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Local Relationships Worldwide

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**2019 Transportation
Atlanta Regional Seminar
What's New In Trucking Technology
June 12, 2019**

Introductions

David Senter

Raleigh, North Carolina



Jay Skolaut

Wichita, Kansas



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Where did we come from?

Where are we going?

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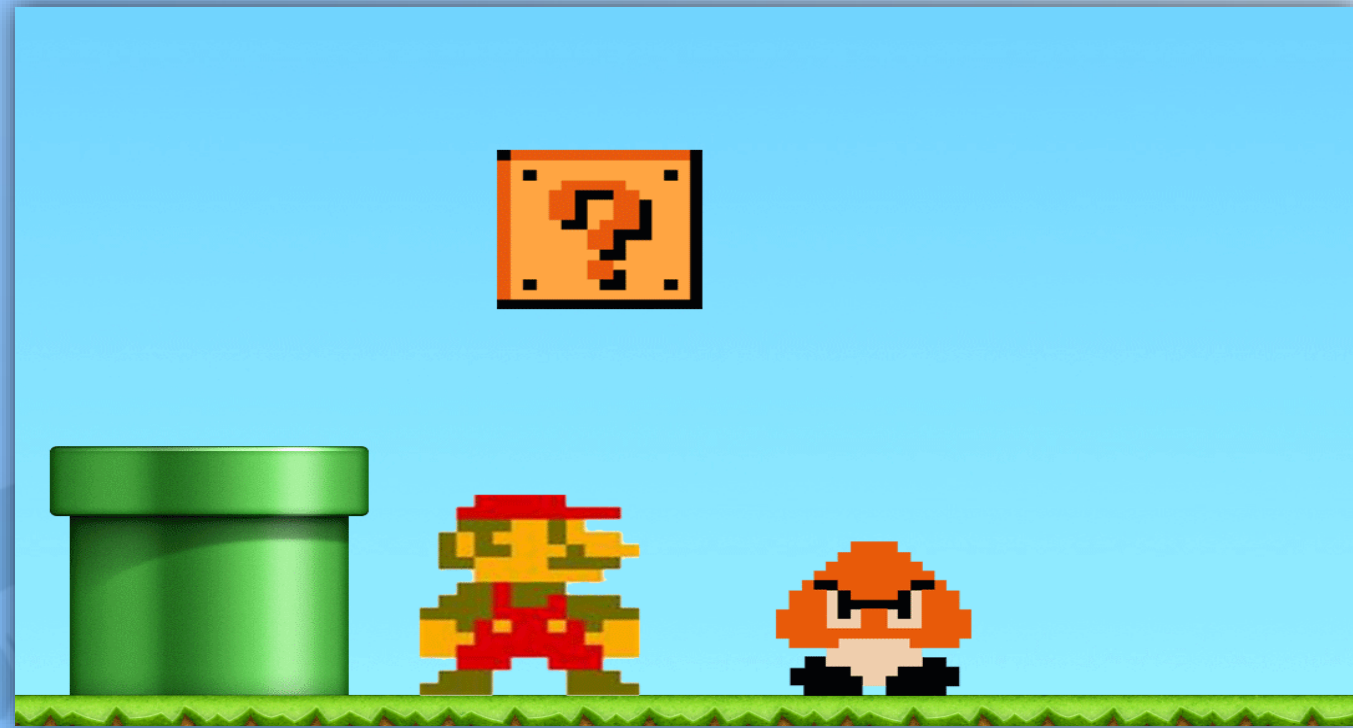
Things That Have Come And Gone...



