

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

WILLIAM M. TOLES    TODD CLEMENT

1

## 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

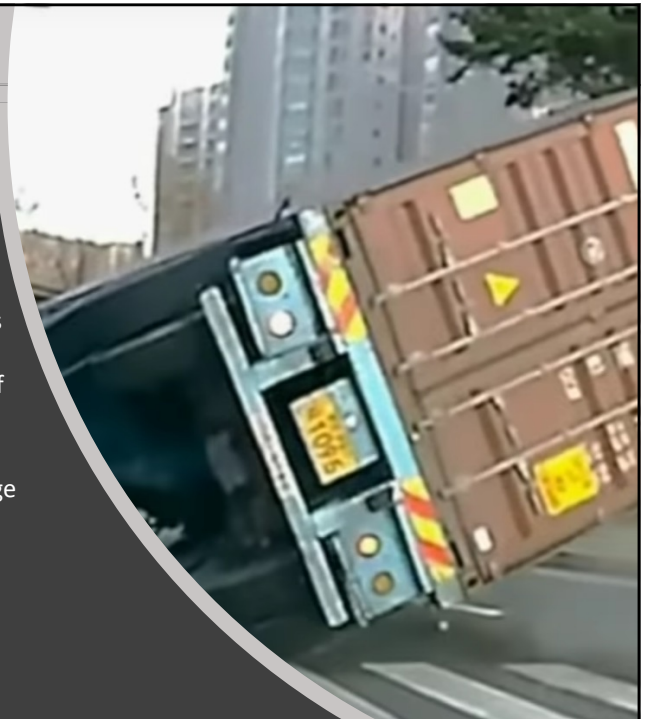
- Vehicle damage mapping
- Black box download
- Crashworthiness considerations



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



6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Not Just a Big Car Crash: Yin and Yang Trucking Tips and Pitfalls

Also available as part of the eCourse

[2022 The Car Crash eConference](#)

First appeared as part of the conference materials for the  
2022 The Car Crash Seminar session  
"Truck/CMV Wrecks: Yin and Yang"