



## Transportation Law

Nearly a trillion dollars in freight moves on the State's highways, rail lines and ports each year and for decades, Foster Swift attorneys have represented clients in nearly every sector of the transportation system – the foundation of most economic activity in Michigan. The profitable movement of freight can be summed up simply. It means having the right things in the right places at the right times. Foster Swift's transportation industry clients will tell you that it also helps to have lawyers who are actively involved in the transportation industry - lawyers who know them, their businesses and their problems.

Foster Swift lawyers include the past-president of the Transportation Lawyers Association and members of the Maritime Law Association, National Association of Railroad Trial Counsel, Association for Transportation Law, Trucking Insurance Defense Association, Transportation Loss Prevention and Security Association, Conference of Freight Counsel, Defense Research Institute, and Michigan Truck Safety Commission.

### **Motor Carriers/Trucking**

Our clients come in all shapes and sizes. They range from small, family-run operations to large, privately-held and publicly-owned and traded North American transportation concerns. Our clients do business in Michigan, the Midwest and from coast to coast, including logistics providers, trade associations, private fleet operators, and shipper interests.

Motor carrier and trucking businesses benefit from our years of first-hand industry experience, including:

- Precedent-setting litigation, including accident defense.
- Freight claim disputes, employment and personnel leasing issues, liability-negligence actions and insurance coverage issues.
- Safety audits and complaint proceedings with the United States Department of Transportation, Federal Aeronautics Administration, and Public Service Commission.
- Challenges to state and local governmental regulations of interstate commerce.

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#### **PRACTICE CONTACT(s)**

[Dirk H. Beckwith](#)  
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#### **ATTORNEYS**

##### **Shareholder**

Dirk H. Beckwith  
Dora A. Brantley  
Michael J. Liddane  
Ray H. Littleton  
Paul J. Millenbach  
Thomas R. TerMaat

##### **Associate**

Brandon M. H. Schumacher

##### **Paralegal**

Rekela L. Wilson

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- Actions claiming violations of local and state highway regulations, including truck weight issues.
- Regulatory applications for the Federal Highway Administration and Michigan Public Service Commission.
- Legislative analysis, assistance and testimony.
- Tax-fee disputes against governmental units.
- The firm's transportation lawyers were front-and-center in a landmark court case for the industry. They successfully challenged the State of Michigan on behalf of a large group of motor carriers who were required to pay excess registration/plate fees. They represented these motor carriers in courts throughout the state, winning the case against the state, which was affirmed by the court of appeals.

### **Maritime/Admiralty**

Maritime law, also known as admiralty law, is a distinct legal practice that governs commerce on navigable and international waterways. These matters can range from marine commerce and navigation to transportation of passengers by sea, to jurisdiction over coastal waters.

With a combined 65 plus years of experience, our maritime attorneys regularly handle cases involving personal injury, property damage, collision, allision, cargo loss, environmental damages, passenger injury, Limitation Act matters, salvage claims and immigration issues, including:

- Personal injury and death claims brought under the Jones Act in commercial merchant vessel cases.
- Defense of numerous clients in commercial, pleasure craft, ferry boat and cruise line accidents in matters of collisions, allisions, groundings and inboard and outboard slips, trips and falls.
- Litigating cargo transit losses under the Carriage of Goods by Sea Act as well as both pure and contract marine salvage cases.
- Defense of NVOCC cargo matters and marina property damage and personal injury claims.
- Filing for and defending vessel owners and operators in numerous Admiralty Limitation Act proceedings in federal courts.
- Defending and providing coverage counsel for marine insurance clients in coverage disputes involving Hull, P&I, and Salvage policy terms and conditions.
- Litigating significant Marine Construction Charter Party contract disputes in federal court.
- Appointment as legal correspondent for the vast majority of the International Group of Protection and Indemnity Insurance Associations (P&I Clubs). These mutual insurance associations have insured most of the world's ocean going and Great Lakes fleets for the past 150 years.

### **Rail**

For decades, Foster Swift attorneys have represented clients who transport passengers and freight over the rails. That representation includes:

- Representation of Class 1 railroad in state and federal courts against a wide variety of personal injury and death claims brought by employees under the FELA



- Defense of claims arising from crossing accidents
- Defense against assertions of repetitive stress injury and illness cases
- Defense of blocked crossing citations

Transportation is an industry where time is money. It makes sense to have a law firm that offers just-in-time solutions, backed by years of practical experience, the latest technology, and reasonable prices.

