



## **Product Liability**

### **Course Description**

Product liability is a division of torts and personal injury law that is often the subject of class action lawsuits and routinely generates large monetary verdicts. Product liability cases are also all over the news. From tires that blow out and prescription drugs with harmful side effects, to overly hot coffee served at McDonalds, product liability actions make interesting and compelling news stories. This course covers many aspects of product liability actions and their rules.

### **Course Learning Outcomes**

At the completion of this course, students will be able to:

- Understand and correctly employ the defenses to products liability claims;
- Articulate and describe the three recognized categories of defective products;
- Distinguish between strict liability and negligence liability in manufacturing defects;
- Describe the difference between design defects and manufacturing defects and apply the laws that relate to each;
- Determine when there is liability for breach of warranty and the extent of that liability.

### **Final Exam**

Grades and credit recommendations are based solely on a final exam. When students are ready to take the final exam, they should register for a LawShelf account (or simply log in, for those with existing accounts). Go to the video-course page and click "Take the Final Exam" and pay the exam fee, where applicable. Students will be given instructions on how to take the exam. All exams are proctored by the Voice Proctor® proctoring system. An overview of the system is [provided here](#) and it requires no training or learning curve. Grades of 70% or above are considered passing grades and qualify for recommended transfer credit.

The final exam is based on the video course modules. Additional resources detailed in this syllabus are helpful for background and for building greater understanding of the course materials. Inquiries can be made through the LawShelf Contact form on our website by clicking the "email us" button that appears at the bottom of most LawShelf pages. Transcripts can be ordered via Parchment, as detailed on our website.

## Case Studies

Many LawShelf video courses include case studies. These do not necessarily teach new material but are meant to demonstrate how the materials covered in the course are applied by various courts. Concepts covered in the case studies are covered on the final exam, so make sure to watch the case studies before taking the exam. However, it is unnecessary to memorize the facts and details of the cases covered in these case studies.

## Self-Quizzes

Video-course modules and case studies feature self-quizzes that consist of practice questions on the materials covered in the videos. These questions are presented for the benefit of the student and are **important to review before taking the final exam** because they are similar in style and substance to the questions on the final exam. These quizzes are not graded or monitored and there is no record of how students answer these questions. Students may answer these questions as many times as they like and are encouraged to keep re-taking the quizzes until they have mastered all the questions.

# Study Guide

## Introductory Videos

These videos provide background to help students better understand the main parts of the course, which are the video-course modules below.

### **Product Liability Law: Liability for Manufacturing Defects That Cause Injuries**

<https://lawshelf.com/shortvideoscontentview/product-liability-law-liability-for-manufacturing-defects-that-cause-injuries>

### **Product Liability for Defective Design, Part 1**

<https://lawshelf.com/shortvideoscontentview/product-liability-for-defective-design-part-1?TimeIndex=141>

### **Product Liability for Defective Design, Part 2**

<https://lawshelf.com/shortvideoscontentview/product-liability-for-defective-design-part-2?TimeIndex=119>

### **Product Liability for Breach of Warranty - Part 1**

<https://lawshelf.com/shortvideoscontentview/product-liability-for-breach-of-warranty-part-1>

### **Product Liability for Breach of Warranty - Part 2**

<https://lawshelf.com/shortvideoscontentview/product-liability-for-breach-of-warranty-part-2/>

## Courseware Readings

These courseware readings provide background to help students better understand the main parts of the course, which are the video-course modules below.

The following readings can be found in the “Foundations of Law” courseware, under Torts:

### Products Liability

[Liability for Intentional Torts, Negligence and Strict Liability Defects](#)  
[Liability and Defenses to Products Liability Breach of Warranty](#)

### Video Course Modules

These videos constitute the main part of the course and are they sources of the questions on the final exam.

#### Product Liability Course Overview Video

<https://lawshelf.com/videocoursescontentview/product-liability>

#### Introduction to Product Liability - Module 1 of 5

<https://lawshelf.com/videocoursesmoduleview/introduction-to-product-liability-module-1-of-5>

#### Design Defects - Module 2 of 5

<https://lawshelf.com/videocoursesmoduleview/design-defects--module-2-of-5>

#### Duty to Warn - Module 3 of 5

<https://lawshelf.com/videocoursesmoduleview/duty-to-warn--module-3-of-5--->

#### Warranties - Module 4 of 5

<https://lawshelf.com/videocoursesmoduleview/warranties--module-4-of-5>

#### Defenses to Product Liability Actions - Module 5 of 5

<https://lawshelf.com/videocoursesmoduleview/defenses-to-product-liability-actions--module-5-of-5>

#### Case Study: Smith v Howmedica

<https://lawshelf.com/videocoursesmoduleview/case-study-smith-v-howmedica>

## **Supplemental Suggested Readings**

These materials enable students to achieve a deeper understanding of the course materials and in applying the course to real-life situations.

*Recall Handbook: A Guide for Manufacturers, Importers, Distributors and Retailers on Reporting Under Sections 15 and 37 of the Consumer Product Safety Act and Section 102 of the Child Safety Protection Act and Preparing for, Initiating, and Implementing Product Safety Recalls*, **U.S. Consumer Product Safety Commission**  
[https://www.cpsc.gov/s3fs-public/pdfs/blk\\_pdf\\_8002.pdf](https://www.cpsc.gov/s3fs-public/pdfs/blk_pdf_8002.pdf)

*The Ten Myths of Product Liability*, **Mitchell Hamline Law Review**  
<https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1722&context=wmlr>

*Fortieth Anniversary: The Commerce Department's Foray Into Re-Writing Products Liability Law*, **Yale Journal on Regulation**  
<https://www.yalejreg.com/nc/fortieth-anniversary-the-commerce-departments-foray-into-re-writing-products-liability-law/>