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$3 million death suit faults GM seat belts

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On a sunny Thursday afternoon in August 1982, Dr. William C. Baird II, a prominent Akron neurosurgeon, completed a medical consultation at Robinson Memorial Hospital in Ravenna, climbed into his Pontiac Grand Am, fastened his seat belt and headed for his Silver Lake home.

Less than a mile from his destination, the car ran off the road. The 63-year-old physician was killed as the car struck a maple tree in a front yard on Graham Road.

His widow, Lois, believes her husband, who she says always wore a seat belt, would be alive today had the car been equipped with a different type of seat belt. Her $3 million lawsuit against General Motors Corp. and its Pontiac division is believed to be the first to go to trial challenging the safety of a controversial seat-belt system that has been installed in most American-made cars since the late 1970s.

The case, being tried before Judge David D. Dowd Jr. in U.S. District Court in Akron, is now in the hands of the jury.

Critics of seat belts featuring the "window-shade" feature, like the one in the Bairds' 1979 Pontiac, say the belts allow a dangerous amount of slack to accumulate in the shoulder harness and can leave passengers with little or no protection in an accident.

The window-shade feature is so named because the shoulder harness can be tightened or loosened by pulling down on it slightly, in the same way a window shade is adjusted. Paul Lewis, a research

See SURGEON'S, page A7

Continued from page A1

consultant in automobile litigation, has kept close watch nationally on lawsuits that blame the window-shade feature for accident-related injuries. He believes the Baird suit is the first such case to go to trial. Its outcome, he said, could indicate the direction of future suits.

"It's a situation where all the American-manufactured automobiles have the same or similar device, so it's a fairly common problem, although it may not be recognized by people," Lewis said.

Some critics of the window-shade design, like automotive safety consultant David Biss, say they expect injuries related to the design to become apparent very soon as more states enact mandatory seat-belt laws.

"The reason these injuries were not showing up is because so few people were wearing their seat belts," Biss said. "Now be prepared to see people being seriously injured with their seat belts on."

European car manufacturers are not permitted to install seat belts with the window-shade design because it is considered unsafe, according to the National Highway Transportation Safety Administration (NHTSA).

Dr. William C. Baird II
. . . dies in Pontiac

Attorneys for General Motors contend that the window-shade design had "essentially no role" in the Baird accident.

General Motors engineers testifying in the Baird case said that although there is a potential for too much slack to accumulate, typical movement is not likely to cause it.

GM engineer Carl Savage testified that the window-shade design is a "comfort and convenience" feature that allows passengers more range of movement. General Motors' intention in designing the system was to encourage more people to wear their seat belts, he said.

Robert Sinke, manager of safety and crash-worthiness systems for General Motors, said the system was carefully reviewed by many company engineers.

"The benefits of the window-shade feature far outweigh the disbenefits," Sinke said.

Although the potential for excessive slack in the seat belt created an additional risk, Sinke said, "there's a risk in any safety feature we put in the vehicle."

Opponents of the window-shade system dispute the argument that the belts pose only a limited risk.

"Manufacturers will tell you they put it in there for additional comfort and convenience to get more people to wear the belts, but they've told NHTSA the exact opposite," said a former NHTSA engineer, who did not want to be identified. "The window-shade feature violates all the basic engineering principles about properly performing seat belts. It's a dumb feature."

A 1982 letter to NHTSA from GM's director of automotive safety engineering said studies showed that lack of comfort was not responsible for low seat-belt use, the engineer said.

Officials at General Motors said they could not comment about any facet of the window-shade design or criticism of it because it was the subject of lawsuits.

Pontiac owner manuals have contained warnings about the potential danger of excessive slack in the seat belts since tension-relieving belts were introduced in 1974.

"The problem is, they don't tell anyone what is excessive slack," Timothy Scanlon, Mrs. Baird's attorney, told jurors.

Paul Pohl, an attorney representing General Motors, replied that the definition of "excessive" is not so easily determined.

"How much slack is excessive slack really means: How fast are you going when you hit something and need the seat belt," Pohl said.

Testimony estimating the speed of Baird car at the time of the accident has ranged from 30 to 48 miles an hour.

General Motors also is under fire in the Baird case for the alleged failure of the car's left rear axle.

Mrs. Baird claims an axle failure was responsible for her husband losing control of the car, which left Graham Road in a straight, diagonal line and traveled more than 200 feet before striking the tree.

Accident investigators testified that they found no evidence that Baird tried to brake the car or steer off that diagonal course.

General Motors argues that the axle broke as a result of the collision. GM attorneys say Baird might have fallen asleep, lost consciousness or become inattentive before the car went off the road.

An autopsy produced no evidence indicating the doctor suffered any medical problem, such as a heart attack or stroke, that could have caused him to lose control of the car. There also was no evidence of drugs or alcohol in his system.

Baird was alone in the car, but other drivers who witnessed the accident have testified that he appeared to be awake and alert as the accident occurred.