Michael Cowen:

This is Michael Cowen, and welcome to Trial Lawyer Nation.

Speaker 2:

You are the leader in the courtroom, and you want the jury to be looking to you for the answers.

Speaker 3:

When you figure out your theory, never deviate. You want the facts to be consistent, complete, and credible.

Speaker 7:

The defense has no problem running out the clock. Delay is the friend of the defense.

Speaker 4:

It's tough to grow a firm by trying to hold on and micromanage.

Speaker 5:

You've got to front-load a simple structure for jurors to be able to hold onto.

Speaker 6:

What types of creative things can we do as lawyers, even though we don't have a trial setting?

Speaker 8:

Whatever you've got to do to make it real, you've got to do to make it real. But the person who needs convincing is you.

Voiceover:

Welcome to the award-winning podcast Trial Lawyer Nation, your source to win bigger verdicts, get more cases, and manage your law firm. And now here's your host, noteworthy author, sought-after speaker, and renowned trial lawyer, Michael Cowen.

Michael Cowen:

Trial Lawyer Nation is brought to you by LawPods. LawPods is the company that produces these podcasts. They make my life so easy. All I have to do is show up and talk, and they do all the recording, making sure it sounds good, the editing the putting out clips for social media. If you are thinking about doing your own podcast, I highly recommend LawPods.

Michael Cowen:

We're going to start a new feature on this podcast. It's Ask Michael and Malorie anything. If you have anything you'd like to ask, either Malorie or me, we're going to start doing an episode every couple months where we're going to answer your questions. So just send them in to me at Michael@cowenlaw.com, and Malorie and I will answer them. Anything from legal strategy, marketing, management, anything else in life you want to talk about. We'll be glad to talk about it with you. Again, ask Michael and Malorie anything. Just send us an email. We'll be glad to answer your questions.

Michael Cowen:

Welcome to today's Trial Lawyer Nation. I am joined again by my partner, Malorie Peacock. Malorie, how are you doing today?

Malorie Peacock:

Really good. How are you?

Michael Cowen:

I'm doing great. We're going to talk about something we've been doing on a number of our cases. That's a lot of fun, and that's going to be talking about creating live demonstrations. And the title is Demonstrations and Reenactments. We'll talk a little bit about the difference in why you want to do one rather than the other. But before we jump in, I just want to give a shout out to our sponsor. LawPods. LawPods is the producer of this podcast. They do all the recording. They make sure our videos look good, our sound sounds good. They do any editing. They cut up the slices for our social media posts, and they just make life really easy. So if you're thinking about doing your own podcast, which is a lot of fun, I highly recommend LawPods. So that being said, Malorie, what is a demonstration?

Malorie Peacock:

So I think when people hear the word demonstration, I think that they often think, I've seen those crash animations that look like little cartoons that people do. That's not what we're talking about. And we can talk about the difference between those, but a demonstration is exactly what it sounds like. It's a demonstration of a principle, an idea, a rule in your case. It is not a reenactment of your crash or a reenactment of the exact situation that the defendant driver found themselves in or something like that. It's really just to demonstrate something important about your case.

Michael Cowen:

And I think an example, on our Buntyn case we did a demonstration. Tell us about that.

Malorie Peacock:

One of the issues in that case was about how the brakes on the 18-wheeler failed and how much time the truck driver actually had once her brake line was disconnected to get off of the road. She claimed that it happened instantly, that all of her brakes locked up and she was stuck there on the roadway. And our trucking expert didn't think that was true, didn't think that was accurate. That's not how brake systems work. Well, we figured that brake systems on 18-wheelers are not something that ordinary jurors are familiar with so we had our trucking expert do a demonstration of what happens when you sever a brake line on an 18-wheeler. So he drove an 18-wheeler and pulled out the brake line and showed how much time it actually took for the 18-wheeler to come to a stop on its own.

Michael Cowen:

And that it can go again afterwards. It only locked up one brake.

Malorie Peacock:

Right. And that it can continue to move. Really, he was not trying to recreate the exact scenario that the truck driver found themselves in that night. That would be nearly impossible. We'd have to shut down a whole highway. There would be all kinds of things that you would need to do to recreate that exact

scenario, and it could be dangerous. In that scenario someone died. So a demonstration was just demonstrating the principle of, how does this brake system work? And what happens when one brake line on an 18-wheeler is severed? Really not to reenact anything. Just to demonstrate that one principle.

