



Thomas M. Cooley Law Libraries' Research Guide Series

PRODUCTS LIABILITY: A Selective Research Guide

I. Michigan Encyclopedias
III. Journals
V. Databases

II. National Treatises
IV. Nutshells/Hornbooks
VI. Internet Resources

Overview:

This research guide is a selective guide to assist the legal researcher in conducting research in the area of product liability. It is not comprehensive in scope or intended to be a catchall source, but rather to act as a starting point for the researcher to find additional sources and relevant information. At its core, the guide attempts to lead the researcher to up-to-date items held by the Cooley libraries. Additionally, the guide is tilted towards Michigan sources on the topic while other state specific guides have been omitted. In 1995 the Tort Reform Act changed significantly Michigan products liability Law. This pathfinder will emphasize materials after 1995 that take into account the changes in the law.

Each Cooley branch has different specific holdings on-site, and this guide will identify them as follows: “L” for Lansing, “AH” for Auburn Hills, “GR” for Grand Rapids, and “AA” for Ann Arbor.

I. MICHIGAN ENCYCLOPEDIAS

Michigan Basic Practice Handbook

Location: [KFM4277 .M522](#) (L, AH, GR)

A publication by the Michigan Institute of Continuing Legal Education that covers general issues confronting the Michigan practitioner. Chapter 17 (titled “Personal Injury Cases”) contains a short section covering product liability, theories of product liability, causation, comparative negligence, limitations on damages, statute of limitations issues, and federal preemption. An accompanying forms CD is available at Course Reserves.

Michigan Civil Jurisprudence

Location: [KFM 4280 .C3 1957](#) (vol. 20: **Party Walls to Railroads**) (L, AH, GR, AA)

Use the subject heading “Products Liability” when consulting this general encyclopedia for practice. Because this is a West publication, it provides useful references to other West resources, including the West Digest System (and key numbers), American Law Reports, and American Jurisprudence. It also provides citations to relevant statutes and cases.

Michigan Law & Practice Encyclopedia 2nd Ed.

Location: [KFM 4265 .M523](#) (vol. 31: **Telecommunications, Time & Torts**) (L, AH, GR, AA)

This encyclopedia is the LexisNexis analogue to Michigan Civil Jurisprudence. In chapter 7 of the entry on Torts, sections 131 to 149 cover products liability. As a LexisNexis Group publication, it will cite to other titles published by LexisNexis, such as Matthew Bender or



Shepard's. It also covers case law, statutes, and law reviews.

II. NATIONAL GUIDES

American Law of Products Liability 3rd Ed.

Location: [KF 1296 .A97 1987](#) (L, AH)

This 26-volume looseleaf set, written for the practicing attorney, is a "how-to" for products liability. Chapters 1-79 analyze the governing principles of products liability law. Chapters 80 to the end examine products liability law by particular products.

CCH Products Liability Reporter

Location: [KF 1296 .A6 C65 1963](#) (L, AH)

This set contains information on a number of subtopics within products liability, including strict liability, breach of warranty, negligence, defenses and damages. It presents leading decisions, practice and procedural information as well as decisions that were current as of its last update. The third volume of the set also contains important products liability statutes and the Restatement (Third) of Torts: Products Liability. Note: last updated May 1997.

Jury Instructions on Products Liability 4th ed., by Ronald W. Eades

Location: [KF 8984 .E162](#) (L)

This work addresses questions likely to arise during a products liability trial and contains instructions for various issues. The instructions contain references to appropriate case law supporting them, as well as references to American Law Reports annotations.

The Law of Products Liability 3rd ed., by Marshall S. Shapo

Location: [KF 1296 .S43 1994](#) (L)

This is a two-volume set that covers the following areas: theories of liability and defectiveness, economic relationships in product liability, risk allocation through bargaining and information, consumer conduct, problems of proof and causation, remedies, and procedure. The set also discusses products liability legislation and compares products liability concepts in European and American law.

Madden & Owen on Products Liability 3rd ed., by David G. Owen; M. Stuart Madden; Mary J Davis

Location: [KF 1296 .M32 2000](#) (L, AH)

The three-volume treatise addresses the major theories of product liability (breach of warranty, negligence, strict liability, and various theories of misrepresentation), liability for manufacturing and testing issues, defective design, failure to warn, and products that are unreasonably dangerous. The treatise includes discussion of defenses to liability, joint liability, damages, procedure, jurisdiction, statutes of limitation and indemnity, and insurance.

Products Liability (published by Matthew Bender) by Louis R. Frumer, Melvin I. Friedman, revised by Cary Stewart Sklaren

Location: [KF1296 .A6 F7](#) (L, AH)

This eleven-volume set is generally regarded as the most thorough treatise on the subject of product liability. Detailed coverage includes history of products liability law, major theories of liability, causation, collective liability, strict liability, causes of action, damages, evidence, choice of law, and statutes of limitations. It also includes discussions of many specific product



types and associated product recalls, product design issues, state and federal legislation, and proposals for legislative and regulatory change.

