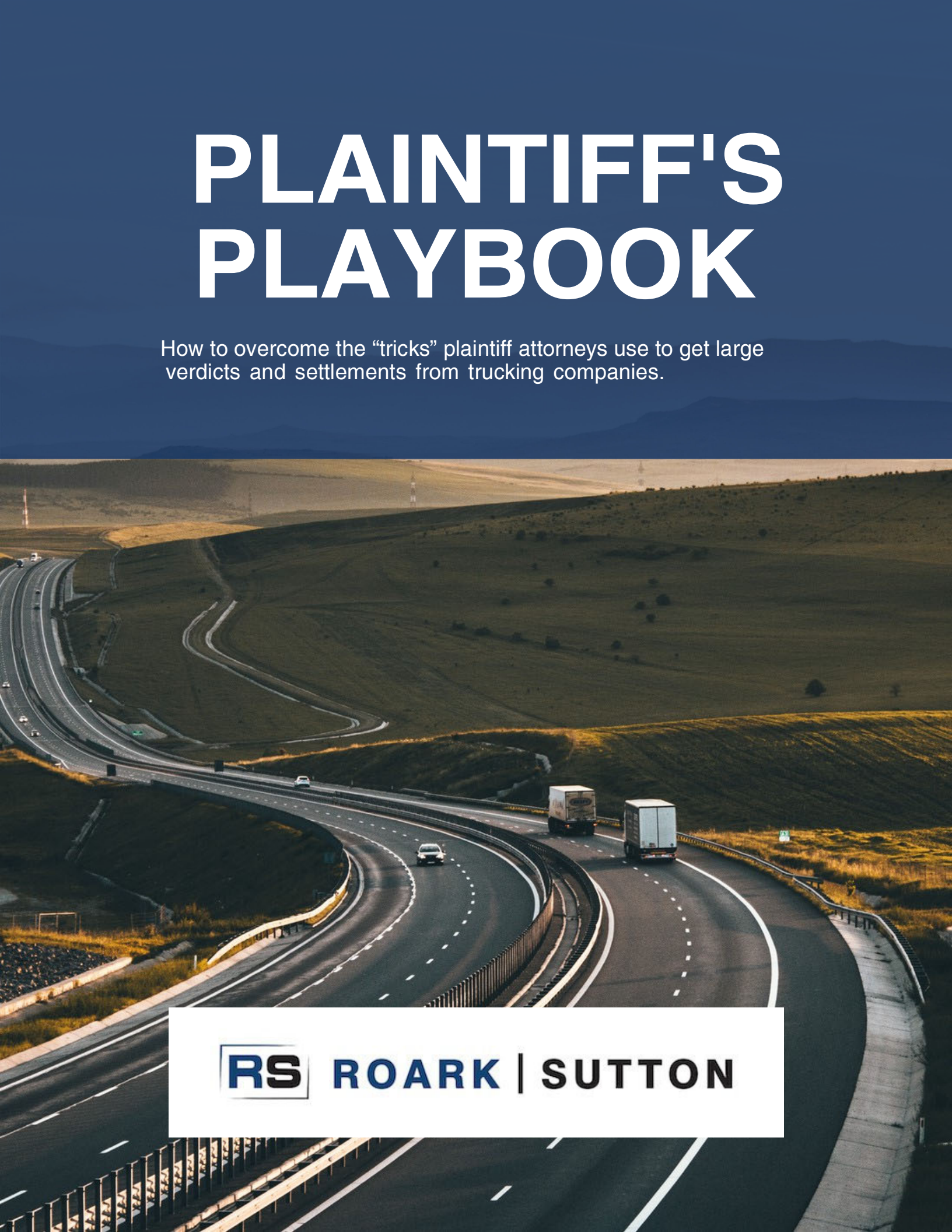


PLAINTIFF'S PLAYBOOK

How to overcome the “tricks” plaintiff attorneys use to get large verdicts and settlements from trucking companies.



RS ROARK | SUTTON

BACKGROUND

We studied a course taught by a trucking trial attorney, teaching plaintiff attorneys how to increase settlements and get better verdicts.

Taking this information, we created the following resource to counter the strategies that were outlined in the training.

ABOUT ROARK & SUTTON

We help companies frustrated with rising insurance costs and excessive litigation reduce costs, have a say in how claims are handled, and become a deterrent to plaintiff attorneys.

CHECKLIST

- Order MVRs directly from states of prior employment to see if your online service matches. It is often found that MVRs from an online service are missing violations.
- Order the FMCSA's Pre-Employment Screening Program (PSP) report at hiring.
- Document and perform the investigation into a driver's prior employment.
 - If no response is given by a motor carrier, report the company to the FMCSA.
- Ensure a documented road test is done at hiring.
- Have a written MVR standard and hold drivers to it.
 - Don't have multiple "final warnings".
- Evaluate current drivers on a yearly basis:
 - Yearly MVRs
 - Evaluate other safety data: telematics and roadside inspections
 - Document the evaluation in the driver file
- Ensure that driver files have the history of a yearly MVR pull.

