

Product Liability and Torts

Miller Canfield's Product Liability and Torts Section includes experienced and skilled trial attorneys who aggressively defend our clients in a broad range of product liability and torts cases. In addition to the standard single-defendant suit, our attorneys handle complex, multi-district class actions, attorney general actions, multiple party actions, arbitrations, mediations, and administrative proceedings. Our practice spans both state and federal courts across the country.

Our product liability practice includes the representation of manufacturers, distributors, and retailers in a broad range of industries, including automotive, pharmaceutical, gas and oil, utilities, heavy industry, consumer products, and medical devices. We are knowledgeable regarding the protocols and operations of the various industries and the experts who practice in those industries. We also provide product liability counseling and risk assessment.

Our experienced team of trial attorneys is well-versed in all aspects of the discovery process. We have extensive experience in electronic discovery, including document retention, litigation holds, document repositories, and electronic database management.

Our torts practice covers a wide range of cases involving personal injuries and related areas such as insurance coverage. Our cases include the defense of personal injury and premises liability actions brought against many types of defendants, including individuals, officers and directors, banks, utilities, schools and universities, insurance companies and agencies, municipalities, and many others. We routinely defend statutory and constitutional claims against governmental entities, and professional liability claims against doctors, lawyers, and other professionals. We defend clients in asbestos, benzene, lead poisoning, and other mass and toxic tort cases.

A very active sub-specialty of our tort practice involves recovery for our governmental and business clients of moneys lost through fraud, embezzlement, breach of warranties, conversion, and other employee and vendor misconduct.

Areas of practice include:

- Appeals
- Business torts
- Catastrophic injury litigation
- Consumer product liability defense
- Defamation
- Drug and pharmaceutical product litigation
- Fraud
- General negligence
- Governmental immunity and liability
- Insurance coverage and disputes
- Intentional torts, including wrongful death
- Medical device litigation
- Motor vehicle negligence and no-fault

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- Personal injury, including wrongful death cases
- Premises liability
- Products liability
- Professional liability (including insurance, accounting, legal and medical malpractice)
- Recreational vehicle liability
- Toxic and mass torts
- Warranty litigation
- Worksite liability and OSHA

Our attorneys are active members and leaders in such prominent industry organizations as the Defense Research Institute, Association of Defense Trial Counsel, Product Liability Advisory Counsel, Michigan Defense Trial Counsel, Litigation Counsel of America and the Litigation and Tort Trial & Insurance Practice Sections of the American Bar Association.

Representative Matters

Trial counsel in a number of product liability cases, including the defense of design, manufacturing and warning theories for chemicals, biotechnology, automobiles, escalators, medical equipment, power tools, brakes, component parts and vertical broaching machines.

Successfully represented a national bank in pursuing the manufacture of defective deposit equipment installed in branches throughout the United States.

Successfully prosecuted a wrongful death action involving defective hydraulic hoses on a car hauler.

Persuaded federal court to dismiss multi-million-dollar product liability claim for lack of personal jurisdiction over foreign corporation.

Handled a portfolio of premises liability cases on behalf of a national retailer, resulting primarily in summary dismissals.

Represented major pharmaceutical manufacturer in drug product liability action involving claims of failure to warn and failure to comply with Food and Drug Administration labeling requirements.

Successfully represented a large domestic auto manufacturer at trial, regarding defective design claims.

Represented an international chemical manufacturer in a federal lawsuit alleging product liability for catastrophic injuries to a worker at a paper mill company. The case was dismissed with no settlement paid by the defendant.