



Trucking Law

Trucking in 2016: The Future Is Here



Experience a live tractor presentation demonstrating the most technological advances being used by drivers today

Tackle common juror misconceptions about truck accidents and adopt new strategies for jury selection



Tips for seasoned veterans and those new to the industry

Learn about new developments and industry trends to keep you one step ahead of the opposition



April 14-15, 2016

Hyatt Regency

Chicago, Illinois

DRI
delivers
resources
to build
your practice ■

Join us for **DRI's 2016 Trucking Law Seminar at the Hyatt Regency in downtown Chicago**. This program is designed to educate both the seasoned industry professional as well as those new to trucking. The presentations will include a live tractor demonstration, new technologies penetrating the industry, how to pick a trucking jury, and various hot topic trucking risk issues. This conference is a "must attend" for persons who manage trucking risks and defend trucking claims.



Philip M. **Gulisano**
Program Chair



Clint V. **Cox IV**
Program Vice Chair



June J. **Essis**
Committee Chair



MaryJane **Dobbs**
Committee Vice Chair



John "Jack" J. **Laffey**
Law Institute



See what others have to say about DRI seminars

PRESENTED BY **DRI's Trucking Law Committee**








What You Will Learn

- The latest technologies being used by the trucking industry and their impact on drivers and the attorneys who defend them
- How to combat common juror misconceptions of truck drivers and the trucking industry itself
- Managing difficult trucking issues in jury selection
- Ways to defend cases when your driver is unavailable, uncooperative, or just not there
- Defense strategies for minor accidents turned catastrophic loss, staged accidents, and phantom trucks
- Key legislation affecting the trucking industry that you need to know about
- Monitoring off-duty conduct of drivers—dos, don'ts, and going too far
- Controversial trends in broker liability



Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 **Add the program** to your calendar
- 5 Download the DRI App  and  and make use of its features to get the most out of this program
- 6 Share on social media   

Maximize Your DRI Seminar Experience

No one gets you connected like DRI.

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Trucking Law Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house registrants and speakers.

PROGRAM SCHEDULE

WEDNESDAY, APRIL 13, 2016

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

SPONSORED BY **Rimkus Consulting Group Inc.**

THURSDAY, APRIL 14, 2016

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Exponent**

7:00 a.m. **First-Time Attendees Breakfast**

TRUCKING LAW COMMITTEE CHAIR | **June J. Essis**

8:00 a.m. **Welcome and Introduction**

John “Jack” J. Laffey, *Whyte Hirschboeck Dudek SC*, Milwaukee, Wisconsin


Philip M. Gulisano, *Burden Gulisano & Hansen LLC*, Buffalo, New York

8:10 a.m. **Watch What Happens Live: Real-Time Truck Demonstration**

Attend a live demonstration of the most state-of-the-art tractor available in North America with a play-by-play hosted by the tractor manufacturer and a skilled trucking defense attorney to highlight what it means to practitioners.

Matthew S. Hefflefinger, *Heyl Royster Voelker and Allen PC*, Peoria, Illinois

 **Scott L. Smay**, *Navistar International*, Lisle, Illinois

 **Aaron Tennant**, *Simplex Leasing Inc.*, Orion, Illinois

9:05 a.m. **Smarter Trucks, Smarter Drivers? New Technology and Its Impact on Drivers**

What effect does new technology have on defending trucking claims? Are the advances in crash-avoidance systems really helping drivers? Hear from a nationally recognized human factors expert about the pros and cons of technology and its impact on drivers.

Mark Edwards, Ph.D., Saint Augustine, Florida

Brett A. Ross, *Carr Allison*, Birmingham, Alabama

Click on any speaker name to view bio.


9:55 a.m. **Refreshment Break**

SPONSORED BY **Fineman Krekstein & Harris PC**
Stanton Law Office LLC

10:25 a.m. **Why We Love the Trucking Industry and You Should, Too**

Does it seem like you are fighting an uphill battle against jurors' misconceptions of drivers and the trucking industry? Plaintiffs' attorneys play up those misconceptions with use of strategies like “reptile theory.” Learn how to dispel those misconceptions and show jurors why they should actually love the trucking industry.

