

## FREQUENTLY ASKED QUESTIONS

### Products Liability

#### 1. *What is products liability?*

The term, “products liability”, refers to a body of law governing compensation for injuries or deaths caused by dangerous or defective products. The manufacturer, distributor or seller of a product can be liable for the negligent manufacture of a product or, in some circumstances is subject to strict liability if a product is unreasonably dangerous, even if the manufacturer or seller has used due care in the manufacture and sale of the product. A court may determine that a product is unreasonably dangerous if the product is dangerous beyond the extent that would be contemplated by the ordinary consumer who purchases it. In some situations, a product is considered to be unreasonably dangerous if an alternative and feasible design would have prevented the injury, or the manufacturer or seller fails to show that the benefits of the challenged design outweigh the risk of danger inherent in the design.

Sometimes, a breach of warranty may give rise to a claim for injuries caused by a product.

#### 2. *What are examples of products liability claims?*

Almost any injury caused by a product can give rise to a product liability claim. A product may cause an injury because it was defectively manufactured. For example, a piece of a grinding wheel might come loose because the wheel was not constructed properly. A product can also be rendered unreasonably dangerous because there were no warnings or inadequate warnings or instructions on how to use the product safely. A guard or safety device may be missing, such as where there is nothing to prevent an operator’s hand from being injured in a punch press or other industrial machine. The product may have a design defect that caused the injury.

We work with nationally regarded experts to investigate and prove these challenging cases.

#### 3. *What compensation does the law provide for those who have been injured by a dangerous or defective product?*

The law provides for the same measure of damages in these cases as in any other personal injury case. Once a jury determines that a person has been injured as a result of the wrongful conduct of another, the jury is asked to compensate that person for: past and future medical and hospital bills, past and future wage loss or loss of earning capacity, disfigurement, disability or loss of a normal life, and past and future physical and mental pain and suffering. In a wrongful death case, the family of the person killed may be entitled to compensation for the loss of

financial support that the decedent would have provided, as well as compensation for the loss of the love, companionship and affection of the deceased. Under a recent change in Illinois law, a family will also be able to seek compensation for their grief.

We work with nationally ranked experts, such as economists, life-care planners, physicians and others to prove that our clients are entitled to the greatest amount of compensation that the law allows.

*4. What should I do if I think I have a product liability case?*

You need to speak to a lawyer qualified and experienced in product liability cases as soon as possible. There are time limits under the law within which such a case must be filed. All rights can be lost if suit is not filed within these time limits.

It is vital that you preserve all information that would identify who manufactured and sold the product, such as receipts, canceled checks, or charge card statements. It is also important to save any manuals or other literature that came with the product. Sometimes, even the box the product came in can be important. It is also crucial to preserve the product that caused the injury, which can not only help to identify the manufacturer, but, just as importantly, the product can then be examined to determine if it can be proven to have been unreasonably dangerous. Taking photographs of the product can also be useful. You should bring this information with you when you come to see us.

If the product that caused the injury is not in your possession, such as where a machine or tool used at work caused the injury, you should call us without delay so that appropriate court orders can be sought to require the owner of the product to preserve the product, any manuals and all information about its purchase.

As with any other case, you should also gather information about where the injuries sustained in the accident were treated, the bills for that treatment and any information, such as pay stubs, that will help show lost income. Bring this information, such as accident reports, police reports, medical records, or bills, when you come to consult with us. This information will help us investigate your potential case.

*5. How much does it cost to hire a lawyer to represent me or my family in a product liability case?*

There is no charge for an initial consultation. If we take on your case, we receive a fee based on a percentage of the amount recovered. There is no fee if there is no recovery. We are also reimbursed from any recovery for the costs we advance to prosecute the case.