

Metro

The Dallas Morning News

Lawyer: Ban cell use driving on job

It was more like an explosion than a collision. The work truck's cruise control was set at 71 miles an hour, and the driver never touched the brake.

A car ahead of him was stopped in the highway, waiting to make a left turn. A 30-year-old woman and her 82-year-old grandmother were killed in an instant.

"The driver said, 'I never saw them.' And though he would dispute it later, in the aftermath of the accident, he



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told an EMS driver that he was texting prior to the wreck," said Dallas lawyer Todd Clement.

Clement represented the family of the women killed last year outside Sherman.

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Lawyer: Ban vehicle cell use on the job

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He won a confidential settlement for them from the other driver's company. And Clement has been on a national campaign ever since to ban cellphone use in moving vehicles.

"This case affected me more than any other in my life," the 49-year-old lawyer said. "A 3-year-old and a 9-year-old lost their mom. A husband lost his wife of 62 years and had to go into a nursing home immediately after the accident."

On Tuesday, the National Transportation Safety Board unanimously recommended that states outlaw cellphone use while driving. And Clement supports that move. But he travels the country urging a step that would have a huge and much more immediate impact.

"Businesses have to ban this activity. That's the only way they can protect themselves," he said.



TODD CLEMENT supports the NTSB's move.

That goes against the tide, of course. More and more of us use our vehicles as mobile offices. The driver who hit Clement's clients worked for Cable ONE, a major provider of cable, phone and Internet service. He drove a pickup owned by the company.

But whether involving a company vehicle or not, the law is clear that a business is liable when an employee on the job causes an accident, Clement said. And cellphone use not only makes a crash far more likely, it also increases the likelihood of being found at fault, he said.

Clement just settled a case in which two trucks collided in a Kansas snowstorm. One driver was on the phone. The other wasn't. And though there was little other evidence

of fault, the phone use greatly affected the case.

"The tie is always going to go to the guy who wasn't on the phone," Clement said.

And this is an area where juries seem especially eager to issue "send-a-message verdicts," he said — turning their displeasure over cellphones into huge monetary awards.

He speaks to corporate and trade groups and at safety conferences, not only urging businesses to ban cellphones in cars but also to follow up the policy with aggressive education and enforcement.

"This is going to be an education process just like seatbelts," he said. "Remember when we all sat on our seatbelts? Do you even think about it now when you get in your car and buckle up?"

Clement said there is simply no doubting the dangers at this point. Study after study has confirmed it. A 2009 Virginia Tech study concluded that cellphone users are at least six times

more likely to be involved in a fatal crash.

A Texas Transportation Institute study released in October found that texting drivers were 11 times more likely to miss visual cues.

"It's called 'inattention blindness,'" Clement said. It's probably what happened in the Cable ONE crash. "It's in your vision, but you just never see it."

There's a strange paradox, however. "Talking on a cellphone while driving is something that most people want to do themselves but badly want others to stop," Clement said.

That's why he believes corporate bans and aggressive enforcement will have to be the first major step in changing behaviors.

I asked Clement about his own behavior behind the wheel.

"I never texted or emailed, but I was a phone user," he said. "Now I just can't. And I don't."