



Dirk H. Beckwith

Shareholder

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Dirk Beckwith practices in the areas of commercial litigation, transportation and logistics, construction and insurance defense. He represents clients in state and federal courts across Michigan and has successfully argued appeals in both Michigan and U.S. Appellate Courts. He also serves as a mediator, case evaluator in Michigan Circuit and District Courts, and is an arbitrator with the American Arbitration Association.

Dirk has a wealth of experience representing transportation companies, motor carriers and railroads. He is known for his responsiveness and for immersing himself in understanding his clients' business. He has litigated cases involving the interpretation of transportation contracts, the application of tariffs and shipments moved pursuant to bills of lading.

He also vigorously defends trucking companies in cargo claim litigation and against claims for personal injury. He was recently involved in several landmark decisions for the trucking and railroad industries. Additionally, he has handled both regulatory and administrative matters before the FMCSA and STB for those engaged in the transportation industry.

He also has significant success handling Uniform Commercial Code (UCC) claims as well as representing owners, general contractors and suppliers in disputes arising out of construction contracts.

Dirk is a past president of the Transportation Lawyers Association (TLA) and currently serves as a voting past president for TLA. In 2023, Dirk was given the TLA's Lifetime Achievement Award. Dirk previously served as a regional vice president of the Association for Transportation Law Professionals. He is also a member of the Trucking Insurance Defense Association and the Defense Research Institute. He actively participates in each of these associations as well as the Transportation

PRACTICE AREAS

Arbitration & Mediation
Construction Law
General & Commercial Litigation
No-Fault Litigation
Transportation Law

EDUCATION

Wayne State University Law School,
J.D., 1983
University of Michigan, B.A., 1980

BAR AND COURT ADMISSIONS

Michigan
U.S. District Court for the Western
District of Michigan
U.S. District Court for the Eastern
District of Michigan
U.S. Sixth Circuit Court of Appeals
U.S. Supreme Court

HONORS & RECOGNITIONS

AV® Preeminent™
Martindale-Hubbell
Best Lawyers in America®
2013-2024 (Construction Law)
Michigan *Super Lawyers* Business
Litigation, 2013-2020, 2022-2023
Lifetime Achievement Award,
Transportation Lawyers Association,
2023



Loss Prevention and Security Association and the Conference of Freight Counsel. Dirk is a frequent speaker and attendee at all of these organizations' meetings and attends DRI trucking seminars and TIDA sponsored events.

Distinguished Service Award,
Transportation Lawyers Association,
2016

Exemplary Service Award,
Association of Transportation Law
Professionals, 2007

REPRESENTATIVE MATTERS

Noteworthy Decisions:

- Obtained dismissal of a personal injury lawsuit filed against a tractor trailer leasing company because the company that leased the motor vehicle was exempt from liability under the Michigan's Owner's Liability Statute, MCL 257.401(2) and the Graves Amendment, 49 USC §3010. (2024).
- Obtained summary disposition for our client, the motor carrier, because the plaintiff did not have insurance coverage on the vehicle as required by Michigan law at the time of the accident. MCLA 500.3135(2)(c); MSA 24.13135(2)(c) precludes recovery by a person who violates the mandatory insurance requirements of the No Fault Act. (2023)
- On the eve of a hearing on a motion for summary disposition involving a priority dispute between insurance companies, opposing counsel agreed to dismiss his client's claim against Mr. Beckwith's client seeking recovery of more than \$400,000.00 in personal injury protection benefits. (2023)
- Obtained an arbitration award of no cause of action in favor of a contractor. The arbitrator found the property owner failed to establish the contractor breached of a duty of care owed to the property owner. (2023)
- Was granted summary judgment of plaintiff's state law claims for breach of contract, trespass to chattel, and negligence based upon Carmack Amendment preemption. Shortly thereafter, case settled for a nominal amount. (2022)
- Obtained dismissal of lawsuit where he argued plaintiff's claims were barred by a contractual limitation of liability in a case where plaintiff was suing construction contractor to recover damages to homeowner's concrete driveway. (2022)

