

August 10, 2010

**Fighting for access to justice, Public Justice has just filed an *amicus* brief in a hugely important U.S. Supreme Court case involving federal preemption of claims that a minivan was defective because its aisle seat lacked a lap/shoulder harness. The closely-watched case -- *Williamson v. Mazda Motor of America, Inc.* -- will address the meaning and scope of *Geier v. American Honda Motor Co.*, 529 U.S. 861, 870 (2000), a case handled by Public Justice that found federal law preempted claims that a car was defective because it lacked an airbag.** The United States has also filed an *amicus* brief in support of the petitioners, arguing -- as we do -- that the lower courts have misread *Geier* and that the plaintiffs should be permitted to have their day in court.



The case seeks to hold Mazda accountable for the death of Thanh Williamson, who was killed in a head-on collision when her body "jackknifed" around a two-point lap-only seatbelt installed in the aisle seat of her family's 1993 Mazda minivan. There was no lap/shoulder seatbelt installed in her seating position. The other occupants of the vehicle were seated in positions equipped with lap/shoulder seatbelts and survived the crash.

Thanh's parents filed a state-court lawsuit against Mazda asserting state tort claims including products liability and negligence. Their complaint alleged, in relevant part, that Thanh's seat should have been equipped with a lap/shoulder belt to restrain her upper torso in a frontal collision.

Although lap/shoulder belts are universally understood to provide greater safety to car occupants, Mazda argued that the plaintiffs' claims are preempted by a Federal Motor Vehicle Safety Standard - Standard 208 - that gave Mazda the choice of installing either lap-only or lap/shoulder seatbelts in the rear-center seats of cars and in the aisle seats of minivans. Both the trial court and the California Court of Appeal agreed, holding that, under a broad reading of *Geier v. American Honda Motor Co.* -- a case decided by the U.S. Supreme Court in 2000 which held that a 1984 version of Standard 208 preempted a claim that a car maker should be held liable for failing to install an airbag -- Standard 208 "preempts common law actions alleging a manufacturer chose the wrong seat belt option ..."

In our brief, we urge the Court to reexamine its ruling in *Geier*, which has been misapplied by courts across American to find federal preemption in a host of areas that Congress never intended. We argue that, to resolve the massive confusion caused by *Geier*, the Court should limit preemption to circumstances where Congress has explicitly said state law should be preempted, or where the state-law claim would directly contradict a specific federal law mandate. In this way, the doctrine of preemption would be anchored to the U.S. Constitution and would preserve the important role that the tort system plays in promoting public safety and compensating victims.

To read our *amicus* brief, [click here](#).

To read the United States' *amicus* brief, [click here](#).

Congratulations and thanks to Budd-Kazan Fellow Matthew Wessler and Senior Attorney Leslie Brueckner, who authored the brief with assistance from me. Thanks to you, too, for your support of Public Justice, our Federal Preemption Project, and our Access to Justice Campaign. With your help, we are helping to ensure access to justice for all.

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