



# Thomas M. Cooley Law Libraries' Research Guide Series

## PRODUCTS LIABILITY: A Selective Research Guide

- |                                  |                                |
|----------------------------------|--------------------------------|
| <b>I. Michigan Encyclopedias</b> | <b>II. National Treatises</b>  |
| <b>III. Journals</b>             | <b>IV. Nutshells/Hornbooks</b> |
| <b>V. Databases</b>              | <b>VI. Internet Resources</b>  |

### 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

**Location: KFM4277 .M522 (L, AH, GR)**

In chapter 17 – Personal Injury Cases – there is a short section covering product liability, its theories, causation, comparative negligence, limitations on damages, statute of limitations, and federal preemption. An accompanying forms CD is available on reserve.

### Michigan Civil Jurisprudence

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

Use the subject heading "Products Liability". This is a West Publication so it contains references to the West Digest References and key numbers. It cites cases, statutes, American Law Reports annotations, American Jurisprudence, and other West products.

### Michigan Law & Practice Encyclopedia

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

Under the subject heading "TORTS," Chapter 7 §131 to §149 covers product liability. This is a LexisNexis Group publication so it contains citations to other titles published by LexisNexis, such as Matthew Bender treatises or Shepard's citators. It also covers case law, statutes and law reviews.

## II. NATIONAL GUIDES

### American Law of Products Liability



**Location: KF 1296 .A97 1987 (L)**

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

**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, 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, 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 Product Liability, 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, 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, by David G. Owen, John E.**

**Montgomery, & W. Page Keeton**

**Location: KF 1296 .A7 P765 1996 (L)**

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

**A Product 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 litigators and covers strict liability (history and theory), second collision doctrine, duty to warn, breach of warranty, negligence, causation, defenses, evidence, indemnification, contribution and settlement, damages. It also discusses the use of experts in product liability litigation, trial and settlement strategy, jury and evidence-related 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.

**Product Liability Desk Reference: A 50 State Compendium, 2009 ed., edited by 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 of Torts, 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 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. The library's holdings are not complete, but we do have vol. 5 Jan 1987 to vol. 23 #5 Nov. 2004.

**Products Liability Law Reporter**

**Location: KF 1296 .A15 A84 (L)**



A newsletter published by ATLA (American Trial Lawyers Association) for plaintiffs'-side products liability attorneys. It contains voluntary submissions by plaintiffs' 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 2003, 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. The authors then attempt to confirm the information from the attorneys on record. This is a one of the few resources for jury verdicts, which are otherwise difficult to research.

#### IV. NUTSHELLS/HORNBOOKS

**Products Liability in a Nutshell, by Jerry J. Phillips**

**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 on reserve.

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

**Location: KF1296 .O835 2008 (L, AH, GR, AA)**

This single-volume treatise for law students covers the basic rules, principles and issues relating to products liability law. 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 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)
- Products Liability Statutes (PL-ST)
- Products Liability Regulations (FPL-CFR)
- Products Liability: Design and Manufacturing Defects (PL-DESIGN)



DRI: The Products Liability Compendium (DRI-PRODLIAB)  
Madden and Owen on Products Liability (MOPL)  
Pattern Discovery: Products Liability 3d (PDPRODL)  
ALR - Products Liability (PL-ALR)  
Products Liability Briefs (PL-BRIEF)  
Products Liability Law Journal (PLLJ)  
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)  
Cause of Action-Products Liability (PL-COA)  
Products Liability Restatement (PL\_REST)  
Restatement of the Law-Torts (REST-TORT)  
Andrews Asbestos Litigation Reporter (ANASBLR)  
Drug Recall litigation reporter (ANDRLR)  
Medical Devices Litigation Reporter (ANDMDLR)  
Product Liability Litigation Reporter (ANDPRODLLR)  
Tire Defect Litigation Reporter (ANTDR)  
Tobacco Industry Litigation Reporter (ANTILR)  
BNA Product Liability Daily (BNA-PLD)  
BNA Product Safety and Liability Reporter (BNA-PSLR)  
Westlaw Topical Highlights – Products Liability (WTH-PL)  
Expert Witness Resumes (EXPTRESUME)  
Jury Verdicts - National (JV-NAT)  
Michigan Jury Verdicts Combined (MI-JV)

## Lexis

Federal and State Product Liability Cases  
MI Product Liability Cases  
Federal and State Product Liability Pleadings, Combined  
USCS - United States Code Service: Code, Const, Rules, Conventions & Public Laws  
CFR - Code of Federal Regulations  
Frumer & Friedman, Products Liability  
Products Liability Practice Guide  
Drug Product Liability  
ACTL Mass Tort Litigation Manual  
The New York Times - Product Liability Stories  
FDA News Publications  
Emerging Drugs & Devices: Mealey's Litigation Report  
Personal Injury Report: Mealey's Litigation Report  
Bender's Forms of Discovery Interrogatories: Products Liability  
Jury Instructions on Products Liability  
Jury Verdicts and Settlements, Combined  
Drugs in Litigation: Awards Involving Prescription and Nonprescription Drugs  
What's It Worth? A Guide to Personal Injury Awards and Settlements  
MI Trial Reporter  
Combined Expert Directories  
Expert Witness Briefs and Motions  
Consumer Product Safety Commission Decrees, Rules, Agreements & Notices



## VI. INTERNET RESOURCES

### **Cornell Legal Information Institute**

[http://topics.law.cornell.edu/wex/products\\_liability](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 links to Megalaw's larger tort section.

