Our Reputation

Frost Brown Todd has a distinguished reputation defending manufacturers and distributors of a wide variety of products as well as counseling clients concerning product liability prevention measures and product recalls.

Nationally Recognized and Centrally Located

In 2010, Frost Brown Todd was named one of six "standout law firms in product liability" by Law360 based upon a survey of 240 corporate counsel conducted by the BTI Consulting Group. According to the report, "These firms have positioned themselves with the world's most demanding clients as the ones corporate counsel would most like to have by their side in head-to-head competition. In essence, they are the best players in the game."

We have over 40 Product Liability attorneys, with one-quarter of the group listed in The Best Lawyers in America®. Members of our group are active in Product Liability Advisory Council (PLAC), Defense Research Institute (DRI), Lawyers for Civil Justice and American Bar Association (ABA) and several are invited members of the American College of Trial Lawyers and American Board of Trial Advocates (ABOTA).

By integrating the experience and abilities of our attorneys with the most modern technology and our centralized regional location, our attorneys provide sophisticated, efficient and effective defense for clients facing product liability cases of every type and size.

Experienced Trial Lawyers

Our practice encompasses litigation in state and federal courts throughout the country. Our experience includes multidistrict litigation, serial product liability cases and single-incident loss cases. We have served in many different capacities ranging from national coordinating counsel to lead trial counsel.

Our attorneys have represented clients in product liability matters in all 50 states and Puerto Rico, and we have tried more than 300 jury cases to verdict. Whether we are acting as national trial counsel or local counsel, our product liability knowledge has been invaluable to the successful defense of our clients’ products and brands. Our attorneys also have significant experience defending our results on appeal.
Product Liability Litigation

Focused, Value-Driven Services

Frost Brown Todd is committed to helping clients manage their legal costs. From creative solutions that encourage the best thinking on cost control measures to new ways to address pricing scenarios, we partner with our clients to ensure their legal costs are examined and managed carefully.

Cost control starts by using firms with extremely competitive rates. Four recent independent law firm rate surveys indicate that Frost Brown Todd's rates are below the average hourly rates of comparable attorneys in the Midwest. The reason is simple. We have aggressively managed overhead through the years and focused on improving performance through process improvements.

We look for alternatives that lower or control legal costs and design creative partnership arrangements that not only satisfy the strategic legal results demanded by General Counsel but the fiscal integrity sought by today's CFOs.

Our Approach

Our top priority is to protect the integrity of our clients' products and reputations. Recognizing that our clients have business concerns that must be carefully factored into a successful legal strategy, we seek to learn all we can about their business and industry so that we proactively identify all issues relevant to building a sound defense.

At the earliest stages of our relationships with clients, we discuss litigation-minimization and cost-saving strategies such as alternative dispute resolution, early case analysis and post-mortem assessments to review successes, outcomes and lessons learned.

The most successful defense of product liability litigation begins with well-designed initiatives in the product development process. Our product liability lawyers exemplify total client service by consulting and advising our clients from the product development process through the defense verdict.

Product Liability Prevention and Defense Counseling

To provide the most effective product liability defense strategies, our lawyers do far more than simply respond to litigation filed against our clients. We
Product Liability Litigation

work closely and proactively with clients, in-house counsel and engineering staff to prevent future product liability litigation by designing and implementing liability prevention programs. We believe in counseling our clients on business practices and processes that are consistent with and integral to a successful product liability defense.

We routinely advise our clients regarding document organization and retrieval systems as well as e-discovery. Likewise, we help them in developing product safety programs and company histories on product safety initiatives, overseeing compliance with standards, rendering advice regarding contemplated product recalls and responding to actions by safety organizations such as the Consumer Product Safety Commission.

Resources
The Product Liability Practice Group has produced Product Liability Act and Related Statutes Guides for Indiana, Kentucky and Ohio. Click the appropriate state for the respective guide.

Highlights
Automotive

- Defends numerous international automobile and motorcycle manufacturers in product liability and personal injury claims.
- Serves as national counsel for manufacturers of safety restraint systems in product liability actions.
- Serves as national coordinating trial counsel for major automotive manufacturer in fatality and rollover cases.
- Served as the Defense Liaison for all defendants in the Ford-Firestone multidistrict litigation based in Indianapolis, IN.
- Appointed by a Fortune 500 client to a team of settlement specialists attempting to resolve major nationwide claims involving a high-profile recalled product.

