Winter 2020

LANGDON & EMISON

ATTORNEYS AT LAW

What You Need to Know

Tire Detreads Lead to Loss of Control, Catastrophic Wrecks

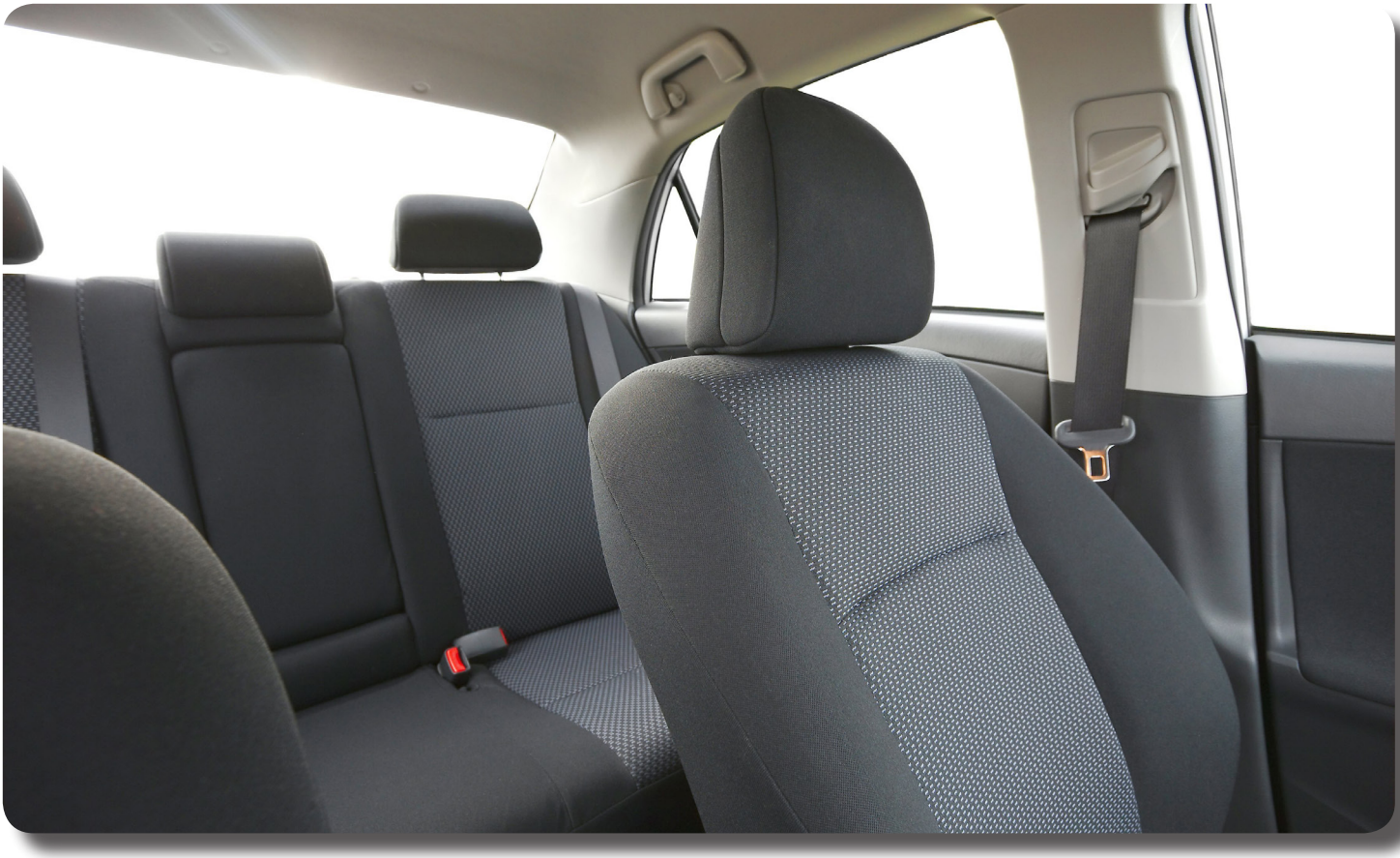
Defects that can cause a tire to fail may not always be apparent. It is not uncommon for catastrophic accidents to start with a defective tire.

