

ATTORNEY HELP CENTER: PRODUCT LIABILITY

Everyday, all Americans come in contact with some sort of product. From cars for adults to toys for babies, we all experience some sort of interaction with mass consumerism and this inevitably comes with accidents. While some of these can be attributed to the misuse or mistake of the consumer, many others must be traced to design, marketing, or manufacturing error. If you, as the victim's lawyer, can properly point from your client's injury to the designer's, marketer's, or manufacturer's error then you will have a successful lawsuit. This Help Center is structured so you know how to take a product liability case from intake to settlement or jury award. It has advice, samples, and resources so that you can help any client who has been injured from the faulty design of a product.

Our practice is limited to Illinois and its system will be the focus of this Help Center. However, some mention is made to the law and rules of other jurisdictions. Even though much of this is shared between states, it is important to check and see if they differ from Illinois before using them.

This Help Center is not designed for product liability victims. If you have been injured from a product, you should visit [here](#). Finally, the information is broken down into the various stages of a typical lawsuit but also contains additional, helpful information.

Setting the Stage for Trial

- [Business and Administrative Steps to take before Trial](#)

Think of your case as a building, if you do not build a solid foundation underneath it then it will crumble. In this case, the foundation involves your client's recovery and your attorney's fees. Before spending one moment on actual lawyering, you must first construct the administrative, privacy, and business bases upon which you can actually advocate. You must talk to your client about being his or her lawyer, inform others about your representative

capacity, and build a case database. For more information about the business and administrative process prior to trial click [here](#) as well as to view the relevant sample documents such as these:

- [Legal Steps to take to Initiate a Trial](#)

From the first meeting with your client, you should be thinking about the theory of your case: his or her injury, all possible damages, and the exact manner in which the defendant was at fault. Once you have done a sufficient amount of research and investigation, you will write, file, and serve upon the defendant a complaint. This is legal document summarizes your entire lawsuit and it is the first act in your products liability case. It is critical that you draft your complaint very well because it will outline your upcoming case as well as shape potential recovery. Also, if done poorly, it will waste your time and money when you have to redo portions or even re-file the case. After your complaint is served, the defendant will usually file an answer either admitting or denying your allegations. You should craft your complaint to limit their flexibility in responding. This two-step process is mandated in all cases but should be used expertly to your advantage to speedup and maximize recovery. You can learn more about this stage of the case [here](#) and find relevant documents like the following:

Winning Your Case

- [Discovery: Investigating your Case](#)

What is actually very unique to the legal process is your ability to compel the other party to give you things. This takes place during discovery and it is essentially the formalized investigative phase of the case. As a plaintiff's lawyer in a products liability case, discovery is critical because it will allow you to obtain documents, information, and access that you can use to build your case. Hopefully, if you are successful in discovery you will be able to take all the evidence you gather during it and prove faulty design, scienter, or anything else.

The tools at your disposal in discovery include interrogatories, depositions, requests to admit, and requests to produce. Click [here](#) to learn more about discovery and to view sample discovery forms for product liability cases like the following:

- [Motions: The Art of Shaping your Case](#)

The motions process is how you engage the judge to compel the other side to do something or to settle an argument. For the myriad of things that you will need in your products liability case, there is a corresponding motion you can write, file, and argue in order to accomplish that end. There are also motions in limine that allow you to preclude or limit the introduction of evidence or testimony at trial. To read more about the rules and common forms of motions and motions in limine in Illinois products liability cases click [here](#). There you can also view sample motions from products liability cases like the following:

- [Argument: Crafting your Case](#)

Inevitably, your products liability case will emerge beyond reams of paper, back and forth motions, and endless hours of discovery to the open air of the courtroom. Here, it is your job to imagine and paint a story of the case, then to get the jury to buy into that story. Your paintbrushes in this endeavor will be opening and closing statements, direct and cross-examinations, and jury instructions. Remember, keep it clear and concise. To learn more about the interplay at trial in the courtroom click [here](#). There you will also find sample forms from products liability cases such as the following:

[Examination 1-direct exam of doctor and expert witness in medical device product liability case](#)

[Examination 2-direct and cross of Paramedic/Emergency Medical Technician expert in product liability case against ford](#)

[Examination 3-cross exam of surgeon and expert witness in pharmaceuticals products liability case](#)

[Examination 4-cross and direct of Safety Engineer and expert witness in tools/equipment product liability case.](#)

[Sample Instructions 1 Asbestos Products Liability Case](#)

[Sample Instructions 2 Medical Device Products Liability Case](#)

[Sample Instructions 3 Car Products Liability Case](#)

Further Resources

Here are further resources that you might find helpful in preparing your product liability case.

[Understanding Different Kinds Of Product Liability Cases](#)

[Common Defenses In Products Liability Cases](#)

[Liability Schemes In Products Liability Cases](#)

[Illinois Products Liability Litigation Statistics](#)

[Medical Devices and Products Liability Cases](#)