Agricultural/Construction/Industrial Equipment

- Defends manufacturers of heavy-duty trucks, agricultural and construction equipment in product liability actions.
- Serves as national counsel for Japanese manufacturer of industrial equipment including dough mixers, cutters, grinders, blenders and presses.
- Serves as national trial counsel for a manufacturer of loader backhoes.
- Serves as regional counsel for a major construction and agricultural equipment manufacturer.

Aviation

- Defend helicopter engine manufacturer.
Product Liability Litigation

- Represent insureds of major aviation insurer.

**Consumer Products**

- Serves as national coordinating counsel for manufacturer of glass, bakeware and home accessories.
- Advises clients on consumer product regulation including CPSC reporting and recall-related issues.
- Served as national coordinating counsel for manufacturers of children's products, including, car seats, commercial playground equipment and toys.
- Defended a children's products manufacturer in wrongful death actions.

**Drug and Medical Device**

- Defends manufacturers in numerous drug and medical device serial litigation matters, including diet drugs and other pharmaceuticals, hip implants, insulin infusion pumps, latex gloves, bone screws, mechanical heart valves, cardiac stents and catheters.
- Served as lead trial and national counsel representing a manufacturer of orthopedic products and instruments in multidistrict litigation.
- Defended pharmaceutical and medical device manufacturers in federal court product liability litigation, including requests for class certification.

**Fire and Explosion**

- Defends numerous underground mine fire and explosion cases, including most recently the Sago Mine in West Virginia.
- Serves as national fire counsel for manufacturer of agricultural and construction equipment.
- Defended numerous makers of appliances and electronic devices against product-related claims for fire losses, property damage and personal injuries.
- Defended manufacturers and distributors of propane delivery systems, MAPP gas cylinders, smoke detectors, boilers, furnaces, fans and electronic air cleaners.
- Defended companies and individuals in major catastrophic loss cases including the Rhode Island Station Nightclub fire, Oklahoma City bombing, Ivel Natural Gas Pipeline explosion, Rexnord Industrial Plant explosion, Johnny Cash residential fire, San Juan Dupont Plaza Hotel fire and Happy Land Social Club fire.

**Food Industry**

- Serves as national counsel for a distributor of flavorings in diacetyl and acetaldehyde cases.
- Defends food manufacturers in personal injury claims arising from their products.
- Represented national franchises in the genetically modified corn litigation and E. coli litigation.
- Represented international companies in the genetically modified rice litigation.
Product Liability Litigation

Hand and Power Tools

• Serves as national coordinating counsel for international and domestic manufacturers of pneumatic, electric and battery-operated nailers, staplers, screwdrivers and other fastening devices and accessories.
• Serves as national coordinating counsel for S&P 500 company’s manufacturing division of hand-held torches and distributor of gas cylinders.
• Serves on a trade group of legal and standards-making committees handling media issues and CPSC interaction on behalf of various clients.
• Instrumental in developing industry-wide safety warning labels, manuals and safety education programs for end users.
• Serves as statewide counsel for international hand and power tool manufacturer.

Recreational Products

• Defends all-terrain vehicle manufacturers in product liability actions.
• Defended marine manufacturers in defeating propeller guarding allegations brought by various plaintiffs in lawsuits in various state and federal courts.
• Defended manufacturers of personal watercraft in product liability suits.

Toxic Exposure

• Serves as national, regional and/or jurisdictional counsel for over 20 asbestos manufacturers.
• Serves as national trial counsel for a manufacturer defendant in welding consumables litigation.
• Serves as national trial counsel in Isocyanate exposure cases in the mining industry.
• Serves as national coordinating and trial counsel for a number of contractors, developers and suppliers of Chinese drywall.
• Serves as managing counsel for a manufacturer of lead paint.
• Served as lead toxic tort counsel for a national lawn care company.
• Defended an industrial client against personal injury and wrongful death claims for alleged job site exposure to benzene or benzene-related products.
Product Liability Litigation

In The News

June 13, 2018
7 Questions: Why Maureen Bickley quotes Shakespeare
Bizwomen by Business Journals

February 12, 2018
People: Frost Brown Todd
The State Journal

December 6, 2017
Bickley used her musical talent to honor vets at funerals
Cincinnati Business Courier

