

**David N. Nissenberg**  
**Attorney at Law**  
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## **CURRICULUM VITAE**

### **EDUCATION**

- JD University of Miami School of Law (Dean's List) 1964
- AB Brown University 1961 (Dean's List, Honors for Notable Scholastic Achievement)

### **BAR MEMBERSHIPS**

- Florida Bar 1964
- California Bar 1974
- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Southern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- Ninth Circuit Court of Appeals

### **PROFESSIONAL RATING**

- Martindale - Hubbell AV Preeminent
- Board Certified in Truck Accident Law by the National Board of Trial Advocacy
- Consistently listed as a Top Lawyer in San Diego

### **PROFESSIONAL EMPLOYMENT**

- 1994 - Present  
Independent consultant on interstate trucking law and the Federal Motor Carrier Safety Regulations; lecturer and author. Available to both defense and plaintiffs' bar.
- 1998 - 2001  
Partner in Truck Injury Lawyers, LLP, San Diego, California: Truck Injury Lawyers, LLP, sponsor of national conference on Concrete Solutions for Truck Driver Fatigue held in conjunction with Parents Against Tired Truckers, February, 1999.
- 1996 - 2011  
Principal in Truck Litigation Resource Center: An expert witness referral service for truck accident cases and a producer and marketer of seminars. Its four-hour CLE seminar, "Truck Accident Litigation in a Nutshell" was presented by David N. Nissenberg to thousands of defense and plaintiff attorneys, risk managers, adjusters and trucking company professionals over 300 times in 47 states.

- 1974 - 1995  
Partner in Nissenberg & Nissenberg, La Jolla, California: Engaged in trial practice focused on truck related litigation; Represented trucking companies and truck drivers in numerous jury and non-jury cases involving truck and trailer accidents, truck, trailer and equipment warranties, defective repairs, defective truck engines, bearings and other truck accessories, interpretation of truck lease agreements, insurance contracts and other truck related issues; Represented Associated Independent Owner Operators of California (A-100) before the California Public Service Commission; Maintained pre-paid legal services program for A-100 members throughout California
- 1971 - 1973  
Associate with Dubbin, Schiff, Berkman and Dubbin, Miami, Florida: Represented Greyhound subsidiary bus lines in route application hearings, argued before Florida Public Service Commission and Florida Appellate Courts; Tried jury and non-jury trials in civil, criminal and commercial matters.
- 1970  
Contract Attorney and Consultant for Ragan & Mason, Washington, D.C. Assisted with Federal Maritime Commission hearings involving Sea Land Service, Inc.; Researched and prepared memoranda on interstate commerce law in connection with matters pending before the ICC on behalf of McLean Trucking Co. and National Bulk Carriers.
- 1966 - 1969  
Assistant State Attorney for the 11th Judicial Circuit of Florida (Dade County): Member of the Homicide and Capital Crimes Division; Member of the Special Prosecution Division; Prosecuted hundreds of misdemeanor and felony cases, jury and non-jury.
- 1965  
Hearing Counsel, Federal Maritime Commission, Washington, D.C.: Conducted hearings on matters related to the shipping laws of the United States; Briefed and argued Truck and Lighter Loading and Unloading Practices at New York Harbor; 9 FMC 505 (1966) before the Federal Maritime Commission.

## **PUBLICATIONS**

### **Present**

- Monthly Contributor to “Expert Commentaries” on Tort Law for lexis.com, LexisNexis®. Articles now available online at <http://law.lexisnexis.com/practiceareas/torts> by David Nissenberg:
  - Nissenberg on Trucking in Adverse Weather Conditions.
  - Nissenberg on Hauling Hidden Dangers on Our Roadways.
  - Nissenberg on Big Rig Underride Crashes.
  - Nissenberg on Legal Issues Consequences of Driving an Overweight Big Rig.

