

ACADEMY OF TRUCK ACCIDENT ATTORNEYS
2016 Annual Symposium
September 28 - September 30, 2016
Sheraton Nashville Downtown • Nashville, TN
PARALEGAL BREAK OUT PROGRAM

Thursday, September 29th

TIME	TOPIC	SPEAKER
7:00am – 8:00am	Breakfast in exhibit area	
8:00am – 8:15am 15 min	Welcome	Michael Leizerman Joe Fried Sarah Kohler Kim Nelson
8:15am – 8:45am 30 min	<p>Intake - Immediate:</p> <ul style="list-style-type: none"> • Understand why Truck crashes are more complex than car wrecks and must be treated differently • Have a Truck Intake System that starts at the 1st call • Actions as soon as the Truck crash call comes in • Obtain signed fee contract • Obtain signed authorizations • Fee percentage & split, must know the State's Rules • Diary all statute of limitations that may apply • Identifying potential defendants • Conduct SAFER Website search on trucking company and all related subsidiaries • Conduct a Corp Wiki on all entities • Pull information on Defendants • Spoliation/Letters of Representation to trucking company and driver <ul style="list-style-type: none"> ○ Who needs to receive a Spoliation letter? ○ Tractor Trailer owned by different companies? ○ Insurance Companies involved for all transportation equipment & Plaintiff's own ○ Shipper & Broker (as soon as known) • Who else needs a preservation letter? <ul style="list-style-type: none"> ○ Tow truck and clean up companies ○ Road Construction Companies ○ Business or 511/traffic surveillance cameras ○ Traffic Signal Sequencing Entities • What are the things WE need to preserve? <ul style="list-style-type: none"> ○ Car – Contact Wrecker Company ○ Tractor & Trailer ○ Inspect ○ Client's Cellphone, Tablet, comp, drives, etc ○ Client's social media ○ Other Evidence you may want for damages (pics, video, medical devices, etc.) • Investigation Considerations <ul style="list-style-type: none"> ○ Witness Statements ○ Hire Investigator? ○ Photographs of scene ○ Scene Surveillance Cameras 	Joe Camerlengo Paige Todd

<p>8:45am – 9:15am 30 min</p>	<p>Investigation:</p> <ul style="list-style-type: none"> • Open Records/FOIA <ul style="list-style-type: none"> ○ DOT – State and US ○ FMCSA ○ Police <ul style="list-style-type: none"> ▪ Reports/Photos ▪ Dashcam Video ▪ 911 Records ▪ Recorded Statements ○ Fire Department – EMSTARS/NFIRS ○ OSHA/NTSB ○ If Hazmat - PHMSA/EPA ○ Department of Revenue ○ Medical Examiner ○ Citation/Disposition ○ Coroner ○ Prosecutor • Additional information to be obtained: <ul style="list-style-type: none"> ○ Media Coverage of Event – all photos/videos ○ Online coverage of collision ○ Defendant Facebook, social media ○ Google Maps • What do we do with our information? <ul style="list-style-type: none"> ○ Create a players/witness List ○ Create an issue list ○ Identify and pull key documents ○ Make sure to follow up on incomplete responses or lack of response ○ Calendar follow ups for everything 	<p>Joe Camerlengo Paige Todd</p>
<p>9:15am – 9:45 am 30 min</p>	<p>Investigation:</p> <ul style="list-style-type: none"> • Scene considerations <ul style="list-style-type: none"> ○ Accident reconstruction/investigation ○ Scene photos ○ Highway cameras/private cameras ○ Light Sequence ○ Foliage ○ Weather data • Vehicle considerations <ul style="list-style-type: none"> ○ Black boxes and ECMS ○ Our vehicle ○ Tractor trailer • Experts <ul style="list-style-type: none"> ○ Important documents to provide to experts and need to keep itemized listing of all of documents sent to experts 	<p>Sean McEvoy</p>
<p>9:45 am – 10:25 am 40 min</p>	<p>Dealing with Medicare/Medicaid and Liens</p> <ul style="list-style-type: none"> • Medicaid, Medicare, or both? <ul style="list-style-type: none"> ○ Short Term v. Long Term Care ○ Retroactive Case Work Admit Applications • Medical Subrogation <ul style="list-style-type: none"> ○ Injury Subrogation – Varies by State and typically found by contacting the Dept. of Community Health by State and are typically online http://hms.com/ga/overview/ Georgia Example: Attn: Subrogation/Georgia Casualty Unit 	<p>Jenna Hough Group Discussion</p>

