

Tort Liability for Transportation Professionals

DESCRIPTION:

The filing of tort lawsuits by persons suffering injuries or fatalities arising from accidents on public highways is a well known fact for most transportation professionals. These lawsuits, however, often present factual and legal issues which the transportation official may find difficult to handle, even with well trained and experienced attorneys available to defend the cases.

Tort lawsuits are highly variable, as indicated by the fact that persons exposed to injuries or fatalities include vehicle drivers, passengers, pedestrians, bicyclists, truckers, motorcyclists, and a variety of others who may be occupying or using a public roadway in some capacity. Types of injuries sustained may include paralysis, brain damage, broken bones, burns, and damage to internal organs. If the public agency is held liable for these injuries, the damages awarded can be in the millions of dollars. Tort lawsuits can be triggered by all types of accidents on any kind of roadway and in all sorts of weather.

Managing the risk of tort lawsuits is a challenging and often difficult task for the transportation professional. What are some of the tools available to best respond to this risk?

This course will provide information on the kinds of highway conditions which may typically lead to tort lawsuits. Topics covered will include investigating and preparing to defend lawsuits; preparing for deposition testimony and other legal discovery proceedings; giving trial testimony; and the importance of documenting decisions involving the design, construction, operation, and maintenance of highways. The course will include some lecture information, demonstrations, actual case analysis, and group problem solving activities.

OBJECTIVES:

Upon completion, participants will:

1. Have an increased awareness of public agency exposure to tort liability.
2. Increase their knowledge of the legal process by which tort cases are handled.
3. Have greater confidence in giving deposition and trial testimony.

TARGET AUDIENCE:

Design engineers, traffic engineers, maintenance personnel, construction, inspectors and traffic operations would all benefit from tort training.

INSTRUCTORS:

Gordon Baca – Attorney for California Department of Transportation from 1959-1989 and retired as Deputy Chief Counsel. He was also Adjunct Professor of Law at McGeorge School of Law, University of Pacific in Sacramento from 1989 to 1999. Courses taught included Government Tort Liability and Eminent Domain Law. Gordon's experience includes handling numerous lawsuits involving tort, condemnation, and inverse condemnation. He conducted many court and jury trials with primary emphasis on defense of personal injury and wrongful death cases. Member and former chair of Committee on Tort Liability and Risk Management, Transportation Research Board.

Ron Harrison – Attorney at Law and member of the State Bar of California. Served over 30 years as trial attorney and supervising trial attorney for the State of California Department of Transportation. He lectured at several universities on Legal Liability for Transportation Professionals and How to be an Effective Witness.

Registration Procedure

- 1) Please contact Gail Ikeda at 808-956-8367 or gail@eng.hawaii.edu by **Tuesday, October 30, 2007**.
- 2) Attendance is limited to 150 participants, and preference is given to local government employees.
- 3) Private company participation is on a space available basis.

Cancellations

Please contact us if you must cancel your registration or if someone will be substituting for you.

Parking

Parking for the East West Center is \$8 (\$4/day). If you would like a parking pass please contact us by October 30, 2007.

Make checks payable to the Research Corporation of the University of Hawaii (RCUH) and mail to:

Hawaii LTAP
University of Hawaii at Manoa
Dept. of Civil & Environmental Engineering
2540 Dole Street, Holmes Hall 383
Honolulu, HI 96822

Tort Liability for Transportation Professionals

November 13-14, 2007

East-West Center,
Jefferson Hall, Keoni Auditorium
1777 East-West Road
8:00 a.m. – 4:30 p.m.

Workshop sponsored by the

**Hawaii Local Technical Assistance Program
and the
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in cooperation with the
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and the Federal Highway Administration*

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