

**SPECIAL
EDITION**

BROOKS LAW FIRM

Personal Injury • Job Injuries • Product Liability

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Brought to you by
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- Auto/Truck Injuries
- Defective Construction
- Environmental Law
- Negligence
- Personal Injury
- Pharmaceutical Litigation
- Product Liability
- Property Damage
- Toxic Torts
- Workers' Compensation
- Wrongful Death



Product liability laws protect Americans

America's product liability laws, citizen jurors, and trial attorneys have made our nation's workers, families, and children safer than ever.

Product-accountability legal actions serve as a powerful warning and deterrent to negligent wrongdoers that if they market and sell products that endanger, cheat, injure, or kill consumers, they will be held accountable by our nation's civil justice system.

The chart below demonstrates a few of the product-safety improvements prompted by liability laws and punitive damages.

Harmful products	Corporate misconduct	Positive outcomes
After inhaling asbestos, workers contracted asbestosis, which causes lung cancer. ➤	Manufacturers knew asbestos was dangerous for decades, but concealed its risk from the public. ➤	Many asbestos products were taken off the market because of liability claims and punitive damages.
Children were severely burned by highly flammable pajamas. ➤	The manufacturer was aware of the hazard, but chose not to treat pajamas with flame-retardant chemicals. ➤	A \$1 million punitive award forced an unsafe product off the market.
Defective tires on sport utility vehicles (SUVs). ➤	Tires installed on SUVs were known to explode and cause rollovers. ➤	The tires were removed from the market.
Women died from toxic shock syndrome after using super-absorbent tampons. ➤	The manufacturer willfully disregarded studies and medical reports linking its product to toxic shock syndrome. ➤	The deadly product was removed from the market after a \$10 million punitive award.
Babies were tragically hanged to death on crib headboards. ➤	The manufacturer, which stopped making the cribs, failed to notify owners of the hazard. ➤	The company stepped up recall of the cribs and issued public notification after a \$475,000 punitive award.

We take your family's safety and security personally.

AMERICANS AND PRODUCT SAFETY

Dangerous products

Dangerous or defective products can hurt consumers in several ways:

- **Manufacturing errors**—A cardiac defibrillator maker, aware that defective seals were degrading and causing device short-circuiting, notified implant patients only after 26,000 defibrillators had been implanted and several patients suffered injury or died.
- **Inadequate or unsafe design**—Although an automaker knew a minivan door latch was unsafe, it was not redesigned until 37 passengers died, 98 were severely injured, and 134 were ejected from vehicles.
- **Improper or incomplete instructions**—The manufacturer of an acne prescription medication, linked to mental problems and birth defects in babies of mothers who took it while pregnant, issued a strengthened warning label to physicians and pharmacists about product risks only after being required to do so by the Food and Drug Administration.

Consumers' rights at risk

Powerful interests want to prevent damaging information from getting out about product-related injuries or litigation resulting from their negligence through several strategies:

- **Indemnification**—Businesses and other organizations add “hold harmless” language to contracts to prevent those injured from seeking and obtaining recompense for loss.
- **Mandatory arbitration**—Bypasses everyone’s right to seek remedies through the civil justice system and leaves them not only unprotected against wrongdoing, but affords little recourse in disagreements.
- **Preemptive justice**—Legislation enacted to prevent consumers from accessing the civil justice system by precluding initiation of liability lawsuits, capping damages, eradicating manufacturer liability, or restricting class actions.
- **Secret settlements**—Secrecy and gag orders in state and federal courts undermine every American’s right to know. Since the mid-1970s, civil litigation defendants have, as a condition of settlement, sought to keep negative information that might emerge from litigation out of the public eye.

Cases that have made a difference

Car-safety improvements for children

After a child suffered oxygen-deprivation brain damage when entrapped in a car’s power window, a guardian sued for defective switch design. This settlement, plus pressure from the federal government and child-advocacy groups, forced car manufacturers to design and install safer switches.



Police get better protection

A lawsuit, filed by the widow of a police officer killed in the line of duty because his body armor failed to protect him, has saved the lives of countless other law-enforcement officers. After an officer died when a criminal’s bullet penetrated his bulletproof vest, his widow sued the manufacturer. A lawsuit by another officer and a class action filed by other police departments all showed that the vests had fundamental flaws that the manufacturer knew about. As a result, the manufacturer recalled 100,000 defective vests.

