



ALFA International
THE GLOBAL LEGAL NETWORK

**TRANSPORTATION PRACTICE GROUP
REGIONAL SEMINAR**



Chattanooga, TN | February 8, 2024

SEMINAR PROGRAM SCHEDULE

Thursday, February 8, 2024

Program at The Edwin Hotel

102 Walnut Street | Chattanooga, TN | Holmberg Ballroom

1:00 P.M. – 1:15 P.M.

REGISTRATION

1:15 P.M. – 1:20 P.M.

WELCOME AND OPENING REMARKS

Speakers:

Matthew R. Parsons, STOLL KEENON OGDEN PLLC, Lexington, KY

Katie Strawbridge, LEWIS WAGNER, LLP, Indianapolis, IN

1:20 P.M. – 2:05 P.M.

CURRENT STATUS OF BROKER LIABILITY – PREEMPTION AND LEGISLATIVE ACTION

Speakers:

Alan B. Easterly, LEITNER, WILLIAMS, DOOLEY & NAPOLITAN, PLLC, Chattanooga, TN

David Chapman, LEWIS THOMASON, Knoxville, TN

We will discuss recent court decisions on FAAAA Preemption, as well as current legislative efforts to curb broker liability claims. Each of these has the potential for unintended consequences. Do preemption and proposed legislation conflict? We will also touch on the status of independent negligence/fault claims in the driver/carrier context in Tennessee when course and scope is admitted.

2:05 P.M. – 2:50 P.M.

RECOGNIZING AND COMBATTING “ANCHORING” TACTICS USED WITH JURIES AT TRIAL

Speakers:

David H. Wilson, HAWKINS PARNELL & YOUNG, LLP, Atlanta, GA

Martin Levinson, HAWKINS PARNELL & YOUNG, LLP, Atlanta, GA

This discussion will focus on ‘anchoring’ techniques used by plaintiffs at trial to inflate noneconomic damages. Why is this tactic effective and why is it allowed independent of the strength of the actual evidence in the case? More importantly, how can defendants effectively rebut and “cast away” plaintiffs anchor?

2:50 P.M. – 3:00 P.M.

BREAK

SEMINAR PROGRAM SCHEDULE

3:00 P.M. – 3:45 P.M.

EARLY INVESTIGATION STRATEGIES TO IDENTIFY AND TRIAGE “PROBLEM” CLAIMS

Speakers:

Will Thompson, HUIE, FERNAMBUCQ & STEWART, LLP, Birmingham, AL
Lynsey David, LEWIS WAGNER, LLP, Indianapolis, IN

“Defense wins championships” is true in football, but it also applies in handling “problem” claims in transportation litigation. In this discussion, we will provide insights on how to recognize problem claims and combat them before it’s too late. Early investigation, aggressively responding to onerous retention requests from difficult Plaintiff’s lawyers and securing the cooperation of drivers and important witnesses are critical components of developing a sound defense strategy and triaging high-exposure problem claims.

3:45 P.M. – 4:30 P.M.

STRATEGIES FOR COMBATING EXCESSIVE CLEANUP, TOW AND STORAGE CHARGES

Speakers:

Marc A. Lovell, HARLIN PARKER, Bowling Green, KY
Justin Duncan, HARLIN PARKER, Bowling Green, KY
Ron M. Lowell, Western Express, Inc., Nashville, TN

The trucking industry has recently experienced a rash of excessive charges for towing, cleanup and storage and overweight fines. It is bad enough to have an accident, but it’s even worse to get taken advantage of by the very responders on the scene who are supposedly there to help you. This session addresses the high cost of accident clean up, towing and storage unilaterally imposed by government and police-retained cleanup companies. More and more, trucking companies have no say in who is called to the scene to clean up the accident and are simply handed a fat bill. These towing companies often hold the commercial vehicle “hostage”, refusing to relinquish them unless and until exorbitant charges are paid. The program will explore strategies to prevent being the subject of such exorbitant charges, as well as strategies to defend against these charges if imposed.

4:30 P.M.

CLOSING REMARKS

Speakers:

Matthew R. Parsons, STOLL KEENON OGDEN PLLC, Lexington, KY
Katie Strawbridge, LEWIS WAGNER, LLP, Indianapolis, IN

SOCIAL EVENT



SOCIAL HOUR | 5:00 P.M. - 6:00 P.M.
Whiskey Thief in The Edwin Hotel



**PUBLIC
HOUSE**
CHATTANOOGA

DINNER | 6:30 P.M. - 9:00 P.M.
Public House at 1110 Market Street

SPEAKERS



DAVID CHAPMAN is a shareholder of Lewis Thomason, the ALFA International firm in Knoxville, Tennessee. He focuses primarily on the defense of local and national transportation companies and commercial motor vehicle drivers, including medical and liability expert retention and discovery, accident investigation and evaluation, and pre-trial, trial and appellate litigation. He has also worked with multiple motor carriers and transportation companies regarding post-accident protocols and FMCSA compliance. David has also represented motor carriers in the course of NTSB investigations. He obtained his undergraduate degree from Carson Newman College and his law degree from the University of Tennessee College of Law.



