

WHY YOU SHOULD BE WORRIED ABOUT NUCLEAR VERDICTS

Nuclear verdicts can happen to any fleet, no matter their safety history, and negligence is often the [key element](#) in a crash-related trial that can turn a verdict nuclear. The scary truth is that there are many ways negligence can seep into your fleet. Fortunately though, transportation safety and law experts like John Pion, President and Founder of Pion, Nerone, Girman, Winslow & Smith, PC and Jeff Mercadante, VP of Safety at Pitt Ohio, shared some actionable tips your fleet can implement to reduce your liability and root out negligence on [this Idelic webinar](#).

"The biggest misconception about nuclear verdicts is people think 'They can't happen to me.'"

- John Pion

#1: Set Strict Hiring Standards and Abide by Them:

Negligence in hiring can make an easy case for a plaintiff's attorney. While some fleets focus on strict hiring standards and holding themselves accountable to those standards, some fleets are wary of setting standards too high for themselves, making hiring the drivers they need much more difficult. **This belief can open a fleet up to claims of negligence.** Having no or minimal recruiting standards is just as negligent as having standards and failing to live up to them.

"You need to make sure you have good hiring standards in place. If you hired somebody that was not a defensible driver, that could come back on you because then you could get caught for negligent hiring. Those are things that can drive nuclear verdicts."

- Jeff Mercadante

#2: Transparency with Your Data is Paramount

"The days of 'maybe they don't ask' are gone. The days of 'they won't find it' are gone. The days of, 'We'll sit down very quickly and get it settled before anybody reviews these materials' are gone. We have to assume in every instance that every bit of bad information we have in our file is going to be disclosed at some point."

- John Pion

Between ELDs, cameras, HR records, training information, and asset maintenance software, every fleet collects dozens—if not thousands—of data points each day. If there's inconsistencies in a fleet's data, plaintiff's attorneys will find them and use them to build their case against the fleet.

Fortunately, fleets can centralize their data, using tools like [Safety Suite](#), so they can consistently review any inconsistencies that are flagged.

Similar to hiring standards, some fleets may feel that collecting data in the first place may open them up to liability, **but this is not true**. For one, most fleets are required to use ELDs in their trucks, so some data collection is inevitable. Not collecting data or using technology that is available can be used by plaintiff's attorneys as evidence of negligence. Consequently, fleets should do everything they can to standardize their data collection efforts and be open and honest about them.

#3: The Best Way to Prevent Nuclear Verdicts is to Get Ahead of Them

"Even in cases where there is no liability, more times than not I encourage the client to raise their hand. Create a source for a dialogue, even if the dialogue is only, 'We feel so badly for your family. Is there something we can do that would help you?'"

- John Pion

The crashes that lead to nuclear verdicts almost always involve serious, traumatic injuries or fatalities. It's important to empathize with both the driver and the pedestrian involved. Asking how your fleet can help can go a long way. More often than not, the person pursuing a case against a fleet isn't trying to shut them down, they're trying to redress a wrong-doing, whether it was intentional or not.

These tips can help fleets prevent nuclear verdicts and avoid crashes in the first place. If you'd like to learn more about how you can prevent nuclear verdicts before and after a crash, check out the full webinar on this topic [here](#).

The information provided on this blog post does not, and is not intended to, constitute **legal advice**.

**Call us Now!! To Protect your Fleet,
Employees and Business!**

619-684-1181

It CAN happen to you!!!