Every vehicle accident resulting in catastrophic injury should be screened for tire defects.

A tire detread can cause a truck to impact the interior or exterior of a highway or bridge wall, and/or break through the guardrail. A sign of this type of cases is when the client is thrown from the vehicle and suffers severe injuries, because the vehicle is still traveling at high speeds when it comes into contact with a permanent fixture due to the tire detreading and the driver loses control almost instantly.

The poor design and construction of an inner liner can lead to oxidation across the belt plies of a tire, ultimately resulting in tread separation. Tire manufacturers often design and construct a truck tire with an inner liner similar to that found in some passenger tires, despite the fact that they know it will be subjected to carrying much greater loads.

Every vehicle accident resulting in catastrophic injury or death should be screened for tire defects as a potential cause of the accident or source of recovery.



Nearly Half a Million Ford and Lincoln Vehicles Recalled Due to Defective Seats

Loose seat back recliner mechanism detected in Explorer, Expedition and other models

L&E earned a record verdict for the state of Vermont in a 2013 trial that involved this defective seat.

Ford Motor Company is recalling certain 2018-2020 F-150 and 2019-2020 F-250, F-350, F-450 and F-550 Super Duty pickup trucks, as well as 2018-2019 Ford Explorer and 2019-2020 Expedition vehicles equipped with driver and/or passenger's manual front seat back recliner mechanisms. This recall also includes certain 2020 Ford Explorer and Lincoln Aviator vehicles equipped with rear outboard seats and manual seat back recliner mechanisms.

According to the National Highway Traffic Safety Administration, the recliner mechanisms may be missing the third pawl required for seat back strength, resulting in a loose seat back. As such, these vehicles fail to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) 202 "Head Restraints" and 207 "Seating Systems".

Models affected by recall:

- Select 2018-20 F-150 Pickup Trucks
- 2019-20 F-250, F-350, F-450 and F-550
- 2018-19 Ford Explorer
- 2019-20 Ford Expedition
- Select 2020 Ford Explorer and Lincoln Aviator

A common cause for fatal and serious injury in rear-end crashes involves the movement of an occupant toward the rear interior.

The faulty recliner mechanism

A seat back with an improperly assembled recliner mechanism will have reduced strength and may not adequately restrain an occupant in a crash, increasing the risk of injury. According to documents submitted by Ford to the National Highway Traffic Safety Administration, on July 23, 2019, a concern related to improperly assembled manual seatback recliners was brought to Ford's Critical Concern Review Group (CCRG) for review. A supplier had notified Ford of one 2020 MY Explorer rear seat recliner that exhibited excessive movement. Inspection of the seat found that the recliner cam was off center due to a missing third pawl. According to Ford, three warranty reports potentially exhibiting this condition were identified.

If your seat breaks in a rear-end collision, it is defective.

Further investigation found a setup issue on a specific production line at the recliner mechanism supplier. As a result, front seat testing was conducted and it was determined that the improperly assembled front seatback recliner would not meet the requirements of FMVSS. On August 21, 2019, Ford's Field Review Committee approved the recall.

Seats failing during collision

A common cause for fatal and serious injury in rear-end crashes involves the movement of an occupant toward the rear interior of the vehicle, due to the failure of the seat to contain the occupant. It is a fundamental principle of occupant crash protection that seat backs must perform the same restraint function for occupants in rear-end collisions that seat belts provide in front-end collisions. In April 1969, the *Society of Automotive Engineers Journal* published an article authored by D.M. Severy, which stated, "[a] properly structured seat is to the motorist in a rear-end collision what the lap belt is to him in a head-on impact."

In rear-end impacts, the rear of the vehicle is accelerated by the impact. The resulting motion of the occupants within the vehicle is dictated by the laws of physics, resulting in a rearward motion of the occupants with respect to the interior of the vehicle. We have litigated numerous cases from coast to coast where the seat failed to contain its occupant in even minor impacts, leading to catastrophic injuries for the person unfortunate to be riding in the car.

