



ANSWERS FROM THE OTHER SIDE

*“All” the things you wanted to know (from a
trucking defense attorney) but couldn’t ask*

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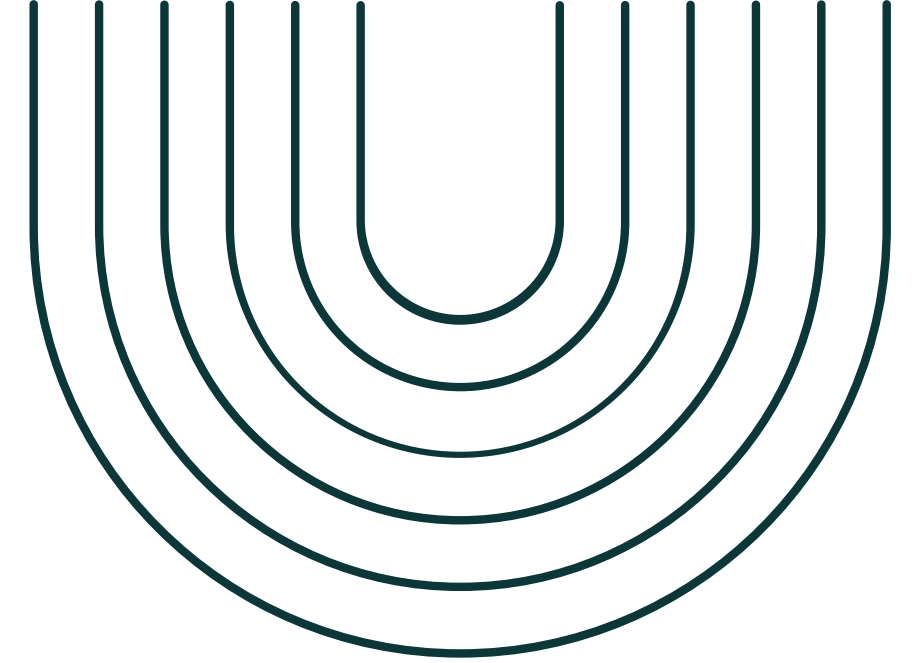
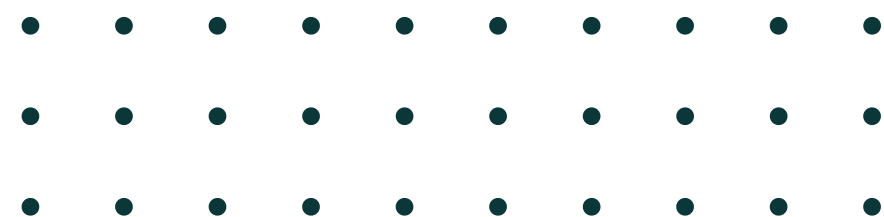


01. PRE-SUIT

02. SUMMONS AND COMPLAINT

03. DISCOVERY

04. SETTLEMENT



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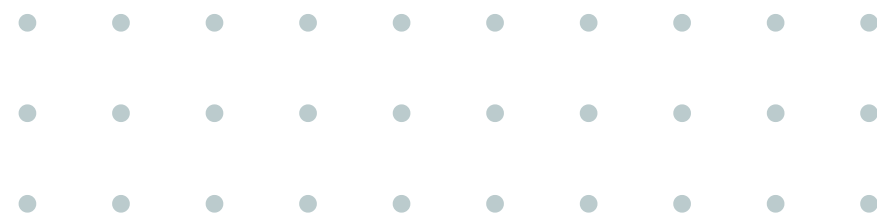
HELLO!

20 Seconds About Me



INTRODUCTION

- 10 years as a Trucking Defense Attorney
- Specialized in broker liability FAAAA Preemption
- Amicus Brief to Supreme Court
- Nationwide Practice



WHY THE CHANGE?

