



Hinshaw's Product Liability Practice



The Hinshaw Advantage

Manufacturers and distributors of products are major drivers of the global economy. These businesses confront commercial, regulatory, litigation, and claim challenges and opportunities on a daily basis. These companies — and their insurers — require and deserve cutting-edge, creative and thoughtful counsel who can deliver cogent advice, sophisticated representation, practical solutions and outstanding results.

Hinshaw's product liability attorneys have successfully prepared and tried a variety of complex cases, including those brought on behalf of the catastrophically injured or deceased, in many challenging jurisdictions across the United States. We have also successfully negotiated the settlement of all types of cases, including development and implementation of settlement matrices in consolidated actions, where appropriate. We view our primary responsibility as developing creative solutions and exit strategies consistent with our clients' goals so that they may focus on their business without undue concern for litigation or regulatory issues.

Whether selecting the particular lawyers, the product liability practice group, or the firm as a whole, leading companies depend on Hinshaw to protect their interests. Clients appreciate the Hinshaw advantage.

Leading Representation and Advice Provided by a Premier Team of Product Liability Lawyers

Hinshaw offers a premier team of leading product liability lawyers consisting of approximately 75 attorneys with significant legal experience. The breadth and depth of our diversified roster of lawyers ably serves clients across the full range of product liability issues.

- ◆ Our lawyers have an established track record of successfully representing clients in a wide range of product liability matters throughout the United States.
- ◆ The preeminence of our group is exemplified further by the many honors, distinctions, and recognitions received by our lawyers. Members of our team are listed in *U.S. News & World Report's* Best Lawyers in America and are Fellows of the American Board of Trial Advocates, the Litigation Counsel of America's Trial Lawyer Honorary Society, the American College of Trial Lawyers, the International Academy of Trial Lawyers, and the Society of Trial Lawyers. Many Hinshaw lawyers have been selected by their peers and clients for inclusion in Leading Lawyers, Client Choice, and other prominent listings of top attorneys and have earned AV Preeminent® ratings from Martindale-Hubbell.

The experiences, expertise, talents, and skills of Hinshaw lawyers provide firm clients with the advantages of sound strategy, planned and precise execution, and outstanding results.

Depth of Experience Across Products and Industries

Hinshaw lawyers have a wealth of knowledge regarding a multitude of products provided by manufacturers and distributors. The firm represents producers and distributors of cosmetics, automotive products, aviation equipment, building products, windows and doors, coatings, chemicals, glass, construction and agricultural equipment, household consumer products, appliances, cranes and aerial devices, drugs, medical devices, electrical products and controls, foods and beverages, industrial machinery, power tools, lighting equipment, fluid control equipment, and veterinary pharmaceuticals and biologics. Our wide-ranging experience provides our clients subject matter expertise in practically all areas of product liability litigation and counseling.

Our clients enjoy the Hinshaw advantages of deep subject matter experience and industry focus.

Coordinated Approach to Client Service

As a national firm with offices in 11 states coast to coast — and attorneys licensed to practice in many more jurisdictions — Hinshaw supports its clients' interests with borderless teams. Attorneys serving clients and industry groups are drawn from within the product liability group as well as other discrete areas of practice within the firm to provide clients with the right mix of talent for the matter at issue. We understand the importance litigation management philosophies, eDiscovery, coordination of mass torts, class actions or national programs can have on a company's business and bottom line. These practice components drive our teams to deliver efficiency and value to clients every day.

Our clients enjoy the Hinshaw advantages of seamless and integrated teams.

Professionals Who Know Product Liability Law

Our legal professionals' commitment to product liability law does not start or stop when on the client's clock. To our lawyers, this is a passion.

- ◆ Our lawyers are members of, and hold leadership positions in, leading organizations such as: the Defense Research Institute (DRI); the Product Liability Advisory Council (PLAC); the American Bar Association (ABA); the Claims & Litigation Management Alliance (CLM); the Federation of Defense & Corporate Counsel (FDCC); the International Association of Defense Counsel (IADC); numerous state and local bar associations; and many others.
- ◆ Our lawyers chair, teach, and develop seminars, courses, and conferences on litigation practice and management, regulatory requirements, and defending at trial against product design, manufacture, and distribution claims.
- ◆ Our lawyers are thought leaders advocating on behalf of clients, identifying trends and emerging issues, and providing strategies to address both the challenges and opportunities facing our clients in litigated and regulatory matters.
- ◆ Our lawyers work on cutting-edge issues, precedent-setting cases, and help shape the law in many areas of interest to our clients.

Our clients enjoy the Hinshaw advantages of thought leadership and dedication to advancing this field of law.

