

Trucking and Transportation Regulations, Liability and Litigation

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› *Strategic Viewpoints From Both Sides of the Fence*

ATLANTA, GEORGIA
December 7, 2016

PRESENTED BY

Melissa L. Bailey
Elizabeth L. Bentley
Tony C. Jones
Philip W. Lorenz
Aaron Marks
Amanda L. Matthews

CONTINUING EDUCATION

CLE - 6.0 incl. 1.0 ethics
Insurance - 7.0 (pending)
See inside for details!

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SEMINAR OUTLINE

I. State/Federal Rules, Regulations, Laws and Legislative Restrictions

9:00 - 9:45, Elizabeth L. Bentley

- A. Federal Highway Administration Regulations
- B. State and Federal Regulations on Common Carriers
- C. Statutes Applicable to Owners and Drivers
- D. Recent Statutory Changes, Trends and Developments
- E. Brief Overview of Motor-Vehicle Companies: Basic Terms, Concepts, Shipper vs. Broker, the Three PL

II. Trucking/Transportation Company Recordkeeping, Liabilities and Legal Landmines (w/Sample Log Books, Forms, Docs and More)

9:45 - 10:15, Amanda L. Matthews

- A. Documentation Tips; Record Keeping for Trial Purposes
- B. Under Ride Hazards - Noncompliance Issues
- C. Licensing, Employment of Drivers, Qualifications
- D. Inspections, Maintenance, Repairs and Rules of the Road
- E. Shipping Records
- F. Company Policies, Training, Safety, Monitoring Docs
- G. Hours of Service Violations, Documents and Logbooks
- H. Alcohol and Drug Testing, Hours of Service Regulations
- I. Negligent Hiring and Retention
- J. Theories of Liability/Vicarious Liability

III. FMCSA and DOT Compliance Reporting Documents: SAFER, CSA, PSP - Top Oversights

10:30 - 11:00, Philip W. Lorenz

IV. Insurance Coverage Complexities, Concerns, Liability and Litigation (Including Lessor-Lessee Issues)

11:00 - 12:00, Melissa L. Bailey

*If needed, the above agenda may be changed to best accommodate all of our attendees.

V. Accident Scene Investigation and Rapid Emergency Response Strategies

1:00 - 1:45, Amanda L. Matthews

- A. Preserving Physical Evidence; Spoliation Issues
- B. The Accident Report and Driver's Report
- C. Witness Statements; Interviewing Law Enforcement
- D. Crash Records and Incident Reports
- E. Black Box Features and Information
- F. Cargo Issues; Hazardous Materials
- G. Cell Phone Records, GPS and DriveCam

VI. Proving/Disproving Fatigue, Distracted Driving, Under Ride Noncompliance and Improper Loading

1:45 - 2:15, Tony C. Jones

VII. Discovery, Negotiation of Damages, Settlement and Litigation Techniques

2:15 - 3:15, Aaron Marks

- A. Varying Definitions of "Preventable" Accident
- B. What to Look for in Internal Investigation Documents
- C. Medical Evaluations
- D. The Recordable Accident Registry, Prior Recordable Accidents, Driver's History, Prior Instances of Discipline
- E. Truck Driver and Motor Carrier Depositions
- F. Doctor, CMV Inspector and Crash Reconstructionist Depositions
- G. Accident Reconstruction Documents
- H. Analyzing Surveillance and Photographs of the Accident
- I. Negotiating Pain and Suffering; Wrongful Death Damages
- J. Effectively Negotiating with the Adjuster
- K. Brake Adjustments, Animations, Simulations Exhibits

VIII. Legal Ethics:

Top Challenges

3:30 - 4:30, Aaron Marks

- A. Duties to Prospective Clients
- B. "Spot the Client"- Identifying Potential Conflicts
- C. Conflicts of Interest
- D. Interstate Practice of Law
- E. Online Ethics
- F. Attorney Fees and Client Trust Accounts

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MELISSA L. BAILEY is an attorney at the Atlanta office of Carlock, Copeland and Stair, LLP. She focuses her practice in general liability defense, including premises liability, automobile liability, insurance coverage issues, and trucking and transportation litigation. She is admitted to practice in Georgia and is a member of the State Bar of Georgia, Georgia Defense Lawyers Association and the Atlanta Bar Association. She earned her B.A. degree, summa cum laude, from Georgia Southern University; and her J.D. degree, cum laude, from the University of Georgia School of Law.

ELIZABETH L. BENTLEY is an attorney at the Atlanta office of Carlock, Copeland and Stair, LLP, where she handles a variety of commercial insurance defense matters. These matters include premises liability, trucking and automobile defense and representing insurers in coverage disputes. Ms. Bentley has experience in both state and federal litigation proceedings and appellate experience in matters before the United States Court of Appeals for the Eleventh Circuit. She is admitted to practice in Georgia and is a member of the Georgia Defense Layers Association, DRI, and Georgia Association of Women Lawyers. She earned her B.S. degree, cum laude, from the Georgia State University and her J.D. degree from the Georgia State University College of Law.

TONY C. JONES is an attorney with Galloway Johnson Tompkins Burr and Smith, where he represents businesses and individuals in a wide array of commercial, tort and insurance litigation matters. His practice has allowed him opportunities to represent a vast array of clients. He is admitted to practice in Georgia; and before the Georgia Court of Appeals; Georgia Supreme Court; and the U.S. District Court for the Northern District of Georgia. He is a member of the Gate City Bar Association, as well as the Atlanta Volunteer Lawyers Association. Mr. Jones received his B.A. degree, magna cum laude, from the Morehouse College and his J.D. degree from the University of Michigan Law School.

