

Eugene liability lawyer Art Johnson, 85, tackle auto-seat heater burns



Don Hedlund of Gresham has filed a federal lawsuit against General Motors, the manufacturer of his pickup, accusing the company of selling him a car seat "capable of reaching dangerously high temperatures." He says he lies on his bed as often as he can when he's home because it relieves the strain on his buttocks. *(Benjamin Brink/The Oregonian)*

Art Johnson (<http://jjlslaw.com/attorneys-lawyers/arthur-johnson.html>) is

one of Oregon's oldest and most prolific product liability lawyers. He has represented thousands of clients, blazing a six-decade trail of litigation that reads like a history of American failure:

Flaming pajamas, super-absorbent tampons, intrauterine birth-control devices, silicone breast implants, defective hip replacements, and malfunctioning planes, trains and automobiles.

Once dubbed the "Prince of Torts" by this newspaper, the 85-year-old attorney finds himself deeply involved in a relatively new field of litigation: auto-seat heaters that burn people with sensory disabilities.

In the space of 10 years, Johnson's Eugene law firm has represented 20 people who sat in auto seats and -- because they already suffered from paraplegia, quadriplegia or spinal-cord injury -- could not feel intense heat that radiated into their skin, causing what Johnson said were all third-degree burns.

"Every one of these people found it hard to believe that they were burned on the seat of a modern automobile," Johnson said. "They just couldn't conceive that."

Some of the seats reach higher than 150 degrees, he said, and people can be severely burned in 10 minutes at 120 degrees.

"We all can get a burn," he said. "Even a third-degree burn is pretty serious. It's very painful and may affect us. But a paraplegic has to sit in a wheelchair to have mobility. ... For many of them it's like starting over, again."

Art Johnson on the cover of
The Oregonian's Northwest
Magazine on Oct. 12, 1986.

The Oregonian

The cases of men like Don Hedlind keep Johnson in the courtroom.

Five months on belly

Hedlind woke on the morning of Nov. 20, 2010, and punched the remote starter of his 2008 Chevy Silverado pickup. A 16-degree chill swept through Kalispell, Mont., and the native Oregonian dressed and climbed into his wheelchair. A friend and his young son were coming over to go hunting, and Hedlind hoped the boy might get his first deer.

Twenty-five years earlier, a deranged gunman had opened fire on Hedlind in the Oregon coastal community of Empire, a shooting that left his fiancée dead and her killer with a suicide bullet through his skull. A .357-caliber bullet left the strapping 20-year-old Navy man paralyzed.

Hedlind slowly pulled himself together through months of physical and emotional rehabilitation. He found light on the other end when he met his future wife, Tammy. They married aboard a sternwheeler on Lake Tahoe in 1996 and eventually made their way to Kalispell, where they opened a pair of tanning salons.

On that cold Montana morning two years ago, Hedlind climbed behind the wheel of his Silverado, equipped with hand controls, and headed for the woods with his two friends. He pushed a button on his door to kick on the backrest heater. Much later, he would

learn that he either hit the wrong button, or -- at some point that day -- engaged the seat heater.

For 10 to 12 hours, Hedlind sat in his heated seat as he drove through woods, took a nap and headed home. He pulled into his driveway as darkness fell over the Flathead Valley.

"I got out of my pickup and got in my chair, kind of wheeling along," he recalled in a recent interview. "I noticed there's some wetness on my jeans, and I'm like, 'What's up with that?' ... I went into the bedroom and lay on the bed, take off my pants, take off my underwear. I grab my mirror."

The wound to his right buttock was bigger than his hand, he said. His skin had blistered, the blisters had punctured, and he now confronted a gaping wound.

"You have to remember," he said, "the rear end of a paraplegic is like the soles of your feet. Because that's what touches the surface. That's all you got. So you have to protect that."

Hedlind recalled weeping as he inspected the wound. He knew that the injury would keep him from his wheelchair and truck. He spent five months on his belly, he said, as the wound healed. When he was well enough, he and his wife moved to Gresham in 2011 to be near family.

On Feb. 15, 2012, the Hedlinds filed a federal lawsuit against **General Motors** (http://www.gm.com/content/gmcom/home/quality.html?seo=goo_%7C_2012+GM.com+Retention_%7C_AWR-GM+JDP-Exact_%7C_GM+General_%7C_general%20motors), the manufacturer of his pickup, accusing the company of selling him a seat "capable of reaching dangerously high temperatures sufficient to burn human skin and tissue."

GM: Truck not defective

A lawyer for GM, Michael P. Cooney, acknowledged during a hearing in the Hedlinds' case that people with paraplegia are at greater risk of being burned by a seat that overheats.

But Cooney told the court he didn't believe sensory-impaired drivers had a special risk of being burned, and that if someone proved that its seats were overheating, GM would address the seat heater and its design.

In court papers, GM lawyers wrote that the Silverado was not defective, unreasonably dangerous, or the cause of Hedlind's injury. They wrote that Hedlind was negligent and argued that the truck and its parts weren't used properly and that what they described as Hedlind's alleged injuries were the result of his misuse or abuse of the Silverado.

The lawyers did not return repeated phone calls and emails seeking further comment.

U.S. Magistrate Judge Thomas M. Coffin, presiding over the Hedlinds' case in Eugene, has set Oct. 3 as the deadline for the legal teams to turn over all evidence in their cases

to prepare for trial.

First seat suit in 2004

Auto safety experts in the U.S. began warning about possible problems with heated car seats 13 years ago, and medical journals soon followed. The technology, dating back to the 1950s, came with both comforts and risks, according to a 2003 report in the **Journal of Burn Care & Rehabilitation** (<http://journals.lww.com/burncareresearch/pages/default.aspx>).

"Several reports of burns and even combustion of the car seats caused by the heaters have triggered recalls of thousands of cars," the journal reported.

Johnson filed his first lawsuit involving a heated car seat in 2004 on behalf of a former U.S. Marine paralyzed in a training exercise. The man, burned by the heated seat of a Jeep Grand Cherokee, sued Daimler Chrysler Corp. the following year. He sought \$1.5 million in economic damages and \$3 million in punitive damages.

He settled for an unspecified amount.

Since then, Johnson's firm has taken up the cases of 13 people he alleges were burned on the seats of GM vehicles. He took the Hedlinds' case with two goals: Win a judgment or negotiate a settlement with GM for Hedlind; and persuade GM to warn motorists with paraplegia and other sensory issues that its heated car seats could burn them.

Johnson has drilled down on the car-seat cases in part because he enjoys the intellectual pursuit of confronting problems. In interviews, he said he enjoys learning from engineers and scientists why a piece of logging equipment fails, a helicopter crashes, or an auto manufacturer's seats cause burns.

"That's part of the excitement of the work, frankly, because every case is a new challenge," he said.

Johnson remains an active member of the Oregon State Bar. The great majority of his peers have retired, or died. In fact, according to bar records, Johnson is one of only 120 of Oregon's 14,000 active lawyers older than 80, and some are active in name only. Johnson will celebrate the 60th anniversary of his admission to the Oregon State Bar on Sept. 15.

Portland lawyer Bill Gaylord, who handled the lawsuits of two auto-seat victims about a decade ago, said Johnson has left his mark in Oregon.

"He's had a big life, a larger-than-life life, and been involved in many, many important causes," he said. "(Johnson) continues to be steadfast in his leadership of younger lawyers and his excellent work on behalf of victims of all kinds."

It may never be known how much Johnson has dinged Detroit.

Automakers have settled 16 of Johnson's auto-seat cases before they could reach trial, cutting checks each time. But in every case, manufacturers have settled only after