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Product Liability Resources

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Drug and Medical Device Product Liability Deskbook

By James M. Beck, Anthony Vale

The Food and Drug Administration (FDA) regulates more than $1 trillion worth of consumer goods, and inspects less than 1% of all imports. Due to the growth in the global economy, tainted and counterfeit products flow across borders from under-regulated jurisdictions putting consumers and manufacturers at risk. This guide offers practical insight into the scope and complexity of drug and device litigation.

The Drug and Medical Device Product Liability Deskbook includes: detailed coverage of: warning-related claims and defenses; other information-based theories; strict liability; FDA-related per se liability; preemption of common law tort claims by the Food, Drug & Cosmetic Act and FDA regulations; class actions in drug and medical device litigation; theories of liability asserted against entities other than manufacturers; practical issues involving litigation management; the use of expert witnesses; and many other important topics. The authors include practical coverage of “what a litigator needs to know about the FDA.” You’ll also find out how plaintiffs and defendants can enhance their chances for success before litigation even commences.

Book #00674; looseleaf, one volume, 1,158 pages; published in 2004, updated as needed; no additional charge for updates during your subscription. Looseleaf print subscribers receive supplements. The online edition is updated automatically. ISBN: 978-1-58852-121-7.

Food Safety Law

By James F. Neale, Angela M. Spivey

Americans experience as many as 76 million foodborne illnesses each year – a problem that has led to an unprecedented level of litigation. Food Safety Law is the definitive guide to this rapidly growing practice area. Whether you represent food producers concerned about liability or plaintiffs harmed by a foodborne illness, this unique book will help you handle any issue.

Food Safety Law examines the entire administrative maze, with particular emphasis on the USDA and FDA, including the Food Safety Modernization Act. The authors analyze the legal and practical issues food safety attorneys face, from prevention and compliance to recalls and litigation after an outbreak. Topics covered include: inspections; detection of outbreaks; food safety threats; injurious objects in food; current good manufacturing practices; recall strategies; causes of action and defenses; proving causation; complex litigation; insurance coverage; labeling requirements; and the newest legal frontiers.

Even a mid-sized recall involves issues of regulatory compliance, product liability litigation, insurance coverage, and more. Whether you represent food producers or plaintiffs, whether you are advising a company on how to steer clear of problems or doing damage control after the fact, Food Safety Law is an essential touchstone for legal counsel.

Book #00706; looseleaf, one volume, approximately 470 pages; published in 2010; to be updated as needed; no additional charge for updates during your subscription. Looseleaf print subscribers receive supplements. The online edition is updated automatically. ISBN: 978-1-58852-168-2

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Library of California Product Liability Forms

By Kenneth Seeger and Isaac Walrath

*Library of California Product Liability Forms Book* is a comprehensive set of 160+ sample documents for product liability work, organized to take attorneys through the trial process from start to finish. The title is authored by Ken Seeger and Isaac Walrath of Seeger Salvas, LLP, a boutique firm specializing in medical device and pharmaceutical product liability litigation. Where appropriate, forms are differentiated for different types of products (medical device, pharmaceutical, automobile, etc.) and for both plaintiff and defendant counsel. There is a CD of Word files for easy drafting of documents.

The forms are divided into 9 sections:
1. Intake
2. Client Correspondence
3. Pre-Suit Forms
4. Complaints
5. Answers
6. Discovery and Litigation
7. Motions
8. Trial
9. Settlement


LJN Product Liability Law & Strategy Newsletter

By Stephanie McEvily

Liability cases involving faulty and dangerous consumer products make headlines every day. Whether you are involved in product liability litigation for toys, prescription drugs, asbestos, IUDs, automobiles, escalators, airplanes or any other products, you can’t afford to miss a single issue of *LJN’s Product Liability Law & Strategy*.

This concise monthly newsletter keeps you informed about significant verdicts and settlements while providing analysis of legislative proposals and court decisions, international liability news, and practical strategies for both in-house and outside counsel. Stay on top of the ever-expanding field of product liability law—order your subscription today!

(Per $5) 12 month newsletter. Available in Print and Online.
Product Liability

By John S. Allee, Theodore V.H. Mayer and Robb W. Patryk

Product Liability analyzes both the theory and practice of products liability litigation, whether the issue is asbestos, automobiles, food, drugs, chemicals, household products, or any of the hundreds of other products that may be the subject of litigation.

Attorneys for both plaintiffs and defendants will find comprehensive coverage of such matters as: the advantages and disadvantages of suits based on strict liability, negligence and breach of warranty; the use of state consumer protection statutes; the duty to warn and its innumerable ramifications; the liability of the manufacturers, retailers and other potential defendants in the distribution chain; successor liability; federal preemption of common law claims; monitoring product safety during design, manufacturing and distribution; causation theories in actions involving multiple manufacturers; product misuse and alteration; the elements of proof needed in an action; recovery for economic loss; punitive damages; and the government contractor defense. Product Liability also discusses pretrial and trial practice, including developing strategies for the trial or settlement of a case, class actions, jury selection, the opening statement, direct and cross-examination of witnesses, documentary and demonstrative evidence, summation, and jury instructions.

Product Liability: Winning Strategies and Techniques

By Richard J. Heafey and Don M. Kennedy

In this authoritative guide, two experienced litigators share the strategies and techniques they have developed for handling product liability cases. Product Liability: Winning Strategies and Techniques draws on the authors’ nearly 60 years of combined experience. From the initial client interview through every step in building the case, this book provides hundreds of valuable ideas and tactics from the perspective of both plaintiffs’ and defendants’ counsel.

This guide provides practitioners with insight into case evaluation, preparation, and management from interviewing clients to pretrial preparation and settlement. The elements of each cause of action are detailed along with special considerations for the plaintiff and the defendant. Other topics include expert testimony, spoliation of evidence, valuing injuries, and negotiating with multiple defendants.
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