

Product Liability

Related Practices

Asbestos & Toxic Tort
 Aviation & Aerospace
 Class Action Defense
 Litigation
 Product Safety

Related Industries

Automotive Industry Group
 Automotive Product Liability
 Litigation
 Automotive, OEM & Supplier
 Litigation
 Food & Beverage
 Mobility and Advanced
 Transportation Team

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

"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

Product Liability (Cont.)

"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

Product Liability (Cont.)

Federal Rules of Civil Procedure Update, PLAC 2014 Fall Conference, Chicago, Illinois
October 17, 2014

Ignition Source v. Cause in Vehicle Fires, 2013 ABA Emerging Issues in Motor Vehicle Products Liability Litigation
Conference

And Now, the Law – "Product Liability Design Defect Law and Litigation – Recent Decisions and Cases to Watch"; "A Review of The Supreme Court's Decisions on International Civil Litigation and Product Liability, Past and Future," Speaker
2012

And Now...The Law - A Review of The Supreme Court's Decisions on International Civil Litigation and Product Liability, 2012
Emerging Issues in Motor Vehicle Product Liability Litigation Seminar

The Role of Consumer Expectations in Product Liability Design Defect Law and Litigation, 2012 Emerging Issues in Motor
Vehicle Product Liability Litigation Seminar, Speaker

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

The Products Liability Restatement: Was it a Success?, Brooklyn Law School Symposium Commemorating the 10th
Anniversary of the Restatement (Third) of Torts: Product Liability
November 13 and 14, 2008

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