During a rear-end impact, the rear of the vehicle is accelerated by the impact, and the resulting motion of the occupants within the vehicle is dictated by the laws of physics, which results in a rearward motion of the occupants with respect to the interior of the vehicle. This motion causes the occupant to "load" the seatback, which must effectively manage the loading to properly restrain and protect the occupant during the crash. In other words, during a rear-end collision, seats must remain upright to prevent the occupants from being ejected. If your seat brakes in a rear-end collision – it is defective. Langdon & Emison can help you recover for your injuries by suing the automotive manufacturer.

L&E Represents Individuals Injured by Vaping Devices

Juul vape pens have been aggressively advertised to teenage consumers nationwide, often with the sales pitch of being a "safe alternative to smoking." But these Juul vaping pens have been found to be potentially fatal devices, and pose numerous health risks to Americans.

Besides the well-established side effects of nicotine intake, vape pens can cause seizures and respiratory problems including popcorn lung. Additionally, the Surgeon General blames Juul vape pens for a new wave of youth nicotine addiction, which leads to adult smoking and causes a variety of health problems And vaping has now been identified as a public health threat by the FDA. The FDA Vape Warning stated that children's addiction to nicotine is a public health emergency, and named Juul as the primary cause. Juul vape pens' fruity flavors, bright colors, and youth-directed social media marketing were cited as illicit marketing to hook a new generation into addiction. Federal regulators also say vaping seizures are currently under investigation. High nicotine doses also result in seizures from Juul.

Juul marketed to teens primarily through social media:

- Instagram allowed for fast, effective delivery and sharing of JUUL's graphic, simple messages
- Users would see the messages simply by scrolling through their feeds
- Juul focused on teen hashtag marketing
- Juul tweeted 5,000 times in 2017
- Heavy use of social media influencers

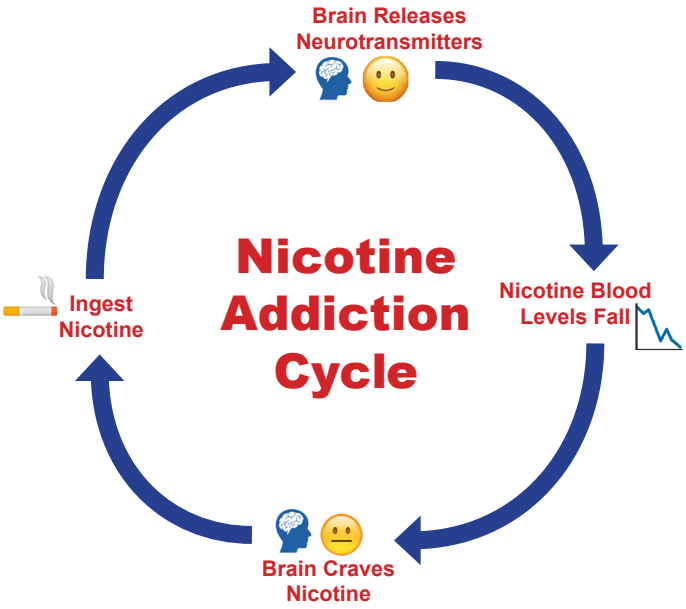
The e-cigarette industry has experienced tremendous growth in recent years, with an estimated 3.7% of the adult U.S. population using vape pens. First released in this country in 2007, e-cigarettes were not regulated by the FDA until 2016. A large portion of Juul Labs is owned by the Altria corporation – Juul possesses 70% market share, and has been criticized for targeting children and teens. The e-cigarette market is expected to exceed $86 billion by the year 2025.

The prefrontal cortex, the brain area responsible for executive functions and attention performance, is one of the last brain areas to mature and is still developing during adolescence. Smoking during adolescence increases the risk of developing psychiatric disorders and cognitive impairment in later life.

Why is the Juul vape pen dangerous?

The largest health risk is the risk of nicotine addiction within children. The number of teens across the country currently using these devices has risen to more than three million according to the latest CDC report. High nicotine doses can also result in seizures from using the vaping pen.

People who have suffered from Juul vape side effects may be eligible for compensation through filing a vape pen lawsuit against Juul Labs. Juul effectively marketed these products in a way that makes vaping seem completely removed from the risks of smoking, which is not true.



What has the FDA said?

