



DEBUNKING THE MYTHS OF ATRI'S "NUCLEAR VERDICT" REPORT

ATRI'S REPORT IS MISINFORMATION MASQUERADING AS RESEARCH THAT RELIES ON A NON-REPRESENTATIVE DATABASE, BASIC MATH ERRORS, AND UNSUPPORTED ASSERTIONS TO MAKE ITS EXAGGERATED CLAIMS.

MYTH

FACT

MYTH:

ATRI'S REPORT ANALYZES UNFAIR AND EXCESSIVE "NUCLEAR" VERDICTS IN EXCESS OF \$10 MILLION.

ATRI'S REPORT APPLIES THE TERM "NUCLEAR VERDICT" TO ANY VERDICT OVER \$1 MILLION, NEVER PROVIDES AN ANALYSIS OF VERDICTS OVER \$10 MILLION, AND FAILS TO EXAMINE WHICH, IF ANY, OF THE ANALYZED VERDICTS WERE UNFAIR OR EXCESSIVE.

MYTH:

ATRI'S REPORT EXAMINED THE FINANCIAL EFFECT OF VERDICTS ON THE TRUCKING INDUSTRY.

ATRI'S REPORT FAILS TO SHOW WHICH, IF ANY, OF THE ANALYZED VERDICTS WERE EVER PAID AND FAILS TO EXAMINE HOW INSURANCE PREMIUMS ARE SET.

MYTH:

ATRI CONDUCTED LEGITIMATE RESEARCH TO EVALUATE INCREASES IN NUMBERS AND SIZES OF VERDICTS OVER TIME.

ATRI'S DATABASE WAS NOT REPRESENTATIVE AND DRASTICALLY UNDERSTATED THE NUMBER AND SIZES OF VERDICTS IN THE EARLY YEARS, ARTIFICIALLY INFLATING ALL OF ATRI'S COMPARATIVE FINDINGS.

MYTH:

THE NUMBER OF TRUCK VERDICTS HAVE INCREASED BECAUSE "THE TRUCKING INDUSTRY HAS BECOME A LEADING TARGET FOR LITIGATION."

ANY INCREASE IN CLAIMS OR VERDICTS IN THE PAST DECADE IS A RESULT OF THE DRAMATIC INCREASE OF TRUCK CRASHES FROM 2009 TO THE PRESENT. MORE CRASHES = MORE CLAIMS.

MYTH:

RISING INSURANCE COSTS PROHIBIT INVESTMENT IN SAFETY BY MOTOR CARRIERS.

INSURANCE COSTS "DEFINITELY SCALE BASED ON SAFETY RECORDS" AND AVERAGE INSURANCE COSTS REMAIN A SMALL PERCENTAGE OF MOTOR CARRIERS' AVERAGE MARGINAL COSTS, AS THEY HAVE FOR THE PAST DECADE.

MYTH:

EXCESSIVE TRUCK VERDICTS HAVE CAUSED OTHER MOTOR CARRIERS TO DECLARE BANKRUPTCY DUE TO "UNTENABLY HIGHER INSURANCE PREMIUMS DISTRIBUTED AMONG ALL MOTOR CARRIERS."

EVERY MOTOR CARRIER BANKRUPTCY CITED BY THE REPORT WAS CAUSED BY THAT MOTOR CARRIER'S OWN ABSURDLY UNSAFE BEHAVIOR AND CRASH HISTORY.

MYTH:

AVERAGE TRUCKING VERDICTS INCREASED BY 51.7% PER YEAR BETWEEN 2010 AND 2018.

ATRI'S REPORT HAS SEVERAL BASIC MATH ERRORS. FOR ATRI'S CLAIM TO BE TRUE, AVERAGE TRUCKING VERDICTS IN 2018 WOULD HAVE TO HAVE BEEN MORE THAN \$64,000,000. THIS DID NOT HAPPEN. (LIKEWISE, THERE WAS ALSO NO "INCREASE OF 967%" IN THE SIZE OF VERDICTS)

MYTH:

THE AVERAGE SIZE OF "TRUCKING LITIGATION VERDICTS" IN THE FIVE YEARS FOLLOWING 1989 INCREASED BY 90%.

ATRI HAS NO BASIS FOR THIS CLAIM. IT IS A COMPLETE MISSTATEMENT OF THE CITED STUDY.

MYTH:

CLAIM LIMITS ARE NEEDED TO PROTECT MOTOR CARRIERS FROM LARGE VERDICTS.

THE LEGAL SYSTEM IS FINALLY BEGINNING TO WORK AS CONGRESS INTENDED TO WEED OUT UNSAFE MOTOR CARRIERS. ARBITRARY LIMITS WOULD REWARD NEGLIGENCE AND DECREASE THE INCENTIVE TO INVEST IN SAFETY.

You Can Read TSC's Complete Factual Response Exposing ATRI's Understanding the Impact of Nuclear Verdicts on the Trucking Industry Here: [Debunking the Myths of ATRI's Nuclear Verdict Report](#)