LYNSEY DAVID is an associate with Lewis Wagner, LLP, ALFA International's member firm in Indianapolis, Indiana. She is a member of the firm's Transportation Practice Group, where she devotes a substantial amount of her practice to representing commercial carriers and drivers in litigation involving wrongful death, catastrophic injury and property damage claims. She frequently litigates in both state and federal court and also assists clients in pre-suit investigation, including 24/7 state-wide emergency accident investigation. Lynsey is actively involved in all phases of the litigation process to protect the interests of motor carriers and their drivers; she zealously advocates on their behalf to reach the best possible outcome, whether it be through alternative dispute resolution or trial. Lynsey employs a personable, common-sense approach to litigation, resulting in favorable results for her clients and respect from her peers in the legal community.



JUSTIN DUNCAN is a litigation and real estate attorney with Harlin Parker, the ALFA International member firm in Bowling Green, Kentucky. Justin's areas of practice include insurance defense, business and commercial, real estate, trucking and personal injury. He also assists with representation involving commercial matters, city/county governments and law enforcement agencies, along with their insurance carriers. He obtained his JD from Salmon P. Chase College School of Law, where he served as vice president of the Federalist Society and earned a BA in History and a BS from Western Kentucky University. Justin is licensed to practice in all state courts in the Commonwealth of Kentucky. Justin is a member of the Bowling Green Bar Association, Kentucky Bar Association, Kentucky Bar Association Young Lawyers Division, American Bar Association, Kentucky Justice Association, American Association for Justice and the Bowling Green Chamber of Commerce.

SPEAKERS



ALAN B. EASTERLY is a Managing Member of Leitner, Williams, Dooley & Napolitan, PLLC, the ALFA International member firm in Chattanooga, Tennessee. Alan's practice focuses on transportation, product liability, complex/mass torts, insurance, premises liability, auto liability, construction and related matters. Alan is a Martindale Hubbell, AV-rated attorney and is recognized by "The Best Lawyers in America" in the areas of Transportation Law, Products Liability Law - Defendants, Insurance Law, and Personal Injury Litigation - Defendants. He was named by Best Lawyers as the "Lawyer of the Year" in Chattanooga, Tennessee, in Transportation Law for 2020 and in Insurance Law for 2021. He is a Rule 31 Listed Mediator in Tennessee and is active in the ALFA International Transportation, Hospitality & Retail, and Product Liability & Complex Torts Practice Groups. He received his BA from the University of Tennessee in 1985 and his JD from the University of Memphis in 1988.

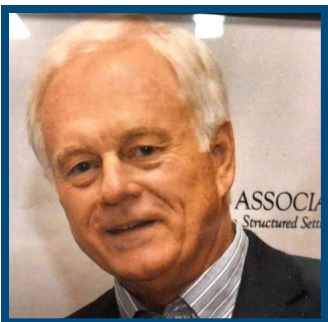


MARTIN LEVINSON is a partner with Hawkins Parnell & Young, LLP, the ALFA International member firm in Atlanta, Georgia. He advises and represents clients in all phases of the litigation process, from pre-suit investigation through litigation. Martin also handles appeals and advises clients on potential appellate issues as embedded appellate counsel during and prior to trial. Martin's litigation practice includes trucking and transportation, appellate matters, premises liability with an emphasis on negligent security and other complex cases, and product liability. Martin handles matters in all phases of the litigation process, including advising clients on litigation avoidance and risk mitigation, pre-suit liability and/or coverage analysis, matters in active litigation, mediation and settlement, trial, and appeals. He is a frequent speaker and presenter on current events and hot topics on the Georgia legal landscape. Martin has been recognized by both Super Lawyers and Best Lawyers publications, and he currently serves as secretary of the Georgia Defense Lawyers Association (GDLA). From 2011 to 2019, Martin served as vice chair and then chair of the GDLA's Amicus Curiae Committee, directing the GDLA's appellate efforts statewide, and he continues to serve as chair emeritus of the committee. Since 2020, Martin has served on the executive board of the GDLA's Political Action Committee, which works to effect positive change at the legislative level to promote fairness and reasonableness in civil litigation in Georgia. Martin has also been a member of the State Bar of Georgia's Formal Advisory Opinion Board since 2021.

