

LEGAL TRENDS, ODDS & ENDS:

Insights to Changes in North Carolina Law

October 2009

Schools are back in session, temperatures are finally beginning to fall, and the Panthers are once again breaking my heart. It can only mean one thing -- time for an autumn issue of the "Legal Trends" newsletter.

In this "edition" we take a quick look at a new hazard posed by the increased use of [hybrid cars](#) because they are "too quiet" (seriously), and another look at "[Distracted Drivers](#)" and some of the many articles and videos that have come out since our last newsletter. There's some "new news" on [increased court fees](#) in North Carolina, and I make a few comments about whether "[tort reform](#)" is the key to solving all that's wrong with the American health care system.

As always, I look forward to getting your feedback on any of these issues, good or bad. And of course, anytime you have specific questions about *any* legal concerns, please don't hesitate to let us know. (Even if my office can't help you directly, we'll always try to point you in the right direction!)

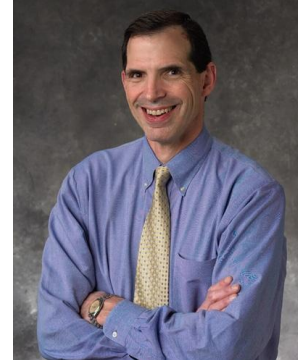
All the best,



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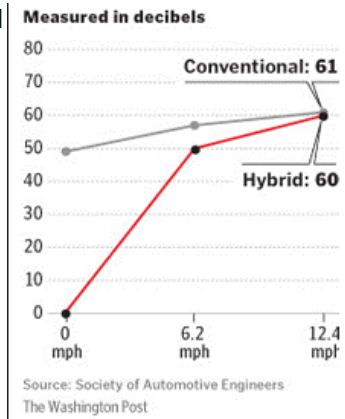
How quiet is "too quiet"?

Hybrid and battery-powered cars pose a danger to pedestrians, especially the vision-impaired.

As a proud owner of a Ford Escape Hybrid (that I purchased when gas was \$4.10 a gallon...where's the justice?), I was surprised to read in [a recent Washington Post analysis](#) that my quiet and smooth riding gas-saver may pose a real danger that concerns both [industry](#) and [government](#) analysts. The chart to the right gives some indication of how much more difficult it is to hear a Prius or Volt (or an Escape like mine) approaching at low speeds. This can be hazardous for *any* pedestrian, but it is especially true for anyone who *has* to use hearing to judge their surroundings. The [National Federation of the Blind](#) has tried to raise awareness of this special risk.

If you drive one of these "glorified golf carts" (as my teenager describes my car), please remember that shoppers, kids and seniors crossing streets and parking lots may not hear you coming...so BE CAREFUL OUT THERE!

(Question: *If it's a good idea for battery-powered cars to make some sound at "parking lot" speed, what kind of sound should it be? I'm thinking a [Star Wars light saber](#).*)



Update on *Distracted Driving*

A new nasty video drives home the point that EVERY teenager needs to see...But a real story should hit home even more.

In the last edition of [LEGAL TRENDS](#), we noted some the increasing [research](#) into the epidemic of death and damage being caused by "distracted driving."

Since then, a [YouTube video](#) made in Europe has gone "super-viral" and shows -- in very explicit (a teenager might say "gross") detail -- what it's like to be inside the car of a driver texting but failing to see that she's crossed the center line. As scary as that video is, it is a simulation. An [all-too-real tragedy](#) occurred last month on a local level, when a 15-year girl Stanly County [girl was killed](#) by losing control of her car while trying to text her mother.

Because of a law passed in June, [North Carolina will ban texting](#) by all drivers, effective December 1 of this year. Meanwhile, if you have a "teenage texter," show him or her these [videos](#) and [articles](#) and [research](#), and tell them about the new law. It can't come soon enough.

Business Lawsuits Become Even More Costly:

Non-refundable Filing Fee to North Carolina's "Business Court" is now up to a cool ONE THOUSAND DOLLARS!

It's no secret that [North Carolina legislators](#) were doing all sorts of "imaginative" things to balance the state's budget over the summer. One little-noticed "revenue enhancement" (sounds so much better than "tax increase" doesn't it?) will cost small businesses dearly, at least those that they have been wronged by another business in a complex commercial transaction.

Effective this month, [Civil Court filing fees](#) increased for almost all types of cases (although [Small Claims](#) fees actually went down slightly). But the "keys to the Courtroom" for [North Carolina's Business Court](#) increased FIVE-FOLD -- from an already-hefty \$200 to a mind-numbing \$1000!

Old Arguments Gain New Steam:

Discussions on Health Insurance Reform

Now Include Calls -- Again! -- for "Tort Reform"

Once again, [political debates](#) are heating up over whether the solution to skyrocketing health care costs is [to LIMIT your legal rights](#). Suppose a child has to go to the ER, and despite the ER doc being a very nice person and competent professional, a bad and costly mistake is made. ([Studies](#) show medical mistakes cause [tens of thousands of deaths a year](#).) If a child is hurt moderately, then "tort reform" efforts to limit non-economic damages to \$250,000 may have no effect. It's when a child is hurt really, really badly that the tort reformers want Federal rules to veto the best judgment of local jurors.

Here's the deal...If (and that's a big IF) health care costs are *significantly* increased by "defensive medicine" (although many analysts say that [financial incentives](#) and patient demands play a much bigger role in the "overuse" of tests), then there are other ways to ensure against "frivolous" lawsuits. For instance a recent [article in the Charlotte Observer](#) noted that North Carolina requires EVERY case against a doctor or hospital to have the backing of a [qualified expert](#) BEFORE a lawsuit can be filed.

Imagine -- a local solution withOUT the "help" of Congress!

Don't forget - Our Website's Available 24/7

Lots of Handy Resources, Especially On Preventing Drunk Driving, and Links to Legal Info

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](#). 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.

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