

## **Automobile Accident Cases: Strategies To Expose The Inattentive Driver**

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Most automobile accidents are caused by driver inattention. All it takes is a glance away from the roadway or a moment of distraction for a driver to lose control of his or her vehicle. These precious seconds often result in disastrous consequences for our clients. Consequently, it is incumbent on trial lawyers for victims of automobile accidents to develop strategies to expose and explain such driver inattention.

We live in a society of ever-increasing technology and multi-tasking that greatly increases the likelihood of driver distraction and inattention. The sources of distraction include the proliferation of: cell phones, PDA's, computer options and controls on the dashboard, GPS devices, drive-through fast food restaurants, and perhaps most importantly, hectic lifestyles. It is wise for trial lawyers to develop strategies to determine such sources of distraction and expose them in their automobile accident cases. It is at least as important to explain to a jury why the accident happened as it is to describe what happened.

A sampling of strategies to use to expose driver inattention include those designed to prove:

1. Drivers talking on their cell phone;
2. Drivers texting or reading texts on their PDA;
3. Drivers eating or drinking while operating their automobile;
4. Drivers reaching for items inside the vehicle;
5. Drivers implementing dashboard controls on their vehicles at the time of the accident, including GPS systems;
6. Drivers performing grooming tasks, such as applying make-up or combing their hair;
7. Drivers who are drowsy or sleep-deprived;
8. Drivers engaged in conversation or arguments with passengers;
9. Drivers reading maps or other material; and
10. Drivers implementing entertainment items, whether Ipods, CDs, or videos.

These strategies obviously require such tasks as interviewing or deposing passengers, eyewitnesses, and others; obtaining or subpoenaing cell phone records; obtaining or subpoenaing 911 tapes; and obtaining or subpoenaing GPS records, black box records, and other data accumulation records.

Determining and exposing the source of the negligent driver's inattention in causing the injuries to your client is an essential undertaking for the trial lawyer in almost every automobile accident case.

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