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Products Liability: A Legal Overview

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Summary

Products liability refers to the liability of a manufacturer or seller for injury caused by his product to the person or property of a buyer or third party. Legal developments starting in the 1960s, particularly the adoption of strict tort liability, have made it substantially easier for persons injured by defective products to recover damages. Starting in the 1980s, however, many states enacted tort reform legislation that limited the rights of injured parties. Advocates for consumers and plaintiffs view strong products liability law as necessary to ensure adequate compensation for injured workers and consumers and to furnish an incentive for the manufacture of safe products. Manufacturers and their insurers, by contrast, contend that many products liability judgments are unwarranted or excessive and that national uniformity in products liability law is needed. Therefore, they favor replacing the 50 state products liability laws with one federal law. In the 110th Congress, the following bills have been introduced that would affect various aspects of products liability law: H.R. 961, H.R. 989, H.R. 1012, S. 243, S. 244, and S. 328.

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Most Recent Developments

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Background and Analysis

Products liability, which is primarily a matter of state law, is generally based on strict tort liability rather than on negligence. This means that a plaintiff need prove only that the defendant sold a defective product and that the defect was the proximate cause of the plaintiff's injuries. Due care on the part of the defendant is ordinarily immaterial. The purpose of strict tort liability is "to insure that the costs of injuries resulting from defective products are borne by the manufacturers that put such products on the market rather than by the injured persons who are powerless to protect themselves" (*Greenman v. Yuba Power Products, Inc.*, 377 P.2d 897 (Cal. 1963)).

The Federal Interagency Task Force on Product Liability, under the direction of the Department of Commerce, in its Final Report issued November 1, 1977, found that the cost of product liability insurance had risen dramatically, making it more difficult for some small firms to obtain adequate insurance coverage. The major causes of the dramatic rise in rates, the Task Force found, were irrational premium setting procedures by insurance companies, the manufacture of products that are not as safe as current technologies would allow, and uncertainties as to how personal injury litigation is conducted.

On April 6, 1978, the Department of Commerce released an *Options Paper on Product Liability and Accident Compensation Issues* (43 *Federal Register* 14612). It included a model bill entitled, "Product Liability Self-Insurance Act of 1978." On September 11, 1978, the Department published a summary of over 300 comments submitted to it on its Options Paper (43 *Federal Register* 40438).

On July 20, 1978, the Carter Administration unveiled its program to deal with product liability problems. The proposals generally followed those suggested by the Department of Commerce in its Options Paper. The Administration also directed that a model uniform product liability law be prepared to add stability to products liability law, which varies from state to state.

The Department of Commerce subsequently published a Model Uniform Product Liability Act. See 44 *Federal Register* 2996 (January 12, 1979) for the draft version and 44 *Federal Register* 62714 (October 31, 1979) for the final version. Although intended for enactment by the states, the draft version was introduced in the 96th Congress as H.R. 1676, and the final version was introduced as H.R. 5976 (both by Representative LaFalce). Hearings on the two versions were held, but neither was enacted.

In October 1985, Attorney General Meese established the Tort Policy Working Group, which consisted of representatives of ten Federal agencies and the White House. In February, 1986, the group issued its report: "Report of the Tort Policy Working Group on the Causes, Extent and Policy Implications of the Current Crisis of Insurance Availability and Affordability." The report made eight recommendations, including the elimination of joint and several liability and of the collateral source rule, a $100,000 cap on noneconomic damages, and a 25% cap on the first $100,000 in lawyer's contingent fees (see "Glossary" regarding terms used in this sentence). In March 1987, the Tort Policy Working Group issued another report, "An Update on the Liability Crisis."

During the 1980s, in response to the liability insurance "crisis," many states enacted tort reforms intended to limit the rights of injured parties. Some states limited the right of plaintiff to sue product sellers other than the manufacturer; some states permitted awards of punitive damages only upon proof by "clear and convincing" evidence, or required that a portion of punitive damages be paid to a state fund; some states enacted caps on punitive damages or on noneconomic damages, such as pain and suffering; some states limited or eliminated joint and several liability or the collateral source rule; and some enacted a statute of repose. (See "Glossary" for an explanation of these terms.) State reforms continued to be enacted through the 1990s and to the present day.

On the federal level, since 1996, when Congress failed to override President Clinton's veto of broad products liability legislation (H.R. 956, 104th Congress), tort reform bills have been less ambitious, being aimed generally at protecting defendants who sell particular types of products or commit particular types of negligence. For a list of federal tort reform statutes, see CRS Report 95-797, *Federal Tort Reform Legislation: Constitutionality and Summaries of Selected Statutes*, by Henry Cohen. For a list limited to products liability statutes, see the section of the present report titled "Federal Statutes Enacted, 97th-109th Congresses."