November 29, 2017
DTCI: Thornburg leads defense bar with long-term outlook
The Indiana Lawyer

November 15, 2017
On the Boards: Nov. 2017
The Lane Report

August 30, 2017
Here's who's on the 2018 Leadership Louisville board of directors
Louisville Business First

Spring 2017
A Material World
DRI In-House Defense Quarterly

April 21, 2017
Frost Brown Todd adds member and senior associate
Nashville Post

April 13, 2017
Frost Brown Todd Appoints Three Members
Inside Indiana Business

April 13, 2017
Louisville's largest law firm names four members
Louisville Business First

April 5, 2017
DTCI: Foreseeability and duty of care
The Indiana Lawyer

April 5, 2017
Product Liability Litigation

Lawyer stands behind his own rollover crash tests courts ruled inadmissible
*The Indiana Lawyer*
March 28, 2017

Tennessee to Clarify Breach Notice Encryption Exemption
*Bloomberg BNA: Privacy & Data Security*
March 24, 2017

Jury awards $6.1M to brothers injured in Marion crash
*The Indiana Lawyer*
March 6, 2017

Data Breach and Standing: A Royal Mess
*Advisen*
February 23, 2017

Lawyers, The Quartz Crisis and Swatch Watches: A Lesson On Disruption
*The Lawyerist*
February 10, 2017

Northern Kentucky legal community’s expanding firms known for involvement and business expertise
*The Lane Report*
February 8, 2017

DTCI: Thanks and Welcome
*The Indiana Lawyer*
February 4, 2017

Legal Outlook: 2017 Is a Year of Dramatic Opportunity
*The Lane Report*
January 26, 2017

GLI welcomes new 2017 officers and board members
*The Lane Report*
January 12, 2017

Chamber unveils C-Change class of 56 leaders
*Cincinnati Enquirer*
January 10, 2017

So a Lawyer Walks into CES
*Abacus Next*
December 2016

Litigation and T.A.R.
*ABA TechReport 2016*
December 1, 2016
Product Liability Litigation

Does FTC flexing its data-breach muscles equal trouble for businesses?
*Louisville Business First*
November 16, 2016

DTCI Nominations for Board of Directors
*The Indiana Lawyer*
November 16, 2016

DTCI: Patchett v. Lee: The end of the fight over the admissibility of medical write-offs?
*The Indiana Lawyer*
August 18, 2016

National Judicial College to honor Kentucky’s Chief Justice John Minton; special reception in Cincinnati
*Northern Kentucky Tribune*
August 10, 2016

DTCI: Want to stop the lawyer jokes? Change the perception
*The Indiana Lawyer*
July 27, 2016

Opinion blocking DOL rule cites clash with ethics rules
*Bloomberg BNA*
July 22, 2016

One Vision One Voice: Skyward, Tri-ED launch joint campaign aimed at moving region forward
*Northern Kentucky Tribune*
June 24, 2016

William T. Robinson, III named chair of American Bar Association Standing Committee on American Judicial System
*The International Association of Defense Counsel*
May 24, 2016

POV guest editorial: Arts master plan
*WDRB*
April 27, 2016

House takes on persuader rule
*Politico*
April 22, 2016

Tennessee Enacted the Toughest Data Breach Law Yet
*Cyber Watch by The Council of Insurance Agents & Brokers*
April 4, 2016

Louisville’s largest law firm names 12 new members
*Louisville Business First*
Product Liability Litigation

February 9, 2016
Legal Practice Makes Profits in 2015
The Lane Report

January 15, 2016
Why Louisville's mayor thinks this GE-Haier news is good for the city
Louisville Business First

November 11, 2015
Leadership Louisville Center announces 2016 board of directors
The Lane Report

November 5, 2015
The Erosion of the Law: Let's Just Certify a Class...Any Class
Advisen Front Page News

August 19, 2015
Frost Brown Todd partner becomes ABA deputy executive director
Managing Partner

June 12, 2015
Data theft today poses indefinite threat of "future harm"
The Intercept

June 1, 2015
United States: On The Brink Of A Class Action Sea Change? SCOTUS To Hear Robins And Critical Standing Issues
Mondaq

