



THE INJURED CHILDREN'S ADVOCACY INSTITUTE

CHILD SAFETY LAWS AND PRODUCT LIABILITY

From car seats to toys, automobiles to swimming pools, pharmaceuticals to firearms, products today pose special challenges to children and to manufacturers whose products children encounter. The media is packed with stories of children who have allegedly been hurt by the cars they ride in, the toys they play with, the equipment intended to keep them safe, and adult products that are used around them or for their benefit.

Another issue manufacturers face is a significant national regulatory trend toward child protection issues, which is most clearly evidenced by the recent activities of the National Highway Traffic Safety Administration and the Consumer Product Safety Commission. The Injured Children's Institute is composed of lawyers with an unparalleled understanding of products liability defense litigation strategy – especially as it applies to children

SPECIAL APPROACHES WHEN A CHILD IS INVOLVED

Many of the cases we handle involve injuries to children, and the members of our Team have the skills needed to deal with the challenges and exposure of those cases in today's legal climate. This is critical, because damages and settlement issues are different with children. To stay abreast of developments in the field, we constantly monitor trends in verdicts favoring child plaintiffs and keep extensive databases of substantial verdicts involving children. We are experienced with the unique and catastrophic nature of damages when a child is permanently injured.

The impact of a child's injuries is different than when an adult is injured. Compensation for serious or fatal injuries is therefore determined differently. Vocational rehabilitation in these cases also raises concerns and problems on a magnitude not faced by injured adults. These may include such issues as putting a value on a

lifetime of lost earnings when the individual's earning potential has not been – and may never be – established. Parents also have claimed loss of consortium with children in these cases. There are also other special issues involving the statute of limitations, and other statutory defenses. Often, a defense hinges on whether warnings and instructions are clear and effective, as well as the "heeding presumption" – whether injury would have occurred if instructions were heeded.

Again, in the case of children, those issues have specific implications. We have provided assistance with developing childproof and child resistant packaging and written child-related warnings, for non-medical products. In addition, we know how to structure settlements with minors and have successfully worked with court-appointed guardians ad litem.