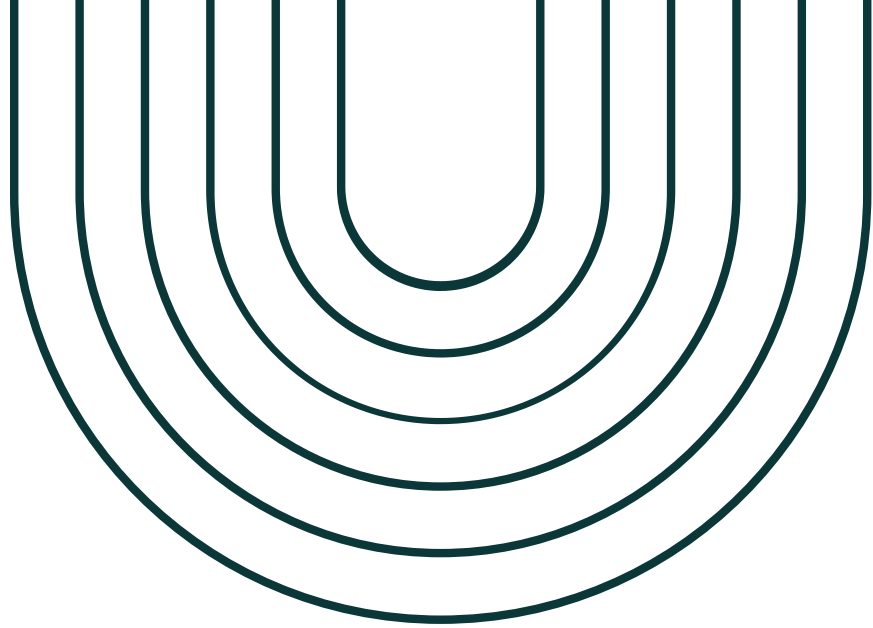
- Set an example for my little dude
- Put my talents to use for the “good” guys
- Growth



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01.

PRE-SUIT



ANSWER:

If I tell you the limits – the case is now valued at that number

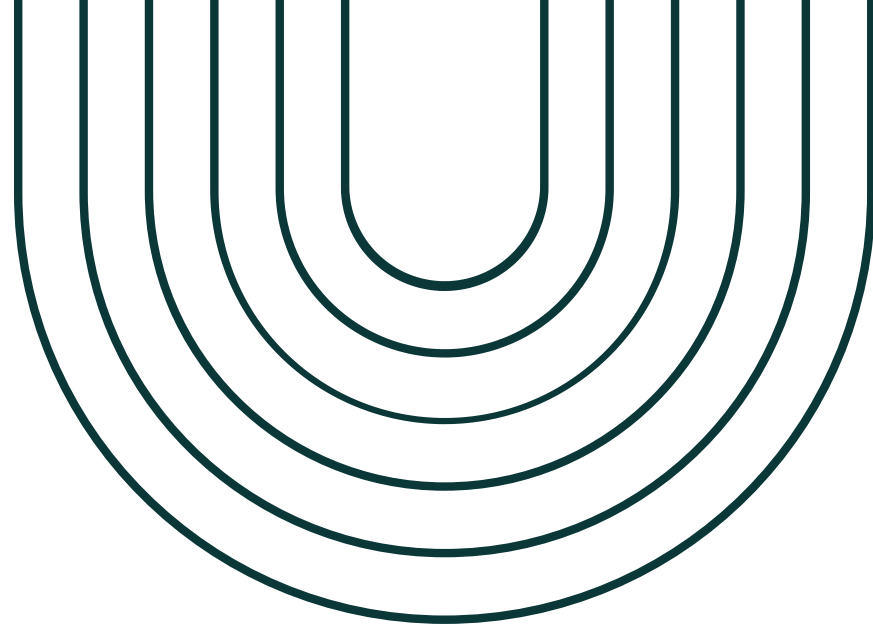
QUESTION:

Why won't you tell me the policy limits?



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QUESTION:

Where is your client?
Who is your client?

ANSWER:

Complicated. The insurance company hired me, told me to represent the driver and his employer



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HOT TIPS

1

The more sophisticated trucking companies will retain counsel and investigators as soon as the call comes in about an accident.

2

File the lawsuit.

3

Send emails – make the calls

4

Don't forget about the company

5

Make the demand...

