



Preparing the Product Liability Case

Personal Injury Potpourri

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- ◆ **Initial Intake Data Sheet**
- ◆ **Preserving the Evidence**



◆ Preserving the Evidence

- ✓ Cover/ Store evidence in a dry place



- ✓ Protect from deterioration
- ✓ Ease of mobility
- ✓ Capture dropping parts or pieces

✓ **Changes to scene**



✓ **Markings on surfaces**



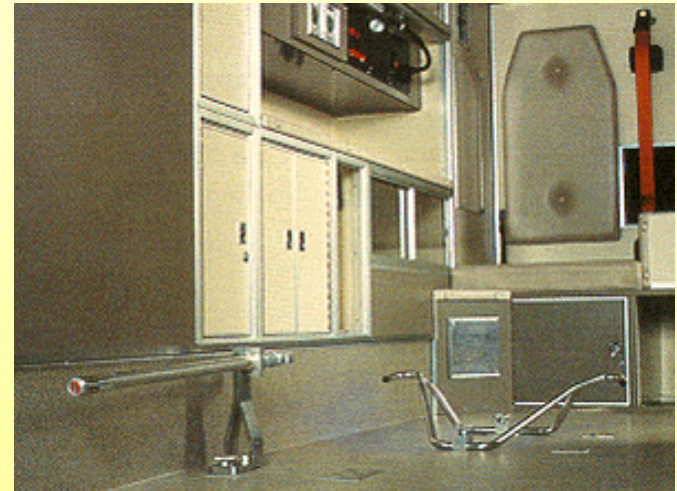
◆ Gathering Facts

- ✓ Reports
- ✓ Media Reports
- ✓ Alterations to the Product
- ✓ Insurance Records



◆ Product Research

- ✓ Manufacturer's Website
- ✓ Recalls
- ✓ Technical Service Bulletins
- ✓ Government Agencies
- ✓ Consumer Organizations
- ✓ Applicable Standards and Regulations
- ✓ Testing Results
- ✓ European Standards



◆ Consulting Experts



- 1. Send investigation materials to consulting expert before inspection of product**
- 2. Obtain verbal advice about defect**
- 3. What additional information is needed for evaluation?**
- 4. Testify or consult only?**

- ◆ **Establishing Relationship with Fact Witnesses**
- ✓ **Meet as many as possible BEFORE the Complaint is filed**
- ✓ **Meet at the scene (applicable to fact and expert witnesses)**
- ✓ **Get their notes**



- ◆ Establish that you have ALL scene reports, photos and witness statements

**SIGNIFICANT DETAILS ARE IMPORTANT
TO
INITIAL CASE PREPARATION**

- ◆ Who was first on the scene?
- ◆ Review facts-Does all make sense?
 - ✓ Focus on case theory
 - ✓ Too much detail not good

◆ Legal Research-Start Early

◆ Related Cases

- ✓ Other Similar Incidents
- ✓ Network with other lawyers and experts
- ✓ Protective Order, Confidentiality Agreement

Are they able to share?

◆ Identify Case Theories

- ✓ Do you have the right mix of experts and consultants to prove your case theories?
- ✓ Jurisdictional issues-best possible for your case?





- ◆ **Do you have enough funding to properly prepare this case?**

Preparing the Product Liability Case



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