Responsive Service-Oriented Representation

Hinshaw lawyers understand that providing high-caliber, creative, resourceful, professional advice and first-rate representation from seasoned litigators and trial attorneys is critically important to clients. We also appreciate the vital roles played by claims professionals, claims supervisors and managers, senior management, and in-house counsel and understand how their talents, leadership, and knowledge collectively contribute to a company's success. We accordingly pride ourselves on building long-term relationships with clients and working collaboratively with these professionals to achieve the best results. We understand our clients' business goals, operations, programs, and interests and recognize the importance of effective and timely communication. We strive to make the jobs of our client contacts easier while producing outstanding results on a cost-effective basis.

Our clients enjoy the Hinshaw advantages of consistent and responsive client-oriented service.

Our attorneys
work closely with
clients to develop
targeted and
creative case
strategies.

I have worked with the firm for many years. Hinshaw attorneys have a wealth of knowledge and experience, and develop and implement outstanding and unique strategies for moving cases. These attorneys have an amazing ability to put me at ease such that one believes the case at hand is the most important matter on which they are working. The Hinshaw lawyers took our litigation goals, adopted them as their own, and do this for all of their clients.

Claims Representative, Life Sciences Insurer

Product Liability Practice Capabilities

Hinshaw's national product liability practice comprises approximately 75 attorneys representing clients located throughout the United States and overseas. Our attorneys have extensive experience defending manufacturers and distributors in individual cases, class action litigation, consolidated actions and mass torts. We work in both the federal and state courts in multiple jurisdictions throughout the United States, including many of the recognized and longstanding "judicial hellholes." Our attorneys work closely with clients to develop specific strategies for each individual matter — ranging from early investigation and resolution to full discovery and trial.

Notably, Hinshaw maintains offices in the unique legal environments that can be most troublesome for defendants, and particularly corporations, such as Chicago, New York, Los Angeles, St. Louis, San Francisco, Miami and the southern Illinois venues of St. Clair County and Madison County. Our attorneys are particularly adept at successfully defending corporate clients in these harsh jurisdictions, with years of experience preparing and trying cases in such venues.

Mass Torts and Consolidated Matters

Hinshaw attorneys are well versed in the preparation, discovery, and trial of consolidated mass tort and class action litigation and are deeply experienced handling such matters. Hinshaw attorneys have also successfully defeated class certification in many matters that subsequently proceeded as individual cases or consolidated, mass tort actions. Our product liability practice complements our representation of manufacturers, distributors, and other parties in property damage, personal injury, and environmental contamination claims and suits associated with toxic torts alleging exposures to asbestos, minerals, and various chemical and biological substances. We build teams based upon the needs of each individual client and tap the talents of our attorneys based upon the product and issues presented.

Class Action Experience and Defense of Claims Under Consumer Statutes

We have considerable experience representing corporate and professional service organization clients as defendants in class action litigation in state and federal courts throughout the United States. We also have vast experience counseling businesses in disputes that can result in class actions, regulatory challenges, and other legal claims.

We routinely defend against class certification efforts, obtaining decertification of classes in cases of both local and national scope, and obtaining pre-certification dismissals. We also recover summary judgments in favor of our clients. These favorable outcomes flow from our class discovery strategies, an area in which we are particularly skilled.

Hinshaw attorneys handle individual cases as well as class action litigation across the country in actions brought under a wide range of consumer statutes. Such matters include suits alleging deceptive consumer practices, consumer product safety claims, and multiple state tort law claims. We also defend clients in cases brought under federal consumer protection statutes and their state counterparts such as:

- ◆ Food, Drug, and Cosmetic Act (FDA)
- ◆ Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund)
- ◆ Resource Conservation and Recovery Act (RCRA)
- ◆ Toxic Substances Control Act (TSCA)
- ◆ Magnusson-Moss Warranty Act
- ◆ U.S. Federal Trade Commission (FTC) rules and regulations

Experience Defending Manufacturers and Suppliers in Key Industries and Sectors

Throughout the years, our attorneys have developed experience in discrete industries and sectors, gaining deep knowledge of business operations and legal issues unique to those industries. We apply this experience to complement the strategic approach our clients take in litigation. Hinshaw lawyers also keep abreast of developments by regular participation in national manufacturing associations, trade groups, and related bar groups. A summary highlighting certain of these areas follows:



Appliances and Outdoor Power Equipment

Hinshaw attorneys represent some of the country's best-known manufacturers of appliances and outdoor power equipment products. The representation includes single-party litigation, multidistrict litigation, consolidated proceedings, and in some cases, class actions. We have advised on and managed product recalls, and regularly advise on preventive activities including product literature and labeling, warranties, supplier and customer agreements, contracts, and failure mode and effects analysis.

With technical understanding across a wide range of disciplines and working knowledge of applicable government regulations and industry standards, Hinshaw attorneys assist companies in this sector in product liability matters involving personal injury, death, property damage and breach of warranty. We use and leverage an extensive network of local and national experts beginning with product development all the way to trial.