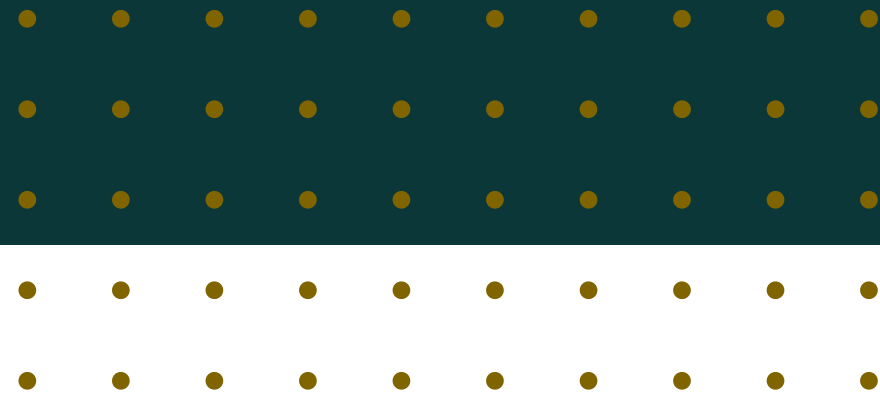


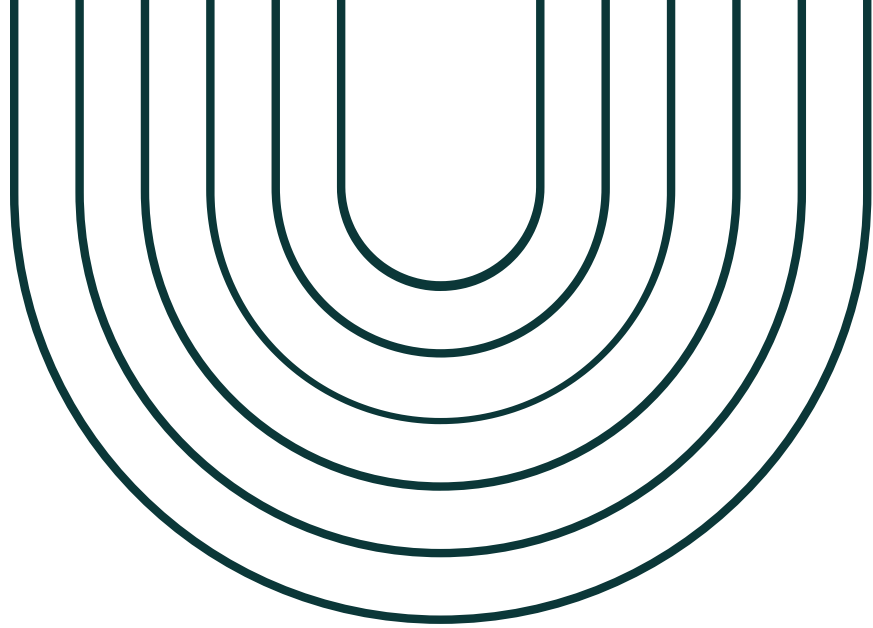
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02.

SUMMONS AND COMPLAINT





ANSWER:

I need as much time as I can get to answer and I can't even find the driver.

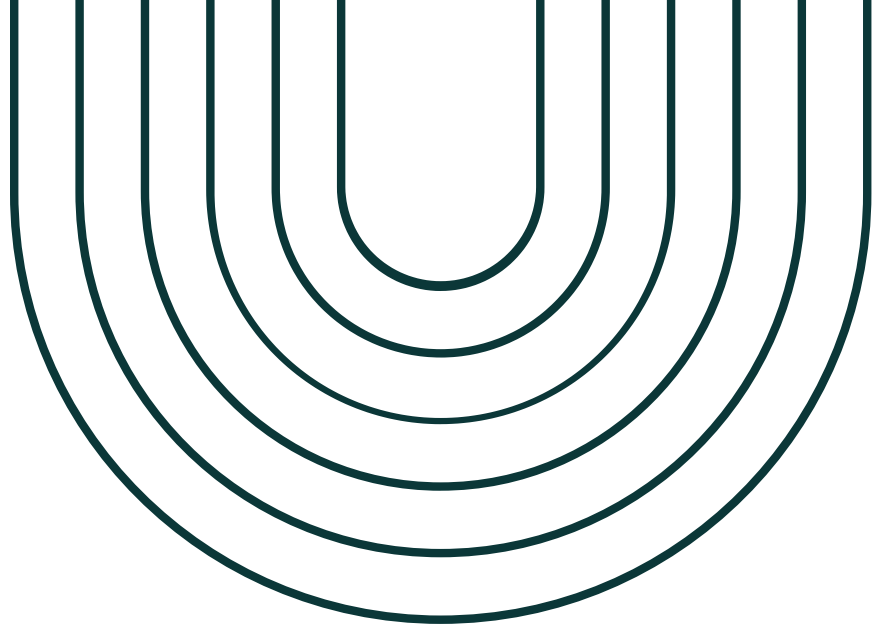
QUESTION:

