Overview

The mid-20th-century emergence of the judicially created doctrine of "strict liability in tort" created a significant and potentially disastrous risk to the manufacturing industry and retail trade. The doctrine fostered an explosion of litigation against product manufacturers, distributors, retailers and others and an area of law commonly known as "product liability."

Dykema attorneys have been in the forefront of the defense of claims pertaining to products of all types. The Firm’s representation has spanned the spectrum, representing manufacturers of household products, industrial and construction equipment, vehicle manufacturers, medical devices and drugs, and a wide variety of consumer as well as durable products. Our objective remains the same—to provide a vigorous defense to claims which are unfounded and to work towards a cost-effective disposition when appropriate. In all phases of litigation, our product liability attorneys have formulated legally sound and technologically accurate defenses. We also work with industry groups and standard-making bodies, as well as with the United States Consumer Product Safety Commission.

We have developed resources ranging from appropriate courtroom techniques to pretrial discovery through the appellate process. Many of our attorneys have technical degrees and backgrounds in the sciences, offering clients additional expertise relative to their products. The Firm has also counseled clients in the development of product programs. This development consultation includes product assessment, product safety design, labeling, warnings, advertising, and warranty programs.

The firm is ranked among the top three firms nationwide in product liability, mass tort and class action by *The Legal 500 US* 2019 and also recently ranked as one of the top law firms nationwide in the area of Product Liability Litigation in *BTI’s Litigation Outlook 2019* report, based on direct client feedback from in-depth interviews with corporate counsel at the world’s largest companies.

Publications

"How does autonomous vehicle technology impact automaker liability?"
September 12, 2019
*Automotive World*

"Liability Issues for Manufacturers of Personal Electric Vehicles"
March 15, 2017
*Bloomberg BNA Product Safety & Liability Reporter*

"FDA Guidance Clarifies Treatment of Consumer Health and Fitness Products"
October 3, 2016
*Bloomberg BNA Product Safety & Liability Reporter*

"State Law Product Liability Claims and Federal Question Jurisdiction,"
September, 2015, Vol. 57, No. 9
*For the Defense*

"Letting the Genie out of the Bottle: Has Texas reverted to the common law “open and obvious danger” rule?"
September 3, 2015  
*Metropolitan Corporate Council*

"As Ohio Goes, So Goes the Nation? Ohio’s Trust Fund Transparency is a National Model"  
*Volume 35, Issue 13/April 12, 2013 Westlaw Journal*

"Nicastro and its Progeny: Did the U.S. Supreme Court Usher in a New Liability Landscape 25 Years After Asahi?" (Co-author)  
June 18, 2012  
*Bloomberg’s Product Safety & Liability Reporter, 40 PLSR 5834*

**Speaking Engagements**

Critical Considerations: Autonomous Vehicle Product Liability and Potential Legal Risks  
*January 15, 2019*

The Convergence of Automotive, Product, Class Action, and Consumer Litigation  
*October 16, 2018*

*And Now the Law: Product Liability, Cybersecurity, Privacy, Ethics, Insurance, and Regulatory Compliance, Autonomous Vehicle Safety Regulation World Congress*  
*October 24, 2017*

*Legal Challenges: Product Liability, Cybersecurity, Privacy, Ethics, Insurance, and Regulatory Compliance, moderator, Autonomous Vehicle Safety Regulation World Congress*  
*October 24, 2017*

*Product liability: bump in the road or big pothole?, Autonomous Vehicle Safety Regulation World Congress*  
*October 24, 2017*

Recent Developments in the Food & Beverage Industry and Lessons from Blue Bell  
*September 19, 2017*

Technology and the Law: Accelerating the Next Revolution in Roadway Safety  
*October 18, 2016*

Emerging Issues in Motor Vehicle Product Liability Litigation—Distracted Driving  
*September 20, 2016*

*Preventative Contract Drafting, 15th Annual Advanced In-House Counsel Conference*  
*August 11, 2016*

The Proposed Changes to FRCP 23: Important Developments  
*June 21, 2016*

Regulatory and Other Class Action Triggers  
*May 17, 2016*

To Appeal or Not to Appeal?  
*March 15, 2016*

Advanced Strategies for Defending Product-Related Class Actions: Unjust Enrichment, Restitution, and California’s Unfair Competition Law  
*January 19, 2016*

*Emerging Issues in Legal Liability for Connected Vehicles, 6th Summit on the Future of the Connected Vehicle*  
*October 27, 2015*

*Regulatory and Other Class Action Triggers, Product Liability Advisory Council, Fall Conference*  
*October 1, 2015*
Products Liability From Start to Finish, National Business Institute Webcast
December 19, 2014

October 17, 2014


There is Electricity in the Air, Dykema Automotive Institute
September 2011

The Supreme Court’s Newest Decisions and the Re-Shaped Landscape on the Preemption Defense and International Personal Jurisdiction, Moderator and Speaker, American Conference Institute - Automotive Product Liability Litigation Seminar
Spring 2011

Averting and Managing Crisis in the Event of an Automotive Recall (Toyota Case Study), American Conference Institute - Automotive Product Liability Litigation Seminar
Fall 2010

Managing Litigation Costs, Selection of Counsel, Formulating Case Strategy, Speaker, American Conference Institute - Automotive Product Liability Litigation Seminar
Fall 2010

Products Liability in Transition: Is there a Sea Change or Steady as She Goes?, 2010 Emerging Issues in Motor Vehicle Product Liability Litigation Seminar, Moderator and Speaker 2010

The Tenth Anniversary of the Restatement of Torts: Products Liability -- A Look Back and a Look Ahead, 2010 Emerging Issues in Motor Vehicle Product Liability Litigation Seminar, Moderator and Speaker 2010

The Challenges for Corporate America: Then and Now, Moderator and Speaker, 2008 Fall Conference, Celebrating PLAC’s 25th Anniversary - Special Program on Achieving Fairness in Product Liability for 25 Years Fall 2008


Dykema’s Seminar for Outside Counsel Chairman and presenter
2005-2008