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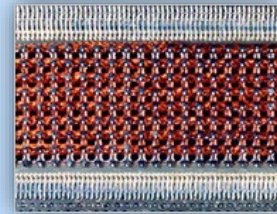
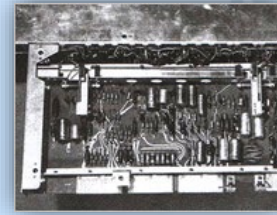
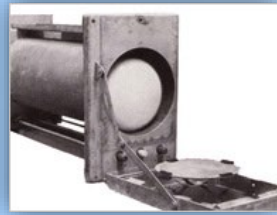
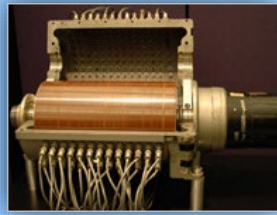
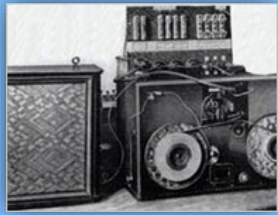
Things That Have Come And Gone...



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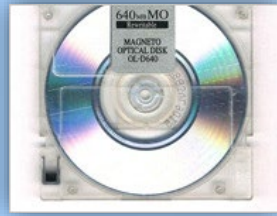
Information Explosion



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Information Explosion



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Information Explosion

Cost For Storage of a Gigabyte of Data

1956 = \$2,000,000

2009 = \$1

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So, For Better or Worse

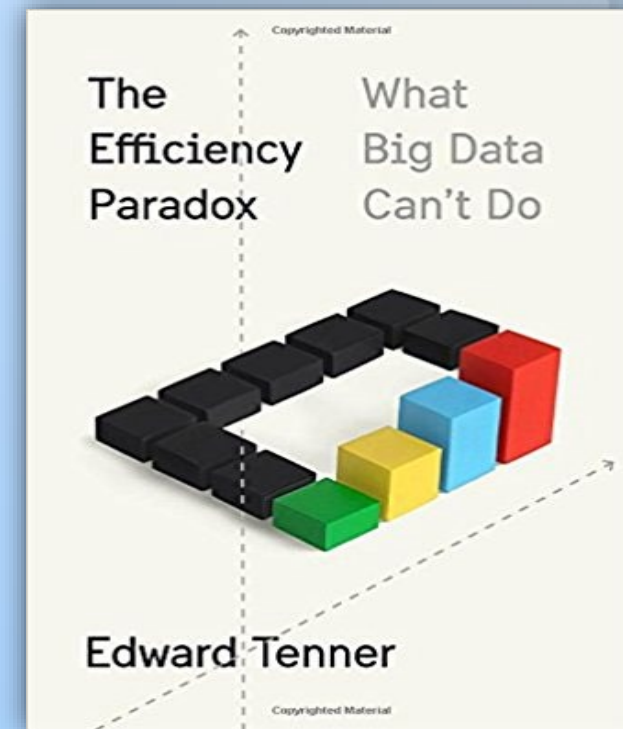
There is no divorce from the electronic world
Much like taxes, it is here to stay.

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More Data – Less Productivity? More Complications?