The FDA Vape Warning stated that children's addiction to nicotine is a public health emergency, and named Juul as the primary cause. Federal regulators also say vaping seizures are currently under investigation. This is noteworthy because high nicotine doses also result in seizures from the use of these devices.

New Study Shows Safety Checks Rarely Conducted for Dangerous Trucks

In a study with data recently reviewed by NHTSA, it was confirmed that the number of fatalities from big truck accidents has risen to the highest level in almost 30 years. Large truck fatalities rose 9% to 4,761. This represents deaths in the 2017 calendar year, an increase of 392 deaths from 2016.

Traffic fatality rate decreases, while deaths in trucking wrecks increase

The biggest increase in fatalities occurred in crashes with trucks weighing 10,000 to 14,000 pounds. This trend continues in spite of the overall traffic fatality rate continuing to decline – in fact that same set of data from 2017 crashes shows a 2% decline from 2016 in overall traffic fatalities. These smaller trucks do not require a commercial driver's license to operate, resulting in an operator with less training driving a vehicle that is still many times larger than the passenger cars around it. Those drivers are also exempt from substance and alcohol testing, reducing the level of protection typically associated with large truck operation.

Large truck fatalities rose 9% to 4,761, at a time when traffic fatalities overall fell by 2%.

Further, oftentimes drivers of trucks with a gross vehicle weight between 10,000 and 26,000 are exempt from hours of service regulations or are subject to certain exceptions.

That regulatory scheme serves to keep fatigued drivers off the roadway. For example, under the non-CDL short-haul exception, a driver can extend the 14-hour driving window to 16 hours on two days in a 7-day period.

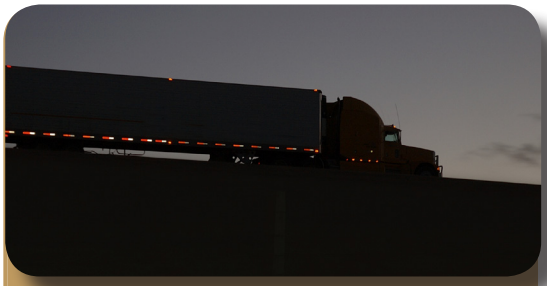
A *USA Today* report showed this year that the US Dept. of Transportation never conducted required safety inspections on thousands of companies that received special permits to transport risky shipments of hazardous materials by road, rail, water and air. According to reports, some companies that received permits have had serious hazardous materials accidents or safety violations. One company, for example, got a special permit to haul a poisonous and flammable ammonia solution despite having 14 hazardous materials spills in the last four years.

Blanket permits given to industry trade groups

By law, DOT must evaluate the fitness of every company given a special permit, but it has issued dozens of blanket permits over the last decade to industry trade groups. The thousands of companies using those permits were not vetted by DOT, which doesn't even know all their identities. Permit holders range from one-truck pool services carrying chlorine to national firms that package or ship bulk loads of explosive, flammable or toxic cargo.

Failing to vet every permit holder is "completely inappropriate — it never should have happened," Cynthia Quarterman, then chief of DOT's Pipeline and Hazardous Materials Safety Administration, has said in testimony to Congress. According to the same *USA Today* report, in a recent five-year period there were almost 2500 "serious" hazardous materials spills that involved substantial spills of hazardous materials and/or resulted in serious injuries or evacuations.

It takes an experienced team of attorneys and investigators to determine if trucking negligence was to blame for an accident or injury. Langdon & Emison has the experience and resources to determine if a truck driver or trucking company is responsible for your injuries and to maximize your compensation; we would love to speak with you to discuss collaboration on your potential case.



L&E has also litigated truck accident cases in which conspicuity plays a role. These cases are essentially matters where the trucking company and/or operator had a responsibility to make their tractor-trailers more visible to others on the road, and their failure to do so led to a wreck on the highway; because of the relative size of these vehicles, injuries are often serious.