Why won't you accept service for the driver?



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QUESTION:

Is it that hard to admit even the most straightforward fact in the Complaint?

ANSWER:

I usually prefer to avoid taking a position on any particular issue as long as possible. If I don't have to explain myself now, I may think of a better explanation later.



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HOT TIPS

1

Sue everyone you can think of

2

Don't be afraid to amend the Complaint

3

Cite the statutes, regulations, etc

4

Plead it all.

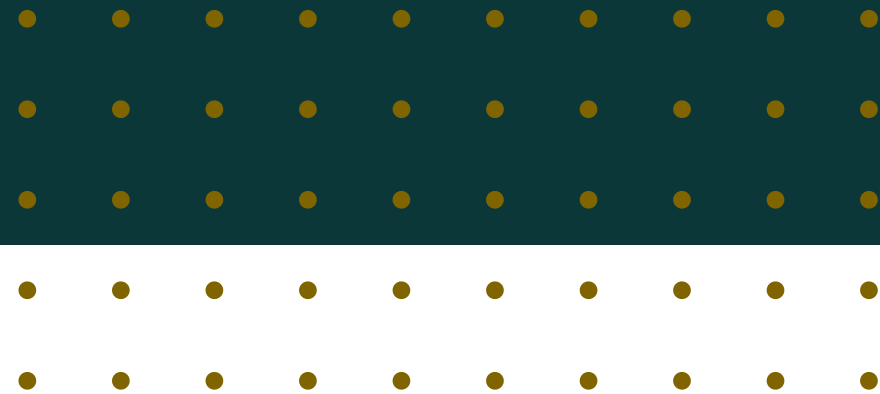


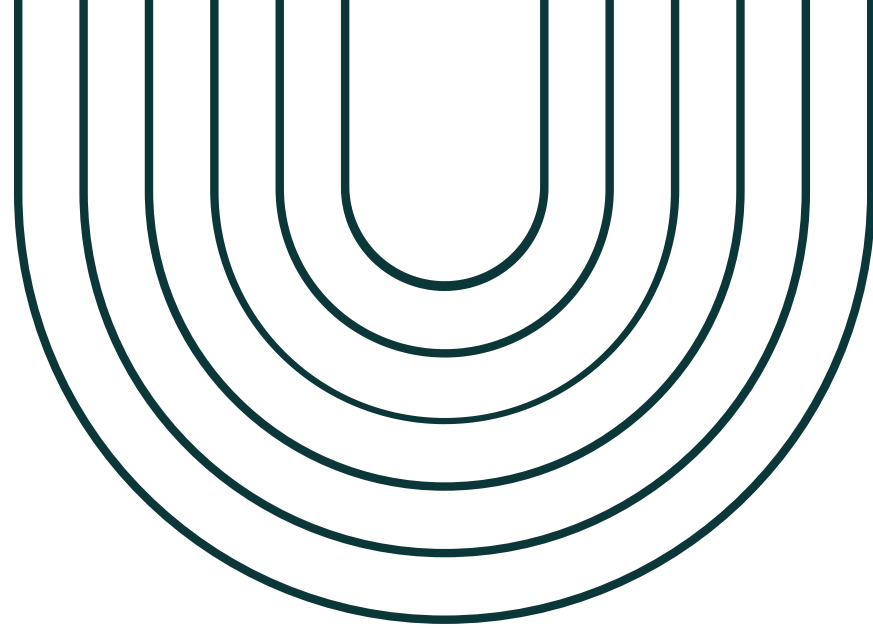
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DISCOVERY





ANSWER:

Standard operating procedure.