CHECKLIST

- Have documented yearly training on: fatigue, distracted driving, drug & alcohol, equipment maintenance, and defensive driving.
- Have a written test for understanding on all training material.
- Ensure that your distracted driving policy covers more than just hand-held phone use such as eating, reading, grooming, watching video-based media, and social media
- Monitor and address signs of distracted driving:
 - Unintended lane changes
 - Hard braking
- Have a coaching plan on unsafe driving events sent from telematics.
- Have a hard rule and follow through when the following driver violations occur:
 - Reckless Driving
 - Following too closely
 - Excessive Speeding
 - Improper lane change
- Have a yearly driver quiz on the following basics:
 - How far are you supposed to look ahead in traffic?
 - Loaded at 55mph how many feet does it take you to come to a complete stop?
 - Do you know how many feet you're supposed to keep between you and the car in front when going highway speeds?



ACTUAL DEPOSITIONS



2 Q. Did you ever have any kind of driving tests
3 while you were working with Crawford?
4 A. No.
5 Q. Did you ever have any training about driving
6 while you were working for Crawford?
7 A. No.
8 Q. Did Crawford, when you were first hired, give
9 you any kind of manuals or handouts to read?
10 A. They gave me an employee handbook.
11 Q. Did the employee handbook have anything in it
12 that you recall about driving or driving safety?
13 A. I do not recall going over it. It may have it
14 in there, but if I -- if it was in there, I don't recall
15 reading it.

STEP TWO: ASK THE DRIVER ABOUT TRAINING

7 Q. When you first started working with Wade
8 Trucking, did they offer you any kind of training?
9 A. I was already an experienced driver at that
10 point, so no.
11 Q. Okay. Did they require you to do any kind of
12 test when you started working with Wade?
13 A. No.
14 Q. Did anyone from Wade kind of do a ride-long
15 with you to see how you drove?
16 A. I did a -- I had a -- the first few runs I did,
17 I went with an experienced driver to where he was in his
18 truck, I was in my truck, and delivered to the same
19 place just to kind of learn the routes.

STEP THREE: QUIZ THE DRIVER

5 Q. When your tractor-trailer is loaded, at
6 55 miles an hour, how many feet does it take to you come
7 to a complete stop?
8 A. Wow. I'd say 40 feet. But I'm not really
9 sure.
10 Q. Okay. Do you know how many -- you can say it
11 in either car lengths or feet or seconds -- you're
12 supposed to keep between you and the car in front of you
13 when you're going at highway speeds?
14 A. No. I have no idea.

TEXAS COMMERCIAL MOTOR VEHICLE DRIVERS HANDBOOK

There are three things that add up to total stopping distance:

- Perception Distance
- Reaction Distance
- Braking Distance
- Total Stopping Distance

• **Perception Distance.** This is the distance your vehicle travels from the time your eyes see a hazard until your brain recognizes it. The perception time for an alert driver is about 3/4 second. At 55 mph, you travel 60 feet in 3/4 second.

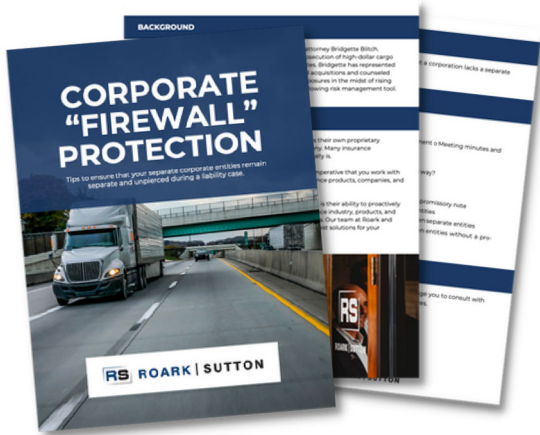
• **Reaction Distance.** The distance traveled from the time your brain tells your foot to move from the accelerator until your foot is actually pushing the brake pedal. The average driver has a reaction time of 3/4 second. This accounts for an additional 60 feet traveled at 55 mph.

• **Braking Distance.** The distance it takes to stop once the brakes are put on. At 55 mph on dry pavement with good brakes it can take a heavy vehicle about 170 feet to stop. It takes about 4 1/2 seconds.

• **Total Stopping Distance.** At 55 mph it will take about six seconds to stop and your vehicle will travel about the distance of a football field. $60 + 60 + 170 = 290$ feet.

WANT TO SEE MORE?

Reach out and ask for our other Liability Protection Resources!



CORPORATE "FIREWALL" PROTECTION

Tips to ensure that your separate corporate entities remain separate and unpierced during a liability case.



POST ACCIDENT DEFENSE

The items a defense attorney will ask you to provide so that they can properly defend your company after an accident