M. Garner Berry, *Markow Walker PA*, Jackson, Mississippi

 **Douglas Betkowski**, *Swift Transportation Co. of Arizona LLC*, Phoenix, Arizona

11:15 a.m. **Managing Difficult Trucking Issues in Jury Selection, Part I**

Trials are not won with a plaintiff-friendly jury. Trucking cases require the proper positioning of the jury to appreciate the trucking industry and to accept the reasonableness of a variety of defenses. It all starts with jury selection. This “mock jury selection” presentation will cut to the heart of the key issues in jury selection. You will see live jurors deliberate difficult trucking issues.

Beth Foley, *Beth Foley Consulting Inc.*, Chicago, Illinois

Tamara B. Goorevitz, *Franklin & Prokopik PC*, Baltimore, Maryland

John “Jack” J. Laffey, *Whyte Hirschboeck Dudek SC*, Milwaukee, Wisconsin

12:15 p.m. **Lunch (on your own)**

1:30 p.m. **Managing Difficult Trucking Issues—Analysis of Mock Jury Selection, Part II**

Beth Foley, *Beth Foley Consulting Inc.*, Chicago, Illinois

Tamara B. Goorevitz, *Franklin & Prokopik PC*, Baltimore, Maryland

John “Jack” J. Laffey, *Whyte Hirschboeck Dudek SC*, Milwaukee, Wisconsin

 **Colleen Shepherd**, *Vanliner Insurance Co.*, Saint Louis, Missouri

 Denotes **THE DRI CLIENT CONNECTION**: In-house speakers

2:30 p.m. **Refreshment Break**
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Whyte Hirschboeck Dudek SC

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site. [Will be organized by SLGs]

3:00 p.m. **Breakout Sessions** (see below)

FRIDAY, APRIL 15, 2016

5:15 p.m. **Adjourn**



5:30 p.m. **Trucking Law Committee Meeting** (*open to all*)

7:00 a.m. **Registration**

6:15 p.m. **Networking Reception**
 SPONSORED BY **Perkins & Associates LLC**

7:00 a.m. **Continental Breakfast**

BREAKOUT SESSIONS Thursday, 3:00 p.m. – 5:15 p.m. (choose one)

	■ "THE DRIVER"	■ DEFENDING COMMON TRENDS
3:00 p.m.	<p>Climb in and Get Comfortable</p> <p>Tractors are on the cutting edge of technology in the transportation industry. Take a first-person guided tour of the inside of a tractor, focusing on new tractor safety features and state-of-the-art technology to make driving the truck easier for drivers and safer for everyone on the road.</p> <p>Matthew S. Hefflefinger, <i>Heyl Royster Voelker and Allen PC</i>, Peoria, Illinois</p>	<p>Truck Drivers and Pot Heads: Can the Two Ever Be Friends?</p> <p>With the recent trend of legalization of marijuana in several states, how might this affect the rules related to trucking operations? How do you protect the company and motoring public?</p> <p>Patrick E. Foppe, <i>Lashly & Baer PC</i>, Saint Louis, Missouri</p> <p>Annette B. Santamaria, Ph.D., <i>Rimkus Consulting Group Inc.</i>, Houston, Texas</p>
3:45 p.m.	<p>It Just Won't Stop: The Ever-Expanding Breadth of the Spoliation Doctrine</p> <p>Defending trucking claims is often a battle with sophisticated plaintiffs' attorneys. The never-ending growth of the spoliation doctrine is making it even more difficult. This presentation will evaluate the current state of the law on spoliation, highlight recent cases, and provide takeaways to manage the risk and prevent exposure.</p> <p>Pamela W. Carter, <i>Carter Law Group LLC</i>, New Orleans, Louisiana</p> <p>Travis A. Ginst, <i>Owner-Operator of Independent Drivers Association (OOIDA) Inc.</i>, Grain Valley, Missouri</p>	<p>Defense Strategies for the Minor Accident Turned Catastrophic Loss, Staged Accidents, and Phantom Trucks</p> <p>Tort reform has required plaintiffs' attorneys to get more creative. One of the outcomes is low-impact soft-tissue (LIST) claims that are transformed into catastrophic losses or even staged accidents and phantom vehicles. Properly preparing for and handling these claims can be the difference between a \$50,000 settlement and \$4 million verdict.</p> <p>Christopher E. Cotter, <i>Roetzel & Andress LPA</i>, Akron, Ohio</p> <p> Robert M. Milane, <i>Roadrunner Transportation Systems Inc.</i>, Cudahy, Wisconsin</p>
4:30 p.m.	<p>No Driver, No Problem</p> <p>Unavailable, uncooperative, or non-existent drivers are becoming more common and can make defending your case a unique challenge. Learn about how to defend a trucking case successfully without the driver and turn a missing driver into a found opportunity.</p> <p>Jessie C. Fontenot, Jr., <i>Strauch Green & Mistretta PC</i>, Winston-Salem, North Carolina</p> <p> Danielle I. Foster-Smith, <i>Ruan Transportation Management Systems Inc.</i>, Des Moines, Iowa</p>	<p>Above and Beyond: Using Drone Technology to Make Your Case</p> <p>An entirely new and readily available vantage point is coming into claims handling: the "drone" perspective. With the proliferation of less expensive "drone" technology, we should all be aware of the available technologies, the potential application of the technology, regulations affecting the use of the technology, and how the use of this technology can affect the management of trucking claims.</p> <p>Steven M. Schorr, P.E., <i>DJS Associates Inc.</i>, Abington, Pennsylvania</p>


