

The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2014

PHILADELPHIA, FRIDAY, AUGUST 8, 2014

VOL 250 • NO. 28

An **ALM** Publication

COMMENTARY

Lawyers Have Responsibility to Exemplify Distraction-Free Driving

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Special to the Legal

Texting while driving is illegal in Pennsylvania. There is currently no other activity involving the handheld use of electronic devices that is illegal in Pennsylvania, but that does not mean that use of these devices while driving, for purposes other than texting, is safe. As lawyers, we are busy, trying to be as productive as we can, and often are traveling in our cars. It is not just teens, our children, who seek instant access and responses. Our cars can become extensions of our offices and many lawyers will drive while distracted, texting, reading or sending emails, or accessing the Internet on cellphones. As lawyers, parents and leaders in our communities, we have an obligation to drive safely and minimize distractions, setting an example for others to follow.

ENCOURAGING EMPLOYEES TO TAKE CHANCES WHILE DRIVING?

Have we provided cellphones to our staff, in part, so that they will always be accessible? When reaching



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out to our staff or co-workers, do we consider whether they are driving and whether it is safe for them to be speaking with us or responding to electronic communications? If asked, would our employees say that we demand instant responses from them, irrespective of whether they are driving or it is safe to respond? Do we routinely call or communicate with our offices while driving, maybe even scheduling calls for our drives to and from work?

TEACHING OUR CHILDREN ABOUT DISTRACTED DRIVING

Our children are the most important people in the world to us, yet we routinely will check emails, text, make

phone calls, apply makeup or eat with our children in the car. More than 200,000 teens have seen a distracted-driving presentation given by volunteer lawyers in 40 states and Canada that was developed jointly by the Children's Hospital of Philadelphia and EndDD.org (End Distracted Driving). More than 70 percent of teens who attend distracted-driving presentations say their parents drive distracted with them in the car, and even more say that other adults, often in carpools, also drive them while distracted. In presentations at pharmaceutical companies, hospitals, construction companies, utility companies and a variety of other businesses, parents routinely confirm that they drive distracted, and often with their children in the car. In speaking with teens about distracted driving across Pennsylvania and New Jersey, as well as the rest of the country, I implore teens not to drive like their parents. With all the focus on teens and texting and teen traffic crashes, this might seem strange but, unfortunately, distracted driving by parents is the norm, not the exception. The following are comments from teens

following EndDD.org presentations:

- “I know more now than I did before and have more information to use in an argument with my dad trying to get him to stop texting while driving.”
- “My dad texts all the time and he won’t stop even when I tell him how scared I am.”
- “I thought your presentation was informative and engaging. It really made me think about how easy it is to become distracted while driving. My only regret is that my mother did not see your presentation.”

When reaching out to our staff or co-workers, do we consider whether they are driving and whether it is safe for them to be speaking with us or responding to electronic communications?

- “I tell my mother that when she drives me my life is in her hands, so her hands should be on the wheel.”

According to a November 2012 study by the University of Michigan Transportation Research Institute and Toyota, teens whose parents drive distracted are more than twice as likely to also drive distracted. In a 2014 Academic Pediatric Association study, “Potential Distractions and Unsafe Driving Behaviors Among Drivers of 1- to 12-Year-Old Children,” 90 percent of parents surveyed at two hospitals’ emergency departments admitted engaging in a

number of distractions while driving their 1- to 12-year-old children. Parents tell their teens to not drive distracted but we show them something very different.

SETTING AN EXAMPLE AND KEEPING EMPLOYEES, CHILDREN SAFE

Law firms have been setting the example for safe driving by adopting cellphone policies.

Given the increased awareness of distracted driving and the numbers of crashes, injuries and deaths attributable to distracted driving, it is incumbent upon employers to consider adopting cellphone policies for their employees. This is from both a liability perspective and a moral perspective. A workplace safe-driving policy should address the use of all electronic devices and not be limited to just texting or cellphone use. That would require the policy to be more restrictive than current Pennsylvania law, but a commitment to the safety of our employees requires that we do more than the minimum required by law. Accordingly, texting, calls, checking emails, using navigation devices while moving, eating and personal grooming should be addressed. Texts, emails and calls should go to voicemail while an employee is driving. This may require some indulgence and patience on the part of supervising attorneys and an understanding that immediate responses may not be safe. Supervisors need to support the policy, lead by example and work with employees to establish acceptable response times if driving.

Lastly, the policy should address sharing responsibility with the driver

for arriving safely and speaking up to offer a safer alternative if their driver tries to drive while distracted. We adopted a safe driving policy at Anapol Schwartz in 2012. You can read the full policy at <http://www.anapolschwartz.com/safe-driving-policy.pdf>.

BE THE DRIVER YOU WANT YOUR TEEN TO BE

As parents we would do anything to keep our children safe. Why not start today and have an honest conversation with our children and admit that we drove distracted and were wrong to have done so? Tell your children that you have committed to driving safer and show them that you mean it. Ask them to help you drive safer by reminding you not to drive distracted. The conversation needs to start with you and what you have done and are willing to change so that your children will listen. Once you work out how your driving behaviors will change, it will be easier to discuss your children’s driving in the context of adopting a “Family Safe Driving Agreement.” A sample can be downloaded from EndDD.org at <http://enddd.org/simple-steps-we-can-take-for-safer-driving>. •