Common Causes of Truck Accidents

- Driver fatigue
- Inadequate (or lack of any) driver training
- Speeding
- Overloaded trucks
- Oversized trucks
- Brake failure
- Poor driving conditions
- Driver inexperience
- Failure to yield the right-of-way
- Driving under the influence of alcohol or drugs
- Aggressive, dangerous or reckless driving
- Mechanical failure (or improper maintenance)
- Defective parts (such as defective steering or defective brakes)
- Conspicuity design defects (lack of visibility for night driving on highways

Aftermarket Vehicles Hide Common Defects

Clues to identifying aftermarket vehicle defects

Anytime an automobile is worked on, altered, modified or completed after leaving the original manufacturer, it is considered an aftermarket vehicle modification. In our practice at Langdon & Emison we have seen many instances in which an aftermarket modification is not completed properly. Common acts of negligence include failing to comply with safety standards (which are often not required in the case of aftermarket vehicles to the same extent that they are in "original equipment" vehicles), inadequate quality testing and other poor service practices.

Litigating a case centered around an aftermarket vehicle calls for highly specialized experts to analyze the potential defect.

If you have been injured in an automobile accident, a vehicle modification may be to blame. Most clients — and even many lawyers — never consider making an aftermarket or alteration defect claim.

What is an aftermarket vehicle?

Most cars and trucks on the road are "original equipment" (OEM) vehicles — meaning they were designed, manufactured, tested and sold by a major automaker (GM, Ford, Toyota, Chrysler, etc.) and unaltered. However, there are thousands of vehicles on the road that have been modified before being put into use. Examples of modified vehicles include:

- RVs are typically assembled without blueprints, engineers, or testing. Defects are commonly found in the fuel system, propane lines, and carbon monoxide exposure from generator exhaust.
- Ambulances are supposed to keep us safe, but many are not designed to keep occupants (EMS and patients) safe in a crash. The "box" of the ambulance is not designed to protect occupants and, in one case we handled, was merely glued onto the vehicle.
- Conversion vans are routinely modified without design drawings, blueprints or testing. There may be defects in the fuel system, restraint system, seat back strength and roof strength.
- Limousines are made by cutting apart an original vehicle and stretching it out. There may suspension defects, fuel system defects and failures of the occupant restraint systems.

- Our firm has litigated matters with significant injuries for people who operated mobile lifts on the job; these lifts are often not used for their intended purpose and are altered to do jobs that they weren't designed for.
- OSHA has identified alteration of the hook lifting device on mobile cranes, dropped loads due to operator error or modification, or cranes overturning based on instability as common causes of crane accidents.

Unlike the OEM manufacturers, aftermarket vehicle manufacturers may not be required to comply with the Federal Motor Vehicle Safety Standards (FMVSS). Our firm has successfully litigated aftermarket defect claims from coast to coast. Each summer we see a rise in accidents involving aftermarket vehicles, especially in recreational vehicles, as this is the time of year when people hit the highways.

Identifying the aftermarket defect

Litigating a case centered around this type of vehicle calls for highly specialized experts to analyze the potential defects. In our practice, we've engaged former Ford Motor Company design engineers and professors from famed engineering programs who have worked with automotive designs, engineers and other industry experts around the country identify defects in aftermarket modifications and alternative designs to help establish and demonstrate design defects in the aftermarket modifications.

Experts are absolutely critical in developing and presenting detailed engineering testimony required to prove causation. They are also necessary to identify specific defective components, identify the mode of failur and identify safer alternative designs.

L&E has been litigating aftermarket vehicle cases for decades, from ambulances to RV's and cranes.

We Have Won Millions for Clients in Aftermarket Vehicle Cases

Many times aftermarket vehicle defects are not identified and lawsuits are not pursued, which results in a missed opportunity to obtain the compensation you need to recover from your injuries. For more than three decades, clients and referring attorneys across the country have relied on Langdon & Emison to identify and litigate aftermarket vehicle cases.

In one such example, a family of four was asphyxiated in their RV trailer. Our lawyers successfully showed that the trailer was defectively designed and manufactured and failed to incorporate warning systems for the detection of carbon monoxide gas.

This led to a $2.15 million jury verdict against the manufacturer, in a case that would have otherwise been overlooked by a firm not looking specifically for the true defect that caused the fatalities.

Child Fatalities in Back Seats Increase

Carmakers can solve this problem with rear seat alerts, but often choose not to.