8:00 a.m. **Announcements**
Philip M. Gulisano, *Burden Gulisano & Hansen LLC*, Buffalo, New York

8:05 a.m. **Legislative Update: Unless We Know the Law, We Cannot Adequately Defend the Risk**
 Hear straight talk on new and controversial legislation affecting the trucking industry and what you can expect, should expect, and should not expect.
Matt Hart, *Illinois Trucking Association*, Springfield, Illinois

8:55 a.m. **It's Midnight: Do You Know Where Your Driver Is? Should You Care?**
 In the past there was no glaring necessity to monitor drivers while they were off duty. On duty, we want compliance and safe operations. Today is a different landscape. Explore specific industry obligations and necessary policies to monitor drivers on and off duty.
Terrance L. Graves, *Sands Anderson PC*, Richmond, Virginia

 **Leslie A. Leazer**, *Knight Transportation Inc.*, Phoenix, Arizona

9:45 a.m. **Storm Clouds: The Unsettled Climate and Atmosphere Surrounding a Driver's Status as an Employee or Independent Contractor**
 The driver's employment relationship often decides the trucking company's exposure. Determining whether the driver was an employee or an independent contractor at the time of a loss is a critical element of any risk assessment. This segment is designed to provide you with the tools to analyze a driver's status and assess a company's potential liability.

 **Kenneth L. Core**, *Celadon Trucking Services Inc.*, Indianapolis, Indiana

Jay Barry Harris, *Fineman Krekstein & Harris PC*, Philadelphia, Pennsylvania

10:35 a.m. **Refreshment Break**


11:05 a.m. **Uncommon Broker Liability: Plaintiffs Are Looking for More "Pockets" in Truck Accident Cases**
 In today's legal environment, plaintiffs are no longer just suing drivers and trucking companies in truck accident cases. Brokers, shippers, equipment owners, and others are increas-

ingly facing claims under theories such as joint enterprise, negligent selection of independent contractors, dual employment, statutory employment, and agency. This presentation will review recent cases and the likely impact of the recently enacted federal statute known as "MAP-21" on such litigation. Practitioners will learn how to advise clients of common pitfalls and discuss defense strategies for such claims.

 **Donna B. Cook**, *Lockton Companies*, Kansas City, Missouri

Jerry J. Sallings, *Wright Lindsey & Jennings LLP*, Little Rock, Arkansas

11:55 a.m. **Insurance Coverage Snares and Snafoos for Transportation Brokers: How to Reduce Liability Exposure**
 Companies in the trucking industry sometimes have licenses to operate as either a broker or a motor carrier, and the line between the two can become blurred. Which "hat" a company is wearing in a transaction can affect the insurance coverage available when the company faces a loss. This presentation will examine common underwriting problems in such situations and whether the omnibus clause in motor carrier insurance policies can afford coverage. Also, the panel will address types of new policies and forms for brokers and scope of coverages.

 **Christopher Brooks Greene**, *Canal Insurance Company*, Greenville, South Carolina

Laurence J. Rabinovich, *Barclay Damon LLP*, New York, New York

12:45 p.m. **Ethics: Risks and Benefits of Technology Under the ABA Rules**
 In the category of "be careful what you ask for," there are certain risks and benefits of all the newly available technology. The ABA rules have promulgated certain ethical guidelines for your consideration. This presentation will highlight the available technologies and what the ABA is requiring of us all.