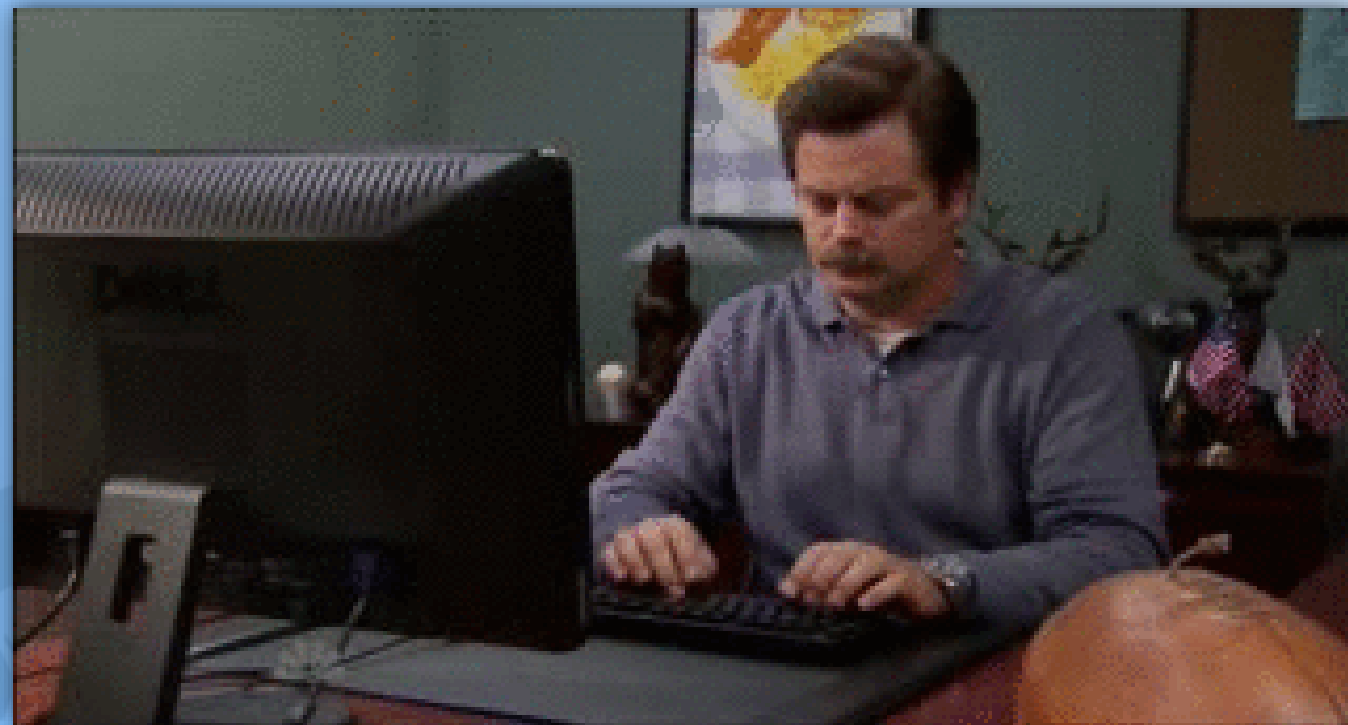
Although technology is making our lives ever more convenient, it also may be having the unintended effect of lowering our skill set. *The Efficiency Paradox* questions our ingrained assumptions about efficiency, showing how relying on digital platforms can in fact lead to wasted efforts, missed opportunities, and an inability to break out of established patterns.



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The Solution



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Ethical Duties of Attorneys

Rule 1.1 of the ABA Model Rules of Professional Conduct states: “competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation, and maintaining the knowledge.”

Comment 8 to Rule 1.1 requires lawyers to “keep abreast of changes in the law and its practice, including the benefits and risks associated with *relevant technology*.”

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Ethical Duties of Attorneys

Attorneys must “have a general duty to be aware of social media as a potentially useful information in litigation, to be competent to obtain that information directly or through an agent, and to know how to make effective use of that information in litigation.”

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The Future



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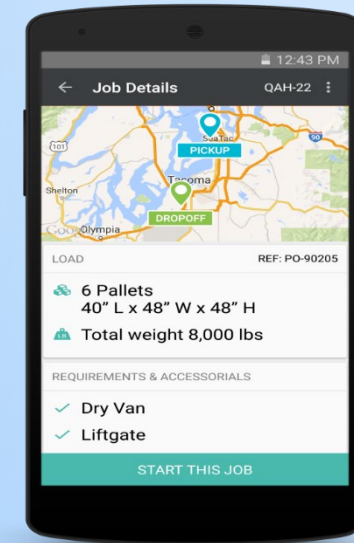
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Uber For...



