

Vehicle safety database helps plaintiffs

By Nora Lockwood Tooher

Plaintiffs' lawyers are touting a new vehicle safety database they hope will fuel their litigation efforts in auto product liability cases.

Launched late last year, the Vehicle Safety Information Resource Center (VSIRC) system currently has hundreds of thousands of records on U.S. vehicles, including recalls, defect investigations, complaints and crash/compliance tests.

The center also has data on foreign recalls, and is adding manufacturer-submitted Early Warning Reporting data. This data, which was recently released as a result of litigation, includes death, injury and property damage claims for specific vehicles.

Developed by Sean Kane, a vehicle safety expert in Rehoboth, Mass., and Stephen Foley, developer of Thomson West's Livenote legal transcript search product, VSIRC tailors records from the National Highway Traffic Safety Administration to provide lawyers with vehicle defect information commonly used in lawsuits.

Kane said the website's search tools are more efficient and its records more comprehensive than those available on NHTSA's website.

"We have hundreds of thou-

sands of documents," Kane said. "If you went to NHTSA, you'd have to do 100 separate downloads [to research a vehicle]. We've put the information in one download and compressed it."

VSIRC has included records dating back to the 1960s, in contrast to online NHTSA data, which only goes back 10 years.

The main market for the product is plaintiffs' lawyers who screen automotive product liability cases.

"With this system you can screen your case very quickly," Kane said.

Attorneys can check for recalls, government investigations and consumer complaints about specific problems, such as seat-belt buckling.

The search tools also allow researchers to search by a specific manufacturer or vehicle make, such as looking for all complaints, recalls and investigations involving Ford frontal airbags, for example.

Attorneys can also research similar problems with other cars, and compare crash test results with other vehicles for alternative designs.

VSIRC also provides information on "twin models," which are vehicles that are built on the same platform as other vehicles with a different make or model.

Time-saver

James Gilbert, an automotive products liability lawyer and partner at Gilbert, Ollanik & Komyatte in Arvada, Colo., said that in a recent case, several staff members who used NHTSA's website spent several days researching all the data on one vehicle, plus all the data on "sister vehicles" for each year they were manufactured.

"If we had had this product [VSIRC], it would have taken us less than an hour," he said. "You get all the information, and you can get it downloaded in a spreadsheet."

"It's just a better system than NHTSA's," agreed C. Richard Newsome, head of a four-lawyer consumer law firm in Orlando, Fla. "It's more efficient, and can eventually lead to the identification of problems that would hopefully save lives."

"The problem for consumer lawyers and personal injury lawyers who handle product [cases] is that when you get a call about a potential problem, the available government database – NHTSA – is so doggone difficult it can take you days or weeks to find out what may apply," Newsome explained.



For example, if a client complains about a defective seat belt in a particular year and model car, NHTSA's database may not turn up a record of any problem with seat belts in that particular year and model.

There could, however, be dozens of instances of seat belt failure in other model years.

"Car manufacturers a lot of times market the exact same platform under three different names," Newsome noted.

"When you're searching for defects, you want to make sure you're looking at the scope of that platform," Kane explained.

Licensing costs \$5,000 a year for three users per law firm. The database is updated daily.

Questions or comments can be directed to the writer at:
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