- Nissenberg on Legal Issues Involving Forklift and Loading Dock Safety
- David N. Nissenberg on Hazmat Highways: Transporting Hazardous Materials on the Roadway and the Legal Issues that Arise When Spilled Materials Cause Fatalities and Injuries.
  
- Author of Discovery/Trial Guide (for truck accident litigation) published by Truck Litigation Resource Center. This laminated guide was listed at the 2005 ABA Transportation Mega - conference as the number one resource for attorneys involving in defending truck accident cases.
  
- Author of The Law of Commercial Trucking: Damages to Persons and Property, 3rd Edition, (LexisNexis®), a two-volume text on commercial trucking law supplemented annually. In 2000, the text was chosen as a finalist by the American Risk and Insurance Association in competition for the “Best Book Published That Advances the Frontiers of Knowledge Concerning the Fields of Risk Management and Insurance.”
  
- Among the decisions which have cited the treatise as authority are:
  - Cincinnati Insurance Co. v. Haack, 125 Ohio App.3d 183, 708 N.E.2d 214 (2d Dist. 1997)
  - Clarendon National Insurance Company, et al. v. Johnson, 666 S.E.2d 567 (Ga. App. 2008)
  - Horner v. FedEx Ground Package System, 258 S.W.3d 532 (Mo. App. 2008)
  - Carolina Casualty Ins. Co. v. Yeates, 533 F.3d 1202 (10th Cir. 2008)
  - Crocker v. Morales Santana, 854 N.W.2d 663 (N.D. 2014)
  - Rogers v. Great West Casualty Co., 2020 Wisc. App. LEXIS 680
  
- 1990 - 1998  
Contributing Editor to Heavy Duty Trucking Magazine, Trucker’s News, Truck Sales and Leasing, and Truck Stop World.
  
- 1975 - 1990  
Columnist for Open Road Magazine, A-100 Winner, American Trucker Magazine.

## **SPEAKING ENGAGEMENTS**

- November 2009: St. Louis, MO, Truck Litigation Resource Center, LLC: “One-Day Advanced Seminar on Commercial Trucking Law and Litigation.”
- February 2010: Maui, HI, AAJ Conference: “Placard Liability Law” “Liability of Ocean Carriers for Land-Based Truck Accidents.”
- April 2010: San Diego, CA, Transportation and Logistics Council, Inc. (National meeting): “Shipper/Broker/3PL Liability for Personal Injuries and/or Death Arising from Accidents Involving Commercial Motor Vehicles.”
- September 2011 St. Louis, MO, APITLA Conference “Liability of Ocean Carriers and Subsidiaries in Truck Accident Cases.”

- October 2011, November 2011 Jackson, MS, Little Rock, AR, Cleveland, OH “Advanced Seminar on Commercial Trucking Law & Litigation.”

## TESTIMONIALS

1. Letter excerpts from attorneys who have engaged Mr. Nissenberg.
2. Testimonials - Seminar attendees at “Truck Accident Litigation in a nutshell.”
3. Testimonials - Seminar attendees at “Advanced Seminar on Commercial Trucking Law & Litigation.”

### 1. ATTORNEYS’ LETTER EXCERPTS

- A. From the plaintiffs attorney in Baltimore, Maryland who successfully represented the plaintiff in Schramm v. Foster, 341 F. Supp. 536 (D. Md. 2004):  
“I wanted to take this opportunity to thank you for your help in the case of Tyler Schramm v. C.R. Robinson. As you know, the area of trucking litigation is complex with regard to the issues dealing with regulations, public policy, tort and trucking procedures. Your book, seminar and direct advice was invaluable in bringing the cases to successful conclusion.”
- B. From a defense attorney in Montgomery, Alabama:  
“As you and I discussed during our last conversation, although my understanding of Federal Motor Carrier Safety Regulations and their applicability to these types of cases is, like many lawyers, not totally clear, there is little or no doubt in my mind that your involvement in this case has helped me understand the big picture of how these regulations work with these types of claims. In addition, I believe that the deposition given by you in this case and taken by Plaintiff’s attorney is one of the factors that caused the Plaintiff to drop her initial policy limits settlement demand and settle this case for a fraction of the potential exposure and insurance coverage available to [my client] in this case.”
- C. From a plaintiffs attorney in Fresno CA:  
“Your seminar and the accompanying written materials were invaluable to our work-up of this case. Furthermore, we think our supplemental designation of you as an expert proved helpful; shortly thereafter, defendants’ counsel offered to withdraw their designation of the trucking company’s two employees as “experts”, which we found to be quite interesting.”

