

# Top 10 Tips

## Uses for Evidence in a Trucking Case

by John Ross

### 1. Early Expert Involvement

Retaining an expert early in the discovery process is essential to ensuring the right items are requested and procured. With so many federal regulations pertaining to the driver and the motor carrier, following the current federal regulations when requesting documents is crucial.

### 2. The Initial Interview

Prior to hiring an expert there must first be an initial conversation to ensure that the case is a good fit. The right expert witnesses can communicate effectively with the lead attorney and co-counsel and helps the case move along smoothly.

### 3. Researching the Trucking Company

Looking up the trucking company in question through the federal motor carriers website can reveal if the carrier has a “satisfactory” rating as well as the number of “out of service” violations accrued during the past two years. The website offers many facts regarding compliance.

### 4. Important Review

The crash report, OSHA report, or injury report will be one of the most important documents an expert can use in forming expert opinions and conclusions. Key items include violations issued to a driver, or what the witness statements may reveal versus a deposition years later.

### 5. Personnel File

The driver qualification file and/or personnel file will give the expert insight on the hiring and training of the driver. It will show whether the motor carrier followed all applicable federal regulations in the qualifying process of the driver, a history of their driving record, safety meetings, and drug / alcohol testing (or lack thereof).

### 6. Record of Duty Status (RODS)

Driver RODS or driver logs are extremely important for demonstrating whether a driver was compliant with federal hours of service regulations. Motor carriers are only required to keep driver RODS for six months so time is of the essence.



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### 7. Pleadings

Reviewing all the pleadings in a case with the complaint filed can be very useful in helping an expert in determining what the issues are in a case.

### 8. Depositions

When an attorney is going to depose a truck driver, safety director, or a company representative, the trucking expert should help with the key questions to be asked.

### 9. Line of Questioning

When an expert receives a new case with all discovery and depositions complete, reviewing each depo and the line of questioning and answering can be clarifying. Understanding how a truck driver or injured party is answering from the time of the crash report to the time of the deposition can help an expert form opinions and conclusions for a report or testimony.

### 10. Thorough Discovery

When forming opinions and conclusions for a report, an expert must rely on the evidence provided as well as federal regulations and industry standards to provide non-biased facts. Discovery is key in obtaining all relevant documents to this end.



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