

ALCOHOL TOXICOLOGY

Experts Investigate Toxicology & Dram Shop Issues

A pedestrian sustained serious injuries when he was struck by an intoxicated driver. A blood specimen obtained from the driver approximately 30 minutes after the crash revealed a serum alcohol concentration of 0.176 g/dl. Robson Forensic experts in Toxicology and Liquor Liability were retained to determine: 1) the dose of alcohol consumed in the hours prior to the crash 2) if the driver's alcohol concentration was consistent with the likelihood that she displayed visible signs of intoxication while patronizing the local social club 3) if the actions/inactions of the social club were reckless and breached the industry standard of care for the service of alcohol and contributed to the pedestrian's injuries.

Based on the serum alcohol concentration obtained from the driver, Robson Forensic toxicologist, Dr. Michael J. McCabe, Jr., determined that the driver's circulating alcohol burden 30 minutes after the crash was the equivalent of 5.5 standard drinks. By adjusting for the physiological attributes of the driver and using accepted rates of alcohol metabolism, Dr. McCabe created three models to estimate the driver's total alcohol consumption.

Analysis of Total Alcohol Consumed by Driver Prior to Incident			
Blood specimen obtained 3.75 hours after start of drinking	Condition 1 $\beta = 0.010$ grams/dl/hour	Condition 2 $\beta = 0.018$ grams/dl/hour	Condition 3 $\beta = 0.025$ grams/dl/hour
Total amount of alcohol consumed (grams)	97.3	111.0	123.9
Total # of standard drinks consumed	6.9	7.9	8.8

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The toxicological analysis concluded that the driver had a peak BAC between .183 and .220 shortly after leaving the club and .158 BAC approximately thirty minutes after the crash. The driver would be considered grossly intoxicated by both toxicology and safe alcohol server standards. At a .183 - .220 BAC, the vast majority of people will exhibit substantial motor skill impairment, which was observed through testimony by multiple witnesses.

The social club served the driver the equivalent of 7 drinks in as little as 45 minutes to 1 3/4 hours. The reckless service by the club put her into a zone of danger regarding her ability to function in a reasonably sober manner. The actions/inactions of the club violated the accepted standards of care within the hospitality industry and created an unreasonably dangerous condition which was a cause of the injury.

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