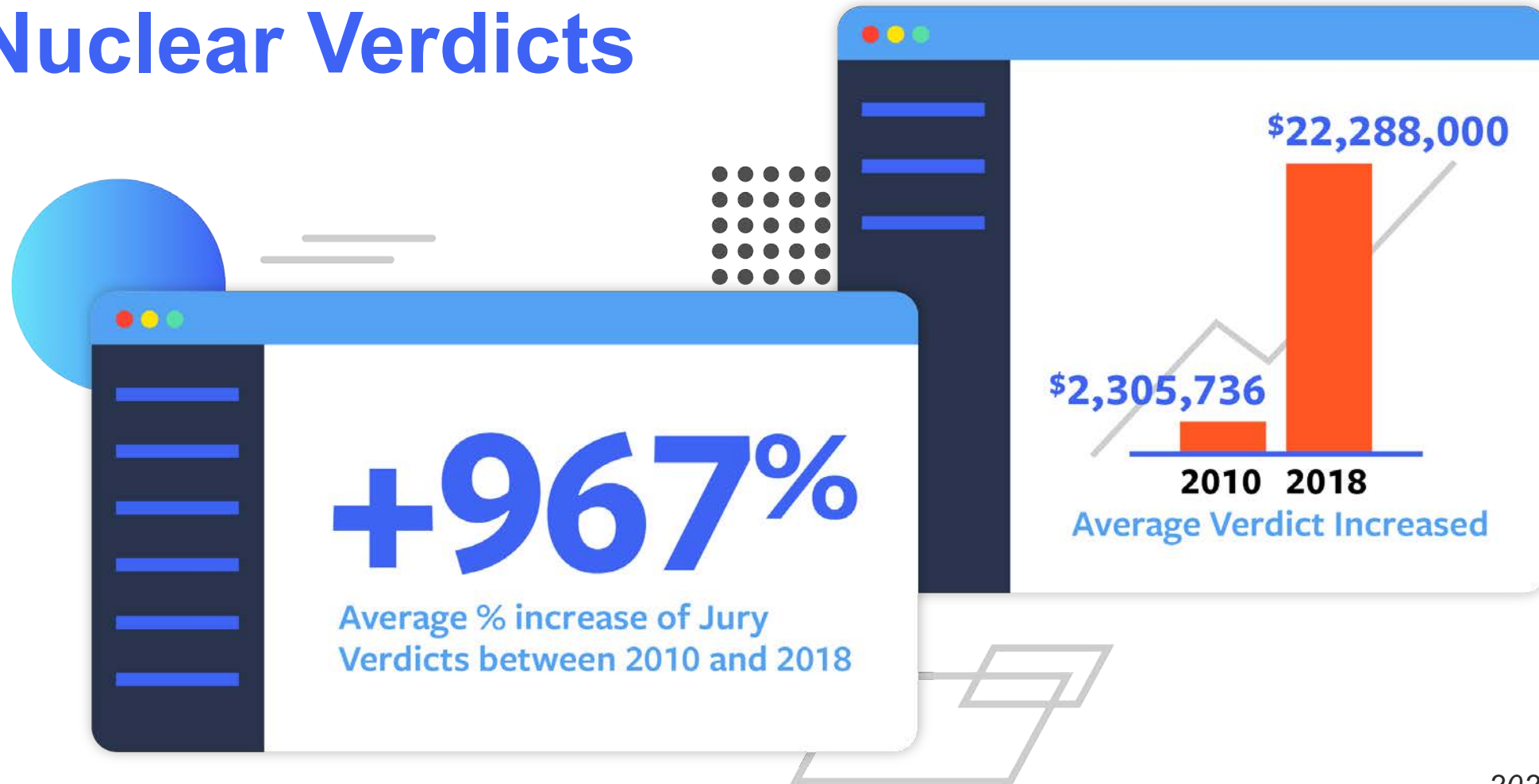
\$9.5 BILLION

Large-truck involvement in fatal crashes



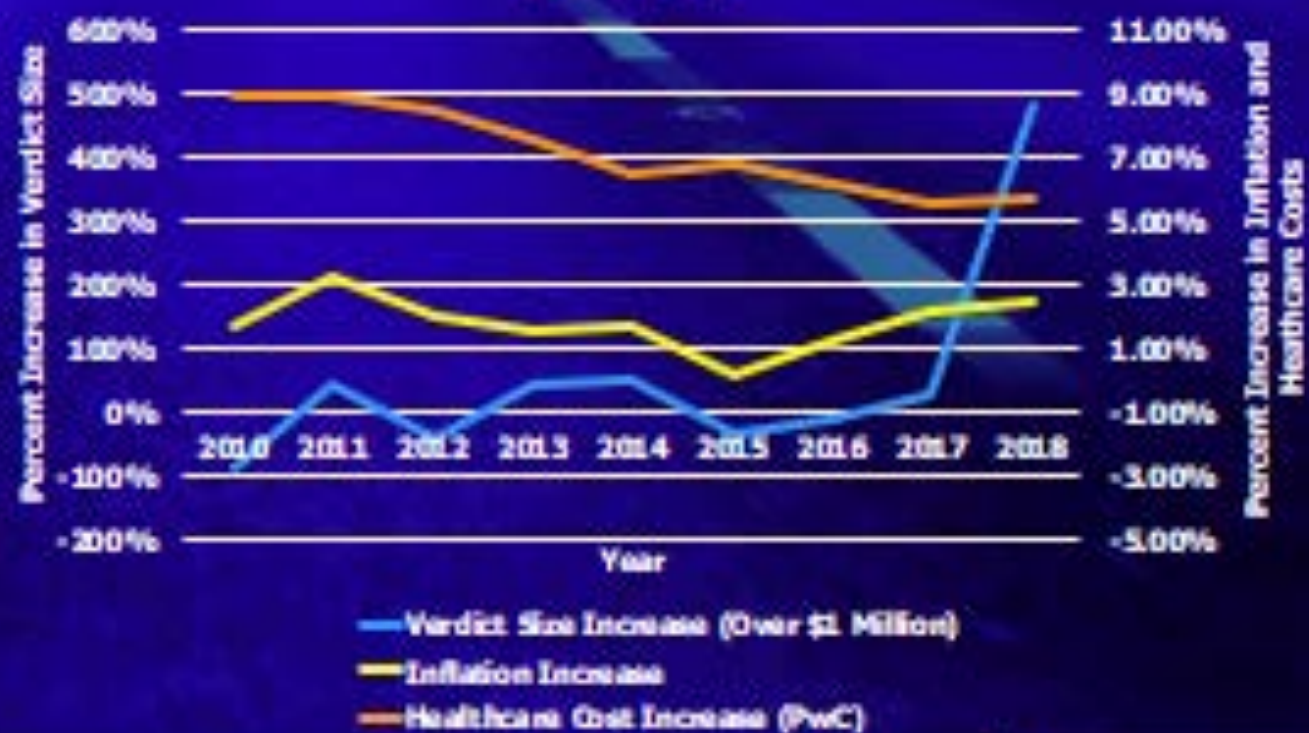
Priv

An Exponential Rise In Nuclear Verdicts



2020 Study by ATRI
Understanding Nuclear Verdicts

Average Verdict Size / Inflation / Healthcare Costs



MITIGATION OF RISK

NATURAL DISASTER

**MITIGATE THE
CONSEQUENCES**

CONSEQUENCES OF RISK

- **HURRICANES**
- **EARTHQUAKE**

NEW ORLEANS HURRICANE

- **500,000 STRUCTURES DESTROYED**
- **300,000 PEOPLE NOT EVACUATED**
- **175,000 PEOPLE INJURED**
- **200,000 PEOPLE SICK**
- **60,000 PEOPLE DEAD**

HURRICANE PAM

The Hurricane Pam exercise reflected recognition by all levels of government of the dangers of a catastrophic hurricane striking New Orleans

- Phone and sewer services would be knocked out and chemical plants would be flooded;
- 97 percent of all communications would be down;
- About 175,000 people would be injured, 200,000 would become sick, and more than 60,000 would be killed;
- About 1,000 shelters would be needed for evacuees;

PROACTIVE DEFENSE

“THE DISCOVERY FALLACY”

Friday

11:05 AM - 11:20 AM

Breakout Session-Standards of Care

Trucks: Treasure Troves of Data!