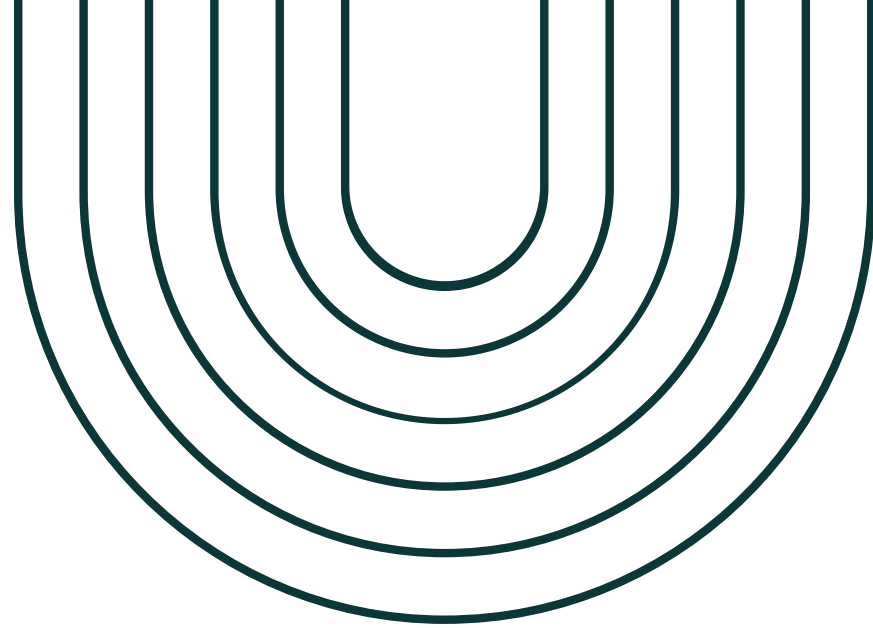
QUESTION:

What's with the objections?



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QUESTION:

Why are you delaying depositions?

ANSWER:

- Corporate Representative and the driver are the same person
- BAD FACTS
- Stall until settlement



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HOT TIPS

1

Review your discovery before you send it.

2

Break up lengthy discovery into sets

3

Know what you are asking for

4

Discuss due dates at time of service

5

Ask for it and ask for it again...

BON
US

File the offer of Judgment and Make the Demand (again)