Chemicals, Coatings, Building Products and Other Products

Hinshaw's product liability team represents manufacturers and distributors of all types of chemicals, coatings, building components and other products. We have successfully defended single-plaintiff and class action litigation against manufacturers of industrial chemicals, paints and coatings, windows and doors, products for the printing industry, adhesives and solvents, and plastics and polymers, among others. Cases have included claims of personal injury and property damage due to alleged exposure to or use of substances such as hydrofluoric acid, caustic soda, chlorine, Talon G, carbon disulphide, pentachlorophenol, perchloroethylene, trichloroethylene, methylene chloride, ethylene glycol, propylene glycol, hydrochloric acid, PCBs, silica, and heavy metals.





Medical Device and Pharmaceuticals

We represent medical device and pharmaceutical clients in a multitude of individual and mass tort litigation matters. Our clients include healthcare entities, drug manufacturers, pharmaceutical companies, medical device manufacturers, and other product manufacturers and distributors in the life sciences sector. Such claims typically involve allegations of negligence, strict tort liability, and often fall under state product liability acts, consumer protection acts, and related statutes, and plead design defect, manufacturing defect, and failure to warn theories.

Our cases often involve FDA certification and regulation of various products. Our attorneys thoroughly understand FDA regulations and have access to experts to support our clients' positions and defenses. We handle cases in all forums, including individual matters, class actions, MDL, consolidated actions, and regulatory proceedings.



Beverage and Food Ingredients

Hinshaw attorneys have defended scores of lawsuits filed in state and federal courts across the country seeking damages for alleged catastrophic respiratory injury and disease, gastrointestinal disorders, skin disorders, neurologic damage and other injuries as a consequence of claimed exposures to diacetyl, acetoin, acetaldehyde, butanedione, and flavors containing these ingredients and related substances. Hinshaw developed and implemented defense strategies for varying classes of suits brought by individuals exposed in industrial settings to ingredients, flavors and foods containing these and other ingredients, as well as consumers allegedly injured by consumption of foodstuffs containing these substances. The firm has extensive experience investigating and defending foodborne illness and food safety claims.



Vehicle and Vehicle Component Parts

Hinshaw's product liability team includes experienced trial lawyers whose practices focus on the automobile, truck, and recreational vehicle and component parts industries. This representation includes tort and warranty litigation, state lemon law claims, class actions, and regulatory proceedings. Hinshaw attorneys have successfully handled matters in numerous state and federal courts on behalf of manufacturers, distributors, and insurers. In many instances, our lawyers have participated in trials resulting in state and federal appellate court decisions leading to the development of product liability and warranty law. The firm provides additional assistance to clients on the implementation and management of compliance and warranty programs, as well as drafting of product safety warnings and instructions. Firm clients include automobile, truck and recreational vehicle manufacturers, component part manufacturers, insurers of those manufacturers, and others.





Representation of European and Asian Insurers and Insureds

Hinshaw attorneys have an excellent track record working with European and Asian insurers and their insureds in product liability matters venued throughout the United States. While these companies often have U.S.-based in-house counsel on staff, they typically need the guidance and support of our firm's lawyers to effectively defend and manage litigation and trials. We are able to facilitate effective reporting and client communication in many languages.

In our role as defense counsel to the insureds of European and Asian insurance carriers, we educate our clients on the particularities of the U.S. civil tort system, especially the jury system, for which there is no equivalent in European or Asian jurisdictions. We can help clients understand why U.S. cases often settle even where there are viable product liability defenses. Our familiarity with European and Asian customs and languages can substantially reduce the challenges of litigating in an unfamiliar legal system, allow for streamlined reporting and client interaction, and promote the orderly and cost efficient resolution of claims. Hinshaw is fortunate to have many attorneys and paralegals with proficiency in foreign languages, including:

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|-------------|------------------|--------------|------------------|
| ✓ Arabic | ✓ Gujarati | ✓ Mandarin | ✓ Serbo-Croatian |
| ✓ Cantonese | ✓ Haitian Creole | ✓ Persian | ✓ Spanish |
| ✓ Cebuano | ✓ Hindi | ✓ Polish | ✓ Tagalog |
| ✓ French | ✓ Italian | ✓ Portuguese | ✓ Turkish |
| ✓ German | ✓ Korean | ✓ Russian | ✓ Urdu |

Product Liability Risk Management

As product liability problems expand beyond civil litigation, our attorneys regularly counsel clients in the full spectrum of legal issues arising from regulatory requirements as well as product design, manufacture and distribution, including:

- ◆ **Product Literature** — development/review of product literature, warranties, labels, and instructions
- ◆ **Recalls** — management of product recalls including development of recall plans and policies
- ◆ **Warnings** — preparation and supplementation of product warnings
- ◆ **Sales and Distribution Agreements** — drafting of such agreements and related contract documents
- ◆ **Government** — assisting clients in their interactions and dealings with government agencies

Our clients benefit from the talents of Hinshaw attorneys who understand the issues, anticipate challenges, and develop a custom and cost-effective strategy for case resolution.



About Hinshaw & Culbertson LLP

Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector and other highly regulated industries. Hinshaw also serves as counsel to the professional services sector, and provides business advisory and transactional services to clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and Twitter.

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