	<ul style="list-style-type: none"> ○ Citation of Authority/Recovery Rights ○ Estate Recovery for Death occurring after Injury- State Variance but always ● Medicare Liens <ul style="list-style-type: none"> ○ Contacting the COB office ○ Proof of Representation v. Consent to Release ○ The Resolution Process via Medicare Secondary Payor Recovery Portal ● Tricare/Champus/Champ VA <ul style="list-style-type: none"> ○ What's the difference? ○ Contact point origination & Example Case ○ Army Judge Advocate Claims/Navy Medical Care Recovery Unit ○ Last Resort-Tricare Regional Office-Flow Reasons ○ ChampVA- P.O. Box 65023, Denver, CO 80206-9023(http://www.va.gov/vaforms/medical/pdf/vha-10-7959d-form.pdf) ● Private & Group Health Insurance <ul style="list-style-type: none"> ○ NON-ERISA Mad Whole/Full Compensation rule-Varies by State ○ Stop Loss Plans and Allocations of Risk ○ Hospital Liens and Balance Billing-State Variance 	
10:25am – 10:45am 20 min	Break	
10:45am – 11:15am 30 min	<p>Information to be Obtained from Client & About Client</p> <ul style="list-style-type: none"> ● Authorizations releasing medical records, employment records, school records ● Declarations Page: Underinsured Motorist Coverage ● Medical Bills or EOB forms from client ● List of Medical Providers/Medical Records ● Photocopy of insurance cards ● Tax Returns ● W-2 Forms ● ISO claim search ● Driving history ● Cellphone records from client ● Repair and maintenance records on automobile <p>What is instrumental in determining Client's damages?</p> <ul style="list-style-type: none"> ● Importance of developing relationship with client to determine loss <ul style="list-style-type: none"> ○ Activities, Hobbies ○ Employability ○ Fears for the future ○ Relationships ○ Limitations (Medical and Personal) ○ Independence ○ Isolation ● Scar Photographs ● Hospital Photographs ● Pre-Accident Photographs ● Determine list of before/after witnesses ● Know prior accident and medical history ● Obtain social media history and request limit of social media 	Sarah Kohler Lisa Barr Kim Nelson Group Discussion

<p>11:15am –11:45am 30 min</p>	<p>Information to be Obtained in Wrongful Death Cases</p> <ul style="list-style-type: none"> • Autopsy/Toxicology Report • Death Certificate • Funeral Expenses • Degrees, Sentimental Items, Awards • School and Employment Files • Videos • Determine Probate • Medical history of deceased <p>What can the paralegal do to help determine damages in a wrongful death case?</p> <ul style="list-style-type: none"> • Pull jury charges from the State where the suit will be filed for measure of damages • Determine whether State where case is filed allows recovery for loss of consortium • Develop relationship with Client to determine witnesses best to testify 	<p>Sarah Kohler Lisa Barr Kim Nelson Group Discussion</p>
<p>11:45am –1:00pm</p>	<p>Lunch on your own</p>	
<p>1:00pm – 1:30pm 30 min</p>	<p>Documents/Information to be obtained on the Defendant Driver/Trucking Company prior to depositions</p> <ul style="list-style-type: none"> • Driver's former employer records • Driving history • Social Media of Driver/Safety Director • Cellphone records • Medical records • Divorce/Bankruptcy records • Criminal history • Copies of all former citations/dispositions • Former accident reports involving driver • Paralegal to have followed-up on any outstanding requests prior to deposition preparation • Conduct PACER search of Trucking Company and Driver for any prior lawsuits • Search youtube for tutorial videos posted by Trucking Company • TLO Search of Driver/Safety Director 	<p>Sarah Kohler Lisa Barr Kim Nelson Group Discussion</p>
<p>1:30pm – 2:15pm 45 min</p>	<p>What do we need to do to prepare for depositions?</p> <ul style="list-style-type: none"> • Requests for Production of Documents • What are we looking for? • 30(b)(6) Corporate Representative Depositions • CDL Manual • Truck Driving Manuals • Defensive Driving Courses • True/False Questions • Preparing key exhibits • Key Liability Jury Instructions 	<p>Joe Fried</p>
<p>2:15pm – 2:50pm 35 min</p>	<p>Understanding Transportation Cycle & Trucking Materials</p> <ul style="list-style-type: none"> • OP1 • Driver Qualification File <ul style="list-style-type: none"> ○ What should be in it and what you can do with that info ○ FMCSR Part 391 • Log books • Log audit materials 	<p>Michael Leizerman</p>

2:50pm – 3:10pm 20 min	Break	
3:10pm – 4:00pm 50 min	Discussion of best practices <ul style="list-style-type: none">• File organization<ul style="list-style-type: none">◦ Suggested standardized file structure and file naming when sharing files with co-counsel• Checklists• Use of technology• Deposition preparation• Trial preparation	Jennifer Rodriguez Group Discussion