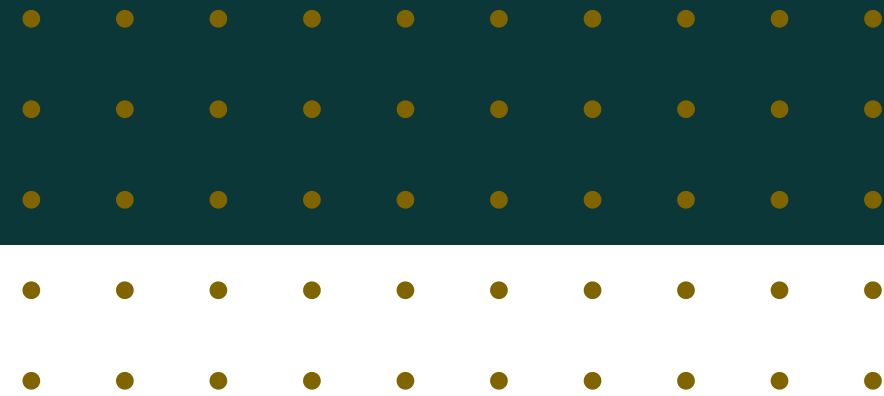


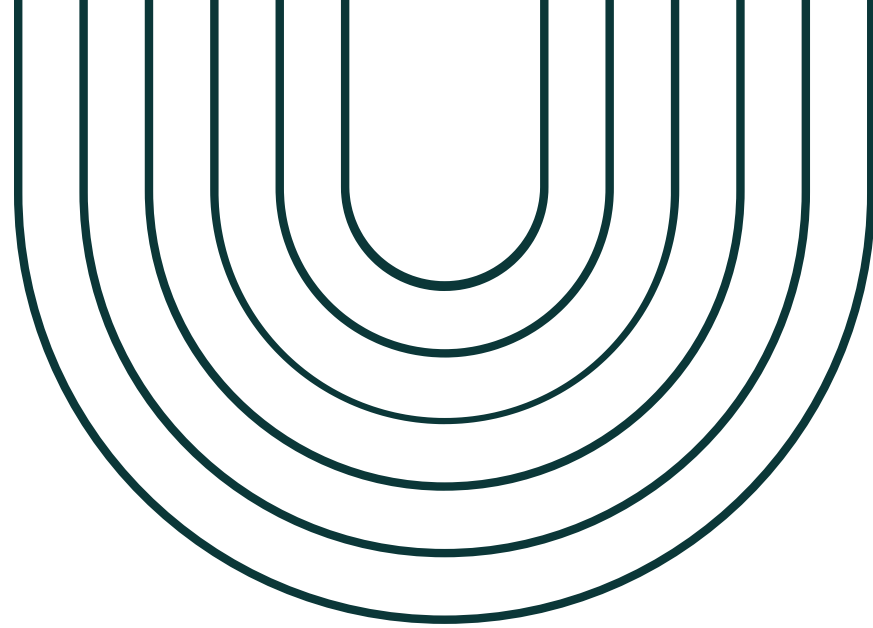
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03.

SETTLEMENT





QUESTION:

Why don't you believe my client?

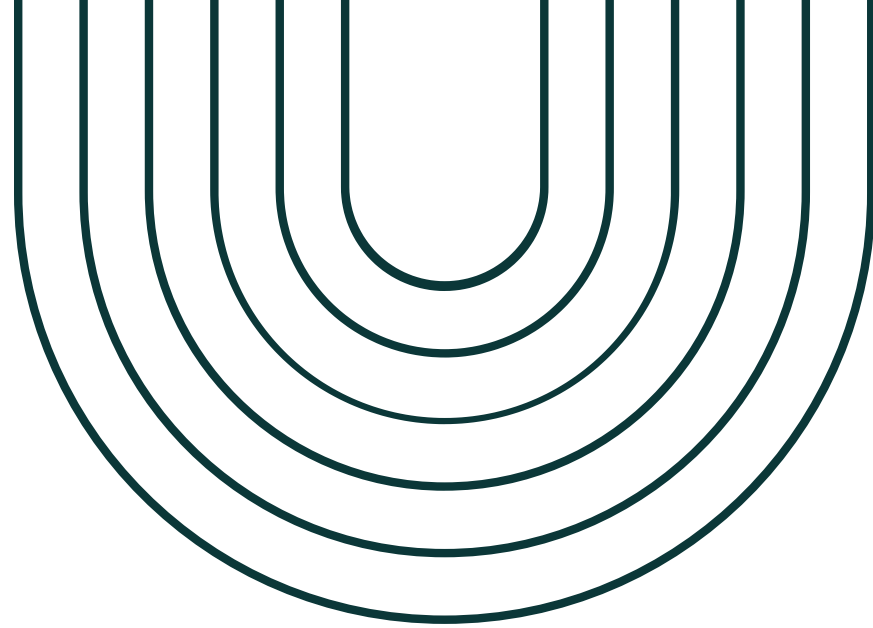
ANSWER:

The adjuster with 1 year of experience at a law firm has decided that there is no way this injury occurred based on this incident.



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QUESTION:

Would you really try this case?

ANSWER:

Not very likely. Too many variables in a trial setting – rogue drivers, one-man operations, angry witnesses, insurance companies not paying attention



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MUSINGS OF A RETIRED TRUCKING DEFENSE ATTORNEY

THE PAPER

There is always more paper. Keep asking.

THE TRUCKING DEFENSE BAR

There are 2 law firms in the country that ONLY do trucking defense work.

THE VALUE

ONE JOB - mitigate loss for the client



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THANK YOU



Have any questions?
Want to chat further?

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