

WYNN LAS VEGAS RESORT AND COUNTRY CLUB – SEPTEMBER 13-15, 2009

THE ASSOCIATION OF PLAINTIFF INTERSTATE TRUCKING LAWYERS OF AMERICA PRESENTS

FATIGUED TRUCKERS

FROM CRASH TO CLOSING ARGUMENT

**The Most Amazing
All-Star Conference
on Fatigued Trucking
Cases Ever Held**

**Mark Your Calendar
This is a *Must Attend* CLE**

***Wynn Las Vegas
Resort and
Country Club
September 13-15, 2009***





In the United States, fatigue is the number one safety problem in the trucking industry and is a factor in 40% of all truck accidents. Yet, the trucking industry systematically avoids and ignores violations of the Federal Motor Carrier Safety Regulations regarding fatigue.

The Association of Plaintiff Interstate Trucking Lawyers of America through its conference **Fatigued Truckers: From Crash to Closing Argument**

(for plaintiff lawyers only) is taking on the trucking industry by teaching plaintiff lawyers everything they need to know to successfully handle a fatigued trucker crash case. You will learn more cutting edge tips, tools and trial tactics than you can ever imagine from some of the top experts and litigators in the trucking field, including:

More Bang for Your Buck than Any Other Program on Trucking Litigation

- Learn Important Evidence to Obtain Through Accident Reconstruction in a Fatigue Case
- Explore In Depth The Evidence That is in the “Black Box” As Never Done Before
- What To Do When the Trucking Company Has Destroyed Critical Evidence from the Driver’s Log Books, the Black Box, and Other Evidence
- Learn How To Medically Prove Fatigue From Nationally Acclaimed M.D. and Ph.D., Medical Professor of Sleep Medicine
- How To Overcome Daubert Challenges in Fatigue Cases
- Learn From David Ball’s Partner How to Develop Compelling Liability and Damages Narratives
- Get Vital Tips on Jury Selection and Bias in the Fatigued Trucker Case
- Nationally Acclaimed Economist Will Teach You The Critical Evidence You Need To Help Recover Punitive Damages
- Top National Experts and Litigators Will Teach You Virtually Every Aspect of the Fatigued Trucker Trial
- Learn Specialized Techniques To Use in Fatigued Trucker Cases in Investigation, Accident Reconstruction, Discovery, Spoliation, Depositions, Jury Selection, Opening Statements, Damages, Punitive Damages, Direct and Cross Examination, and Closing Argument

CONFERENCE SCHEDULE SEPTEMBER 13-15, 2009

SUNDAY, SEPTEMBER 13

Registration begins at Noon

1:00 p.m. – 6:30 p.m.

Overview of a Fatigued Trucker Case – *Dan Ramsdell*

Cross Examination of the Defense Accident Reconstruction Expert – *John Romano*

Dissecting and Understanding the Driver Log Books and the FMCSR Violations – *Richard Traulsen*

Beyond Auditing Logs... The Trucking Company's Obligation to Provide Fatigue Training – *Jeff Burns*

Visual Representation of Trucking Accidents Involving Driver Fatigue – *Dr. Richard Ziernicki*

Truck Drivers + Fatigue + Work Zones = Crashes – *James Bragdon*

Using the CDL Manual and Other Industry Documents to Your Benefit in a Trucking Case – *Joe Fried*

Discovery is an Attack Tactic, Not Simply an Information Gathering Process – *Ira Sherman*

Written Discovery – The Interrogatories and Requests for Production – *Randy Sorrels*

Deposing the Fatigued Trucker – *Jeffrey Kroll*

Punitive Damages: It Ain't Just Net Worth – *Robert Johnson*

MONDAY, SEPTEMBER 14

8:00 a.m. – 4:45 p.m.

