

# LAWYERS JOURNAL

## Autonomous vehicles may impact legal profession



Brad E. Haas

by Brad E. Haas

In today's modern world, it is vital for lawyers and law firms to remain cognizant of the ways in which technological advances may impact the industry.

One area in which this sentiment will become increasingly important is the field of driverless automobiles. In a recent *Forbes* article, software expert Carl Bass stated, "Fifty years from now, our kids and grandkids are going to look back and say 'I can't believe they actually drove their own car back then.'"

While there remains a plethora of legal and social issues that must be dealt with in this field, many experts predict that a world of driverless vehicles may be closer than many people realize. The effect of autonomous vehicles will be widespread and is certain to have an immense impact within many areas of the law. While these vehicles may not be of an immediate concern to the legal world, their potential effect on practice area revenue streams must be considered to ensure the vitality of lawyers and law firms.

This article will briefly discuss some of the most basic ways in which autonomous vehicles may affect the future of legal practice.

The obvious area in which these vehicles will have an effect is the field of personal injury law. While this may not be an area of significant concern to major law firms, many small firms and solo practitioners make a living off of typical red car/blue car automobile accidents. Each year, about 30,000 people die from car accidents with another two million being injured. More than 90 percent of these accidents are caused by human error.

The high volume of automobile accidents leads to a high volume of personal injury cases being filed. In Pennsylvania in 2013, motor vehicle-related cases accounted for over 13 percent of all civil cases statewide. It logically follows that with the amount of human error accidents being reduced by software that will automatically stop or slow down a vehicle, the number of accidents, injuries and lawsuits will be reduced.

While the introduction of driverless vehicles may most directly impact personal injury cases, several other practices

will experience the indirect effects of reduced motor vehicle accidents. Many lawsuits in different practice areas often originate with a motor vehicle accident. With a decrease in auto accidents, several fields can expect to experience change in the volume and manner of cases, such as subrogation, dram shop actions, insurance coverage, criminal cases, etc.

The reduced amount of accidents will also certainly have an impact on the thousands of medical malpractice cases filed each year, many of which begin with an underlying motor vehicle accident. All of these filings stand to be reduced significantly in the future as autonomous vehicles become more widely available.

While standard negligence lawsuits relating to motor vehicle accidents are predicted to decrease, it is expected that the area of product liability will see an increase with the introduction of driverless cars. Computers are not perfect and it can be assumed that accidents will still occur, albeit at lower rates. With humans no longer controlling vehicles, the burden is likely to shift from the individual to the manufacturer. Product liability law does not currently have a framework to deal with this futuristic situation and, as such, courts and legislatures will need to adopt new liability formats to determine responsibility by using traditional product liability principles.

The majority of product liability lawsuits with respect to autonomous vehicles will likely still fall under the traditional three theories of manufacturing defects, design defects, and failure to warn. Manufacturing defects will be implicated when a driverless vehicle is not produced according to its specification. Design defects will be alleged when a foreseeable risk of harm relating to the use of a driverless vehicle could have been reduced or avoided by use of a reasonable alternative design. Failure to warn claims will be based on a manufacturer's duty to provide instruction about how the vehicle can be safely used and to warn consumers of any hidden dangers.

The increase in product liability lawsuits based on autonomous vehicles will also have a significant economic influence on the way cases are handled. Today, a standard personal injury case arising out of a motor vehicle accident requires significantly less expense and time for both the lawyers and clients involved. Under any of the above mentioned product liability theories, expert testimony will be needed in nearly every case. As the complexity of the technology required for autonomous vehicles will be of a great magnitude, a plaintiff will need to prove his or her case through expert testimony in order to properly explain issues involving product safety, risk/utility, etc.

The increased cost associated with expert testimony in these cases will require plaintiffs' attorneys to consider the potential drawback of a defense verdict to a much greater

deal as opposed to a modern day negligence case where they may not be as financially invested.

The mainstream use of autonomous vehicles is still many years away. However, the emergence of this technology makes it apparent that all claims, specifically personal injury and product liability cases, may be radically changed in the future. While the impact of the implementation of driverless vehicles is unlikely to be felt by the majority of current partners at law firms, the long-term future of many young practitioners may be affected by these changes.

The introduction of driverless vehicles will undoubtedly give rise to new causes of action, many of which cannot be predicted. However, it will be necessary for law firms to properly anticipate and take advantage of these changes and new revenue streams in order to remain successful in what will continue to be an increasingly competitive marketplace. ■

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*About the Author: Brad E. Haas is an associate in the Casualty Department at Marshall Dennehey Warner Coleman & Goggin. Based in the firm's Pittsburgh office, he concentrates his practice in the areas of product liability, retail liability, property litigation and general liability matters. He can be reached at behaas@mdwgc.com.*