TRANSFIX

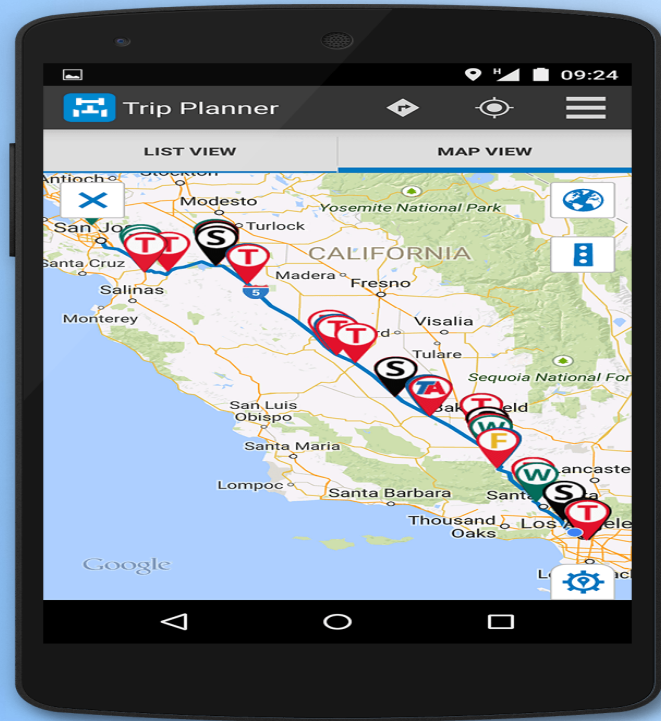
cargomatic



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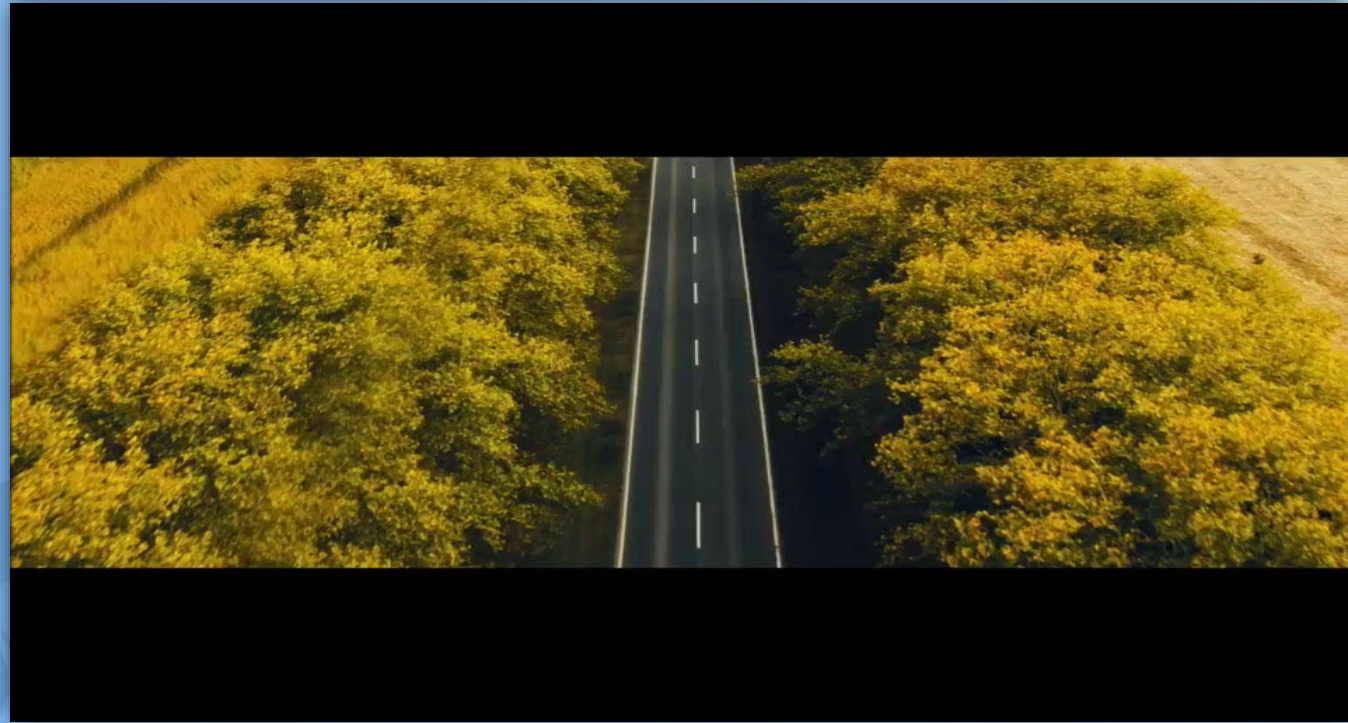
Apps, Apps, and More Apps