- For the second time in 2021, he successfully obtained summary disposition in a case where a motor carrier was sued under Michigan's No Fault Act for injuries arising out of a motor vehicle accident. In that case, he persuaded the Court plaintiff had not suffered an "objectively manifested impairment" of an important bodily function that affected the plaintiff's ability to lead a normal life. (2021)
- Obtained summary disposition in favor of an insured motorist in a third party Michigan No Fault case where the court held the plaintiff did not suffer a serious impairment of an important body function that affected the person's general ability to lead his normal life. (2021)
- In a lawsuit brought in the U.S. District Court for the Eastern District of Michigan involving a motor vehicle accident that occurred outside of Michigan, successfully obtained dismissal of plaintiff's complaint. The grounds for arguing that the complaint should be dismissed were that the court lacked both subject matter and personal jurisdiction over the claims asserted. The court granted the motion to dismiss. (2019)
- Obtained summary judgment for Fortune 100, international business client in a U.S. District Court case in which the plaintiff brought claims for conversion, claim and delivery, and unjust enrichment. Following discovery, moved for summary judgment on the basis that plaintiff lacked standing to bring the claims. Before filing its opposition to the motion for summary judgment, plaintiff sought leave to amend its complaint in an attempt to cure the lack of standing issue. The court denied the motion to amend the complaint, and subsequently ruled plaintiff lacked standing to make the underlying claims. (2019)
- Secured dismissal of two separate lawsuits brought against the same client in Michigan courts. In both cases, argued on behalf of the client that a contractual choice of venue provision precluded plaintiff from filing a lawsuit in Michigan. In one case the court granted the client's motion to dismiss the case. In the other case, plaintiff's counsel agreed to dismiss the case on the morning of the hearing after considering client's arguments. (2019)
- In December, 2018, successfully defended a motor carrier and its truck driver in a jury trial the United States District Court for the Eastern District of Michigan. Plaintiff alleged the truck driver was negligent for failing to stop in sufficient time to avoid colliding with his vehicle. Four vehicles were involved in the accident. Plaintiff's treating doctors testified Plaintiff sustained a closed head injury and double-vision as a result of the accident. Plaintiff demanded \$750,000 before trial. The jury found the motor carrier and its truck driver were negligent but Plaintiff's alleged damages were not caused by the motor vehicle accident. Hence, a jury verdict was rendered for the defendants.
- In 2017, was involved in two separate lawsuits when the Court relying on recent Supreme Court decisions, found that jurisdiction over the corporate defendant was not proper and dismissed the case in the forum court for lack of jurisdiction.
- Served as neutral arbitrator in a dispute between two short line railroads to resolve a dispute involving the interpretation of a transportation contract entered into by the railroads in 1992. (2017)

- Successfully obtained summary judgment of state law claims for breach of contract, breach of warranty, fraud, negligence and bailment based upon Carmack Amendment preemption for Class I railroad that was contracted to ship perishable goods from Michigan to the country of Jordan. (2017). Learn more about case here.
- Mediated dispute between motor carrier and two companies involving three Master Transportation Service Agreements. Motor carrier was seeking recovery of nearly \$150,000.00 for unpaid transportation services. (2017)
- Mediated dispute between a transportation broker and consignee involving claim seeking payment for 35 unpaid shipments. (2016)
- Successfully defended motor carrier and its truck driver in the United States District Court for the Western District of Michigan in a case seeking to recover personal property damages after a tractor-trailer rolled into a nearby warehouse. The case hinged upon the Court's analysis of whether the accident and resulting property damage arose from the tractor-trailer's use as a motor vehicle. The court dismissed the lawsuit and held that Michigan's no-fault act governed the dispute and that the one-year limitations period applied. (2016) Learn more about case here.
- Mediated dispute between a motor carrier and consignee named in bills of lading involving motor carrier's claim for recovery of more than \$5 million dollars in unpaid freight charges. (2015)
- Served as neutral arbitrator in a three person arbitration panel in a dispute between a shipper and a third party logistics provider involving a Transportation Management and Logistics Services Agreement. The shipper claimed the third party logistics provider wrongfully terminated the agreement resulting in nearly \$3 million dollars in damages to the shipper. (2011)
- Successfully defended motor carrier in the United States District Court for the Eastern District of Michigan in a case seeking payment of personal injury protection benefits for driver who drove his motor cycle into motor carrier's tractor-trailer. Michigan law (MCL 500.3102) requires that an owner or registrant of a motor vehicle maintain security if the vehicle is operated in Michigan for more than 30 days in a calendar year. In this case, based on on-board computer and dispatch records the court held the motor carrier was not liable because the tractor and trailer were in Michigan less than 30 days during the calendar year. (2006)

