

LEGAL TRENDS, ODDS & ENDS:

Insights on the Changes in North Carolina Law

August 2009

Every so often, I come across a court opinion, magazine article or other bit of information that I think folks might find interesting...the sort of thing I might say to you in the grocery store or coffee shop if you asked, "*So Mike, what's happening in the law business?*"

Well, since I may not see you at the Teeter or Caribou any time soon, this little "e-newsletter" is a chance to share some news, in the hope you find it entertaining, and maybe even useful.

Let me know what you think, good or bad. And of course, if you have any specific questions about these issues or other legal concerns, please don't hesitate to tell me. (Even if I can't help you directly, I'll always try to point you in the right direction!)

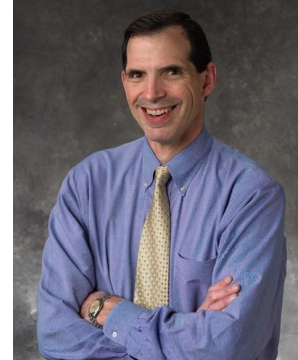
All the best,



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Driving While *Distracted*

As new studies show "Texting" to be more deadly than driving drunk, North Carolina bans the practice!

An increasing amount of [research](#) (some of it featured in a recent [front page article](#) from the New York Times), shows that we *think* we are better at driving while "multi-tasking" than we actually are. This growing "*disconnect between perception and reality*" is making a bad situation worse - especially when drivers attempt "texting." A [video](#) from a University of Utah study shows distracted drivers in a simulator, missing exits and causing crashes.

Because of a law passed in June, [North Carolina will become the 14th state to ban texting](#) by

all drivers, effective December 1 of this year.

Will any of this growing data cause us to (as the bumper sticker says) "HANG UP AND DRIVE"? Not likely. As a UNC researcher told the [Times](#), our habit of talking on the cell phone "is just too ingrained and compelling." Maybe so, but my hope is that these reports will cause us all to be EXTRA-cautious (and QUICK!) when we choose to make an important call.

And texting? In addition to being illegal come December...that's just plain stupid.

On the Horizon...

Will N.C. Negligence Law Step Into the 21st Century?

North Carolina remains one of only four states that still clings to the common law defense of "**contributory negligence**." This centuries-old rule means that an injured person -- no matter how devastating or catastrophic the injuries -- is absolutely barred from any recovery if he or she "contributed" to the injury, even in the slightest degree.

The vast majority of Americans enjoy some form of "**comparative negligence**" meaning that a settlement or verdict gets reduced (but not eliminated) in comparison with the amount of "fault" that is associated with an injured person's behavior. In my opinion, it would result in a much fairer system, and probably promote more settlements and less "rolling of the dice" for a trial.

Legislation is currently being considered in both the [House](#) and [Senate](#) to move North Carolina to some form of "comparative negligence" system. Stay tuned...

Our Law Firm's New Website:

All Kinds of Useful Info...

(Especially On Drunk Driving and Ways to Prevent It!)

Earlier this year, our law firm launched a new and improved website (www.wdrlawfirm.com) that provides a lot of information on [different areas of the law](#), and more fully describes [our attorneys](#) and the [legal services](#) they provide.

Not only is there a section on [general negligence and injury litigation](#) (my particular area of emphasis), but I am particularly proud of the extensive information and resources linked through our webpages on [Drunk Driving Accidents](#). Best of all, it is a free resource available 24/7!

Of course, it is not necessary to go through our website if there are any particular questions on special situations. A quick email to mdaisley@wdrlawfirm.com or a phone call to (704)375-1800 is all that's needed.

Community Activities:

The 21st Annual Great Gatsby Gala to benefit MS

Once again, our law firm is proud to be a host of an annual summer event -- [The Great Gatsby Gala](#) to benefit the [Mid-Atlantic Chapter](#) of the [National MS Society](#) (scheduled for Saturday night, August 22 in the [Wachovia Atrium](#).)

In case you are looking for a fun way to help a good cause, and one last summer fling before school days crank back up, I hope to see you all decked out in your Gatsby attire.

Helping School Kids Get the Supplies They Need!

The good folks at "[Classroom Central](#)" distributed school supplies to more than 80,000 students in Charlotte-Mecklenburg last year. We are trying to help them this year by offering our office -- [centrally located](#) in Dilworth near historic South End -- as a "DROP-OFF SITE" for donors.

If you have *books, supplies, bookbags, notebook paper, pens & pencils, etc.* that you would like to donate, just bring them by [1616 Cleveland Avenue](#) during regular business hours. (If you have time, be sure say hello...I'll set you up on our new-fangled gourmet coffeemaker!)

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