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Vehicle Modifications



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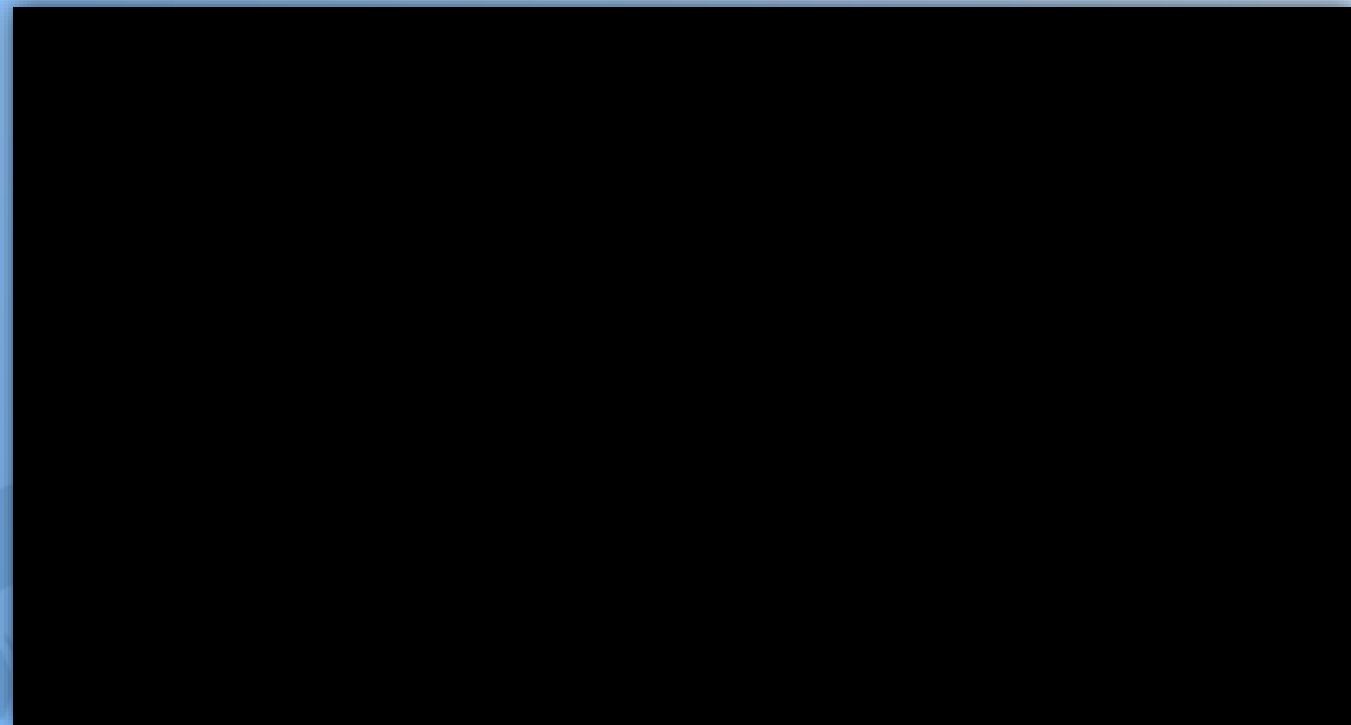
Autonomous Vehicles



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Platooning Technology



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New Methods of Delivering Goods