Includes Breakfast and Lunch

The Black Box – What is it Telling Us – *Bob Pickering*

The DOT Physical Exam – Issues for Fatigue and General Discover – *Chip Sloan*

What Does Fatigue Look Like and How Does it Impact the Body and Mind – *Dr. Allan Pack*

Daubert in the Fatigued Trucker Case and Other Issues Concerning Expert Testimony – *Adam Malone*

Predictable Fatigue that Causes Catastrophes – *Frank Branson*

Workshop Your Cases at Roundtable Discussions

Everyday Driver Bias in Trucking Cases – *Debra Miller*

How to Put the Trucking Company's Lawyer in an Ethical Box – *Lance Sears*

Spoilation of the Log Books – How the Trucking Companies try to "Hide" the Truth – *Dan Munley*

Insurance Company Rules: Strategies for Maximizing Results – *Peter Kestner*

Who Really Owns the Trucking Company: Tracing the Small Company to the Hidden Deep Pockets – *Danny Thomas*

TUESDAY, SEPTEMBER 15

8:00 a.m. – 1:00 p.m.

Breakfast Included

Recovering Actual and Punitive Damages in Fatigue Cases – *David Nissenberg*

Damages: What is a Fatigue Case Worth – *John Gomez*

Use of Demonstrative Evidence to Prove Damages in a Fatigued Trucker Case – *Stephen Smith*

Investigating the Trucker and the Trucking Company – *Brian Dunn*

Fatigue from Voir Dire to Closing – *Ed Hersheve*

Selecting the Right Jury in a Fatigued Driver Case – *Greg Cusimano*

Understanding the Mindset of Jurors on Damages and How to Persuade Them to Decide Issues in Spite of their Biases and Prejudices – *Brian Panish*

Making the Case in Closing Argument – *Bob Langdon*

Legislative Update – Federal Motor Carrier Safety Regulations, Including Hours of Service – *Ted Bassett*

**SOME OF THE
MORE THAN
25 FEATURED
SPEAKERS**



Frank Branson

Jeff Burns

Greg Cusimano

Joe Fried

John Gomez

Ed Hersheve

Adam Malone

Debra Miller

Dan Munley

David Nissenberg

Allan Pack

Brian Panish

Robert Pickering

Daniel Ramsdell

Richard Traulsen

Dr. Ziernicki

CONFERENCE SPEAKERS – Nationally Acclaimed Experts and Some of the Top Lawyers in America



Edward C. Bassett, Jr. of Mirick O’Connell, Westborough, MA is a member of the Million Dollar Advocates Forum with a \$22.65 million judgment in a traumatic brain injury case. Mr. Bassett was selected by Lawyers Weekly as one of the Top Ten Lawyers in Massachusetts and Super Lawyers every year since 2004.

James A. Bragdon of Ruhl Forensic, Scottsdale, AZ is a registered professional engineer specializing in traffic engineering. He received his M.S. in Civil Engineering from the Georgia Institute of Technology in Atlanta, GA and studied accident investigation, accident reconstruction and vehicle dynamics at the Northwestern University’s Traffic Institute.

Frank L. Branson, Law Offices of Frank L. Branson, Dallas, TX, for the past 34 years has had an unwavering commitment to clients who were seriously injured in major trucking accidents and earned the reputation as one of America’s best trial lawyers by achieving noteworthy recoveries from judges and juries including a verdict for a paraplegic from a truck accident in Smith County and a case involving a man brain-damaged by a truck wreck in Amarillo.

Jeffrey A. Burns, Dollar Burns & Becker, Kansas City, MO, represented a friend who lost his wife and two daughters in a truck crash. This began his focus on truck crash litigation and truck safety advocacy. He serves on the Boards of Directors of Citizens for Reliable and

Safe Highways (CRASH) and Parents Against Tired Truckers (P.A.T.T.).

Greg Cusimano, Cusimano, Keener, Roberts & Raley, Gadsden, AL, was the 2000 recipient of the Lifetime Achievement Award by the Association of Trial Lawyers of American (now American Association for Justice). He is a contributing editor of *Roberts-Cusimano Alabama Tort Law Handbook* published by Michie Company. Mr. Cusimano has been listed in the Best Lawyers in American since 1993. He is a Past President of the Alabama Trial Lawyers of America and former President of the University of Alabama Law School.

Brian T. Dunn, The Cochran Firm, Los Angeles, CA, was originally a specialist in civil rights litigation, with an emphasis on police misconduct cases, handling many of the most high profile cases including those involving Reginald Denny and Geronimo Pratt. Mr. Dunn has expanded his areas of focus to include premises liability, auto and truck negligence, and severe personal injury cases. He was lead counsel for the plaintiffs in *Sutton v. Joe Coehlo Trucking*, culminating in a multimillion dollar settlement. In 2006, Mr. Dunn was honored by the Los Angeles Daily journal as one of the “Top 20 Under 40” attorneys in California.