Products Liability Problems and Process 3rd Ed., by James A. Henderson Jr.; Aaron D. Twerski

Location: [KF 1296 .A7 H43 1997](#) (L)

This is a single-volume casebook for law students, published by Aspen. Not only does it include cases, but it fully incorporates the Restatements with additional explanation and commentary.

Products Liability and Safety: Cases and Materials 4th Ed., by David G. Owen; John E. Montgomery; Mary J. Davis

Location: [KF 1296 .A7 P765 2004](#) (L)

This is a single-volume casebook for law students, published as part of the Foundation Press series.

A Products Liability Anthology, edited with comments by Anita Bernstein

Location: [KF 1296 .A75 P765 1995](#) (L)

This anthology of law review articles by various authors covers defective products, the consumer focus of products liability law, the collective goals of product liability law, the product liability crisis, and perspectives on product liability.

Product Liability, by John S. Allee; Theodore V. H. Mayer; Robb W. Patryk

Location: [KF 1296 .A95 1984](#) (GR)

This single-volume looseleaf set is written for the litigator, and covers the history and origins of strict liability, strict liability itself, the second collision doctrine, duty to warn, a comparison of breach of warranty and strict liability, negligence and strict liability, causation, defenses, evidence, indemnification, contribution and settlement, damages, preparing a products liability checklist, the expert in product liability litigation, developing a trial and settlement strategy, trial jury and evidence-related trial practice, and class actions. Appendixes cover Federal litigation and state product liability statutes.

Products Liability Litigation: Product Studies, by James A. Lowe

Location: [KF 1296 .L9684](#) (L)

This two-volume looseleaf is published by ATLA (American Trial Lawyers Association) for the plaintiff's bar. It takes an in-depth look at litigation for a variety of products. Some of the topics covered are motor vehicles, drugs and medical devices, machinery, tools, household appliances, and so forth.

Products Liability Desk Reference: a 50 State Compendium, 2011 ed., Editor in chief: Morton F. Daller

Location: [KF 1296 .Z95 P762](#) (L)

This one-volume book provides a concise, practitioner-oriented account of the product liability laws of the fifty states and the District of Columbia. Each summary is written by practicing attorneys from the respective state.



Restatement of the Law Torts 3rd ed. by the American Law Institute

Location: [KF1296.R476 1998](#) (L, AH, GR, AA)

This two-volume set is produced by the American Law Institute as a commentary on the American law of torts, including product liability. The Restatements attempt to organize and articulate the rules in each subject area and as such provide excellent summaries of basic doctrines.

III. JOURNALS

LJN's Product Liability Law & Strategy

Location: [KF 1296 .A15 L4](#) (L)

A small newsletter targeted to the practicing lawyer. Each issue has practice tips, case notes, online (discussed information available on line) and two articles of interest to the practicing products liability attorney.

Products Liability Law Reporter

Location: [KF 1296 .A15 A84](#) (L)

A newsletter published by ATLA (American Trial Lawyers Association) for the plaintiff Products Liability attorney. It contains voluntary submissions by Plaintiff's attorneys of settlements and jury verdicts. It is published 10 times a year and has monthly indexes by product and jurisdiction. The library has from vol. 1 (1982) to the present.

Products Liability: The First Twenty Five Years. Case summaries, Commentaries and Annotations 1957 – 1982

Location: [KF 1296 .A59 P76 1983](#) (L)

Two-volume set published by the ATLA Education Fund. Covers over 3,300 successful (plaintiff oriented) cases from the trial and appellate level. The book contains original text, annotations and cross references and indexes to every case.

VerdictSearch Products Liability Evaluator

Location: [KF1296.A59 V47](#). 2004, 2005 (L, AH, GR)

VerdictSearch compiles jury verdicts and settlement information from sources all over the country, ranging from court dockets to submissions from attorneys to articles appearing in newswires. They then attempt to confirm the information from the attorneys on record. If they do not receive feedback from the attorneys on record this is noted in the text. This is a one of the few resources for jury verdicts, which are difficult to research.

IV. NUTSHELLS/HORNBOOKS

Products Liability in a Nutshell- 8th ed. / by David G. OWen.

Location: [KF1296.Z9 P48 2008](#) (L, AH, GR, AA)

This is the products liability entry of the highly-regarded Nutshell series, which focuses on pithy and layman-friendly explanations of legal concepts. Available at all locations at the reserve desk.



Products Liability Law (Hornbook Series) by David G. Owen

Location: [KF1296 .O835 2008](#) (L, AH, GR, AA)

This single-volume treatise written for the law student covers the basic rules, principles and issues relating to the law of products liability. Also available on reserve, but older editions may be located in each branch's main collection.

