

IADC's Defense Counsel Journal Special 100th Anniversary Issue Explores Future of Product Liability Law

In celebration of its 100th anniversary and in recognition of the vast influence and importance of product liability law in the corporate world, the International Association of Defense Counsel (IADC) has published a special 2020 edition of its flagship publication, the Defense Counsel Journal (DCJ), devoted exclusively to product liability topics.

“The IADC’s Product Liability Committee, which is our organization’s largest committee, assembled an outstanding compendium of product liability related articles for this special issue of the Defense Counsel Journal,” said DCJ editor and former IADC board member Kenneth R. Meyer.

IADC President Amy Sherry Fischer added, “We owe immense appreciation to the Product Liability Committee for putting together so many important and educational articles as a commemoration of the IADC’s long and rich history of providing members and the larger legal community with cutting edge information on a broad range of vital topics in the law.”

William L. Anderson, chair of the IADC’s Product Liability Committee, explained that the IADC members who wrote the articles for this DCJ issue focus on looking at the future of product liability litigation. Included in the issue are short opinion pieces by some of the most distinguished and long-standing product liability practitioners on trends that they expect to dominate the practice in the coming years.

Frequently and favorably cited by courts and other legal scholarship, the DCJ is a quarterly forum for topical and scholarly writings on the law, including its development and reform, as well as on the practice of law in general. The IADC is a 2,500-member, invitation-only, worldwide organization that serves its members and their clients, as well as the civil justice system and the legal profession.

The IADC's 2020 Product Liability Special Issue of the DCJ is available for free and without a subscription via the IADC's website at <https://www.iadclaw.org/documents/?CategoryId=4>.

Following are brief summaries of key articles included in the special commemorative issue of the DCJ:

"3D Printing: Product Liability, Professional Liability and Other Tort Aspects of the Burgeoning Industry" by Jordan Lipp and Steven A. Michalek, managing members at Childs McCune, LLC – The article explores liability issues raised by the burgeoning use of 3D printing when an allegedly defective product is manufactured.

"Torts, Courts and Attorneys General: Tort Litigation by States" by William L. Anderson and Richard E. (Rick) Wallace, Jr., partners at Crowell & Moring LLP – Provides insights on state attorneys general (AGs) actions in the tort arena, including the chief differences between regulation and tort litigation, a summary of the nebulous tort theories that state attorneys general invoke, examples of recent tort cases brought by state AGs, and practical suggestions for counsel defending against such cases.

"The Rise and Minor Fall of Litigation Funding in Australia" by Greg Williams, a partner, and Will Atfield, a senior associate, at Clayton Utz – Offers an overview of the status of litigation funding in Australia.

"Product Liability Cases in Civil Law Countries: A Pro-Plaintiff Approach" by Sylvie Gallage-Alwis, founding partner

of the Paris office of Signature Litigation – Discusses how product liability cases have evolved in civil law countries.

“Where Are We Headed, Hal? Product Liability in the Next 100 Years” by William L. Anderson, a partner at Crowell & Moring LLP – Muses on the future of product liability law, with attention to the split between federal and state courts, attacks on experts and science, the reptile theory about jurors responding to fear, and the PR battle against products and their makers/sellers.

“This Internet Thing is Great, Isn’t it, Hal? Product Liability in the Next 100 Years” by Stephanie M. Rippee, a member at Watkins & Eager, PLLC – Explores how issues arising from the use of smart products are likely to reshape traditional product liability law and litigation in the future.

“The Next Wave of Global Litigation” by James Sullivan, a partner at Blake, Cassels & Graydon, LLP, and Mary-Christine (M.C.) Sungaila, a partner, and Marco A Pulido, an associate, both at Haynes and Boone, LLP – Addresses the new wave of global litigation as a result of the dramatic increase in international commerce.

“Fight for the Forum” by Eric G. Lasker and Brett S. Covington, partners at Hollingsworth, LLP – Suggests that defendants must win forum disputes in order to hope to turn the tide in products liability.

“Warning: Additional Warnings May Be Required” by Jessalyn H. Zeigler, a member, and Sarah B. Miller and Olivia Seraphim, associates, at Bass, Berry & Sims PLC – Examines recent developments and lawsuits with regard to warning labels, focusing particularly on the sometimes-conflicting requirements imposed on manufacturers by inconsistent regulations and/or court rulings.

About the International Association of Defense Counsel

The IADC is the preeminent invitation-only global legal organization for attorneys who represent corporate and insurance interests. Founded in 1920, the IADC has members who hail from six continents, 51 countries and territories, and all 50 U.S. states. The core purposes of the IADC are to enhance the development of skills, promote professionalism, and facilitate camaraderie among its members and their clients, as well as the broader civil justice community. For more information, visit www.iadclaw.org.