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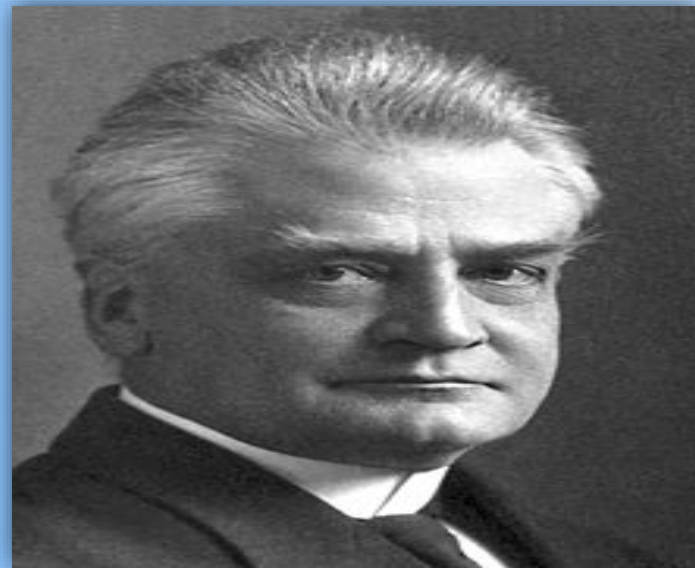
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“Technology is a useful servant but a dangerous master.”

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Use by Drivers and Company



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Information is Everywhere

- Social networks (Facebook, LinkedIn, Match.com)
- Media sharing (YouTube, Instagram, Pinterest, Flickr)
- Activity tracking (Nike + Running, FourSquare, Fitbit)
- Blogs and microblogs (WordPress and Twitter)
- Social news (Digg and Reddit)
- Discussion forums, comments and reviews

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Post-Accident Investigation



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Post-Accident Investigation



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Another One Bites the Dust



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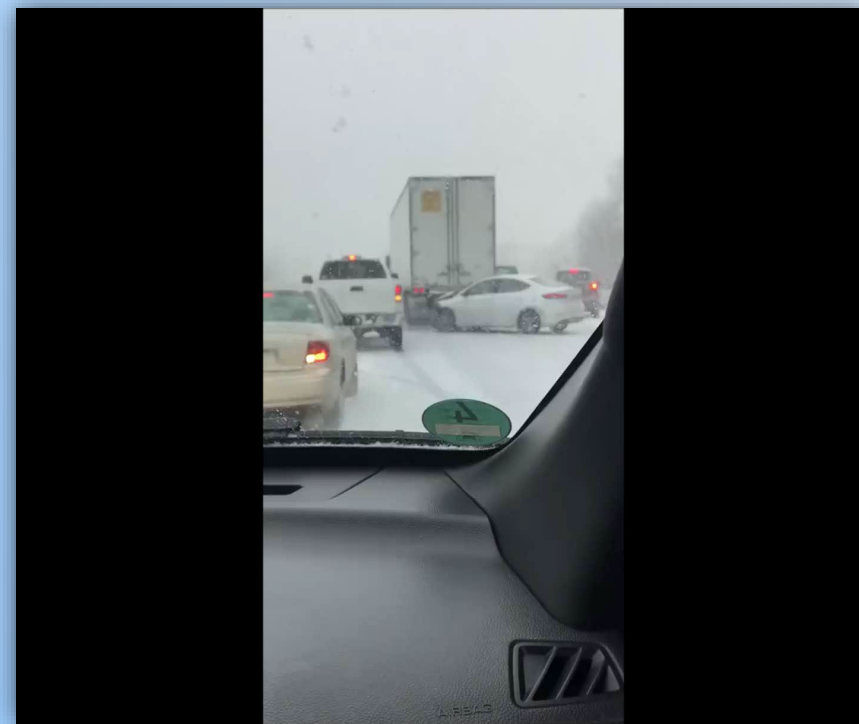
External Sources of Video