In late July 2019, New York father Juan Rodriguez, was charged with manslaughter and criminally negligent homicide for the deaths of his twin babies after leaving them in a hot car for hours. Mr. Rodriguez drove to work one morning and forgot to drop off his pair of one-year-olds at daycare. It wasn't until that afternoon that Rodriguez discovered his children were still strapped in their carseats in the backseat.

Automotive manufacturers have known for years that a simple fix would prevent these unnecessary deaths.

Mr. Rodriguez's tragedy is an all too common occurrence in the United States. In 2018, 52 children died when they were left behind or inadvertently trapped in a parked car, according to data compiled by Kidsandcars.org. Now more than ever, it is much easier to simply fail to notice a child in the backseat when exiting a car, especially when they are in a rear facing car seat.

Sadly, as with many fatal incidents in this country, we know a simple, practical way to prevent these cases: manufacturing cars with back seat sensors. But efforts to pass bills requiring such sensors have failed, in part because of auto lobby resistance. Groups opposing such legislation, including the Alliance of Automobile Manufacturers, which lobbies on behalf of a dozen major car companies. This lobbying group has long said that "education is enough."

In reality, automotive manufacturers have known for years that a simply fix would prevent these unnecessary deaths, but they have fought the advancement of this safety feature. This failure, combined with the available technology in the form of back seat sensors, is sufficient grounds for liability in the death of a child.

Our attorneys have litigated the full range of liability claims when it comes to defective auto products, nationwide. Call us for a free case evaluation any time at 1-800-397-4910, or you can find more information at LangdonEmison.com.

Four Clues to Unlocking the Fuel System Defects in a Car Fire Case

A vehicle fire can pose a complex personal injury suit, and while a fuel tank puncture is certainly involved in a multitude of these types of cases, there are many other causes that we've seen in our practice – here are four common defects to look for:

- **Hidden fuel tank leaks.** It is very common for fuel tank leaks to be hidden after a crash. One case we dealt with in our own practice recently involved a severe rear impact, where a rear seatbelt anchor bolt punctured the tank in a rear crash. The bolt was unguarded and the resulting fire caused five deaths and a very severe burn injury. The hole in the tank was not visible until the tank was removed from the vehicle, over two years after the crash.
- **Split or separation of fuel tank seam in a collision.** Often there will be no visible "hole" in the seam. However, when the tank is subjected to crash forces, the hydrostatic pressure created inside the tank will cause gasoline to be expelled through very minor cracks in the seam of the tank. The best way to determine if there is a hidden seam split or other compromise of the fuel tank is to inject smoke into the tank under pressure. The smoke will escape from whatever hole or seam split that may exist.
- **Filler-neck defects.** For over 50 years auto manufacturers have recognized that safety features, such as one-way valves, must be incorporated into the filler neck to prevent fuel fed fires. If the filler neck (sometimes referred to as the filler pipe) is dislodged or pulled out in a crash, the fuel will escape from the fuel tank if there is no check-valve.
- **Siphoning defect.** Most of us know that gasoline thieves can simply stick a hose down the fuel pipe into the tank in order to siphon gas from the tank. The same concept can occur in a vehicle crash, except that the fuel will siphon out of the tank through a hole or compromise in the fuel line. Most vehicles manufactured after the early 1980s have three fuel lines: supply, return, and vapor lines. Siphoning occurs most often in the return line or supply line. An attorney investigating a siphoning case must determine the location of the break in the fuel line, the fluid level in the tank, and the orientation of the vehicle at the crash scene. If the break is lower than the fluid level in the tank, siphoning will occur due to gravity. If the break is above the fluid level, there must be adequate tank vapor pressure to force gasoline to siphon upward.

Faulty Designs Lead to Fatalities in Roof Crush Cases

Lack of federal standards and adequate testing explain these tragic occurrences

On average, about 7,500 motorists die annually in rollover crashes. These types of crashes are particularly dangerous because auto manufacturers have failed to build vehicle roofs strong enough to hold up in such crashes. And, the federal standards that govern roof strength fail to provide the threshold necessary to protect passenger occupants from severe injury in rollover crashes.

