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Catastrophic Accidents CMV Involvement Avoiding Nuclear Verdicts, Settlements Within Policy Limits

DeWitt's [Transportation & Logistics Group](#) has developed a process for dealing with catastrophic motor carrier accidents.

During the last several years, the DeWitt team has dealt with catastrophic CMV accidents for mid-sized motor carriers with significant exposure above policy limits. One carrier recently settled within policy limits; another carrier is headed in the same direction. DeWitt serves as the carrier's "corporate defense" counsel, working with the insurer while vetting and selecting appropriate "personal injury and damages defense" ("BIPD") counsel who, along with the insurer, deals directly with plaintiffs' counsel.

Briefly, DeWitt's primary role in dealing with catastrophic motor carrier accidents is to act as a liaison for the carrier and, in some cases, deal directly with plaintiffs' attorneys. About the DeWitt defense team:

- Consists of defense-oriented attorneys knowledgeable in trucking and the full range of insurance coverage issues which can arise from above coverage limits claims;
- Attends to issues that arise for the carrier due to the catastrophic nature of the accident (not run of the mill BIPD claims);
- Has deep knowledge of the tactics and practices of plaintiffs' injury lawyers who sometimes serve as advisors to the carrier's corporate defense counsel; and
- Understands that during the last decade or more, lawyers on the plaintiffs and defense side, respectively, have become very specialized in their approach to catastrophic claims.

DeWitt also assists the insurer in vetting and selecting capable motor carrier frontline defense counsel (which can be distinct from the insurer's usual defense attorney panel lawyers). Given insurer selected defense counsel for commercial vehicle accidents can be mixed, DeWitt's assistance serves the best interests of the carrier and the carrier's insurer in selecting qualified, frontline BIPD defense counsel paid by the insurer.

More generally, DeWitt works with motor carriers and their commercial vehicle underwriters and various trucking associations on countering the experience of carriers' feeling that their insurers are more interested in representing the insurer's own interests than the carrier's interests. DeWitt is exploring third-party claims administration and potential for use of "captive" insurers.

See related June and July 2021 updates for the DeWitt Transportation & Logistics Group:

- [Transportation and Logistics Entity Structure Briefing - Separation of Brokerage Business from Carrier Entity](#), June 2021
- [2021-2022 Perilous Times for Motor Carriers – Why Updating Legal Structures & Documents Is Prudent](#), July 2021