

JUSTICE FOR YOU SERIES

SPOT 1

Ryan Fisher: The Dangers of Distracted Driving

Bill: We're talking with Ryan Fisher, a partner with the trial lawyers at Lowe Eklund (lewem.com) as part of our "Justice For You" series. We're discussing the dangers of distracted driving. Ryan, what are the biggest distractions affecting drivers today?

Ryan: Distracted driving involves any activity that could divert a person's attention away from the primary task of driving. These distractions threaten the safety of the driver, passengers, and even bystanders.

When I drive I-480 in the morning, I can't believe what people do in their cars— people are:

- Shaving
- Eating cereal
- Reading the newspaper
- The worst of all is texting. Kids today text almost more than they talk. And my son is getting ready to start driving soon—which *really* scares me.

Bill: Why is texting so dangerous?

Ryan: Because when you compose a text message, you are taking your eyes completely off the road and you're taking your hands off the wheel.

- The average texter takes his eyes off the road for 4.5 seconds. At 55 mph, it's like you are covering the length of a football field blindfolded.
- A 2009 study by Car and Driver magazine proved that someone texting drives much worse than a drunk driver. Not only was the texter's reaction time much slower, but the texter's vehicle traveled a much greater distance before the driver responded when compared to the vehicle driven by the drunk driver.

Bill: Wow that's scary. So what are the biggest risks of this behavior?

Ryan:

- In 2012, an estimated 421,000 people were involved in accidents involving a distracted driver. (up from 387,000 in 2011)
- Texting while driving is especially risky for young, inexperienced drivers who require much focus to stay on the road. That's why we really need to educate young people on how dangerous it is before it's too late. I've seen so many permanent, debilitating, disfiguring injuries caused by this. Or even worse—parents attending their own child's funeral.

Bill: So what's the first thing you should you do if you're involved in an accident caused by a distracted driver's negligence?

Ryan: Well you should contact an experienced personal injury attorney immediately. It's important to act fast because valuable evidence must be preserved as early as possible.

Bill: Why is that so important?

Ryan:

- In most cases, the distracted driver who caused the accident won't readily admit to his or her negligence.
- When we suspect someone was texting or on the phone during an accident, we contact the phone company and work quickly to preserve and obtain the phone records (both calls and texts).
- These records are only available through the phone companies for a limited time so it's important to act quickly to build a successful case.

Bill: Sounds like texting and driving really is a problem. Is there anything else you'd like to say to our listeners?

Ryan: For anyone out there who texts and drives—PLEASE STOP IT! It's just not that important. And if your kids are old enough to drive, sit them down and explain the dangers to them. Do it before it's too late.

Bill: Thank you Ryan. If you have been injured in an accident involving a distracted driver or some other negligent individual and you want compensation for being hurt, contact the trial lawyers at Lowe Eklund to learn more at www.lewm.com.

SPOT 2

James Lowe: How Products Are Being Made Safer Because of Injury Lawsuits

Bill: We're talking with James Lowe, a partner with the trial lawyers at Lowe Eklund (lewm.com), as part of our "Justice For You" series. We're discussing how products are being made safer because of personal injury lawsuits. James, what kind of product safety trends are we seeing today?

James:

- Some manufacturers used to think that folks wouldn't pay for safer products because it would make them more expensive; however, they now know that consumers demand safe products to protect themselves and family
- Phenomena: products have gotten much safer over the last 30 years
- Not all products are reasonably safe

Bill: What kind of products are you talking about?

James:

- Key examples:
 - Auto (air bags, seat belts, electronic stability control, stronger roofs, fuel system integrity)
 - Children's toys (swallowing hazards, toys geared to specific age groups, safer cribs, mobiles that no longer have pieces babies can swallow, nonflammable pajamas)

Bill: Who is usually at fault when one of those products causes an injury?

James: Manufacturers. They are responsible since they are supposed to design products that perform safely. But they don't always do that.

Bill: Why not?

James:

- Perceived profits by cutting corners on safety
- Example: making product heavier or safer reduces profitability; cheap, careless manufacturing process – particularly for children's toys

Bill: So how does litigation fight these issues?

James:

- We hold them accountable
- If we make it expensive in litigation, this will persuade them not to cut corners on safety

Bill: You mentioned that we still have a ways to go in our efforts to protect consumers. What did you mean?

James:

Auto examples:

- For many vehicles, several safety features are still optional for those who can afford them
- Example of dangerous design feature on cheaper cars: fuel systems placed between rear axle and bumper – leaves gas tank vulnerable to rear end collision
- Once the technology exists, it should be standard equipment (examples: side impact airbags, rollover curtains, electronic stability control to prevent rollovers)
- New vehicle test called "partial offset" (mimics vehicle clipping front and side of the vehicle, misses side and frame but tears into occupant compartment)—some car manufacturers don't want to do these tests because they might fail and compromise safety rating

Bill: As a trial lawyer, what do you do differently to protect your clients in these cases?

James:

- Our goal: even the playing field by making manufacturers responsible for the injuries if they didn't offer sufficient protection for the occupants
- Make it too expensive to avoid safety shortcuts
- Use our network of experts for every industry, product type (metallurgy, automotive engineering, etc.)
 - Deep knowledge of products and safety
 - Accurately determine if a product is safe or is responsible for injury

Bill: Thank you for your insight James. If you feel you have been hurt by a dangerous product and want compensation for your injury, contact the trial lawyers at Lowe Eklund to learn more at www.lewm.com.