## **PUBLICATIONS & ALERTS**

State of Michigan Issues New Guidance on "Rolling Stock" Exemption for Interstate Motor Carriers, *Foster Swift Agricultural Law News*, April 8, 2024

Top Ten Things to Do When You Are Involved in a Motor Vehicle Accident, *Foster Swift Agricultural Law News*, June 9, 2020

What the New Michigan No-Fault Laws Mean for Employees Injured in Accidents while Occupying an Employer-Owned Vehicle, *Foster Swift Agricultural Law News*, June 3, 2020

Recent Updates to Michigan No-Fault Act Changes, *Foster Swift Litigation News Update E-blast*, June 20, 2019

Jury: Defendants at fault for crash, not injuries, *Michigan Lawyers Weekly*, May 30, 2019

New Guidance on Hours-of-Service for Agricultural Commodity Drivers, *Foster Swift Agricultural Law News*, October 23, 2018

What are the Rules of the Road for Farm Vehicles?, *Foster Swift Agricultural Law News*, July 7, 2018

Farm Drones – Steer Clear From Michigan's 230 Airports, *Foster Swift Agricultural Law News*, January 24, 2018

When Trucks Spill Their Load, *Foster Swift Agricultural Law Newsletter*, October 26, 2017

Spring Weight Restrictions are in Effect, *Foster Swift Agricultural Law News*, February 14, 2017

Smooth Sailing While on Michigan Highways, *Foster Swift Agricultural Law Update*, December 17, 2013

The Benefits of a Farm Endorsement, *Foster Swift Agricultural Law Update*, August 2013

Liability for a Shipment of Food or Pharmaceuticals that Is or May Be Contaminated or Adulterated, *Foster Swift Transpost E-News*, May 22, 2013

FMCSA Expands Hours of Service Exemptions for Farmers, *Foster Swift Agricultural Law Update*, May 2013

Use of Criminal Records in Employment Decisions: EEOC Posts Enforcement Guidance, *The Transportation Lawyer*, December 2012

Are Workers' Compensation Benefits Still an Employee's Exclusive Remedy?, *Foster Swift Workers' Compensation Update*, October 2012

Court of Appeals Interprets Overweight Truck Law, *Foster Swift Transpost E-News*, December 3, 2010

No-Fault Insurers Must Strictly Comply with Statute Requiring Warning Language for Named Driver Exclusion, *Foster Swift No-Fault E-News*, March 25, 2010

Overweight Trucks, *Foster Swift Construction Law News*, June 2009



Interstate Versus Intrastate, *Foster Swift Transpost*, February 2009

Hill v L.F. Transportation, *Foster Swift General Litigation E-News*, January 17, 2008

## NEWS

Dora Brantley Receives "Excellence in Defense" Award, *Michigan Defense Trial Counsel*, March 21, 2024

Fortune 500 Defense Litigator Joins Foster Swift, *Detroit Legal News*, June 1, 2023

Attorney Dirk Beckwith Awarded the Transportation Lawyers Association's Lifetime Achievement Award, May 8, 2023

Millenbach Named to 2022 Class of "Leaders in the Law", October 27, 2022

Millenbach Appointed Detroit Bar President, June 16, 2022

Littleton Elected James E. Hunter Association President, February 15, 2022

Millenbach Appointed DBA Vice President, June 23, 2021

Littleton Recognized as Michigan Bar Foundation Fellow, October 12, 2020

Fadly and Littleton Named Michigan Bar Fellows, *Michigan Business Network*, August 26, 2020

Millenbach Appointed Detroit Bar Association Secretary/Treasurer, August 18, 2020

FMCSA Expands and Extends Hours of Service and Other Exemptions in Response to COVID-19, *Association of Transportation Law Professionals (ATLP)*, April 27, 2020

Confusion Lingers After Signing of Auto Insurance Bill, *Michigan Lawyers Weekly*, June 20, 2019

Attorney Russell Appointed as Litigation Practice Group Co-Leader, January 29, 2018

Liddane Elected Foster Swift Shareholder, *Southfield Chamber*, January 19, 2018

Court Dismisses Case Where Real Property Damage Was Caused by Tractor-trailer's Use as a Motor Vehicle, September 21, 2016

Foster Swift Expands Transportation Practice with Addition of Maritime Law Attorneys Richard Dietz and Michael Liddane, August 3, 2016

Beckwith Becomes President of Transportation Lawyers Association, May 3, 2013

Dirk Beckwith elected President-Elect of the Transportation Lawyers Association, May 24, 2012

Beckwith elected First Vice President of the Transportation Lawyers Association and Editor of "The Transportation Lawyer", May 2011

Millenbach Addresses International Shipping Issues at Port Lansing Logistics Conference, November 10, 2010

Governor Granholm appoints Paul J. Millenbach to Michigan Truck Safety Commission, July 8, 2010

Foster Swift Elects Paul J. Millenbach to Firm's Executive Committee, February 12, 2010

## EVENTS

Back to the Basics: A Primer on Cargo Law, *Trucking Industry Defense Association (TIDA) Cargo Seminar*, April 9, 2024