Joseph A. Fried, Fried Rogers Goldberg, Atlanta, GA, is a former police officer with specialized hands-on training in accident reconstruction, roadway and vehicle design, biomechanics, human factors, and human psychology and brings a unique multidisciplinary approach to each case. Mr. Fried is on the faculty of the Gerry Spence Trial Lawyers College in Wyoming.

John H. Gomez, The Gomez Law Firm, San Diego, CA, was named the Consumer Attorney of San Diego's "2006 Trial Lawyer of the Year" for million and multi-million awards he obtained that year, including a \$106 million wrongful death verdict. His cases have been featured in the *Wall Street Journal* and *Consumer Reports*.

Ed Hershewe, The Hershewe Law Firm, Joplin, MO is known for winning exceptionally large verdicts for truck cases in Missouri, where he has practiced for more than 30 years. Mr. Hershewe has a national reputation for excellence in litigation, and is a frequently invited CLE speaker nationwide on various aspects of trial practice, and has attained APITLA National Board Certification in Interstate Trucking Litigation.

Robert W. Johnson, Robert W. Johnson & Associates, Forensic Economists, Los Altos, CA, has more than 20 years of experience as a court-qualified economic expert, and more than 30 years of experience in financial and economic analysis. Mr. Johnson has qualified as an economic expert, at the state and federal level, in more than 30 states. He has a MBA from Stanford University and a BA in Economics.

Peter Kestner, before co-founding Crawford & Kestner, St. Paul, MN, worked for 10 years as a claims adjuster and litigation manager with one of the largest tractor trailer insurers in the United States and with another insurer, managed catastrophic claims nationwide for several notable trucking companies. In 2008, Mr. Kestner was named a Rising Star by Minnesota Law & Politics Magazine for his outstanding work in personal injury law.

Jeffrey J. Kroll, Law Offices of Jeffrey J. Kroll, Chicago, IL, has achieved record verdicts on behalf of his clients including more than 40 settlements and verdicts in excess of \$1 million and record-setting awards in four Illinois counties and a \$7 million wrongful death verdict in South Carolina. Prior to opening his

firm in 2007, Mr. Kroll was a partner at Clifford Law Offices in Chicago.

Robert L. Langdon, Langdon & Emison, Lexington, MO, Past-President of the Missouri Association of Trial Attorneys, was one of the seven lawyers selected in the Multiple District Litigation (MDL) for the Ford/Firestone litigation. He is board certified as a trial advocate by the National Board of Advocacy and an Associate Member of the ABOTA.

*There is not a single organization
on Plant Earth which will
help you and your clients more in the
handling, litigation, mediation,
and trial of your trucking cases
than the Association of Plaintiff
Interstate Trucking Lawyers of America.
— John F. Romano*

Adam Malone is partner in the Malone Law Office, Atlanta, GA, a six-attorney boutique trial practice serving victims of tractor-trailer collisions, aviation crashes, medical negligence, defective products, brain and spinal cord injuries, and other victims of catastrophic personal injury and death. He is currently the

President of the Southern Trial Lawyers Association.

Debra Miller works closely with partner David Ball as a consultant and jury researcher since 2001, as one of the three partners in Miller Malekpour & Ball, Raleigh, NC. Ms. Miller brings a unique perspective to the firm from her twenty-plus year career in advertising, market research, and communications. Her work delves beyond verbal and visual responses to discover the core instincts that drive juror perceptions and decision-making. Her focus is in guiding lawyers to develop compelling liability and damages narratives that transcend artificial courtroom boundaries.

Daniel W. Munley, Munley, Munley & Cartwright, Scranton, PA, a board certified Civil Trial Specialist, is a member of the Million Dollar Advocates Forum and a recipient of the American Jurisprudence Award for Excellence in Trial Advocacy. His practice is concentrated upon personal injury cases with a special focus on tractor trailer litigation and has attained APITLA National Board Certification in Interstate Trucking Litigation.

