

Product Liability and Mass Torts

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Experience and Depth Across the Country

The Schiff Hardin Product Liability and Mass Torts Group comprises 30 lawyers — in New York, Washington, D.C., Chicago, and San Francisco — solely devoted to helping clients face bet-the-company litigation against some of the most well-financed and formidable plaintiffs' lawyers in the United States. Our lawyers try and win cases in some of the most plaintiff-friendly and inhospitable jurisdictions in the country, and when our clients ask us to create an exit strategy, we are equally adept at negotiating cutting-edge solutions to eliminate product liability and mass torts risk.

Trial-Ready at All Times

With our enviable success rate in trying product liability cases to verdict, our lawyers are never afraid to go to trial. We present our clients with a trial option in every case, even those that involve injuries of the worst kind, from infant deaths as a result of allegedly defective car seats, to consolidated trials of numerous plaintiffs who have died from alleged exposures to toxic chemicals and other substances. We are known for "mastering the science" and crafting successful challenges to the admissibility of expert testimony. Our trial lawyers are as comfortable — and experienced — in single-plaintiff cases in small-town state courts as they are in multi-jurisdictional mass torts pending in federal court in New York or San Francisco.

Managing Resources Prudently

We are also known for the efficient allocation of limited litigation resources, and for deploying those resources to maximum effect, always with the understanding that the solution to the business problem is just as important as the outcome of the case. We staff cases leanly and target only resources that are absolutely necessary. Our clients know which Schiff Hardin lawyers are working on their cases and what those lawyers are doing to solve their problems. Our clients also know that our goal is to control risk to the company while staying sharply focused on both cost and efficiency.

Creatively Negotiated Exit Strategies

We have a proven record of success in creating litigation exit strategies where mass torts — at times involving as many as 10,000 plaintiffs in a single litigation — can threaten a company's business operations or even its very existence. Our lawyers regularly lead defense efforts in drafting and implementing novel case management orders that protect companies from out-of-control trial dockets that offer plaintiffs procedural shortcuts designed to speed cases to trial. We have successfully led efforts to create deferred dockets in mass torts cases that have eliminated tens of thousands of plaintiffs from the trial queue. And our Mass Torts Settlement Group has unique expertise in creating exit strategies that protect companies from the uncertainties — and surprises — involving negotiated solutions to multi-party and multi-jurisdictional mass torts.

Helping Avoid Future Litigation

Our lawyers have the ability to take the long view — to see catastrophic injury cases with an eye toward avoiding incidents to begin with, and toward preventing future litigation. We identify risks at every stage of a product's life cycle and counsel clients on how to avert or mitigate them.

Combating the Plaintiff's Lawyers' Business of Case Generation

Plaintiff's law firms are developing ever-more sophisticated ways to generate cases, and recent settlements of major mass torts cases illustrate the dangers of underestimating the effectiveness of the "new" business of lawsuit collection and referral. We understand these recruiting tactics and we know how to shut them down.

New Technologies

New algorithms and technologies allow our clients to automate functions and predict events like never before. This is particularly true in the automotive segment, where Automated Driver Assistance Systems (ADAS) and, in the near future, semi- and fully-autonomous vehicles pose novel challenges of regulatory compliance, no-fault, insurance, products liability, and consumer satisfaction.

Core Strengths

Schiff Hardin attorneys have a strong national reputation in both product liability and mass tort litigation. Our key strengths are in the following areas:

- **Trial, Appeal, and Settlement**

We have managed thousands of product liability cases and have been instrumental in developing nationwide strategies and tactics for the cost-effective management and ultimate disposition of major mass torts as well as repeat single-plaintiff, catastrophic injury litigation arising from a particular product, which can often pose as great a risk to a company as a traditional mass tort. Our experience covers the spectrum from trials in rural state courts to federal court appeals.

- **Risk Management Counseling**

We regularly advise clients on:

- Product design and development
- Quality control procedures
- Investigation of field incidents
- Development of warnings, warranties, advertising, and assembly and instruction manuals

- **Compliance**

As the regulatory environment grows increasingly complex, we assist clients in complying with both government and industry product safety standards, and in dealing with, among others:

- U.S. Consumer Product Safety Commission (CPSC)
- National Highway Traffic Safety Administration (NHTSA)
- Occupational Safety and Health Administration (OSHA)

- **Product Recalls and Reporting Obligations**

We have significant experience advising clients on reducing product liability exposure as regards to product labeling, instructions, testing and design. Our product experience includes everything from children's car seats, to cars and aircraft, to heavy industrial equipment.

Experience

We have demonstrable strengths in the following litigation flashpoints.

- Asbestos litigation
- Electromagnetic Radiation litigation for a major cell phone manufacturer
- Car seats and other consumer products
- Power Tools and Industrial Equipment
- Major class action suits

AWARDS & HONORS

- Metropolitan Tier 1 Ranking (2021)
U.S. News – Best Lawyers® “Best Law Firms”
- National Tier 1 Ranking (2021)
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- **BTI “Innovation Builder”**

We were singled out by corporate counsel as one of only 28 percent of law firms clients view as a BTI “Innovation Builder,” which recognizes firms that bring change to the legal market through new technology, services, strategies, or structures.

- **Metropolitan Tier 1 Ranking (2018)**

U.S. News – Best Lawyers® “Best Law Firms”

- **National Tier 1 Ranking (2018)**

U.S. News – Best Lawyers® “Best Law Firms”

- **Products Liability Case Named Among Top Texas Defense Verdicts**

- **Metropolitan Tier 1 Ranking**

U.S. News & World Report's *U.S. News – Best Lawyers* “Best Law Firms” (2013)

- **National Tier 1 Ranking**

U.S. News & World Report's *U.S. News – Best Lawyers* “Best Law Firms” (2013)