May 26, 2015
Ask for permission, not forgiveness, in telemarketing tactics, attorney says
Louisville Business First

May 6, 2015
Supreme Court to Hear 'Non-Injury' Privacy Class Action
Linux Insider

April 30, 2015
"2014 Was a Very Good Year": 23 Projects, 3,467 Jobs, $464 Million in Sales
The River City News

January 28, 2015
INVESTKentucky Equity Conference Returns to Louisville June 5
InvestorPoint

January 22, 2015
Product Liability Litigation

Indy's top tailgater bombs football quiz on 'Rachael Ray'

*IndyStar*

January 9, 2015
Governor makes appointments to boards and commissions

*The Lane Report*

September 11, 2014
What happens when a business like Tumbleweed faces eviction?

*Louisville Business First*

June 17, 2014
National fraternity groups excused from hazing lawsuits

*IndyStar*

June 15, 2014
Filling a need for small-town lawyers

*The Courier-Journal*

May 16, 2014
Female Powerbrokers Q&A: Frost Brown Todd's Beth Naylor

*Law360*

May 5, 2014
National Conference Highlights Changing Legal Profession

*Court of Ohio Newsletter*

December 20, 2013
Absence of Prior Accidents Evidence – Recent Trends in Admissibility

*DRI The Voice of the Defense Bar*

Press Releases

September 10, 2018
Frost Brown Todd Attorney Elise McQuain Elected Vice President of the West Virginia Women Attorneys Group

August 15, 2018
163 Frost Brown Todd Attorneys Listed in The Best Lawyers in America© 2019

May 18, 2018
Attorneys from Frost Brown Todd’s Pittsburgh Office Recognized in Pennsylvania Super Lawyers® and Pennsylvania Rising Stars®

April 17, 2018
Frost Brown Todd Attorneys Recognized in 2018 Editions of West Virginia Super Lawyers® and West Virginia Rising Stars®


Product Liability Litigation

April 17, 2018
Jennifer Morales Joins Frost Brown Todd’s Team of Litigators in Cincinnati

April 4, 2018
Frost Brown Todd Appoints Six New Members Firmwide

April 2, 2018
Indianapolis Attorney Nicholas Pappas Included in BTI Client Service All-Stars 2018

February 20, 2018
Frost Brown Todd Attorneys Recognized in 2018 Editions of Indiana Super Lawyers® and Indiana Rising Stars®

February 7, 2018
Frost Brown Todd Expands Its Team of Attorneys in Charleston

December 6, 2017
43 Frost Brown Todd Attorneys Recognized by Kentucky Super Lawyers® and 14 Recognized by Kentucky Rising Stars® for 2018

November 1, 2017
Frost Brown Todd Named to U.S. News & World Report’s Best Law Firms List for 2018

August 15, 2017
161 Frost Brown Todd Attorneys Listed in The Best Lawyers in America© 2018

May 12, 2017

April 20, 2017
Jim Catalano and Alexandria Fisher Join Frost Brown Todd in Nashville

April 13, 2017
Frost Brown Todd Attorneys Recognized in 2017 Editions of West Virginia Super Lawyers® and West Virginia Rising Stars®

April 12, 2017
Frost Brown Todd Appoints 11 New Members

February 15, 2017
Frost Brown Todd Attorneys Recognized in 2017 Editions of Indiana Super Lawyers and Indiana Rising Stars

November 18, 2016
31 Frost Brown Todd Attorneys Recognized by Kentucky Super Lawyers and 14 Recognized by Kentucky Rising Stars for 2017

November 7, 2016
Stephen Embry Appointed Chair of FDCC Substantive Law Section
Product Liability Litigation

September 13, 2016
Frost Brown Todd expands in Indianapolis

August 15, 2016
168 Frost Brown Todd Attorneys Listed in The Best Lawyers in America© 2017

June 22, 2016
Wm. T. (Bill) Robinson III Appointed Chair of ABA Standing Committee on the American Judicial System

May 26, 2016
Wm. T. (Bill) Robinson III Named Chairman of the National Judicial College Board of Trustees

April 6, 2016
Carol Smith and Jared Tully Recognized in 2016 Editions of West Virginia Super Lawyers® and West Virginia Rising Stars®

April 4, 2016
Frost Brown Todd Announces 12 New Members

December 2, 2015
33 Frost Brown Todd Attorneys Recognized by Ohio Super Lawyers® and 11 Recognized by Ohio Rising Stars® for 2016