David Nissenberg, Nissenberg & Associates, San Diego, CA has been a trial lawyer for more than 30 years, participating in cases involving truck and trailer accidents, defective truck parts and products, commercial vehicle warranties, and defective truck repairs. He has practiced transportation law before state and federal administrative agencies including the Interstate Commerce Commission.

Allan I. Pack, MD, Ph.D, is Professor of Medicine and Chief, Division of Sleep Medicine and Director of the Center for Sleep and Respiratory Neurobiology at the University of Pennsylvania Medical Center. Dr. Pack has been recognized by *Best Doctors in America* since 2005, *America's Top Doctors* since 2007 and in *Philadelphia Magazine's* Top Docs issues since 2004. He is a member of the American Academy of Sleep Medicine, American Physiological Society and the American Federation for Clinical Research.

Brian Panish, Panish, Shea & Boyle, Los Angeles, CA has obtained more than 100 verdicts and settlements in excess of \$ 1 million, including 10 jury verdicts in excess of \$ 10 million and one for \$4.9 billion, the largest personal injury and product liability verdict in history. In 1999, Mr. Panish was honored as Trial

Lawyer of the Year by the Consumer Attorneys of Los Angeles. He is ranked among the "100 Most Influential Attorneys" in the State of California by the *Los Angeles Daily Journal*.

Robert Pickering, Jouard & Pickering, Fort Collins, CO has received the highest legal ability peer review rating of "Preeminent" awarded to lawyers by the leading law directory of the United States. He is listed in the 2009 Bar Register of Preeminent Lawyers-Personal Injury Lawyers. Mr. Pickering has represented clients against most of the national and regional truck companies. He has significant experience in understanding and using the raw data from the "black boxes" found on commercial tractor trailers to prove negligence on the part of trucking companies and their drivers.



Daniel T. Ramsdell, Ramsdell Law Firm, Springfield, MO, is the Founder and National Director of the Association of Plaintiff Interstate Trucking Lawyers of America. Mr. Ramsdell is a Past Chair of AAJ's Interstate Trucking Litigation Group, and held several offices in that group. He currently serves as an elected member of the Board of Governors of the Missouri Association of Trial Attorneys and has three times been named a Missouri-Kansas Super Lawyer in Plaintiff's Personal Injury. In 2007, Mr Ramsdell was named one of the Leading Plaintiff's Lawyers in America. He is a member of the Million Dollar Advocates Forum and a frequent nationally invited CLE speaker and author on interstate trucking litigation. Dan has a national law practice that focuses on interstate trucking litigation.

John F. Romano is the senior partner in the West Palm Beach, Florida, law firm of Romano Law Group. He is a former President of both the Florida Justice Association and the Southern Trial Lawyers Association. Mr. Romano is the recipient of the Al J. Cone Lifetime Achievement Award presented to him in 2005 by the Academy of Florida Trial Lawyers and he received the prestigious Perry Nichols Award presented by the Academy of Florida Trial Lawyers (as its highest honor) in 1997.

Lance M. Sears, Sears & Swanson, Colorado Springs, CO is Past President of the Colorado Trial Lawyer's and certified as a Diplomat of Trial Advocacy by the National College of Advocacy, its highest distinction. He is on the faculty and Board of Trustees of the National College of Advocacy and has been on the Colorado Bar Ethics Committee since 1984.

Ira Sherman, senior and managing partner of Chaikin, Sherman, Cammarata & Siegel, Washington DC, is Vice President and on the Board of Directors of the Brain Injury Association of the District of Columbia and a Past President of the Trial Lawyers' Association of Metropolitan Washington, D.C. Mr. Sherman is active as a member of the Leader's Forum of AAJ.

Chip Sloan, Managing Partner of Pierce, Hems, Sloan & McLeod in Charleston, SC, has been lead counsel on over 45 truck accident cases involving wrongful death or serious injury. He is the author of "Trucking Company Compliance with the Federal Motor Carrier Safety Regulations" which appeared in the *South Carolina Trial Lawyers Journal*.

Stephen M. Smith, founder of The Brain Injury Law Center, is an internationally recognized expert in traumatic brain injury litigation with more than 35 years experience, winning the largest mild traumatic brain injury verdict ever awarded in the world. He is Chairman of the American Association of Justice -Traumatic Brain Injury Litigation Group, the only attorney from Virginia to ever be awarded a Diplomate status by the American Board of Trial Advocates.