If you have a case involving a vehicle rollover, look for these signs of a defective vehicle roof:

- Roof collapse
- Separation of roof components
- Spinal cord injury or death

In a recent case, our client was driving a 2004 Mercury Mountaineer that traveled through an intersection and off the roadway, overturning once before coming to rest on its wheels. During the rollover, the roof over the driver's occupant compartment area crushed inward and struck our client, causing a severe spinal cord injury and rendering her a quadriplegic. Some of these tragic consequences could have been avoided in the manufacturing and design process.

Lack of federal standards & adequate testing

Despite recent efforts, the federal government still lacks a performance standard that provides an adequate level of occupant protection for rollover accidents. Since the 1970s, the government's "roof crush" rule has been woefully inadequate, in part because it's based on quasi-static testing of vehicle roofs.

In 2009, the roof-crush standard was updated to double the roof strength requirement, but the required strength level remains less than what the Insurance Institute for Highway Safety requires to obtain a "Good" or even "Acceptable" rating. Although the new standard requires testing on both sides of the roof, the quasi-static nature of the test remains the same. As a result, the current federal standard fails to capture the forces and performance of vehicle roofs in real-world rollover accidents, resulting in roofs that are insufficiently built to perform in a real rollover.

Rollovers produce 35 percent of all deaths in vehicle crashes

Although vehicle rollovers account for only 2 percent of all auto crashes, rollovers produce 35 percent of all deaths in vehicle crashes. Vehicle occupants in rollover accidents are also at heightened risk for spinal cord injuries resulting in paralysis.

Top 5 Reasons Defective Guardrails Are Still on Our Highways

Dangerous guardrails installed on U.S. roadways are maiming and killing motorists. The ET-2000, manufactured by Texas-based Trinity Industries, has emerged as one of the most popular energy-absorbing end terminals.

In 2000, despite having no reported performance problems and a proven record of safety, Trinity redesigned the ET-2000, creating a lighter, cheaper version that it named the ET-Plus. In particular, Trinity removed roughly 100 pounds of steel from the end terminal and changed the dimensions of other critical components of the system. Most importantly, the changes produced an asymmetrical head design. This asymmetry increases rotation during the extrusion process, which substantially increases the potential for lockup and exposure of the vehicle to the guardrail's blunt end.

Here are five reasons why guardrails prevalent on U.S. roadways are deadly:

1. **Trinity's Unnecessary and Dangerous Redesign.** Trinity was motivated to redesign the ET-Plus because of its aging patent, not because it wanted to improve its product. In a single meeting, Trinity executives made drastic, ad hoc design changes that lacked engineering analysis, design calculations or computer simulations.
2. **Lack of Adequate Crash Testing.** In October 1999, Trinity, conducted only one crash test of its new ET-Plus system. Predictably, given its financial interest, Trinity determined the ET-Plus successfully completed the crash test in accordance with NCHRP 350 requirements.
3. **Secret Design Changes.** During the nearly two decades that Trinity marketed and sold the ET-Plus, it admittedly failed to conduct a single in-service performance evaluation of the system.
4. **A History of Failed Crash Tests and Deceit.** Trinity conducted several crash tests and each time the extruder head buckled and pierced the test vehicle. Trinity never disclosed these failures to the FHWA or state departments of transportation.
5. **Another Bad Guardrail Hits U.S. Roadways.** Dangerous guardrails are not limited to Trinity products. The X-Lite end terminal system, manufactured by California-based Lindsay Transportation Solutions, has a poor performance record, and the "independent" testing that was conducted on the X-Lite was controlled by the manufacturer.

AIRBAG DEFECTS 101

If a vehicle crash resulted in catastrophic injury or death, did a faulty airbag cause or enhance the injury? Whether the airbag(s) did or did not deploy, evaluate every serious injury case for a potential airbag claim.

DEFECTS TO LOOK FOR

INJURIES CAN OCCUR IF AN AIRBAG DEPLOYED IMPROPERLY OR FAILED TO DEPLOY.