Steven M. Puiszis, *Hinshaw & Culbertson LLP*, Chicago, Illinois

1:45 p.m. **Adjourn**

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MLE credit by the State Bar of California for up to **12** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.



A limited number of discounted hotel rooms have been made available at **Hyatt Regency Chicago, 151 East Wacker Drive, Chicago, IL 60601** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$249 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Trucking Law Seminar** page and click on the "Book Hotel" tab.
- 2) Or **contact the hotel directly at 312.565.1234** and mention the **DRI Trucking Law Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **March 14, 2016**, to be eligible for the group rate. Requests for reservations made after **March 14** are subject to room and rate availability.

Registration Policy

Save \$100 when you register by March 17, 2016. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI app. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **March 24, 2016** (*please allow 10 days for processing*). Registrations received after **March 24, 2016**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **March 24, 2016**. Cancellations received after **March 24** and on or before **March 31, 2016**, will receive a refund, less a \$100 processing fee. Cancellations made after **March 31** will not receive a refund, but the course materials on CD-ROM and a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined on the registration form. The registration fee for additional registrants from the same firm or company is **\$695**, regardless of membership status. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Trucking Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations


FACULTY *Click on any name to view bio.*

M. Garner Berry, Markow Walker PA, Jackson, Mississippi

 **Douglas Betkowski**, Swift Transportation Co. of Arizona LLC, Phoenix, Arizona

Pamela W. Carter, Carter Law Group LLC, New Orleans, Louisiana

 **Donna B. Cook**, Lockton Companies, Kansas City, Missouri

 **Kenneth L. Core**, Celadon Trucking Services Inc., Indianapolis, Indiana

Christopher E. Cotter, Roetzel & Andress LPA, Akron, Ohio

Clint V. Cox, IV, Fee Smith Sharp & Vitullo LLP, Dallas, Texas

MaryJane "MJ" Dobbs, Bressler Amery & Ross PC, Florham Park, New Jersey


Mark Edwards, Ph.D., Saint Augustine, Florida


June J. Essis, Fineman Krekstein & Harris PC, Philadelphia, Pennsylvania

Beth Foley, Beth Foley Consulting Inc., Chicago, Illinois

Jessie C. Fontenet, Jr., Strauch Green & Mistretta PC, Winston-Salem, North Carolina

Patrick E. Foppe, Lashly & Baer PC, Saint Louis, Missouri

 **Danielle I. Foster-Smith**, Ruan Transportation Management Systems Inc., Des Moines, Iowa

 **Travis A. Ginest**, Owner-Operator of Independent Drivers Association (OODA) Inc., Grain Valley, Missouri

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 **Leslie A. Leazer**, Knight Transportation Inc., Phoenix, Arizona

 **Robert M. Milane**, Roadrunner Transportation Systems Inc., Cudahy, Wisconsin

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Brett A. Ross, Carr Allison, Birmingham, Alabama

Jerry J. Sallings, Wright Lindsey & Jennings LLP, Little Rock, Arkansas

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 **Scott L. Smay**, Navistar International, Lisle, Illinois

 **Aaron Tennant**, Simplex Leasing Inc., Orion, Illinois

View faculty bios online at <http://www.dri.org/Event/20160215> (Trucking Law Seminar webpage); click on "Speaker List" tab.

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April 27–29
Employment and Labor Law
*Sheraton Austin Hotel at
the Capitol, Austin, Texas*

May 5–6
Business Litigation
*Hilton Nashville Downtown,
Nashville, Tennessee*

May 5–6
Intellectual Property Litigation
*Hilton Nashville Downtown,
Nashville, Tennessee*

May 5–6
**Retail and Hospitality Litigation
and Claims Management**
Fairmont Chicago, Chicago, Illinois

May 19–20
Drug and Medical Device Litigation
*Chicago Marriott Downtown,
Chicago, Illinois*

May 20
Fidelity and Surety Roundtable
The Gwen, Chicago, Illinois

June 2–3
**Hot Topics in International
Dispute Resolution**
Hilton Vienna Plaza, Vienna, Austria

June 9–10
Diversity for Success
Fairmont Chicago, Chicago, Illinois

Publications for Your Practice

Newsletter *In Transit* (3 times a year)

Visit the **Trucking Law Committee page** on dri.org and scroll down to
“Latest Newsletter.”

Trucking Law focus in *For The Defense*

December 2016 (upcoming)

December 2015

December 2014



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

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