November 18, 2015
51 Frost Brown Todd Attorneys Recognized by Kentucky Super Lawyers® and 18 Recognized by Kentucky Rising Stars® for 2016

August 17, 2015
175 Frost Brown Todd Attorneys Listed in The Best Lawyers in America© 2016

July 16, 2015
Wm. T. (Bill) Robinson III elected to National Board of Trustees of the American Inns of Court

April 22, 2015
Frost Brown Todd Attorneys Recognized in 2015 Editions of West Virginia Super Lawyers® and West Virginia Rising Stars®

February 26, 2015
Beth Schneider Naylor receives prestigious global Client Choice Award

February 13, 2015
26 Frost Brown Todd Attorneys Recognized in Indiana Super Lawyers® and Four Recognized in Indiana Rising Stars® for 2015

January 26, 2015
Governor Beshear reappoints Bill Robinson to the Kentucky Development Partnership Board

November 25, 2014
Kevin Schiferl elected Vice President of American Board of Trial Advocates (ABOTA)
Product Liability Litigation

November 17, 2014
8 Frost Brown Todd Attorneys Named to Mid-South Super Lawyers®; Two Attorneys Named to Rising Stars®

November 7, 2014
Frost Brown Todd Adds Three Associates to the Firm’s Indianapolis Office

August 5, 2014
Lloyd Milliken Receives Inaugural Award from the National Foundation for Judicial Excellence

June 13, 2014
Carol Smith and Jared M. Tully Recognized in 2014 West Virginia Super Lawyers® and Rising Stars®

March 31, 2014
Federal District Court Delivers Favorable Decision For CNH Industrial America

March 18, 2014
Arizona Jury Decides IMMI Not Liable For Injuries Sustained by Fire Truck Captain

October 2, 2013
Defense Verdict for Ford after Multi-Week Products Liability Trial

November 14, 2012
Frost Brown Todd Welcomes Two Attorneys in the Indianapolis Office

July 31, 2012
Nashville Women’s Networking Pioneer Joins Frost Brown Todd

November 9, 2011
Frost Brown Todd Obtains Defense Verdict in Seat Belt Defect Case

August 10, 2011
Timothy L. Karns Joins Frost Brown Todd

November 22, 2010
Nicholas C. Pappas Receives DTCI Defense Lawyer of the Year Award

October 27, 2010
15 Frost Brown Todd Attorneys Recognized as 2011 “Lawyers of the Year”

October 19, 2010
Frost Brown Todd's Indianapolis Litigation Practice Recognized as "Highly Recommended Local Litigation Firm"

October 19, 2010
Frost Brown Todd's Louisville Litigation Practice Recognized as "Highly Recommended Local Litigation Firm"

September 15, 2010
Frost Brown Todd Named a “Standout” Firm in Product Liability and IP Litigation

August 17, 2010
Frost Brown Todd Assists in Defense Verdict for Terex
Product Liability Litigation

March 1, 2010
Frost Brown Todd Attorneys Receive Recognition in 2010 Super Lawyers® Corporate Counsel Edition

January 28, 2010
Jeremiah A. Byrne Named Partner of Frost Brown Todd

January 28, 2010
Joshua B. Fleming and Daniel P. King Named Partners of Frost Brown Todd

January 19, 2010
Kevin C. Schiferl Receives Distinguished Hoosier Award

Publications

August 5, 2019
First-Ever Criminal Prosecution for Failure to Report a Hazardous Product Defect

December 19, 2018
The Learned Intermediary Doctrine: An Update

January 7, 2016
Cars of the Future: Product Liability Implications and Solutions
Indiana Civil Litigation Review, Volume 12

August 11, 2015
When Private is Not Private: Privacy Expectations in the Brave New World

June 3, 2015
Sometimes, Cases Just have to be Tried

March 17, 2015
Ohio Supreme Court rules that employment intentional tort claims are excluded from coverage
Legal Update

June 5, 2013
CPSC Flexes Its Enforcement Muscle Again as It Dictates Identical Compliance Programs in Settlements
Legal Updates

May 10, 2013
CPSC Permitted to Join Former CEO Personally in Action to Recall Products
Legal Updates