Michael Cowen:

Yeah. And why do we do demonstrations on some of our cases?

Malorie Peacock:

Demonstrations can be really helpful to break up the monotony of a really technical issue in a case. One, it's really hard for some people to learn just by hearing about something from a witness on a stand. There's lots of different types of ways that people learn. Some people are visual learners, some people are auditory learners, some people are do-it-themselves learners. Can't have jurors do it themselves but we can at least offer them a visual demonstration of what someone's talking about. It's also captivating to an audience to see something rather than just hear about it. And it makes the principle you're demonstrating more believable to a jury. So in that case we had one witness saying, "This is what happened," and one witness saying, "That's impossible." We had to show them that that was impossible. How would a jury weigh that testimony without a demonstration? So it helps in a couple of ways. Learning is one, for the jury. But then, two, it breaks apart complex principles that sometimes you have to teach a jury about.

Michael Cowen:

Yeah. And seeing is believing when people actually see something rather than just hearing someone talk about it, it makes a huge difference. So why do a demonstration with a real truck or real equipment rather than an animation?

Malorie Peacock:

I don't like animations for a lot of reasons. One of the reasons I don't like animations is because even though you can control everything that's in the animation, the problem with it is that you can control everything that's in the animation. The jury knows that. They know that it's created by you. They know that it's created from your perspective. And it's too easy to cross-examine an animation that you have absolute control over all of the circumstances of what's being displayed. Every time I see an animation, it never shows what I envision it will show. And we've done quite a few animations at this firm. We've created a bunch of different animations. And it's really hard to get them exactly right because a jury comes in almost pre-judging an animation.

Malorie Peacock:

They know you made it. They know that you, the attorney, helped make this to show your point or your perspective, and so they're more likely to pick it apart and find the flaws in it because it's... I think, Michael, you've said before, it's like you tell them something. You say, "This is the way it is," and the juror says, "I'll tell you how it is." That's how they react to animations, because you have so much control over them. And often they just look hokey. I don't know. Especially when it's a really serious issue, like someone died. And every case has a really serious issue in it. And so I can't really imagine a scenario where it doesn't make it look less serious, because it's animated. I don't know how else to say it.

Michael Cowen:

Yeah. Even when they're super realistic, a lot of times the way the animators do them, not only are jurors more suspicious because we create them, but a lot of times they don't really show the point. They actually don't have the effect that the animator thinks it's going to have. Because an animator's a computer person, they're not a persuasion person. And I just think using real trucks and real whatever other trucks, cars, whatever you're using and whatever your issue is. Using real stuff makes a huge difference.

Malorie Peacock:

I think, too, that demonstrations, they can be with real trucks, which is what we did in the Buntyn case. And we're going to talk about a couple of other cases where we've done real life things with the real life things. Real life trucks, real life trailers, real life things on the road. But a demonstration can also be something that an expert does live in person with a magnetic board and some little magnetic cards. So a demonstration is just something where you're demonstrating the princ... I keep saying the principles, but that's really what it is. It's not a reenactment of the actual crash.

Michael Cowen:

Be careful, though, with doing things live in the courtroom, because I remember my first solo personal injury trial. I was sent to try a very, very difficult case without an offer. And our expert was a high school physics teacher. And the big issue is whether or not a particular plate should've had tempered glass instead of plate glass, because plate glass would break more easily and shatter into sharp pieces and tempered glass would be more difficult to break. And break into little pebbles wouldn't really slice you up. So our expert was sitting there. And my old boss had actually filmed a demonstration, but he did not produce the videotape on time to the defense so we couldn't use the film. So my high school physics teacher expert got a piece of glass that he said it was plate glass.

Michael Cowen:

And he was going to show how easy it was to break the plate glass. And he got a hammer. He's in the middle of the courtroom and he's banging on it and he's banging on it and banging. And that glass won't break. And I said, "Well, maybe this is the tempered." "Oh no, it's the plate." And it must've taken him like 35 hits to break the plate glass. And it was the worst experience I think I've ever had in a courtroom. So just be careful. Even glass breaking. Sometimes things can go wrong in trial. So it's one thing to use magnetic boards, but trying to do an actual experiment in trial, it might not work the way you want. Just word to the wise.