Consumer representatives and plaintiffs' attorneys generally oppose limiting injured parties' rights in products liability suits; they consider the present system necessary to provide incentives for the manufacture of safe products and to ensure adequate compensation for injured workers and consumers. Insurance companies and product manufacturers, by contrast, hoping to reduce the amount currently paid as the result of products liability suits, and seeking national uniformity in products liability law, have supported federal products liability reform.

A federal products liability statute could bring about national uniformity with respect to some issues; some proposed legislation, for example, has included a federal statute of limitations or federal statute of repose for products liability suits.

However, some legislative provisions, such as one that establishes a standard of conduct for the award of punitive damages, are necessarily subject to varying interpretations by every federal and state court, unless the Supreme Court establishes a national interpretation of it. Even if the Supreme Court does so, such a provision's application to the facts of particular cases may vary among juries. Therefore, the possibility of uniformity should not be overestimated.

Glossary

The extent to which each of the following concepts is applicable in particular products liability lawsuits depends upon the relevant state law.

Alteration of product. A possible contributing cause to an injury that may be performed by a plaintiff or a third party, such as a plaintiff's employer; it may reduce or eliminate a defendant's liability.

Assumption of risk. A form of contributory fault by a plaintiff; it may reduce or eliminate a defendant's liability.

Breach of warranty. A basis for liability that does not require the plaintiff to prove that the defendant was negligent, but does permit the defendant to raise certain contract law defenses to avoid liability.

Collateral source. A source, such as an insurance company or governmental entity, that compensates an injured party for the injury, and may, through subrogation, be entitled to recover such compensation.

Collateral source rule. The rule that a plaintiff's damages will not be reduced by amounts he recovered from sources other than the defendant, such as health insurance benefits.

Comparative negligence. The rule that plaintiff's recovery will be reduced in proportion to the degree that his own negligence (or other fault) was responsible for his injury. In its modified form, recovery is barred if the plaintiff's responsibility exceeds a specific degree, such as 50%.

Contributory negligence. Negligence (or other fault) on the part of the plaintiff that is wholly or partially responsible for his injury. In a few states, any degree of contributory negligence will totally bar recovery.

Design defect. A defect resulting from a product that, although manufactured as it had been designed, was not designed as safely as it should have been.

Economic damages. Out-of-pocket expenses incurred by the plaintiff, such as medical bills or loss of income.

Failure to warn. A defect consisting of the defendant's failure to provide adequate warnings or instructions regarding the use of its product.

Government contractor defense. A rule established by the Supreme Court enabling a defendant whose product complied with federal government contract specifications to avoid liability in some cases. Boyle v. United Technologies Corp., 487 U.S. 500 (1988).

Government standards defense. A rule in a few states enabling a defendant whose product complied with government safety standards to avoid liability or to establish a presumption that its product was not defective.

Joint and several liability. The rule that each defendant who contributes to causing a plaintiff's injury may be held individually liable for the total damages.

Lawyers' contingent fees. Fees payable only upon recovery of damages, based upon a percentage of the recovery.

Manufacturing defect. A defect resulting from a product's not having been manufactured as it had been designed. Compare with "Design defect," supra.

Market share liability. Liability for the percentage of a plaintiff's damages equal to the defendant's market share of the injury-causing product; a few cases have held market share liability applicable where a plaintiff cannot prove that a particular defendant manufactured the injury-causing product.

Misuse of product. A form of contributory fault by a plaintiff; it may reduce or eliminate a defendant's liability.

Negligence. Breach of a duty to exercise due care; it is the traditional non-intentional tort standard in cases not based upon strict liability.

No-fault recovery. Recovery permitted in the absence of fault; it is not the law in any state with respect to products liability. If adopted in the product liability context it would permit recovery in the absence not only of negligence (as strict tort liability does), but in the absence of a product defect.

Noneconomic damages. Damages payable for items other than out-of-pocket expenses, such as pain and suffering or punitive damages. Statutory caps on noneconomic damages, however, are generally distinct from statutory caps on punitive damages.

Patent danger rule. The rule that a manufacturer is not liable for an injury caused by a design defect if the danger should have been obvious to the product user.

Periodic payments of future damages. Payments by a defendant for a plaintiff's future expenses on a periodic basis rather than in a lump sum.

Post-manufacturing improvements. Improvements in a product's design that occur after an injury and which plaintiffs seek to introduce in court as evidence that an injury-causing product was defective.

Punitive damages. Damages (also called "exemplary damages") awarded, in addition to economic damages and other noneconomic damages, to punish a defendant for willful or wanton conduct.

Restatement (Second) of Torts. A statement of tort law written by legal scholars; section 402A, which provides for strict tort liability for injuries caused by defective products, has been adopted by most states. On May 20, 1997, the American Law Institute adopted Restatement of the Law (3d), Torts: Product Liability, which is intended to replace section 402A.

State of the art defense. The defense that permits a defendant to avoid liability in a design defect case if at the time of manufacture there was no feasible safer design available, or in a failure to warn case if at the time of manufacture there was no reasonable way that the defendant could have known of the danger he failed to warn against.

