



Thomas M. Cooley Law Libraries' Research Guide Series

PRODUCTS LIABILITY: A Selective Research Guide

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| I. Michigan Encyclopedias | II. National Treatises |
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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.

I. MICHIGAN ENCYCLOPEDIAS

Michigan Basic Practice

Location: KFM4277 .M522

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.

Michigan Civil Jurisprudence

Location: KFM 4280 .C3 1957 volume 20 Party Walls to Railroads

Use the subject heading Products Liability. This is a West Publication so it will refer you to West Digest References and key numbers. It cites cases, statutes ALR'S, Am. Jur and other West products.

Michigan Law & Practice Encyclopedia 2nd Ed.

Location: KFM 4265 .M523 vol. 31 Telecommunications, Time & Torts

Under the subject heading TORTS Chapter 7 §131 to §149 covers Product Liability This is a LexisNexis Group publication so it will cite to other titles published by LexisNexis, Matthew Bender and Shepards. It also covers case law, statutes and law reviews.



II. NATIONAL GUIDES

American Law of Products Liability 3rd Ed.

Location: KF 1296 .A97 1987

This is a 26 volume looseleaf set is written for the practicing attorney. The set is a how-to-do-it for Product Liability. Chapters 1-79 analyses the governing principles of Product Liability law. Chapters 80 to the end examines Product liability law by the particular product.

CCH Products Liability Reporter

Location: KF 1296 .A6 C65 1963

This set "...provides up-to-date information on the evolving rules concerning the liability of manufacturers, sellers, distributors and lessors for injuries connected with their products. This information is conveyed through detailed explanation of the law as it has developed through the court decisions and legislation. The Reporter provides accessible coverage which is keyed to the three main areas of interest to researchers, practitioners of Products Liability law: (1) law theory, (2) practice and procedure and (3) specific products and product components." (Note: last updated May 1997)

Jury Instructions on Products Liability 3rd ed., by Ronald W. Eades

Location: KF 8984 .E16 1999

This one volume book "hopes to state the law clearly and provide helpful sample instructions.... This edition also hopes to warn of future or impending changes. Although specific instructions that reflect expectations of the future are not offered, the comments should give some indication of where the law will go."

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

Location: KF 1296 .S43 1994

This is a two volume set that covers the following areas: theories of liability, the defect, economic relationship in product liability; risk allocating through bargaining and providing information; consumer conduct; problems of proof and causation; special problems of characterization; remedies and procedures; general legal issues; legislation; comparing products liability: and concepts in European and American law.

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

Location: KF 1296 .M32 2000

The goal of this 3 volume set is "to provide a concise, practical and learned guide to this dynamic body of law."

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

Location: KF1296 .A6 F7

This is an 11 volume set that covers in detail all areas of products liability law. Vol. 1 in depth analysis of the history, theories, causation and collective liability, parties, strict liability.



Vol. 2 Cause of action, Damages
Vol. 3 Civil Procedure & Evidence, Death and Enhanced injury, Actions, bankruptcy
Vol. 4 Choice of Law, Statute of Limitations, Liability Issues, Food and Beverages
Vol. 5 Specific Products, Recalls
Vol. 6 Insurance, Foreign Law, Product Safety Management
Vol. 7 engineering and Design issues, Machinery, Toys & Power Mowers, Human Factors, Proposed Legislation
Vol. 8 State legislation, consumer Product Safety
Vol. 9 Reports Proposals and Recommendations, Federal and Uniform Acts
Vol. 10 Reports and Proposals
Vol. 11 Indexes and Tables of Cases

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

Location: KF 1296 .A7 H43 1997

This is a one volume casebook for Law Students.

Products Liability and Safety: Cases and Materials 3rd Ed., by David G. Owen; John E. Montgomery; W. Page Keeton

Location: KF 1296 .A7 P765 1996

This is a one volume casebook for Law Students.

A Product Liability Anthology, edited with comments by Anita Bernstein

Location: KF 1296 .A75 P765 1995

This is an anthology of Law Review articles by various authors covering: the defective product; focus on the consumer; product liability within other legal domains; the collective goals of product liability; the product liability crisis; perspectives on product liability.

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

Location: KF 1296 .A95 1984

This one volume looseleaf set is written for the litigator covering the history and origins of Strict Liability; Strict Liability itself; the second collision doctrine; duty to warn; breach of warranty and strict liability compared; 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 practice – the jury; trial practice – the evidence; class actions. Appendixes cover Federal litigation and state product liability statutes.