Randall O. Sorrels, Abraham, Watkins, Nichols, Sorrels & Friend, Houston, TX is Board Certified in Civil Trial and Personal Injury Trial Law by Texas Board of Legal Specialization and Board

Certified as a Civil Trial Advocacy Specialist by the National Board of Trial Advocacy. Mr. Sorrels has been recognized as one of the top 100 lawyers in Texas.

Danny Thomas, Humphrey, Farrington & McClain, Independence, MO, is ranked by *Missouri Lawyers Weekly* as the 5th top plaintiffs' lawyer in Missouri for 2008 with more than \$19.34 million obtained by verdicts and settlements and for obtaining the top settlement in Missouri (\$18 million) for the families of three elderly women killed in a tractor-trailer collision. Mr. Thomas was appointed Chair of The Missouri Bar Tort Law Committee

Richard Traulsen, managing attorney with Begam, Lewis & Marks, Phoenix, AZ, is a past national chair of the American Association for Justice's Interstate Trucking Litigation Group and a frequent lecturer at their educational programs on Interstate Trucking Litigation. He is a Judge Pro Tempore of the Maricopa County Superior Court.

Dr. Richard Ziernicki of Knott Laboratory, Centennial, CO is Board Certified in Forensic Engineering by the National Academy of Forensic Engineers and a member of numerous SAE Standards Committees. He has evaluated several thousand industrial and vehicular accidents, including heavy truck accidents all over the United States.

**Spend three days
as the partner
of the top trucking
lawyers in the
country and join
them for the
Bring Your Case
Workshop**



WYNN LAS VEGAS RESORT AND COUNTRY CLUB — SEPTEMBER 13-15, 2009

- I want to join APITLA for \$425 per year and receive the special APITLA member discount pricing for this conference. I have checked the join APITLA box to the left and the appropriate APITLA member pricing for the conference to the right. I affirm that I am not an insurance defense lawyer and do not represent any trucking or trucking related companies.

Conference Room Rates

APITLA has secured a limited block of rooms on a first-come, first-serve basis at the group rate of \$159 single/double room per night for the nights of Sunday, September 13th through Tuesday, September 15th. The room block will be held until August 21st or until the room block is sold out. After the room block is filled, rooms will be on a space and rate available basis only. For reservations call 877-321-WYNN and mention APITLA to receive the group rate.

Fed ID # 59-3776217

Become Board Certified in Interstate Trucking Litigation

The Association of Plaintiff Interstate Trucking Lawyers of America will be offering the APITLA National Board Certification Test at the conference on Sunday, September 13. To be eligible for certification, contact APITLA at (888) 772-4852 for qualification requirements and to schedule your exam no later than September 1.

Register by August 15th for Special Pricing. Act fast – limited enrollment available. This program will sell out fast, so don't get caught sleeping and miss it!

I and my firm represent only plaintiffs in trucking and do not represent any trucking or insurance companies in any type of litigation. _____ (Please initial)

Register by **August 15** for Special Early Registration Discount

- \$895 – APITLA members
- \$695 – Second+ person from same APITLA firm
- \$1295 – Non-APITLA members
- \$1095 – Second+ person from non-APITLA firm

Registration Pricing after **August 15**

- \$1095 – APITLA members
- \$895 – Second+ person from same APITLA firm
- \$1495 – Non-APITLA members
- \$1295 – Second+ person from non-APITLA firm

Attendee Name: _____ Phone: _____

Email Address _____

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Association of Plaintiff Interstate
Trucking Lawyers of America
1304 West Battlefield Road, Suite B
Springfield, Missouri 65807

CLE – A uniform application for accreditation for continuing legal education credit including ethics (approximately 18.00 general credits including 1.0 ethics credits for 60 minute states and approximately 21.6 general credits include 1.2 ethics credits for 50 minute states) has been submitted to all mandatory CLE states. Number of credits awarded will vary based on state regulations. Please bring your license and/or bar information with you to the program.

CONTACT

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West LegalEdcenter

When registering by fax or mail, please make all name or address changes below.