General Session

Telematics Systems: What They Are, How to Use the Rules of Procedure to Obtain the Data, and Standards for Admissibility

Friday

9:00 AM - 9:30 AM

General Session

Cell Phones and Mobile Devices: What Data Exists, How to Get it, and How to Make it Admissible

Friday

9:30 AM - 10:15 AM

General Session

Examples of Telematics in Real Cases

General Session

Telematics Systems: What They Are, How to Use the Rules of Procedure to Obtain the Data, and Standards for Admissibility

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9:30 AM - 10:15 AM

General Session

Admissible

Friday

9:30 AM - 10:15 AM

General Session

Examples of Telematics in Real Cases

General Session

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General Session

Cell Phones and Mobile Devices: What Data Exists, How to Get it, and How to Make it Admissible

Friday

9:30 AM - 10:15 AM

General Session

Examples of Telematics in Real Cases

Friday, September 24, 2021 - GENERAL SESSION

| TIME | TOPIC |
|---|--|
| 7:30am – 8:30am | Breakfast in Exhibit Hall Sponsored by Plaintiffs MSA & Lien Solution |
| TECHNOLOGY IN TRUCKING CASES MODERATOR: Tom Metier | |
| 8:30am – 9:00am 30 min | Telematics Systems: What They Are, How to Use the Rules of Procedure to Obtain the Data, and Standards for Admissibility |
| 9:00am – 9:30am 30 min | Cell Phones and Mobile Devices: What Data Exists; How to Get it, and How to Make it Admissible |
| 9:30am – 10:15am 45 min | Examples of Telematics in Real Cases |
| 10:15am – 10:35am 20 min | Refreshment Break in Exhibit Hall |

DEPOSITION QUESTIONS

DEPOSITION: WHY NOT?

-DIDN'T THINK OF IT

-DISCOVERABLE

PLAINTIFF: WHY NOT?

-IGNORANCE

-LACK OF CARE

-PROFITS OVER SAFETY

-DISCOVERABLE

SECOND EDITION

WITH A NEW SECTION: "ON ROBUSTNESS & FRAGILITY"

NEW YORK TIMES BESTSELLER

THE
BLACK SWAN



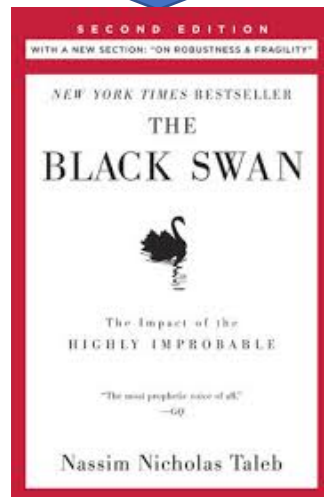
The Impact of the
HIGHLY IMPROBABLE

"The most prophetic voice of all"

—GO

Nassim Nicholas Taleb

**“BLACK SWAN LOGIC MAKES
WHAT YOU DON'T KNOW FAR
MORE RELEVANT THAN WHAT YOU
DO KNOW”**



INDUSTRY IMAGE

Saturday

2:00 PM - 2:30 PM

**General Session-Cutting
Edge Trial Tactics**

**Getting Jurors to Cast the
Trucking Company as the
Villain in Your Trial Story**



Michael Cowen

Getting Jurors to Cast the Trucking Company as the Villain in Your Trial Story



OUR STORY

ON BLAST





Crete Carrier Corporation



10,610 followers

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Brett Bamber received his ATA One Million Safe Miles Award from Cheyenne Terminal Manager Jael Ybarra. ...see more



Brett Bamber
One Million Safe Miles
Cheyenne Terminal



22

1 comment · 1 share



Like



Comment



Share



Send



ABF Freight

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Congratulations to ABF Freight driver Fritz Konen of Sheboygan, WI, for achieving 15,000 hours of accident-free driving! We are proud of you! 🙌





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Congratulations to ABF Freight drivers who recently competed in the 2022 Missouri Truck Driving ...see more





NFI

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In celebration of our 90th anniversary, NFI employees chose ten organizations across the U.S. and Canada to receive a donation. Yesterday NFI's President and Vice Chairman [Ike Brown](#) presented a check to [Cancer Pathways](#) in Seattle, Washington to support their mission.

Learn more about the other organizations that were chosen: <https://lnkd.in/efJcYAAy>







RANDY CLIFTON



GET OUT
“THE WORD”

Saturday

2:00 PM - 2:30 PM

**General Session-Cutting
Edge Trial Tactics**

**Getting Jurors to Cast the
Trucking Company as the
Villain in Your Trial Story**



Michael Cowen

dbm@saxtonstump.com

- **Accident Response Forms**
- **Training Videos**
- **Articles/Cases-cdl-law.com**
- **Newsletter**
- **Videos—Youtube**
- **Podcasts—”Transport Center”**

dbm@saxtonstump.com

- **Social Media**
 - **Facebook-Doug Marcello**
 - **Twitter-@dougmarcello**
 - **Linkedin-dougmarcello**
 - **Youtube-TransportCenter**