Malorie Peacock:

And what does it hurt to record that demonstration early? I think it's just as effective to show on a videotape without the risk of it going wrong than to do it live if you don't know that it will always work. I'm surprised the judge let you do that, get glass all over the courtroom. I don't know.

Michael Cowen:

We had it in a plastic bag to hold the glass. I don't know. It was 1997. It's been a little while, but I will never forget the... I'm sure I was beat red by the 30th hit.

Malorie Peacock:

Oh my god.

Michael Cowen:

And I did not have as much emotional regulation there, so my discomfort was shown to all the jury. And we lost the case. You talked about, you want to do reenactments, not demonstrations. A little bit like... I'm sorry. Demonstrations, not reenactments. Because a demonstration, you're demonstrating a principle. A reenactment, you're trying to reenact exactly what happened. Why, in general, do you not want to actually try to do a true reenactment?

Malorie Peacock:

I think in most cases, it's going to be very, very difficult to get every single thing right in a true reenactment, because there's a lot of unknowns. Most crashes, most events, injury-causing events don't occur under scientific study, so there's not every angle of video on the crash scene. There's not all speeds are being calculated at all instances in time. People aren't wearing those little accelerometers on their heads. There's all kinds of things that you don't have data for that would require some work by an accident reconstructionist or someone like that to calculate the most probable scenario.

Malorie Peacock:

And so they're too easy to pick apart, because the easiest thing to poke holes in a reenactment is for a defense attorney to say, "Well, you don't know that X, Y, and Z. And you don't know about A, B, and C. And you don't know about that." And even if those things are trivial to the real reenactment, some of that cross can be powerful for a jury because it's just picking it apart piece by piece by piece. And by the end the jury might feel a little bit like, well, what is right about this? Or what is this for? What are you even doing with this? And when they start questioning what your motivations are behind the reenactment, you've lost. You've lost the value of the reenactment itself whereas, a demonstration, that's what it is. It's just to demonstrate this one thing. We all admit this is not what happened here. We all admit we're not trying to get the correct speeds. We're not trying to get the exact correct visibility. We're not trying to get whatever the issue is.

Malorie Peacock:

We're just trying to show how brakes work, or we're just trying to show how dark it is at this intersection at night, or whatever you're trying to demonstrate. And it takes the wind out of the sails of the cross on a reenactment.

Voiceover:

Each year the law firm of Cowen Rodriguez Peacock pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and commercial vehicle cases. If you have an injury case involving death or catastrophic injuries and would like to partner with our firm, please contact us by calling 210-941-1301 to discuss the case in detail and see where we can add value in a partnership. And now back to the show.

Michael Cowen:

I agree. And the legal standard's also different, because if you're going to do a reenactment, it has to be almost identical to the actual event. And you can almost never know. Especially when you have two vehicles that are both moving, trying to figure out the exact speed and condition, and then do it in a way that you don't kill somebody. If you're really going to crash them into each other, what are you going to do? So I think that's really, really tough to do. But if you're only doing a demonstration, I think you still have to have some substantial similarity. You have to at least demonstrate that that's the principle. But

also any differences can be addressed through cross-examination. And at the least in Texas, even evidence of shaky value should be admitted and subject to cross-examination instead of being excluded. I very unsuccessfully argued that last week in a trial, but we'll talk about that in a minute because no matter what the case law says, your judge is your judge, and they're the ones deciding things.

Michael Cowen:

But yeah, definitely, if y'all are thinking about spending the money to do this, it's really, really, really difficult to totally reenact something, but demonstrating certain principles is something that's not that hard to do. So what are some practical tips you have for... before we go into this? Let me go into some examples and then we'll go into some tips. We talked about the case where we did the brake testing. I just did a case. I tried it with Laura Porter last week, our partner, and it settled right before closing arguments. But one of the things we did, it was a tractor trailer backing across the highway at night. You and I know because we've been out to Montana and driven the range and seen that when you're approaching a tractor trailer where the trailer's on an angle at night, you cannot see that trailer. You see the headlights. You do not see the tape, you don't see the trailer. It's practically invisible until you're so close, you don't have time to stop.

