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# Litigating Truck Accident Cases

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Michael Jay Leizerman

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**VOLUME 1**  
**Practice and Forms**

2013



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ISBN: 978-0-314-61143-7

## Preface

Welcome to this year's edition of *Litigating Truck Accident Cases*. As a practicing truck accident attorney, I am often in the middle of many of the newest issues and arguments in truck litigation. My goad has been to keep the annual updates as relevant as possible to the practitioner. This year, I include contributions from two other truck accident lawyers:

- *Rena Leizerman* is a stellar lawyer (and my wife.) This year's update includes a section and sample briefs that she has contributed on addressing defense arguments of motor carrier direct negligence preclusion. The issue of maintaining direct negligence claims against motor carriers when they admit vicarious liability has received increasing attention in the world of truck accident litigation. Rena's analysis will help you understand and fight it.
- I have known *Robert Collins* for many years. He is the current chair of AAJ's Trucking Litigation Group. He has handled truck and bus collision cases around the country. Robert is also a rye whiskey aficionado. He has contributed a welcome addition to this book—a chapter dedicated to bus collision cases. Robert has had success in knocking out junk science by defense experts when bus companies claim a person could not have been injured in a collision due to biomechanics. Some of Robert's briefs and decisions in his cases are attached as forms to the new bus chapter.

In addition, I have added a section to the fatigued driving chapter that gives an overview of the new **North American Fatigue Management Program**. I have culled from this program questions you can add to depositions of drivers, management, and others in fatigued driving cases.

**New hours of service regulations** went into effect in July of 2013. These rules are explained in § 2:17 Hours of Service.

I have replaced the previous **Freedom of Information Act request** with an updated one.

Last of all, I have updated the chart for **CSA violation severity**. Previously, unspecified speeding violations received a severity rating of 5; now they receive a 1. Previously speeding from 1-15 MPH received a violation of 1; now it receives a violation of 0.

During the year, I report on all major (and many minor) proposed and implemented changes in truck accident law on my blog: [www.blog.TruckAccident.com](http://www.blog.TruckAccident.com). Feel free to take a look.

Wishing everybody a happy, healthy, prosperous year,  
Michael Leizerman

## About the Author

Michael Jay Leizerman is a nationally renowned trucking lawyer, who has worked on truck accident cases in 18 states. He is owner and managing partner of E.J. Leizerman & Associates in Toledo, Ohio.

Michael has received record, multi-million dollar trial verdicts and settlements in the field of trucking litigation. He has achieved these results in several states, including what appears to be the country's first punitive damages verdict in a case against a truck broker for negligent hiring in Oregon (\$5.2 million—there have been other broker punitive damages verdicts in vicarious liability cases, but none specifically for negligent hiring), and then ten days later received a \$13.2 million dollar consortium-only truck death case verdict in Arizona, both in March 2012.

He was the first Chair of the American Association for Justice Trucking Litigation Group, and he has spoken at numerous legal seminars across the country, teaching other attorneys how to litigate these cases.

Michael says one of the most important experiences he ever had was attending truck driving school and obtaining his Commercial Driver's License, all while in the middle of a busy and successful personal injury practice. He says of this experience that he wanted to earn his Commercial Driver's License so he could get a better understanding of how truck accidents occur, and truly understand safety choices from the truck driver's perspective.

Below are more of Michael's accomplishments:

### Legal leadership

Past Chair, AAJ Truck Accident Lawyer Litigation Group  
Trial Lawyers College graduate  
National Trial Lawyers Association, member  
Motor Vehicle Trial Lawyers Group, Executive Board Member  
Ohio Association for Justice, member  
Toledo Area Trial Lawyers Association, Past President  
Trial Lawyers for Public Justice, member  
Multi-Million Dollar Advocates, member

### Certifications

Board Certified Civil Trial Advocate  
Board Certified Civil Pretrial Advocate

## **Education**

Bachelor of Arts, University of Michigan (1991)

Juris Doctor, University of Toledo College of Law (1994)

## **What defense attorneys say about him**

This is one of the most flattering comments Michael has ever received, and it was from a trucking defense organization! “DO NOT underestimate the importance of a lawyer like Leizerman to produce the mega-verdict. There are about 12-15 lawyers around the country that are the BEST OF THE BEST in transportation related verdicts.” –Trucking Industry Defense Association, March 26, 2012

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