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

Location: KF 1296 .L9684

This 2 volume looseleaf is published by ATLA for the plaintiff bar. It gives 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 and products in the workplace and other products (firearms, tobacco, household products [cribs, bunk beds, electronic pet containment systems; hot water heaters, ladders, multipurpose lighters, electric blankets, fire casualties,



ranges}) and other products (foreign products, snowmobile cases, injury to children, lead paint, toxic tort property damage, aviation. Mountain bikes, fire retardant treated plywood, welded steel moment frame defects, personal watercrafts).

Product Liability Desk Reference: a 50 State Compendium, 2005 ed., Editor in chief: Morton F. Daller

Location: KF 1296 .Z95 P762

This one volume book was written to provide "a succinct summary of the product liability laws of the fifty states and the District of Columbia and is designed to serve as a handy first-step practice tool for The attorney handling product liability cases in more than one state; the corporate in-house counselor or the litigation management professional.... ;and the in house professional at the liability, casualty or property insurance company concerned with claims and litigation management."

Each state summary is written by attorneys from that state that practice in the field.

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

Location: KF1296.R476 1998

This two volume set is produced by the American Law Institute as a commentary on American law that attempts to organize and articulate the rules in this subject area. Restatements provide excellent summaries of basic doctrines.

III. JOURNALS

LJN Product Liability Law & Strategy

Location: KF 1296 .A15 L4

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. The libraries holdings are not complete but cover vol. 5 Jan 1987 to vol. 23 #5 Nov. 2004.

Products Liability Law Reporter

Location: KF 1296 .A15 A84

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

2 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

Verdict Search compiles jury verdicts and settlement information from throughout the country. Compile their data from court dockets, submissions from attorneys and from articles appearing on 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- 6th ed. / by Jerry J. Phillips.

Location: KF1296.Z9 P48 2003. Reserve

This is a basic nutshell of product liability.

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

Location: KF1296 .O835 2005

This one volume book written for the law student covers the basic rules, principles and issues relating to the law of Products Liability.

V. DATABASES

Westlaw

Westlaw has a lot of Practice-Area Materials in their Products Liability Library.

The combined Databases cover law reviews, texts and bar journals (PL-TP) The Products Liability Case Law and Judicial Materials have Products Liability Cases broken down by courts (FPL-CS; FPL-SCT; FPL -CTA; FPL-DCT) and jurisdictions (MPL-CS) and by individual states (xxPL-CS) (xx stands for the states abbreviation). Statutory (PL-ST) and legislative materials and administrative materials (FPL-CRF) are also available.

There are also several directories of expert witness information (EXPTRESUME; EXPNET; FSD; NETS).

Two legal journals have limited coverage: Defense counsel Journal (DEFCJ) and Products Liability Law Journal (PLLJ)

Numerous treatises, practice guides and standards are also available including 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); Cause of Action-Products Liability (PL-COA); Madden and Owen on Products Liability (MOPL);Products Liability Restatements (PL_REST) and Restatement of the Law-Torts (REST-TORT).

Several Anderson reporters are also covered including the Andrews Asbestos Litigation Reporter (ANASBLR); the Drug Recall litigation reporter (ANDRLR); the Medical Devices



Litigation Reporter (ANDMDLR); the Product Liability Litigation Reporter (ANDPRODLLR); the Repetitive Stress Injury Litigation Reporter (ANDRSILR); the Tire Defect Litigation Reporter (ANTDR); and the Tobacco Industry Litigation Reporter (ANTILR). They also carry BNA's Product Liability Daily (BNA-PLD) and BNA's Product Safety and Liability Reporter (BNA-PSLR). Also a 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) Individual state verdicts can be found at xx-JV. For a complete listing of all Jury Verdict data please check the Westlaw Directory under Practice-Area Materials – Litigation Jury Materials

For a complete list of the Databases and start of coverage check the Westlaw Directory in the Practice Area of Products Liability.

Lexis

You can access Products Liability Practice Guide from several Libraries: 2NDARY; LITGAT; MATBEN and TORTS. The file name is PLIAPG.

Product Liability Cases for State and Federal courts can be found at MEGAPL; Federal Product Liability Cases can be found at FDPROD. Individual state cases can be found at xxPROD (xx is the states abbreviation)

Individual Jury Verdict Reports can be found at xxJURY. National files would be at NTLREV; NLJVER; VERST and WORTH.) Michigan Trial Reporter (MIJURY) is the source for Michigan Jury Verdicts.

VI. INTERNET RESOURCES

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

Location: KF242.A1 A39 2001

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://www.law.cornell.edu/wex/index.php/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>