### 2. SEMINAR ATTENDEES TESTIMONIALS – “Truck Accident Litigation in a Nutshell.”

- “Mr. Nissenberg deserves his reputation as the expert in his field. Fantastic.” - Sacramento, California
- “I have been practicing law for 14 years and have defended 7 truck cases in the last year and a half, from multiple death claims to simple rear-enders. This has been the

best, most informative CLE seminar I have ever attended. I could not have asked for any more useful information than was provided here.” Birmingham, AL

- “Thank you for putting money in this plaintiff attorney's pocket.” Atlanta, GA
- “Not only is Mr. Nissenberg the truck litigation guru, he is a wonderful teacher.” Denver, CO

### 3. SEMINAR ATTENDEES TESTIMONIALS – “Advanced Seminar on Commercial Trucking Law Litigation.”

- I first attended one of David Nissenberg’s seminars over a decade ago, I have owned his two volume work entitled “The Law of Commercial Trucking” since that time, David’s scholarly insight has proven invaluable to my transportation practice. I believe his books are a rare tool for the defense attorney who wishes to be on the cutting edge of the gamut of trucking issues. I have also consulted with him on tough trucking issues and his wise counsel has proven invaluable.
  - Robert A. Biggs III, Jackson MS  
Biggs, Ingram, Salop & Carlson, PLLC
- “One of the smartest truck lawyers in the business! David's books are required reading for any truck accident lawyer. I rely on “The Law of Commercial Trucking” daily as I work on my cases and consider David the “go to” lawyer anytime I handle a truly nasty legal issue involving CMV litigation. Failing to consult with David on novel trucking issues, before the record is sealed, is legal suicide!
  - Morgan G. Adams, Chattanooga TN  
Past chair, AAJ Trucking Litigation Group  
Diplomat, AAJ National College of Advocacy
- ‘Last Friday, I spent a day in St. Louis at a seminar by David Nissenberg from San Diego, author of the book, “Law of Commercial Trucking.” He is a scholar of this area of law and has painstakingly put together the legal theory to connect all the dots and reach the insurance policies of the ocean shipping companies that bring the containers into the U.S. and load them on the trucks. In a *tour de force*, he combines international treaties, U.S. maritime laws and regulations, standard maritime bills of lading and other shipping documents, interlocking provisions of the Motor Carrier Act and Federal Motor Carrier Safety Regulations, Reinstatement of Tors, Reinstatement of Agency, etc.

David hasn't published a paper on this. There is no cases on point yet anywhere in the U.S. To persuade a judge who is busy, understaffed and knows little about this area of the law, will require some masterful explanation. But when a catastrophic container freight trucking case comes along we're ready.

This is a great lesson for those naive lawyers who think a commercial trucking accident is just a bigger car wreck.”

- Georgia Truck Accident Attorney Blog, 11/19/09

Ken Shigley, Atlanta

President of the State Bar of Georgia

## **PERSONAL**

- United States Army Reserves 1964-1967
- United States Coast Guard Reserves 1967-1971
- President of the Propeller Club of the Port of San Diego 1979-1980
- Co-Founder and First President of the La Jolla Bar Association 1984-1985
- Married, 3 children, 9 grandchildren

## **CURRENT AREAS OF RESEARCH & PARTICIPATION**

Participant in conferences in this country and in Europe on issues related to truck safety, trucking laws and litigation, driver fatigue and product development in heavy trucks. Engaged in constant research in these areas for future publications.