



TMTA November 26, 2019 Membership Meeting Stripers Restaurant

Meeting called to order at 6:15pm
Pledge of Allegiance – Marguerite Bates-Frier (MBF)

MBF opened the networking at 5:15pm with drinks and hors d'oeuvres already out, no intermission for dinner.

At 6:20pm our Speaker Steven Setliff began his presentation on safety protocols. He cautioned the room that plaintiffs' attorneys are targeting truckers as serial killers and that meant we needed to teach our drivers how to handle an accident scene without admitting fault, apologizing or otherwise looking guilty to others. He warned that with everyone having a cell phone now it meant the entire thing would be caught on camera and it is hard to walk back an admission of guilt immediately following the incident.

After an accident:

- First 12 hours after accident dictates how the case will go in court, so gather your pictures, review your data.
- Tell the trooper you need a chance to collect your thoughts and will be happy to give him a statement the next day.
- Collect witness information in case the troopers do not, don't miss out on the opportunity to get a witness for yourself.
- Have your drivers take pictures of everything on the scene including claimant's vehicle and inside contents, such as alcoholic beverage bottles, anything that might have been distracting claimant, etc.
 - You would be surprised how a minor accident will look severe after the plaintiff goes home and bangs his vehicle up more to make the accident look worse than it was.
- Make sure a company representative or your attorney goes to the accident site.
- Drug test your drivers post accident.
- Send a court reporter to traffic hearings, since they will not be recorded otherwise.
- Make sure you check out the other side's social media and take screen shots.
- Once you get a retention letter, call an attorney, it is a sign of trouble coming.

Before an accident:

- Do not be inconsistent with your hiring practices, negligent hiring can enjoin you into a contributory negligence case, tried by a jury that has already been inundated with the trucker as a serial killer message the plaintiffs' attorneys are already advertising all over the state.
- Drivers need to watch their social media accounts, as this data will be brought into court. Inappropriate behavior on social media will go to court with the plaintiff.
- Train someone how to deal with drivers, behavior at scene will be caught on camera/video.

- Have your CDL manuals in your office, not just in your trucks, along with a copy of the regulations.
- Plaintiff attorneys are looking for weak areas you haven't trained your drivers in so they can enjoin you into lawsuit.
- If you don't have a relationship with an attorney, get one now.
- What is your ELD retention policy? Make sure data is not compromised. Know the data override setting on your trucks.
- Take your drivers off your website so the plaintiff can't use things on your website against the driver in court.
- Negligent hiring of independent contractors can be used against you, so be tight in your hiring practices, discipline, training policies, and retraining policies.

Q&A from audience

- Thoughts on cameras in truck? Facing outward good, facing inward, not great. If you are not monitoring the videos and disciplining drivers for bad actions in cab, it can be more problematic to have inward facing cameras, since they will be used against your driver by plaintiff.
- Happy to send presentation to anyone who requests it.
- Use Setliff's accident checklist, included here.

Meeting adjourned at 8:00pm.