Michael Cowen:

The problem is I wanted the jurors to be able to see that for themselves, too, so we did something called a night study. And so given some of the issues we had in our Buntyn trial, where our expert got a different type of tractor and a different type of trailer, and the brake system was basically the same but it had different transmission, which shouldn't make a difference but it led to a lot of unnecessary cross and briefing. I actually went and bought the same type of pickup truck. We changed out the headlights on the pickup truck to get the same kind of headlights, because our client's son had bought him better headlights. LED headlights. Rented a trailer that was the same make and model trailer, and then we adjusted it. But they had to be still because we didn't want to kill anybody. We had to do it in a parking lot because we couldn't do it on the highway. That wouldn't be safe.

Michael Cowen:

And if we got the police to close off the highway, there'd be all the sirens and lights from the police doing that. We got substantially similar dark lighting conditions, and we placed our pickup truck where it was, the tractor and trailer at the angle that it was, the distance, and took pictures and showed that you really could not see this trailer until about 200 feet, which is about when our person reacted, and right before he hit his... perception, reaction time, the skid marks he laid down was very consistent with it. And in that case, even though we did all that stuff right, I think it should've been admitted by the judge ruled that our experts could talk about it, because it was scientific, but we couldn't show the photos to the jury because what the people saw would be moving objects, and these were still objects. And so I was not able to show the photos to the jury, which, I think I lost very powerful evidence.

Michael Cowen:

So I guess a couple of lessons learned there is, one, I learned my lesson to try to do it all right. And we tried really hard and spent a lot of money to get it exactly right. But then the other thing is you've got a lot of discretion on your trial judge. And this particular trial judge decided not to let it in. I think if we were in the court in Dallas where we were for the Buntyn trial, it probably would've come in. I think most courts it would've come in. But this judge, I respect her. That was the decision she made. And as Dory said in Finding Nemo, "Just keep swimming." When the judge rules against you, you just got to let it go

and keep going. But do be prepared. Sometimes you do it all right, spend more than 50,000 on a really important piece of evidence and you don't get it in, and you just got to keep on going.

Malorie Peacock:

One thing with that, what was interesting to me about the study in that case that you guys did is that it required a lot of expertise. It required a bunch of different people to pull this off. Can you talk about that a little bit?

Michael Cowen:

Yeah. We had to have our crash reconstructionist out there. He's the one that could testify as to all these, what the distances were, what the angles were. He had to really analyze the crash and figure out where each vehicle was second-by-second, and the positions and the distances. But then we needed to get our trucking expert there too, to make sure we had the right kind of truck, that everything was done properly. Plus we had to have a CDL driver actually drive and operate the truck and the trailer. So it was a big production with a lot of people, and a big old bill.

Michael Cowen:

I think it was still worth doing because it gave our expert the data to testify on. And at least we were able to say that he not only did the analysis and looked at the studies, but he actually looked at it himself. Though I think if we were able to get the photos in, it would've been even more powerful. And I think most times we would've gotten them in. It's just this one judge. Again, I respect her. She was making the decisions she thought was right based on the law. I disagree with her on what the law was, but I still respect her, and we still got a good trial. Most of her rulings were fine, but some didn't go our way, and that's just life. You're not always going to win every single ruling, and you just have to learn to let it go and keep on going, because getting mad during trial does not help you.

Malorie Peacock:

Yeah. And being able to pivot. That's the thing about demonstrations. Any kind of demonstrative exhibit can or cannot come in at trial, and so you have to be ready to do it both ways. So do it with, do it without. That's always the risk of any kind of demonstrative that you're trying to use, whether it's actually a video, whether it's photos, or whether it's just a diagram that someone drew. The judge might not like it for some reason, and it is what it is. You just have to be able to say, "Okay," and move on to your next thing.