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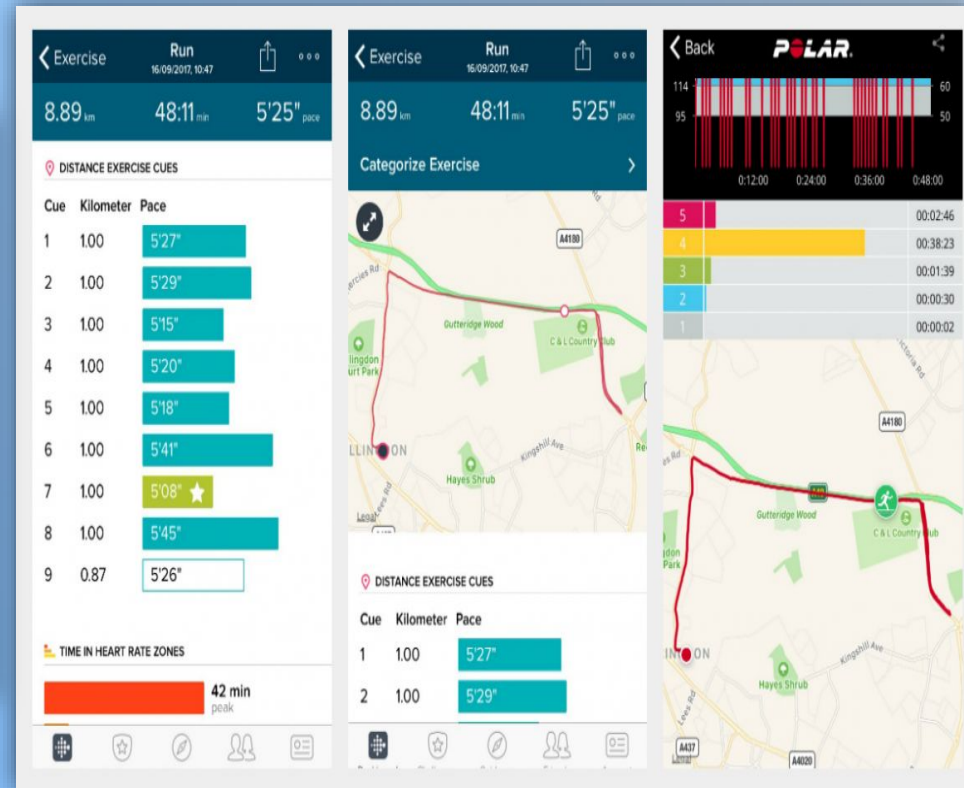
External Sources of Video



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Wearable Technology



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Lancaster, PA False Rape Report

- Victim called 911 and reported she was sleeping when she woke up to find her attacker sexually assaulting her.
- During the investigation, the police found the victim's Fitbit on the floor "and when they downloaded its activity, the device became a witness against her."
- The activity data collected by the device revealed that the "victim" was actually awake and moving around the premises at the time she claimed she was attacked.

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Litigation Hold



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Litigation Hold: What is Your Policy?



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Litigation Hold

[REDACTED]

From: [REDACTED]
Sent: Tuesday, April 04, 2006 10:01 AM
To: Lisa
Subject: RE: 1st Qtr 2006 - royalty statement [REDACTED]

I told u guys to prepare a fire for all the documents.....seriously....

also, destroy bobo notes and contact information..

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Litigation Hold: What is Your Policy?

- It is estimated that 80% of ESI is never printed to paper.
- ESI classes are now being taught in law school.
- Be wary of devices that can be erased remotely.

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Litigation Hold: Going “Paperless”

- It starts with a single e-mail.
- The single e-mail is routed to several recipients.
- Replies are sent to the e-mail.
- Various individual and/or group dialogues ensue.
- The e-mail is forwarded to others, with comments.
- Some print the e-mails.
- Some write comments on the e-mail.

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Litigation Hold: What is Your Policy?

- Logs
- Electronic on board recording devices
- Data storage on tractors (ECMs, computers, etc.)
- Data storage on passenger vehicles (ECMs, air bag modules, computers, etc.)
- Cell phones
- GPS devices

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Litigation Hold: What is Your Policy?