SPEAKERS



MARC A. LOVELL is a shareholder of Harlin Parker, the ALFA International member firm in Bowling Green, Kentucky. He received his BS in Accounting from Western Kentucky University in 1988 and earned his JD from the University of Kentucky in 1991. Marc has litigated cases for 25 years in Kentucky at all trial and appellate levels, as well as the US District Courts in Kentucky and Tennessee and the US Sixth Circuit Court of Appeals, including arguing before the Kentucky Court of Appeals and the Kentucky Supreme Court. He focuses his practice in the areas of transportation, product liability, electric utility cooperatives, city/county government/law enforcement, flood litigation and insurance defense. He leads Harlin Parker's Rapid Response Team and serves as US Central Region Counsel for transportation and insurance companies covering 10 states. Marc is the general counsel for Warren Rural Electric Cooperative Corporation, which provides electricity across eight counties in Kentucky, as well as its affiliate natural gas and propane companies. He serves as regional counsel in flood litigation in the South Central United States and has served as a speaker and legal panelist at the National Flood Determination Association (NFDA) Annual Conference. He represents city/county governments and law enforcement agencies across Kentucky. He serves as city attorney for Brownsville, Kentucky, and as legal counsel for the Edmonson County Planning Commission and the Edmonson County Industrial Authority. Marc is a member of the Board of Directors for Western Kentucky University College Heights Foundation. He is a member of the ALFA International Transportation Practice Group, the Trucking Industry Defense Association (TIDA), DRI, and the Kentucky Defense Counsel (KDC).



ROLAND "RON" M. LOWELL is Assistant Corporate Secretary and General Counsel for Western Express, Inc. a Nashville, Tennessee based transportation Company with 3500 tractors and over 8100 trailers. He is also Corporate Secretary for several companies affiliated with Western Express, Inc. His responsibilities include a wide range of legal matters, including litigation, real estate, contracts, cargo claims, employment and regulatory matters. A graduate of Kalamazoo College and Vanderbilt Law School, admitted to practice in 1972 in the state of Tennessee, United States Supreme Court 1976, U.S. District Court Middle District Tennessee, Sixth Circuit in 1975, and Eighth Circuit 2011. Prior to coming to Western Express, Inc., Mr. Lowell was in private law practice for over 30 years geared to the transportation industry, regulatory and commercial litigation.

SPEAKERS



MATTHEW R. PARSONS has been a member of Stoll Keenon Ogden PLLC, ALFA International's member firm in Lexington, Kentucky, since 2008. His practice focuses on civil litigation, with experience in the areas of trucking litigation, product liability and business negligence and business litigation. Matt has represented clients across a broad range of industries, including transportation logistics, manufacturing and distribution and professional and financial services. Matt is a graduate of the Indiana University Kelley School of Business (BS) and the University of Kentucky College of Law. Matt currently serves as chair emeritus of ALFAI's Future Leaders Practice Group. He is also active in the Fayette County Bar Association and has been honored as a Kentucky Super Lawyers Rising Star.



KATIE STRAWBRIDGE is a partner with Lewis Wagner, LLP, ALFA International's Indianapolis member firm in Indianapolis, Indiana. As a member of the firm's Transportation Practice Group, she devotes a substantial amount of her practice to representing commercial carriers and drivers in litigation involving wrongful death, catastrophic injury and property damage claims. She frequently litigates in both state and federal court and assists clients in pre-suit investigation, including 24/7 state-wide emergency accident investigation. Katie is actively involved in all phases of the litigation process to protect the interests of motor carriers and their drivers; she zealously advocates on their behalf to reach the best possible outcome, whether it be through alternative dispute resolution or trial. She is a member of ALFA International's Transportation and Women's Initiative Steering Committees.



WILL THOMPSON is an associate attorney at Huie, Fernambucq & Stewart, LLP, the ALFA International member firm located in Birmingham, Alabama. Will's practice is devoted to representing the interests of trucking companies and their drivers in pre-suit claims and pending lawsuits in state and federal courts across Alabama. Will leverages his depth of experience to prepare cohesive defense strategies that aggressively combat the reptilian tactics used by Plaintiffs' lawyers, making him the ideal partner clients want in their corner. He routinely assists his clients in rapidly responding to and investigating accidents with the end goal of positioning cases for dispositive motions and trial.

S P E A K E R S



DAVID H. WILSON is a partner with Hawkins Parnell & Young, LLP, the ALFA International member firm in Atlanta, Georgia. For more than 25 years, Dave has represented national and local trucking companies and their drivers in pending or threatened litigation in Georgia and the Southeast. Dave has served as counsel in multiple trials and frequently litigates in both state and federal court. He assists clients in pre-suit investigation, including coordinating and leading 24/7 accident emergency response, and works closely with general counsel, in-house legal departments, and claims professionals to understand their objectives and constraints, tailoring a defense strategy that mitigates risk and aligns with the goals of the client.