

"Broker negligence lawsuits aren't filed in every crash. They get filed when there's evidence that a broker hired someone with a known, serious safety history and chose to look the other way. Most brokers are never sued because most brokers do their homework. The threat of a lawsuit is part of what has made them do it. The federal government publishes carrier safety records on a public website; anyone can look them up for free, with no permission required. Private companies like Carrier411 take the same government data and put it into a format that allows brokers to search in seconds. There is no excuse for not knowing. The information is right there.

In Shawn Montgomery's case, C.H. Robinson hired the trucking company whose driver caused this crash. That same driver had been in a collision just weeks earlier while hauling another load that C.H. Robinson had brokered, for the very same carrier. C.H. Robinson argued to the Court that it should be completely off the hook for negligence. No exceptions. Not even if it knowingly hires a carrier with no insurance. Not even if the carrier isn't legally registered to operate. Not even if it already knows the carrier has a dangerous record. Zero accountability, no matter what.

Why would a broker's decision to hire a trucking company be treated differently under the law than a trucking company's decision to hire a driver? Both decisions put an 80,000-pound truck on the road. Trucking companies are liable when they hire an unsafe driver. There is no good reason brokers should get a free pass if they make the same kind of careless decision. Brokers make money on the gap between what shippers pay them and what they pay the carrier. The wider the gap, the more profit. So they push carrier rates down, and carriers survive by cutting costs—driver screening, safety training, equipment upkeep, insurance—until the day everything goes wrong.

Remove any legal accountability for brokers, and you remove the incentive for them to care. Safe carriers, the ones who invest in doing things right, end up getting underbid by carriers who skip basic safety. It's a race to the bottom, and it's the rest of us sharing the road who pay the price. The American Truckers United, the only motor carrier organization to take a stand in this case, sided with the Montgomery family for exactly this reason."

Rena Leizerman, from The Law Firm For Truck Safety, co-counsel to Shawn Montgomery, along with Paul Clement (Clement & Murphy) and Alan Pirtle (Brown & Crouppen).