- Emails
- Calendars
- CD-ROMs, DVDs, flash drives
- Local hard drives, company server
- Word files, spreadsheets, photographs
- Instant messages
- Back-up tapes
- Website log files

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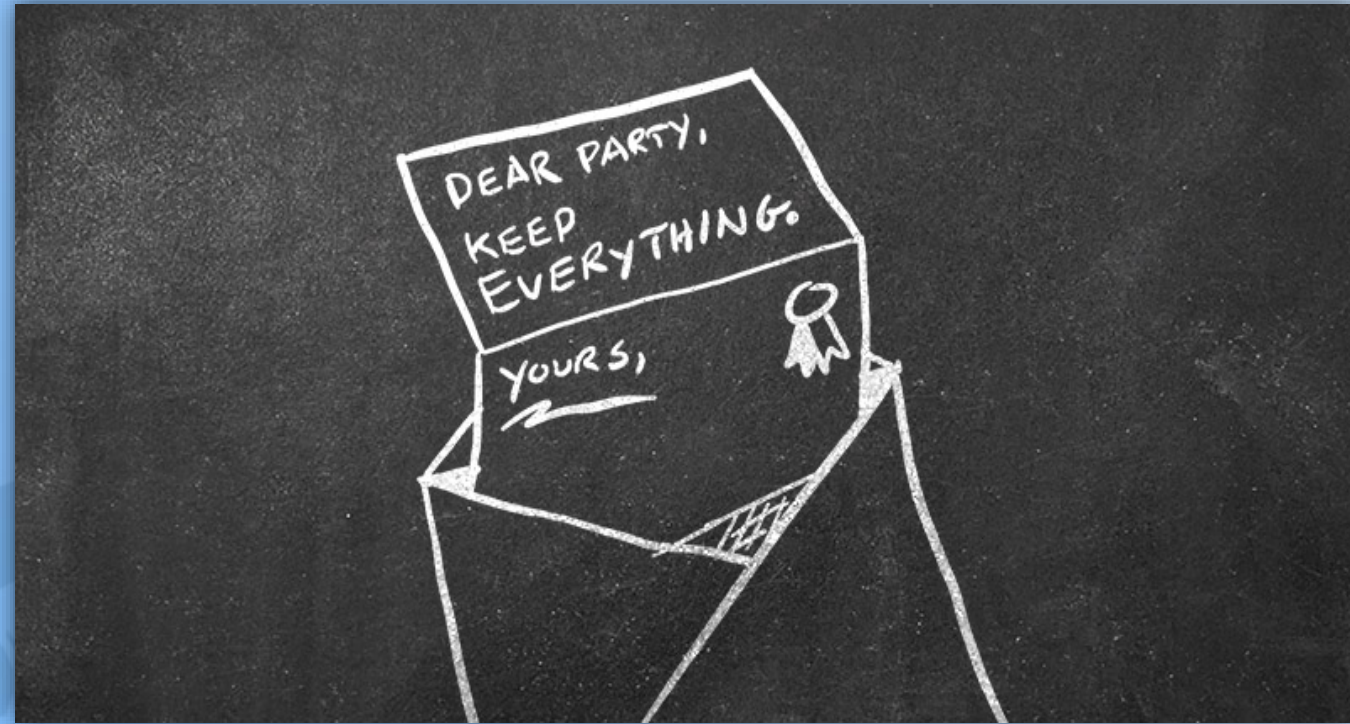
Litigation Hold: What Should Be Retained

- If your company has a policy for what is held in litigation hold....follow it!
- 30 days of logs on driver involved in accident.
- EDR and ECM – case by case basis.
- All maintenance records on tractor and trailer.
- Then FREEZE ongoing destruction of such records that could be relevant.

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Preservation Letter



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Preservation Letter: What Should Be Preserved?

- The company must affirmatively prevent destruction or alteration of potentially relevant information.
- The company should suspend normal practice of purging if litigation is anticipated.
- The company should locate other information responsive to preservation letter.

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Not a One Way Road

- Make requests to the claimant.
- Passenger vehicles may have event recorders



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THE JURY IS INSTRUCTED TO IGNORE THE LAW,
JUSTICE, LOGIC AND COMMON SENSE AND CONSIDER
ONLY THE HARMFUL, RANDOM EMAILS BURIED
AMONG THE DEFENDANT'S RECORDS.

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Lessons Learned

- Drivers need to be trained that anything written in emails or text messages could end up in front of a jury.
- Create and follow records retention policies.
- Preserve all potentially relevant information if litigation is anticipated.
- When preservation letter is presented....you are on notice.

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