

# Seat-belt verdict may affect design

By Marcia Myers  
Beacon Journal staff writer

A federal jury on Monday awarded \$800,000 in damages in a suit charging that an Akron doctor's death was due to faulty design of a General Motors seat-belt system. The decision could open the way for similar lawsuits and changes in seat-belt designs in American-made cars, according to lawyers and car industry analysts.

The four-man, two-woman jury agreed with Lois E. Baird, who claimed her husband, Dr. William C. Baird II, 63, a prominent Akron neurosurgeon, died in a 1982 accident on Graham Road in Stow because of the defective design of the "window shade" seat belt in the couple's Pontiac Grand Am.

The suit is believed to be the first to go to trial challenging the controversial window shade design. Critics say the belt can allow a

See JURY, page A4

## Jury blames GM belt in crash death

Continued from page A1

dangerous amount of slack to accumulate in the shoulder harness and consequently fail to restrain passengers in a collision.

The window shade feature and similar seat belt designs have been installed in most American-made cars since the late 1970s.

"The American public perhaps has won in this, too," Mrs. Baird said following the verdict. "That was my goal."

General Motors' Pontiac division was a co-defendant in the lawsuit, which was tried in U.S. District Court in Akron before Judge David D. Dowd Jr.

Mrs. Baird had asked for \$3 million in damages. Jurors denied a second part of her complaint, which claimed the car's left rear axle was defective and caused the accident. The speed of the Baird vehicle at the time of impact was estimated at between 30 and 48 miles an hour.

GM spokeswoman Jane Mott said the company was disappointed in the verdict and is considering an appeal.

"Our analysis of the accident indicated that the comfort feature did not play any role in Dr. Baird's death in this extremely severe impact," Ms. Mott said.

Paul Lewis, a research consultant in automobile litigation, said he believes the decision is likely to produce "significant repercussions" in the auto industry.

"Things like this make the public aware of problems, and the litigation is what seems to produce changes as far as safety problems are concerned," Lewis said.

The window shade design is so named because it can be adjusted to add or reduce tension by pulling slightly on the shoulder harness, similar to the way a window shade is operated. But opponents of the design say typical movement, like turning on a car radio, can create excessive slack without the passenger realizing it.

"You don't think of your seat belt being a problem, and that's one of the things I wonder about," Lewis said.

He said General Motors, through its 2-year-old life-belt insurance program, has paid millions of dollars in \$10,000 parcels to the estates of people killed in accidents while wearing seat belts. The payment program, covering only persons in GM cars, was introduced in April 1984 as a method of encouraging people to buckle up.

Asked Lewis: "How many of those died as a result of that defect in the seat belt, and did their families ever think about it? Public awareness will be the most significant value of the lawsuit."

General Motors says it has paid \$5.4 million through the program, which paid 540 claims on 17 million vehicles covered.

"This is very low in proportion to the number of vehicles covered and number of miles driven, said Harold Jackson, a GM spokesman.

He said the program concludes with the 1986 model vehicles because "we believed it had successfully completed its goal of heightening people's awareness of the seat belt."

Jack Martens, former chief automotive safety engineer for American Motors, said the reluctance of most passengers to wear seat belts left carmakers in "Catch 22."

"People reject seat belts for their discomfort . . . so manufacturers try to design a more comfortable belt to encourage them, said Martens, now a national consultant on auto restraint systems.

He said he believes the outcome of the Baird suit "may strike some sort of issue," adding:

"There's been a question about this window shade seat belt for many, many years."

Attorney Timothy E. Scanlon of Akron, who represented Mrs. Baird in the suit, characterized her fight against GM as a "David and Goliath situation."

He said he expects that the case will have "a potential significant impact" because all American car manufacturers use the same kind of device.

"What happened to Dr. Baird can happen to anyone," Scanlon said. "The more important thing was for a jury to say what the Baird family always believed."

Jurors determined that Baird's seat belt had excessive slack and was an "obvious hazard" when his car hit a tree in August 1982.