DEPLOYMENT

- Evidence of shrapnel from a Takata airbag
- Late deployment
- Incomplete deployment

NON-DEPLOYMENT

- Deployment event occurred but airbag did not deploy
- Passenger airbag did not deploy but driver's side did
- Torso or side curtain airbag did not deploy

FAILURE TO EQUIP

- Side curtain airbags
- Torso airbags

15 TAKATA AIRBAG DEATHS IN THE U.S.

124 GM IGNITION SWITCH DEATHS

COMMON AIRBAG INJURIES

- Traumatic brain injury
- Vision/eye loss
- Facial, neck and chest lacerations
- Spinal injury
- Ejection

MORE INJURIES TO COME

2.6 MILLION+

VEHICLES RECALLED FOR GM IGNITION SWITCH DEFECT

- Check for vehicle recalls
- Airbag nondeployment critical to these claims

69 MILLION

TAKATA AIRBAG INFLATORS RECALLED

- Shortage of replacement parts
- Used Takata airbags put in salvaged vehicles

News and Notes

Michael Manners Named Personal Injury "Lawyer of the Year" for 2020 by Best Lawyers

Michael Manners

Langdon & Emison partner Michael Manners has been named the Best Lawyers® 2020 Personal Injury "Lawyer of the Year" in Kansas City, and colleagues Bob Langdon, Kent Emison and Brett Emison were named among Best Lawyers in their respective categories. Michael, Bob, Kent and Brett were all named a Best Lawyer in the categories of personal injury and product defects, while Bob and Brett were both honored as Best Lawyers in the railroad category as well.

Michael was honored as "Lawyer of the Year" for his recent success in appellate matters and representing clients in personal injury cases. In recent years, he has focused his practice on inadequate security cases dangerous consumer products, and other cases dedicated to negligent behavior on the part of corporations. Michael has handled a wide variety of appellate matters for plaintiff's lawyers.

Tricia Campbell Receives "Up and Coming" Lawyer Award

Tricia Campbell

Langdon & Emison associate attorney Tricia Campbell has been honored by *Missouri Lawyers Weekly* as part of its 2019 "Up and Coming Lawyer" awards. Tricia was honored for her work on behalf of plaintiffs – with more than 10 years of experience in all aspects of civil litigation, including years of experience in mass tort litigation on a national scale. Tricia has also been honored by Super Lawyers and the *Kansas City Business Journal* "Best of the Bar." In her mass torts practice, she has led efforts to establish multidistrict litigation (MDL), including successfully defending cases against motions to dismiss in the interim of obtaining an MDL. Her litigation experience includes assisting in trying a national mass tort bellwether case and performing key roles during all phases of litigation leading up to trial.

Brett Emison Receives AAJ Award for Service to the Profession

Brett Emison

Langdon & Emison Partner Brett Emison received the Wiedemann & Wysocki Award this summer at the Annual Convention for the American Association for Justice (AAJ), and was also named the chair of the organization's Publications Committee. The AAJ is the nation's leading organization dedicated to civil litigation protecting the rights of consumers. Brett is also currently serving on the AAJ's Voter Protection Committee, the National Finance Council and the PAC Task Force, all influential committees for the nonprofit organization.

The Wiedemann & Wysocki Award goes to members who have made the greatest impact on the Political Action Committee and to the cause of protecting the right to a jury trial overall. The Publications Committee will govern external AAJ communications, most notably the monthly *Trial* magazine which goes to all AAJ members.

The Defective Consumer Product that All Families Should Know About: The Infant Baby-Sling

Consumer Products Safety Commission issues warnings after suffocation deaths

The recent death of an infant has once again drawn international attention to a consumer product that many parents use but don't realize can be a great danger: the baby sling. News outlets across the globe have reported on this latest instance of chic baby slings leading to suffocation deaths; earlier this decade additional warnings were released by the Consumer Product Safety Commission (CPSC) after several infant suffocation deaths.

The CPSC confirmed at least 13 deaths associated with sling-style infant carriers before issuing its warning about the product. Two years ago the CPSC approved new standards for infant carriers, standards that were issued in response to these deaths.

The most common age of death from these products is younger than four months of age, the agency said. The commission advises parents and caregivers to be cautious when using infant slings for babies younger than four months. It said that many of the babies who died in slings were a low birth weight twin, were born prematurely or had a cold.