Cancer patients' health coverage improves

A breast cancer survivor agreed to be the representative plaintiff in a class action against a health insurance provider on behalf of all the cancer patients the insurer had shortchanged for travel and treatment. The insurer settled for \$20 million. Of that amount, \$7.5 million will go to more than 1,000 plaintiffs who were underpaid, and approximately \$9.6 million will be used to pay participants of the disputed policy who are diagnosed with cancer in the future.

Consumer protections

The millions of American consumers who purchase and use products enjoy protection from a number of sources.

Trial lawyers

America’s trial attorneys, who protect everyone’s rights and champion their legitimate causes, pledge access to our civil justice system for working families who may lack the resources to take product grievances to court. Lawyers promote public good through their efforts to secure safer products, better workplaces, cleaner environments, and better health care by protecting the rights of the injured and preserving the right to trial by jury.

The Consumer Product Safety Commission

The U.S. Consumer Product Safety Commission (CPSC) protects the public from unwarranted risks of injury or death from thousands of consumer products. Deaths, injuries, and property damage from defective or dangerous consumer products cost the nation more than \$700 billion annually. The CPSC’s efforts have reduced the rate of deaths and injuries from consumer products by more than one-third over the past 30 years.



Association of Trial Lawyers of America

The world’s largest trial bar, the Association of Trial Lawyers of America (ATLA), promotes justice and fairness for injured persons, safeguards victims’ rights—particularly the right to trial by jury—and strengthens the civil justice system through education and disclosure of information



critical to public health and safety. ATLA’s Trial Lawyers Care, the largest pro bono project in the history of American jurisprudence, enabled thousands of families to better cope with the aftermath of 9/11, hurricanes, tsunamis, and other disasters. People Over Profits, ATLA’s grassroots action center, is committed to fighting back against the well-organized and -funded assault on our civil justice system and protecting civil rights and the right to trial by jury for Americans seriously injured or killed by careless medical errors or defective products.



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Our Martindale-Hubbell rating

Brooks Law Firm has earned an AV rating in the *Martindale-Hubbell® Law Directory* for our legal capabilities and devotion to professional ethics. Since Martindale-Hubbell bases assessments on surveys of members of the bar and of judges, we take pride in our colleagues' recognizing and respecting the quality of our legal work.

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Have you suffered harm?

If you suspect you have been harmed by a defective product—a medication, consumer product, automobile, or any other product—take immediate steps:

- **Get medical attention.** Document physician or emergency room visits and medical treatment. Save all medical bills as well as prescription and over-the-counter medication receipts.
- **Preserve physical evidence.** Save packaging, labels, warnings, instructions, and receipts. Photograph injuries and incident locations. Obtain witness identification. Request police reports.
- **Document your experience.** Name and date diary entries. Write precise occurrence details. Note product purchase dates, times, and locations. Record conversation dates, times, and notes. Maintain a journal of how you responded to and felt about the incident.
- **Retain all insurance claims documents and correspondence.**
- **Contact an attorney.** A lawyer experienced in product liability laws and litigation can help determine whether sufficient grounds exist for a product liability case.



For your safety

Here are some recently recalled products you may have in your home or at work:

- ✓ **Hewlett-Packard Company** is recalling 224,000 HP Photosmart R707 Digital Cameras, which may cause certain nonrechargeable batteries, such as the Duracell CP-1, to over-heat when the camera is connected to an AC adapter or docking station, posing a fire hazard.
- ✓ **Wal-Mart Stores, Inc.**, is voluntarily recalling 110,000 Simply Basic Lighted Mirrors, which have exposed wires inside the mirror and may electrically shock users touching the mirror.
- ✓ **Robert Bosch Tool Corporation** has recalled 700,000 Vermont American® 13-Inch-Long Masonry Drill Bits, which do not have proper use and operation labels. The drill bits can bend when run at a high speed without being in contact with a work surface and can harm users.
- ✓ **Applia Consumer Products, Inc.**, is asking purchasers to return 420,000 Black & Decker® Brand Thermal Coffeemakers, which may not turn off as programmed, causing overheating, melting, risk of fire, and burn injury.
- ✓ **Fitness Quest, Inc.**, has recalled 154,000 Gazelle® Freestyle Cross Trainer and Gazelle® Freestyle Cross Trainer Pro Gliders with glider resistance pistons that can come off during exercise and harm users.

Victim compensation

Consumers who suffer injuries or harm from products may be eligible for compensation for injury or death; past and future medical care, rehabilitation, and medication expenses; property damage; lost wages; pain and suffering; or other awards, such as loss of consortium for family members.