January 16, 2013
President Signs New Medicare Reimbursement and Reporting Law
Legal Updates

August 2012
Tennessee Tort Reform – Will It Survive Constitutional Challenge?
Tennessee Business Litigation Newsletter
May 2012
Buyers Beware
*Products Liability | Legal Briefs*

May 2012
The Learned Intermediary Doctrine
*Products Liability | Legal Briefs*

April 2011
CPSC Consumer Complaint Database Requires Vigilance From Product Manufacturers

April 2011
Defense Verdict For Yamaha In Golf Car Fleet Defect Case

April 2011
Plaintiff’s Comparative Fault Is Admissible In Indiana Crashworthiness Cases

April 2011
Summary Judgment Victory Eliminates Plaintiffs’ Electronic Stability Control Theory

January 21, 2011
CPSC Announces Early "Soft Launch" of Database

November 24, 2010
New Deadline for Medicare Reporting

September 1, 2010
California District Judge Declines to Certify Class for Third Time in Alleged Water Damage/Mold Cases

September 1, 2010
Frost Brown Todd Recognized for Product Liability Excellence in 2011 BTI Litigation Outlook

May 2010
Kentucky’s Product Liability Act and Related Statutes

April 28, 2010
The United States Food and Drug Administration Issues Update on Bisphenol A (BPA)

April 2010
Consumer Product Safety Commission Database Will Likely Provide a New Weapon for Plaintiffs’ Attorneys in Product Liability Cases

April 2010
The So-Called Medical Device Safety Act of 2009: What You Should Know

March 29, 2010
Notice of Proposed Rulemaking for Cradles and Bassinets
Ohio’s Product Liability Act and Related Statutes

January 2010
Product Liability Litigation

Ruling in/Ruling out Differential Diagnosis
October 7, 2009
Medicare Secondary Payer Mandatory Reporting—Another Y2K or Cause for Concern?
July 31, 2009
CPSC Provides Guidance on Children’s Product Labeling Requirements
May 2009
Indiana’s Product Liability Act and Related Statutes
May 26, 2009
U.S. Supreme Court Upholds Over $15 Million Product Liability Verdict
May 12, 2009
Small Toy Manufacturers Still Crying HELP with CPSIA - TIA to the Rescue?
April 16, 2009
Sixth Circuit Adopts Differential Diagnosis Admissibility Standard
April 14, 2009
Antitrust Developments: Legislative Changes on the Horizon?
December 3, 2008
CPSC Solicits Comments on Legislative Directives that Could Directly Impact Your Company
November 12, 2008
Roadmap to Certifying Consumer Products under the Consumer Product Safety Improvement Act of 2008
August 5, 2008
Congress Takes Action in Juvenile Products Industry
May 2008
Nanotechnology: The New Asbestos
February 26, 2008
Ohio Upholds Ten Year Product Liability Statute Of Repose
January 25, 2008
$450,000,000 Big Dig Settlement Expected
January 8, 2008
CPSC Reporting Refresher: When is a company required to report a potential defect?
December 31, 2007
The Supreme Court of Ohio Upholds Cap on Non-Economic and Punitive Damages
December 6, 2007
Courts’ Treatment of the Self-Critical Analysis Privilege
December 3, 2007
Product Liability Litigation

Congress Seeks to Strengthen Regulations in Juvenile Products
*Young Lawyer Committee Newsletter - The Whisper*
October 19, 2007

Big Dig Criminal Indictment: Zealous Prosecution or Future Trend?
October 16, 2007

Congress Seeks to Strengthen Regulations in Juvenile Products Industry
October 5, 2007

New Ohio Supreme Court Opinion Clarifies Expert Proof Required for Toxic Exposure Claims
October 3, 2007

First Lesson from the Recent Toy Recalls: The Buck Stops Here
September 13, 2007

August 29, 2007

Cain v. General Electric
August 17, 2007

Federal Court’s Recent Ruling in Vioxx Litigation Impacts Internal Communications Between In-House Counsel and Corporate Personnel
July 2007

Despite Common Law Tradition, West Virginia Becomes The First State To Explicitly Reject The Learned Intermediary Doctrine
July 2005

Indiana Supreme Court Clarifies Mitigation of Damages Defense in Comparative Fault Act

Events
May 15, 2012
In-House Expert Witness Seminar