U.S. & Canada Cross Border Litigation: Major Issues and Cargo Claims, *Association Transportation Law Professionals (ATLP)*, June 27, 2023

Transportation of Food Goods, *Transportation & Logistics Council: 49th Annual Conference*, May 2, 2023

A Primer on Detention, Demurrage and Drayage Law, *Trucking Industry Defense Association (TIDA) Cargo Seminar*, March 21, 2023

Transforming Law Firms: DE&I Intent Into Real Progress, *Michigan Diversity Council Legal Diversity Summit*, October 18, 2022

Motor Vehicle Accidents And Your Business, *Foster Swift Second Wednesday Lunch Break*, October 12, 2022

United States Supreme Court Decisions Applying Federal Aviation Administration Authorization Act Preemption to Motor Carriers, *Association of Transportation Law Professionals (ATLP)*, June 28, 2022

The Act of God Defense under the Carmack Amendment, the Devil is in the Details, *Trucking Industry Defense Association (TIDA)*, March 30, 2022

Perils of Nature and the Act of God Defense under the Carmack Amendment, *Transportation & Logistics Council*, March 22, 2022

Who is Liable When No One is Behind the Wheel?, *Foster Swift 2nd Wednesday Morning Break*, February 9, 2022

An Interactive Exploration of Carmack Liability, *Trucking Industry Defense Association (TIDA): Cargo & Skills Seminar*, April 1, 2020

Advanced Fundamentals of Transit Management, *Michigan Public Transit Association*, August 1, 2019

Modules for Michigan Laws Concerning Public Transit, *Michigan Public Transit Association*, August 1, 2019

Modules for Michigan Laws Concerning Public Transit, *Michigan Public Transit Association*, June 6, 2019

Modules for Michigan Laws Concerning Public Transit, *Michigan Public Transit Association*, May 9, 2019

The Motor Carrier Always Gets Paid, or Does It?, *Transportation and Logistics Council*, March 20, 2018

Hot Legal Tips – Don't Get Burned: Broker – Carrier Liability; Misclassification – Independent Contractor vs. Employee; New Cases., *Supply Chain Cargo & Security Summit 2017*, June 29, 2017

What Brokers, Carriers and Shippers Have to Know About the New Federal Legislation MAP-21, *Transportation Loss Prevention & Security Association National Conference*, April 21, 2015

Rapid Response Teams and On Site Investigations: The Front Line Defense, *American Conference Institute*, March 25, 2015

Road Laws for Farmers, *Great Lakes Crop Summit*, January 28-29, 2015

Liability for a Shipment of Food or Pharmaceuticals that Is or May Be Contaminated or Adulterated, *Transportation Loss Prevention & Security Association Annual Conference*, April 23, 2013

WEBINAR | Anatomy of The Defense: Effective Pre-Trial and Trial Strategies for Winning Employment Law Cases, *Transportation Lawyers Association*, March 13, 2013

Preparing and Presenting Company Representatives and Truck Drivers for Depositions: How to Ensure that Testimony Does Not Inadvertently Sink Your Case, *American Conference Institute's 3rd Annual Forum on Defending and Managing Trucking Litigation*, November 29, 2012



WEBINAR | Trial Practice for Cargo Litigators: Effective Strategies for Winning Cases, *Transportation Lawyers Association*, September 6, 2012

Shipper's Duty to Mitigate Its Losses When Goods Are Damaged, *Transportation Loss Prevention & Security Association*, April 23, 2012

What Every Motor Carrier Should Know about Defending Cargo Claims, *Michigan Trucking Association's 2012 Truck Exposition and Safety Symposium*, February 14, 2012

E-Discovery, Electronically Stored Information (ESI), and Evidence Preservation: Key Considerations and Defense Strategies Specific to Trucking Litigation, *American Conference Institute's 2nd National Forum on Defending and Managing Trucking Litigation*, December 5, 2011

Colonel Mustard, in the Library, with the Wrench: Looking for Clues in Cargo Claims, *Transportation Law Association's Chicago Regional Seminar*, January 21, 2011

Mistakes to Avoid when Doing International Business, *Port Lansing 2010 Global Logistics Conference*, November 10, 2010

Living with CSA 2010: Crash Accountability & Section 329 Violations, *2010 Arkansas Trucking Seminar*, September 16, 2010

Understanding the Tariff, *Michigan Movers Association*, March 2010

Transportation and Logistics: Ensuring Your Products Reach Your Customer and Greening the Supply Chain, *Trade North America - U.S. Department of Commerce - Commercial Service*, September 2009

An Employer's Perspective - How to Deal with Leave Laws in the United States, *Transportation Lawyers Association*, May 2009

Use of Class Actions in the Transportation Industry, *Transportation Lawyers Association - Panel Moderator*, Spring 2009

Public Act 33, *Michigan Movers Association*, September 2007