Michael Cowen:

Yeah. I think another fun one we did is we did a case where we were suing a trailer manufacturer. A tractor trailer parked partially in the lane of travel, partially on the shoulder of the road. Our girl was a passenger. Her cousin was driving. Her cousin wasn't necessarily paying attention and hits the back of the trailer. We under ride, guard bends in. Our vehicle goes underneath the trailer, under rides, and she gets a bad brain injury. And we were suing the trailer manufacturer saying they should've had a stronger underride guard. And we were tempted not to do a test or a demonstration because the Insurance Institute for Highway Safety had crashed a very similar sedan into a different design of guard that this company manufactured, got an award for but didn't actually sell to the public, even though they submitted it and got an award for the design.

Michael Cowen:

So we had a crash test at... another sedan, but it was a different model sedan, at a speed that was within a few miles an hour and an angle within one or two degrees. But we decided to do a crash test anyway. And what was that?

Malorie Peacock:

Well, again, we were worried about... we were worried that that was going to be one of the defenses is, well, it would've worked if they were at a little bit of a different angle, or this was just a crazy type of crash. We cannot build something to withstand craziness. And so we were worried that that was going to be one of their biggest defenses to that testing. And we wanted to make sure that the speeds were the same. Speeds were a little bit different. Barely different, but different in the IIHS.

Michael Cowen:

Yeah. And when I deposed their corporate representative, he said, "Well, that IIHS says is nothing like this crash's. This is a different vehicle. The IIHS test was on the left side of the vehicle, this is on the right side of the vehicle," or vice versa. Whatever it was. Just came up with a bunch of distinctions. And luckily we didn't have to fight them on it because we already had our test done, and they didn't know that yet. But I think it made a... when you do that, especially in a product case, when you actually do crash testing, it makes a huge difference in the value of the case. But again, you've got to make sure your reconstructionists and your product expert work together so that their angles and speeds are substantially similar and that you get the right kind of instrumentation on the dummies.

Michael Cowen:

It is a lot of work. It's a big undertaking. And unfortunately that was a six figure expense, but the return on investment was also really good because we got a really good recovery for a young lady that I don't think we would've had had we not done crash tests.

Malorie Peacock:

Yeah. And I think a lot of lawyers think crash testing is for product liability cases. That's when we've seen it at CLEs. That's when people spend a lot of money on it. That's generally what they think it's limited to. But that was an example of a product liability case. But it's so useful in other kinds of cases, too. It just really is.

Michael Cowen:

Yeah. Well, even in our Buntyn trial, one of the reasons it's so dangerous to stop a tractor trailer in the middle of a 65 mile an hour highway is that you have the danger of underride. And so we got the Insurance Institute for Highway Safety underride crash test on that model trailer. And just as a demonstrative we wanted to show the jury, what does it look like? What is underride? Because we knew we had underride in our case because we had the photos of our vehicle under the trailer. But when we showed those videos of underride, and the underride bar bending in and the car going underneath and that trailer hitting that crash test dummy in the head, there was a visceral response from the jury. It's almost like they were seeing our crash happening.

Malorie Peacock:

Yeah. And that's a demonstration. We didn't create that one, but that's a demonstration. That's a type of demonstration that you can use at trial. And again, it breaks up especially technical testimony with something visual that the jury can see. They hear the word underride, but until you see it, are you really

even sure what it means? Yeah. And I think that's true for a lot of stuff. I think the curse of knowledge is huge in this kind of work and personal injury work because we know a lot about how bodies move and vehicles react to car crashes and the jury doesn't. Most of them have maybe been in one fender bender before, but probably not in any crashes. So they don't know.

Michael Cowen:

And you did a fun one with rumble strips recently.

Malorie Peacock:

Yeah. Yeah. This was, again, a different kind of demonstration. The argument in the case, we were suing a road construction case for failing to comply with the state plans requiring rumble strips as part of the traffic control plan. 18-wheeler doesn't stop, doesn't slow down, and runs into a bunch of motorcyclists that are stopped for the construction zone. And our theory of the case was of course that if they had the rumble strips there, it would've alerted the 18-wheeler driver to stop traffic ahead. "Hey, something's coming up." And he would have slowed down and stopped and nobody would've been catastrophically injured.

Malorie Peacock:

The defense was that rumble strips don't really work for 18-wheelers. That because 18-wheelers are so big and because they're so noisy, you don't feel the rumble strip and you don't hear the rumble strip when you run over it. And so we didn't have them, but they wouldn't have worked anyways because it's an 18-wheeler. So that was a big issue. Of course our experts said, "Rumble strips are supposed to work for all vehicles. That's the point of them. They're supposed to work for everybody."