PHILIP W. LORENZ is of counsel at the Atlanta office of Carlock, Copeland and Stair, LLP. He has more than 15 years of experience in general liability, personal injury, trucking accidents, car and fall accidents, as well as aviation law. He received his B.S. degree, cum laude, from Old Dominion University and his J.D. degree, cum laude, from the University School of Law. He is admitted to practice in Georgia, Middle and Northern districts of Georgia, and the Eleventh Circuit, U.S. Court of Appeals, Eleventh Circuit.

AARON MARKS is a sole practitioner of law at the Atlanta office of Carlock, Copeland and Stair, LLP, where he handles a variety of commercial insurance defense matters. These matters include premises liability, trucking and automobile defense and representing insurers in coverage disputes. Mr. Marks has experience in both state and federal litigation proceedings and appellate experience in matters before the United States Court of Appeals for the Eleventh Circuit. He is admitted to practice in Georgia and is a member of the Georgia Defense Layers Association, DRI, and Georgia Association of Women Lawyers. He earned his B.S. degree, cum laude, from Georgia State University and his J.D. degree from the Georgia State University College of Law.

AMANDA L. MATTHEWS is a partner at the Atlanta office of Carlock, Copeland and Stair, LLP, where she handles a variety of commercial insurance defense matters. These matters include premises liability, trucking and automobile defense and representing insurers in coverage disputes. Ms. Matthews has experience in both state and federal litigation proceedings and appellate experience in matters before the United States Court of Appeals for the Eleventh Circuit. She is admitted to practice in Georgia, Middle and Northern districts of Georgia, and the Eleventh Circuit, U.S. Court of Appeals, Eleventh Circuit. She received her B.A. degree, cum laude, from Georgia State University and her J.D. degree, with an honors designation, from Georgia State University College of Law.

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SCHEDULE

REGISTRATION TIME 8:30 — 9:00 am

SEMINAR TIME 9:00 am — 4:30 pm

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Lunch is on your own.

TUITION

\$359 for the first registrant
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law offices of Falanga & Chalker. and practices in the areas of accidents, wrongful death, and slip. He earned his B.S. degree, magna and his J.D. degree from Emory to practice in the U.S. District Court, Georgia Court of Appeals; and the

Marks Law Group, LLC. He focuses transport accident, auto accidents, nt, motorcycle accident, pedestrian injury, truck accident, and wrongful of Georgia, Georgia Trial Lawyers nta Bar Association, and American A, degree from Wheaton College niversity, College of Law. He also ege in Dublin, Ireland and the , England.

t Nall & Miller LLP. She is a trial sportation defense, premises liability ty litigation. Ms. Matthews represents companies, owner-operators, tor carrier/transportation litigation. ar of Georgia and before the Georgia rgia; U.S. District Court for the ; and the U.S. Court of Appeals, gree from the University of Alabama gnation in litigation, from the

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SEMINAR OVERVIEW

Liability Landmines, Lethal Legal Oversights and Noncompliance Deficiencies

Do you have a thorough understanding of the various laws, rules and regulations that regulate motor vehicle companies? Are you aware of the most common compliance oversights drivers make on a routine basis? Whether it's a freight, property or personal injury claim, regulatory compliance or recordkeeping oversight - having a thorough understanding of the law is vital. No matter which side of the aisle you represent, this invaluable program presents an in-depth examination of the most critical issues from both perspectives so you can *truly* understand what the other side is contemplating at all times. From potential liability traps to the most lethal legal oversights and noncompliance deficiencies - this course provides cutting-edge strategies for tackling these issues and more. *Register today!*

BENEFITS OF ATTENDING

- Review state and federal rules, regulations, laws and legislative restrictions you need to know.
- Examine case law, recent statutory changes, trends and developments in the industry.
- Gain recordkeeping tips for trial purposes and review top liabilities and legal landmines.
- Review sample log books, forms and documents.
- Assess FMCSA and DOT compliance reporting documents and identify top oversights.
- Get strategies for tackling complex insurance coverage issues, including lessor-lessee issues.
- Examine under ride, cargo and hazardous material issues that are causing big problems currently for trucking companies.
- Gain cutting-edge accident scene investigation and rapid emergency response strategies.
- Learn tips for preserving physical evidence at the scene and avoid spoliation issues.
- Find out what to look for in crash records, incident reports and black boxes at the scene of the accident.

WHO SHOULD ATTEND

This **basic-to-intermediate level program** is designed for attorneys. Industry professionals, insurance adjusters, agents and underwriters, expert witnesses, as well as paralegals will also benefit.

CREDIT INFORMATION

The specific continuing education credit(s) listed are for attending the live seminar. For detailed credit information, please contact us at 866-240-1890 or visit us at nbi-sems.com.

CLE - 6.0 - This program is approved for 6.0 hours of continuing legal education credit with the Georgia Commission on Continuing Lawyer Competency, which includes 1.0 hour of ethical considerations.

Distance Learning credit is available for the recording + manual.

Insurance - 7.0 (pending) - This course has been submitted to the Georgia Insurance Department for review. Approval pending.

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