Other Representative Matters:

- Vigorously defends motor carriers in personal injury litigation and cargo claims.
- Provides 24/7 Emergency Response Team in fatal accidents involving motor carriers.
- Represents railroads before the Surface Transportation Board (STB) in a variety of matters including but not limited to freight railroad rate and service disputes, and abandonment proceedings.
- Represents motor carriers before the Federal Motor Carrier Safety Administration (FMCSA) in a variety of matters including registration and licensing, regulatory compliance, safety and security, DOT audits, compliance reviews, administrative reviews, enforcement penalties, CSA and other proceedings relating to safety ratings.

- Represents insurance companies in situations where there are competing beneficiaries to life insurance proceeds, and the insurance company wants to avoid the risk of paying twice.
- Represents clients in disputes to foreclose liens on private construction projects as well as suits against bonds furnished on connection with public projects.
- Represents both manufacturers and purchasers of sophisticated machinery involving claims arising under the Uniform Commercial Code, including matters involving disputes regarding express and implied warranties.

SPEAKING ENGAGEMENTS

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

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

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

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

Between a Rock and a Hard Place: Broker Liability and Ability to Recover for Cargo Loss and Damage Claims, *Transportation and Logistics Council*, March 21, 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

Cargo Claims, *American Conference Institute's 4th National Forum*, March 31, 2014



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

WEBINAR | Trial Practice for Trucking Accident Litigators: Effective Strategies for Winning Cases, *Transportation Lawyers Association*, December 12, 2012

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

How to Avoid Your Slow Pay Clients From Becoming No Pay Clients, *Vision Imaging Partners*, May 14, 2011

Current Issues and Recent Court Decisions Impacting Shippers, Carriers and Intermediaries, *Transportation Loss Prevention & Security Association Annual Conference - Transportation Attorney Panel*, April 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

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

Loss Prevention for Shippers and Carriers - Best Practices, *Transportation Loss Prevention & Security Association Annual Conference*, Spring 2010

Recent Decisions Involving Cargo Loss and Damage, *SMC3*, Fall 2009

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

PUBLICATIONS

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

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

Frost Law: Are you complying with Spring Weight Restrictions?, *Foster Swift Commercial Litigation News*, February 27, 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

Court of Appeals Holds Owner Can be Held Liable for Negligence Because of Defective Front-End Loader, *Foster Swift Agricultural Law Update*, August 21, 2014

Spring Brings Weight Restrictions on Michigan Roads, *Foster Swift Agricultural Law Update*, March 14, 2014

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

When Is A House Not A Home?, *Foster Swift Construction Law News*, May 16, 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?, *The Transportation Lawyer*, July 2012

"The Transportation Lawyer," Editor 2011 - 2012

When Does 90 Days Mean 90 Days?, *Foster Swift Construction Law News*, March 2011

Comparison of the Various Types of Alternative Dispute Resolution Specified in the AIA and Consensus DOCS Contract Documents, *Foster Swift Construction Law News*, February 2009

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

MEMBERSHIPS & AFFILIATIONS

Legal Affiliations:

- American Bar Association
- Transportation Lawyers Association, past president (2013-2014)
- Association of Transportation Law Professionals
- State Bar of Michigan
- Michigan State Bar Foundation, fellow
- Oakland County Bar Association



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Industry & Professional Associations:

- Trucking Insurance Defense Association
- Transportation Loss Prevention and Security Association
- Conference of Freight Counsel
- Defense Research Institute