

**RE-VISITING A
PAST SIGNIFICANT CASE:**

Record-Breaking Verdict Leads To Safer Highways

One family's tragedy has resulted in enhanced safety for all Floridians. State highways have been made safer in response to a \$9,250,000 verdict against the Florida Department of Transportation in the case of a 3-year old girl killed in a bizarre accident.

In January 1986, Brenda Smith of Fort Pierce, was driving on Interstate 95 in Palm Beach Gardens with her daughter, Leslie. A 117 square foot, 250 pound road sign, negligently designed, constructed and maintained dismounted from its support structure and crashed through the car's windshield. The sign sliced Leslie's head in half, killing her before her mother's eyes.

Chris Searcy and Lance Block of Searcy Denney Scarola Barnhart & Shipley, P.A. sued Florida's Department of Transportation on behalf of Leslie's parents, Brenda and Steve Smith, claiming state highway officials could have prevented the accident by properly attaching the sign. The sign structure did not meet the Department of Transportation (DOT) guidelines. It was constructed based on "guesswork," had never been inspected, had fallen on at least one previous occasion and was refastened with improper brackets. The state refused to admit liability and made no efforts to prevent similarly attached signs from endangering motorists on Florida's highways.

The Smiths pursued their claim in large measure to ensure that no similar tragedy would ever befall anyone else. Leslie's death had not been a sufficient impetus to spur the DOT into taking measures to prevent future accidents.

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In February 1990, after four years of delay, costly litigation and not even an expression of sympathy from the DOT, a Florida jury rendered a verdict of \$9,250,000. The verdict is believed to be the largest in American history for the wrongful death of a child. The jury ruled that the state's Transportation Department was negligent because it installed the sign with faulty clamps and without testing the sign's ability to withstand wind and road vibrations.

After the verdict, Brenda Smith said, "For the first time since Leslie's death, they have accepted responsibility for what happened. I just hope and pray that DOT does something about their signs state-wide." The publicity generated by the record-breaking verdict led to the realization of Brenda Smith's hopes and prayers.

Within months after the verdict, the DOT changed the way it installs similar signs and ordered tests and random inspections of clamps on highway signs throughout the state. The department inspected existing signs mounted by use of the questionable clamps, replaced or repaired all damaged, cracked and structurally defective brackets and instituted a plan to phase out all use of the extruded aluminum bracket. A uniform mandatory program was established to inspect all single and multi-post ground signs on the State Highway System. That procedure prescribed inspection practices as well as reporting and documentation of all sign inspections.

Everyone traveling Florida's highways today owes a debt of gratitude to Brenda and Steve Smith for pursuing their courageous struggle. Their efforts have helped to eliminate one of the many dangers on our highways. ■