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Reducing Fleet Liability

Acting on Your Driver Data

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SPEAKERS



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AGENDA

- 01** The Problem of Rising Liability & Nuclear Verdicts Today
- 02** Using Driver Data to Reduce Liability & Claims
- 03** Using Different Types of Data Together
- 04** **Looking Forward:**
How Technology Will Change Nuclear Verdicts & Liability
- 05** Steps You Can Take Today

The Problem of Rising Liability & Nuclear Verdicts Today

- Fleets have responded to the rise of Nuclear Verdicts in a number of ways, not limited to:
 - Investing in high-end safety technology
 - Holding 1-on-1 safety meetings between drivers and safety managers
 - Revamping their onboarding and safety training programs
- While many fleets have responded to Nuclear Verdicts, **there has not been a coordinated response from the industry.**
 - Though trucking organizations have raised awareness of Nuclear Verdicts, plaintiff's attorneys have regular conferences and workshops where they train each other on how to pursue a major verdict.
- The "**minimum standard of care**" fleets are expected to hold themselves to has increased.
 - Many fleets believe that staying compliant with federal regulations is "being safe," but now, plaintiff's attorneys argue that meeting regulatory requirements is the bare minimum a jury should expect of a fleet.
 - For fleets, this means **ignoring their driver data or choosing not to collect it can only hurt them.**

Reducing Liability & Claims with Driver Data

- Failing to invest in technology and data will not exonerate a fleet.
 - ELDs are mandated, cameras are often required by insurers, and **plaintiff's attorneys have used "failure to invest in technology" as evidence that a fleet does not put safety first.**
- One of the biggest impacts technology can have on liability is **showing fleets which drivers need help.**
 - Fleets have limited time and resources and technology that analyzes their data with AI-powered models, like the [Idelic Safety Suite®](#), can help them prioritize the drivers that need help most.
- Technology can help fleets tell a positive story about their safety culture.
 - By collecting, organizing, and analyzing all of their driver data, fleets can tell a jury a story about how they take safety seriously.
- **Audience Question:** Have cameras lived up to their promises in terms of reducing liability?
 - When it comes to adjudicating an accident, cameras are highly effective. They can exonerate a driver entirely, provide context that mitigates damages, or enable a settlement.
 - However, Nuclear Verdict trials do not always revolve around the specifics of an accident. **Instead, plaintiff's attorneys often put the culture of a fleet on trial**, which cameras are less helpful in addressing.

Reducing Liability & Claims with Driver Data

- The most common “attack vectors” plaintiff’s attorneys pursue are highly varied, including:
 - Complex policy handbooks that are difficult to follow
 - Conversations between drivers and their managers
 - Language used in job postings for driver positions
 - Driver data that a fleet did not have or did not act on

Using Different Types of Data Together

- **Disparate technology systems lead to siloed driver data**, preventing a fleet from using all of its driver data effectively.
 - It's difficult for a fleet to identify the risk of a driver if their Safety team is not able to see all of their compliance, operations, telematics, and other data in one system.
- To reduce liability, fleets need to understand what their driver data reveals about them.
 - Because plaintiff's attorneys put a fleet's culture on trial, rather than an individual driver's actions, fleets need to know what story their driver data tells.
 - It is only possible for a fleet to understand what a plaintiff's attorney will claim in court if they know what their data reveals about them.
- Audience Question: CSA data is essentially a playbook for plaintiff's attorneys. Is that a major issue for trucking fleets?
 - Each of the seven BASICS is an attack vector for plaintiff's attorneys because they reveal where a fleet is deficient. To get around this, fleets can incorporate their CSA scores into their defense: **CSAs can just as easily show improvement over time as they can deficiencies.**

How Technology Will Change Nuclear Verdicts & Liability

- Technology is accelerating at incredibly fast speeds, making it difficult to judge how it will affect liability moving forward.
 - Technology like artificial intelligence and machine vision are already improving fleets' risk-spotting capabilities and this trend is likely to continue.
- Fleets don't share data with one another, but **this could soon change**.
 - Right now, fleets have the ability to share data between departments, but fleets don't have an appropriate forum to share data with each other.
 - Pitt Ohio hosted a "safety summit" between LTL fleets in their region which could serve as a model for the industry. **According to Pitt Ohio, "We compete on freight, we don't compete on safety."**

Steps You Can Take Today

- Fleets should **go on the offensive** against the liability within their organization.
 - While it's important to have a proper defense at trial, **the best defense is to never go to trial**. Fleets should organize and analyze their driver data, look for liability within it, and take immediate action to address it.
- Investigate your fleet to identify the “attack vectors” that could carry liability for you.
 - Fleets must look for practices in their fleet a plaintiff attorney could exploit at trial. Once they've found these vulnerabilities, they should change their processes to remove vulnerabilities.