Malorie Peacock:

But we wanted to demonstrate that. And so this is one where we actually went out to the highway where this crash occurred, because we had a human factors expert that said the ambient noise of the roadway was really important to determine... he didn't want to be cross-examined on that. He didn't want to do it in a parking lot where you don't have other kinds of noises around and then say, "Well, how do you know that that's what it would've sounded like on this road?" So we actually went out to the road where this occurred, put down rumble strips, and rented an 18-wheeler that was the same make and model as the 18-wheeler that the truck driver had in that case.

Michael Cowen:

You also made sure, from the construction plans, you got the same kind of rumble strips. And we had to go figure out how to order and purchase the right kind of rumble strips.

Malorie Peacock:

We had to chase those down, and they were more expensive than I thought they would be. I don't know why I thought they'd be like $10 each. They were not. They're actually very expensive because they have to withstand people running over them. And we learned all about, how do you install rumble strips? It's this glue that you heat up, and it's a whole thing. Anyways, we put rumble strips on the roadway in this area, had our experts ride in the 18-wheeler at the speeds that we knew the 18-wheeler was going to see if they could hear the rumble strips. We also recorded the noise of the rumble strips.

Malorie Peacock:

The other thing is that they said that because if you're traveling at 60... we had a dash cam video from the 18-wheeler driver that we said proved there was no rumble strips on the road. And they said, "Well, you can't see them on a dash camera from an 18-wheeler." So we put a dash camera on the 18-wheeler to show that you could actually see them if they were there. That was something else that we did.

Malorie Peacock:

Without that demonstration, I don't think they would have really understood what their risk was at trial. Before that demonstration we weren't moving anywhere near settlement. I'll just say that. And then afterwards we were able to get the case resolved very well for our clients. But it was a whole undertaking. Like I said, we went to this rural road where the crash happened and bought rumble strips and rented an 18-wheeler and had a CDL driver driving it. Had all our experts there to listen to the rumble strips and make sure that they were spaced correctly according to the plans and were traveling at the correct speeds and all of that kind of stuff. But it was a lot of fun. It was cool to see once it was all done.

Michael Cowen:

Yeah, this stuff is fun. It's expensive, but if you're going to do major cases, you really should consider doing demonstrations because juries love them. They're interesting, they're fun to do, and it's just taking it up to another level.

Malorie Peacock:

Yeah. It's just one more way to illustrate to the jury why your case is right. Why your theory of the case is right. If you just have an expert saying something that's the opposite of what the people on the ground are going to say, it's not very convincing. You need to demonstrate it. And usually we're doing these demonstrations to disprove something that someone on the ground is going to say. The driver of the 18-wheeler is going to say, "This is how it felt," and we need to show that that's not true without calling them a liar, because that's not persuasive advocacy. Persuasive advocacy is showing how it's not true, and that's why you do the demonstrations.

Michael Cowen:

Yeah. And like you said, and it's also fun.

Malorie Peacock:

It is fun. It's-

Michael Cowen:

And fun is important. All right, speaking of fun and taking things to the next level, we have on July 10th our Big Rig Boot Camp coming up here in San Antonio, Texas. People can register at bigrigbootcamp.com and we're going to go into some more details on demonstrations and reenactments. We are going to give people the case law and the briefing on them. We're also going to show some videos of some things we've done and give tips for how to do your own. So that should be a lot of fun. We hope people can join us for that. Registration is open. Right now we have the early bird rate of only $209. And we spend a lot more than $209 a person on the food, drink, event rental. Honestly, the reason we charge is, one, it does help offset the cost a little bit, but it's because when we have it for free, about 20%, 25% of the people that sign up... the sign-ups don't show up and then there's people we turn away.

Michael Cowen:

So we have a nominal charge just to recoup a little bit of the costs. We still don't make money doing this, but we love doing it and it's fun. But also when people have a little skin in the game, they're a little more likely to show up. But that's not the only thing we're talking about, Malorie. We're also talking... let me go to the agenda. We're going to talk about all the different types of cases you get often. Rear end collisions, backing cases, sideswipe, turning, U-turns, adverse weather. It seems like some of these cases are obvious. Why is there a need to deep dive, let's say into rear end collisions in a trucking case?

