

NOT JUST A BIG CAR CRASH – YIN AND YANG TRUCKING TIPS AND PITFALLS

WILLIAM M. TOLES TODD CLEMENT

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WHY JURORS AWARD PREMIUM VALUES IN TRUCKING CASES

- Self-Preservation
- Expectation of Safety
- Preservation of Life
- Avenge Bullies
- Preventable Is Inexcusable
- The Desire to Improve Safety



2

PREVENTING JURORS FROM AWARDING PREMIUM VALUES IN TRUCKING CASES

Preparation

FMCSR

Voir Dire

Safety

Training



3

INITIAL CRASH INVESTIGATION

- Federal Safety Management System
- State of Texas Trucking Company Records
- Law Enforcement Records Including Driver Cam and Body Cam
- Complete Driving Record



4

THE VEHICLES

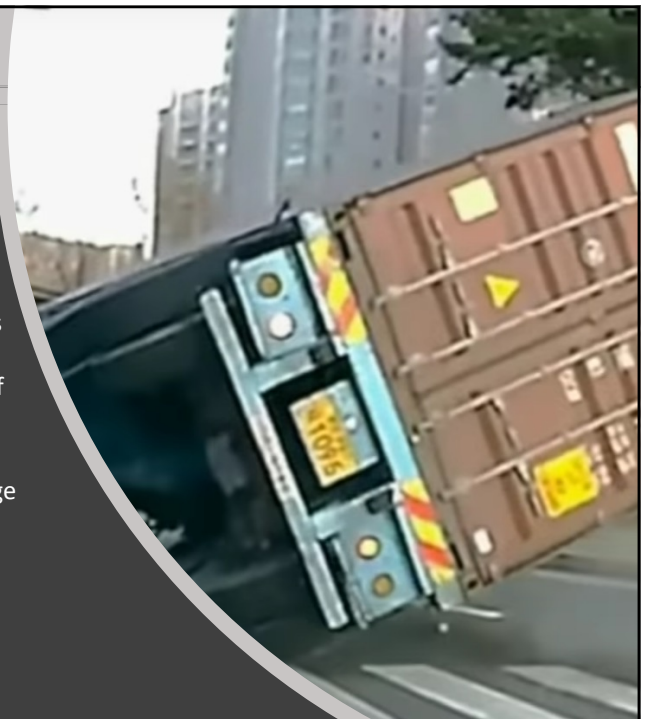
- Vehicle damage mapping
- Black box download
- Crashworthiness considerations



5

TRUCKER NEGLIGENCE – Plaintiff

- Primary Cause of Crash – Violations of the Rules of the Road
- Aggravating Circumstances that Lead to Rules of Road Violation
- Use of FMCSR's
- 49 CFR §383.111 – Trucker's Required Knowledge
- 49 CFR §383.113 – Trucker's Required Skills
- 49 CFR §392.82: Using a hand-held mobile telephone
- Texas Commercial Motor Vehicles Driver Handbook



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