

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

**WILLIAM M. TOLES  
FEE, SMITH, SHARP & VITULLO, LLP  
THREE GALLERIA TOWER  
13155 NOEL ROAD, SUITE 1000  
DALLAS, TEXAS 75240  
(972) 934-9100  
wtoles@feesmith.com  
www.feesmith.com**

**TODD CLEMENT  
CLEMENT + SPEER  
17855 DALLAS PARKWAY, SUITE 155  
DALLAS, TEXAS 75287  
(972) 250-9250  
[clement@clementfirm.com](mailto:clement@clementfirm.com)  
[www.clementfirm.com](http://www.clementfirm.com)**

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## **I. INTRODUCTION**

When an eighteen-wheeler collides with a passenger car, truck or SUV, the bug on a windshield analogy immediately comes to mind. Basic laws of physics dictate when an 80,000 lb. truck impacts a 4,000 to 6,000 lb. car, truck or SUV at significant speed, someone in the smaller vehicle is likely to receive serious injuries or be killed. A truck's incredible potential for harm requires truckers and trucking companies to exercise commensurate responsibility.

When retained on a serious injury trucking case by the plaintiff or the defense, a trial lawyer must recognize that while the case may have a great deal in common with a car wreck case, there are substantial differences that must be taken into account. This paper addresses some major trucking issues that a trial lawyer may want to consider.

## **II. WHY JURORS AWARD PREMIUM VALUES IN TRUCKING CASES**

### **PLAINTIFF:**

We all instinctively know that trucking cases create premium settlements and verdicts, but why? Juries award large verdicts against trucking companies for many reasons including:

1. Self-Preservation – Juries believe if they award a large verdict, a similar collision might not happen to them or their loved ones;
3. Expectation of Safety – Juries expect truckers and trucking companies to be safe because of the potential for harm and may react strongly when those expectations are not met;
4. Preservation of Life – Jurors believe lives can be saved by their trucking verdicts;
5. Avenge Bullies – Jurors believe trucks and truckers are the bullies of the road and everyone loves to see a bully get what is coming to him;
6. Preventable Is Inexcusable – The simple argument is that many collisions are both predictable thereby preventable thereby making the failure to take action akin to an intentional tort; and
7. The Desire to Improve Safety – Many jurors believe they can improve roadway safety and compel future responsible behavior with their verdict.

### **DEFENDANT:**

In addition to the factors above, some of the other hurdles you face when defending a trucking company or truck driver are the belief all trucking companies are wealthy, negative experiences by a juror with a tractor-trailer and stereotypes related to trucking companies. Nevertheless, you can successfully defend trucking companies and truck drivers. Some effective

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