V. DATABASES

Westlaw

Westlaw has many relevant materials in its Products Liability library. For a complete list of the databases and the beginning of coverage check the Westlaw Directory in the Practice Area of Products Liability. Some suggested databases for products liability materials include the following:

- [Products Liability - Law Reviews, Texts & Bar Journals](#) (PL-TP)
- [Federal Products Liability - Cases](#) (FPL-CS)
- [Federal Products Liability - Supreme Court Cases](#) (FPL-SCT)
- [Federal Products Liability - Courts of Appeals Cases](#) (FPL-CTA)
- [Federal Products Liability - District Courts Cases](#) (FPL-DCT)
- [Michigan Products Liability Cases](#) (MIPL-CS)
- [Note: other databases of state product liability cases use the same format, *xxPL-CS*, where *xx* refers to the two-letter abbreviation for the state]
- [Products Liability Statutes](#) (PL-ST)
- [Products Liability Regulations](#) (FPL-CFR)
- [Products Liability: Design and Manufacturing Defects](#) (PL-DESIGN)

Westlaw also contains several directories of expert witness information:

- Expert Witness Resumes (EXPTRESUME)
- [ExpertNet](#) (EXPNET)
- [Forensic Services Directory](#) (FSD)
- [National Expert Transcript Service](#) (NETS)

Additionally, Westlaw contains two legal journals that have limited coverage of product liability:

- [Defense Counsel Journal](#) (DEFCJ)
- [Products Liability Law Journal](#) (PLLJ)

Numerous treatises, practice guides and standards are also available, including the following:

- [ALR-Products Liability](#) (PL-ALR)
- [Am Jur Pleading and Practice Forms](#) (PL-PP)
- [Am Jur Proof of Facts](#) (PL-POF)
- [Am Jur Trials](#) (PL-TRIALS)



- [American Law of Products Liability 3d](#) (ALPL)
- [Causes of Action-Products Liability](#) (PL-COA)
- [Madden and Owen on Products Liability](#) (MOPL)
- [Restatement of the Law - Product Liability](#) (REST-PL)
- [Restatement of the Law - Torts](#) (REST-TORT)

Several of what used to be called “Andrews Reporters” are also available on Westlaw. (Westlaw has renamed a number of them.) These newsletters include:

- [Westlaw Journal of Asbestos](#) (ANASBLR)
- [Westlaw Journal Pharmaceutical](#) (ANDRLR)
- [Westlaw Journal Medical Devices](#) (ANDMDLR)
- [Westlaw Journal Product Liability](#) (WJPRODL)
- [Andrews Repetitive Stress Injury Litigation Reporter](#) (ANDRSILR)
- [Andrews Tire Defect Litigation Reporter](#) (ANTDLR)
- [Westlaw Journal Tobacco Industry](#) (ANTILR).

Westlaw also contains some specialized topical sources by the Bureau of National Affairs:

BNA's Product Liability Daily (BNA-PLD)
 BNA's Product Safety and Liability Reporter (BNA-PSLR).

Another good place to check is the [Westlaw Topical Highlights – Products Liability](#) (WTH-PL).

Jury Verdicts for the circuits can be found at JV-xxx (xxx is 1st, 2nd, etc for the various circuits and JV-NAT for all federal circuits), whereas individual state verdicts can be found at xx-JV. For a complete listing of all jury verdict data available on Westlaw, please check the Directory under Practice-Area Materials – Litigation Jury Materials.

Lexis

Relevant databases include the following:

- [Products Liability Practice Guide](#) (PLIAPG)
- [Federal and State Product Liability Cases](#) (MEGAPL)
- [Federal Cases - Product Liability](#) (FDPROD)
- Individual state cases can be found at xxPROD (xx, once again, represents each state)
- [Michigan Product Liability Cases](#) (MIPROD)
- Individual state jury verdicts can be found by searching “jury verdict” in Find A Source
- Michigan Trial Reporter (containing Michigan jury verdicts) (MIJURY)
- [National Jury Verdict Review & Analysis](#) (NTLREV)
- [Verdicts, Settlements and Tactics](#) (VERST)
- [What's It Worth? A Guide to Personal Injury Awards and Settlements](#) (WORTH)



VI. INTERNET RESOURCES

The Essential Guide to the Best (and Worst) Legal Sites on the Web, 2nd Ed., By Robert J. Ambrogi

Location: [KF242.A1 A39 2004 \(L\)](#)

Categorizing the World Wide Web is a fairly quixotic task in itself and this book is relatively old considering the rate at which content on the Web goes up and comes back down (sadly, there has not been a new edition), but it does a fairly good job of drawing attention to the more enduring ones. Chapter 15 – For Tort Lawyers, a Web of Research, lists numerous cites that can be very helpful for the personal injury lawyer.

Cornell Legal Information Institute

http://topics.law.cornell.edu/wex/products_liability

The Cornell University Law School's LII's "Law About" pages provide brief summaries of law topics with links to key primary source material, other Internet resources, and useful off-net references. They can be accessed through: a set of broad topics, an alphabetical listing of topics, and a searchable index.

Megalaw

<http://www.megalaw.com/top/products.php>

Megalaw is a prominent web portal for legal sources arranged by topic. The product liability section is modest, but still quite good, and contains linkbacks to Megalaw's larger tort section.

