



National Board of Trial Advocacy
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**Substantial Involvement – Truck Accident
 (section B of the Standards)**

Name: _____

Instructions:

In this section you are providing information to satisfy both the substantial involvement requirements and the required experience requirements for Board eligibility. Your proof of satisfying any criteria can be counted to satisfy other criteria as well as applicable. For example, if you were lead counsel in a commercial motor vehicle case and in handling that case you were substantially involved in a vehicle inspection, several depositions and hearings, and you ultimately settled the case, you can use that single case to satisfy elements of paragraphs 2(a), 2(b), 2(d), 2(e), and several matrix criteria under 2(f). Anything used to satisfy the requirements of 2(a)-2(d) that also falls within the definition of an adversarial event, can also be counted toward the 100 adversarial events required under paragraph 2(e). Anything used to satisfy the requirements of paragraph 2(a)-2(e) that also meets any line item in the Truck Accident Law Experience Matrix, can also be counted under paragraph 2(f).

Notes: "CMV Cases" include all cases where a defendant was operating a vehicle that qualifies under the FMCSRs and/or applicable state trucking regulations as a "Commercial Motor Vehicle."

"Lead Counsel" shall mean the lead lawyer primarily responsible for the handling of the case. All other lawyers involved in the case would be considered "counsel of record".

- (1) The applicant must make a satisfactory showing of substantial involvement relevant to truck accident law with at least thirty percent of his or her time spent practicing truck accident law, during the three years preceding the filing of the application.
- (2) Within the applicant's career, the applicant must make a satisfactory showing of substantial involvement relevant to truck accident law by checking yes to the following: (a-e) and then completing (f) the Truck Accident Law Experience Matrix.
 - (a) Being substantially involved in at least 25 litigated matters that have been brought to conclusion (settlement or verdict) in the past 7 years including at least 12 litigated truck accident cases. Substantially involved means serving as counsel of record of having been retained for a fee or fee interest as a consulting attorney to handle trucking law aspects of case. _____ YES
 - (b) Being substantially be involved in at least 3 current open litigation cases involving truck accident law, _____ YES
 - (c) Be substantially participated in at least 5 jury trial cases that went to verdict. This is a general experience criterion and therefore the cases do not have to have involved truck accident law, _____ YES
 - (d) Examination of at least 30 witnesses, including at least 10 liability expert witnesses (standard of care, accident reconstruction, conspicuity, human factors, biomechanics, or the like). These examinations can be at trial or in deposition. In the alternative, demonstrate primary authorship of at least 15 trucking law specific motions/briefs that were filed in litigation cases _____ YES
 - (e) The applicant must have actively participated in at least one hundred adversarial events in their career as an attorney. You may count anything that satisfies the definition of an adversarial event even if you are also using that event to count toward other criteria under paragraphs 2(a)-2(d) and/or the paragraph 2(f) Matrix. An adversarial event is any event where you appeared as a lawyer for one side and another lawyer appeared at the event for another party. This would include but is not limited to any trial, hearing, deposition, mediation, settlement conference, pre-trial conference, judicial status conference, or jury charge conference. _____ YES
 - (f) Scoring a minimum of 125 points on the Truck Accident Law Experience Matrix provided below.

In the past 7 years, how many of the following can you verify	Number	Multiplier	Total	Max Points
Lead counsel at trial of CMV case		x 5 =		40
Counsel of record (not lead) at trial of CMV case (e.g., second chair)		x 3 =		30
Primarily responsible for settlement of CMV case (under \$3 million)		x 1 =		20

Primarily responsible for settlement of CMV case (\$3 million or more)		x 2 =		20
Primarily responsible for initial investigation of CMV case		x 1 =		5
Draft Complaint/Petition for CMV case		x 1 =		5
Draft initial discovery for CMV case		x 1 =		5
In CMV case, take deposition of truck driver		x 1 =		10
In CMV case, take deposition of corporate safety director/manager		x 1 =		10
In CMV case, take deposition of 30(b)(6) designee		x 1 =		10
In CMV case, take deposition of defense standard of care expert		x 1 =		10
In CMV case, take deposition of defense accident reconstruction expert or police accident reconstructionist		x 1 =		10
In CMV case, take deposition of defense human factors/conspicuity expert		x 1 =		5
In CMV case, personally attend inspection of CMV		x 1 =		5
In CMV case, defend Daubert challenge to a plaintiff liability expert		x 1 =		5
In CMV case, draft and pursue Daubert challenge of a defense liability expert		x 1 =		5
In CMV case, author a brief on discovery issue(s)		x 1 =		5
In CMV case, argue a discovery issue to a judge		x 1 =		5
In CMV case, author brief regarding trucking specific legal issue (e.g., application of FMCSR, broker liability, shipper liability, preemption, self-critical analysis, etc.)		x 2 =		10
In CMV case, prepare a Rule 26 Expert Report for your liability expert		x 1 =		5

In CMV case, prepare and/or argue any other CMV related substantive brief for court		x 1 =		5
Member in Good Standing of AAJ TLG ATAA, TIDA, DRI or other approved CMV specific organization (1 point for each year up to 3 years) (last 7 years only)		x 1 =		3
Leadership position in AAJ TLG, ATAA, TIDA or other approved CMV specific organization		x 1		10
Attend approved CMV Specific CLE Program(s) (up to 10 programs)		x 1		10
Speaker at CLE program on CMV specific subject (up to 10 programs and topics)		x 2		20
Primary author of book on CMV/trucking		x 10		20
Author book chapter on CMV/trucking topic (do not include book for which credit given above as primary author)		x 3		12
Author article on CMV/trucking topic in peer reviewed journal (e.g. State TLA, AAJ Trial Magazine, AAJ TLG Journal, etc.)		x 2		10
Hired as a paid consultant by other attorneys handling CMV cases (this is not intended to include cases that are referred to you to handle as lead counsel, but rather cases where you are paid to handle specific CMV aspects of a case or to consult on the approach to a CMV case)		x 2		10
For how many of the past 7 years can you certify that you spent at least 30% of your time practicing law handling cases involving CMVs?		x 1		7
For how many of the past 7 years can you certify that you spent at least 50% of your time practicing law handling cases involving CMVs?		x 1		7
For how many of the past 7 years can you certify that you spent at least 75% of your time practicing law handling cases involving CMVs?		x 2		14
Are you presently actively involved as lead counsel or counsel of record in 10 or more CMV cases? If yes, insert 10 points in	Xxxxxxx	xxxxxxxxx		10

Tally of your points: _____
Make sure your total is at least 125 points