Malorie Peacock:

Yeah. I think while an 18-wheeler rear-ending your client is obvious liability for the 18-wheeler driver, it's not necessarily obvious how there's negligence and really gross negligence for a trucking company if their drivers are rear-ending someone on the roadway. And there's a lot of resources about that that we're going to share. Where do you get the rules from? Why should truck drivers know about these rules? And why are rear end collisions so common in 18-wheelers? And some of it has to do with following distance, some of it has to do with distractions in the vehicle, and out and hours of service violations. So there is a lot more to look at in a rear end collision than just the collision itself, and in all these types of typical kinds of collisions that we see in trucking cases. I was super excited about the theme of this year's Big Rig Boot Camp because, I think they call it their Trucking Toolbox.

Malorie Peacock:

It's all the types of cases that you commonly see. And what are the things that you must look at when you have these kinds of cases? It's a nuts and bolts type of program, and that's what we wanted it to be. You could come and say, "I have a rear end collision case. I'm going to learn something here that's useful to me." "I have a sideswipe case. This is going to be useful to me."

Michael Cowen:

Yeah. And the other thing that I'm doing that I'm really excited about is I'm either in deposition or trial to present your own crash reconstructionist. So I'm going to talk about the theory. I'm going to bring a real reconstructionist. I'm going to do a live demonstration so I can share how it works. And then of course he'll be available for questions as well, as me. And then go into cross-examining, both in deposition at trial, the truck drivers and trucking company personnel with, like I said, real life examples, but through theory and practice so that people can leave being better able to go take their own depositions and cross people at trial.

Michael Cowen:

And then a real huge issue in Texas is our Chapter 72 or House Bill 19. In other states they call it the McHaffie Rule. But when a trucking company tries to use different kinds of stipulations to try to hide their bad corporate conduct and just put it all in the driver, what are the legal strategies we've been able to use to successfully overcome those attempts and still get in the full story at trial? So I'm really excited about sharing all this stuff with people. We vet who goes there, so I know that the information I share there doesn't go to the defense. So I'm willing to share things at the Boot Camp that I might not at a state bar CLE, and definitely not in my book that the defense lawyer can buy. Still a lot of good stuff in the book, but at the Big Rig we can just go a little deeper and we get to meet each other and talk, and that's always a lot of fun.

Michael Cowen:

It looks like it's going to sell out again this year, so I would really recommend everyone to start registering now at bigrigbootcamp.com. Plus you get to meet Malorie and me. It's going to be a lot of fun.

Malorie Peacock:

Yeah. I always have so much fun talking to everybody. And we always have time for questions. Michael always saves time for questions, and to me that's one of the most fun parts of the seminar, is that people get to ask their own specific questions. Because sometimes we're presenting stuff and we're hoping that it's useful, and when we hear people's questions, it just helps us feel like, okay, we know that we're sharing something useful for you and for that person. I'm also so excited about this live direct examination of a crash reconstructionist. Last year we did the direct examination of a trucking expert and I loved it. It's so much fun and it's so cool to see. So I'm excited. I think it's going to be just as good as last year.

Michael Cowen:

Well, thanks. Well, hopefully everyone can join us there. You get CLE credit. There's even a happy hour, so if you drink you can have one with us. And it's a lot of fun. So join us and just go to bigrigbootcamp.com and join us in San Antonio on July 10th. And then tune in next time on Trial Lawyer Nation.

Michael Cowen:

Thank you for joining us on Trial Lawyer Nation. I hope you enjoyed our show. If you'd like to receive updates, insider information, and more from Trial Lawyer Nation, sign up for our mailing list at triallawyernation.com. You can also visit our episodes page on the website for show notes and direct links to any resources in this or any past episode. To help more attorneys find our podcast, please like, share, and subscribe to our podcast on any of our social media outlets. If you'd like access to exclusive plaintiff-lawyer-only content and live monthly discussions with me, send a request to join the Trial Lawyer Nation Insider Circle Facebook group. Thanks again for tuning in. I look forward to having you with us next time on Trial Lawyer Nation

Voiceover:

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Voiceover:

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