Statute of limitations. A statute specifying the number of years after injury occurs, or is discovered, or its cause is discovered, within which suit must be filed.

Statute of repose. A statute specifying the number of years after a product is first sold or distributed within which suit must be filed; it supplements the statute of limitations. Manufacturers favor statutes of repose because they preclude recovery when products are old; consumers oppose them because they result in suits being barred before injuries even occur.

Strict tort liability. Liability established if a plaintiff proves that a product defect caused an injury; the plaintiff need not prove that the defendant was negligent.

Subrogation. The right of a collateral source, such as an insurance company or governmental entity, that compensates an injured party, to recover the amount it paid to the injured party, by taking over the injured party's right to recover from the person who caused the injury.

Useful life limitation. A period of time set forth by statute after which a product's useful life is deemed over and suit is barred or a presumption that the product was not defective is created; this is similar to a statute of repose.

Workers' compensation. Statutes in every state providing for limited no-fault compensation against employers by workers injured on the job. Receipt of such compensation ordinarily precludes a worker from suing his employer; it does not preclude him from suing a product manufacturer.

Federal Statutes Enacted, 97th-109th Congresses

The 97th Congress enacted P.L. 97-45, the Product Liability Risk Retention Act of 1981. The 98th Congress enacted P.L. 98-193, a clarification of the Product Liability Risk Retention Act of 1981. This statute was intended to permit "product manufacturers, sellers, and distributors to purchase ... insurance on a group basis or

to self-insure through insurance cooperatives called 'risk retention groups.'" S.Rept. 97-192, 97th Cong., 1st Sess. Federal legislation was necessary to accomplish this because many states have laws that would make the formation of such groups impractical on an interstate basis. The statute therefore exempts purchasing groups and risk retention groups from most regulation by states other than the ones in which they are chartered.

The 99th Congress enacted the Risk Retention Amendments of 1986, P.L. 99-563, which expanded the scope of the Product Liability Risk Retention Act of 1981 to enable risk retention groups and purchasing groups to provide all types of liability insurance, not only products liability insurance. It renamed the act the Liability Risk Retention Act of 1986, 15 U.S.C. §§ 3901 *et seq*.

The 99th Congress also enacted the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 *et seq.* As amended, the act requires most persons suffering vaccine- related injuries, prior to filing a tort action, to file a claim in the U.S. Court of Federal Claims for no-fault compensation through the National Vaccine Injury Compensation Program established by the act. Under the Program, compensation for pain and suffering is limited to $250,000. A party not satisfied with the compensation awarded under the Program may file a tort action under state law, but subject to some limitations. Although recovery under the Program is limited, it was hoped that "the relative certainty and generosity of the system's awards will divert a significant number of potential plaintiffs from litigation." H.Rept. 99-908, Part 1, 99th Cong., 2d sess. 13 (1986).

On August 17, 1994, the President signed into law the General Aviation Revitalization Act, P.L. 103-298, which established an 18-year statute of repose (see glossary) for planes with fewer than 20 seats that are not used in scheduled service. 49 U.S.C. § 40101 note.

The 104th Congress passed a products liability bill, H.R. 956, but failed to override President Clinton's veto of it.

The 104th Congress also enacted the Bill Emerson Good Samaritan Food Donation Act (P.L. 104-210), which limits civil and criminal liability for a person or gleaner ("a person who harvests for free distribution to the needy"), except in cases of gross negligence or intentional misconduct, who donates apparently wholesome food or an apparently fit grocery product "in good faith to a non-profit organization for ultimate distribution to needy individuals." It also limits liability of the non-profit organization that receives the donation, except in cases of gross negligence or intentional misconduct.

The 105th Congress enacted H.R. 872, the Biomaterials Access Assurance Act of 1998 (P.L. 105-230), which limits the products liability under state law of biomaterials suppliers, which it defines as an entity that supplies a component part or raw materials for use in the manufacture of an implant.

The 106th Congress enacted H.R. 775, the Y2K Act (P.L. 106-37), which limits contractual and tort liability under state law in suits, other than those for personal

injury or wrongful death, "in which the plaintiff's alleged harm or injury arises from or is related to an actual or potential Y2K failure...."

The 107th Congress enacted the Homeland Security Act of 2002 (P.L. 107-296), three sections of which limit the products liability of various defendants: section 304 immunizes manufacturers and administrators of smallpox vaccine from liability, section 863 limits the liability of sellers of anti-terrorism technology, and sections 1714-1717 limit the liability of manufacturers and administrators of the components and ingredients of vaccines. These provisions are discussed in CRS Report RL31649, *Homeland Security Act of 2002: Tort Liability Provisions*, by Henry Cohen.

The 108th Congress enacted P.L. 108-7, Division L, § 102, of which repealed 1714-1717 of P.L. 107-296 (2002).

The 109th Congress enacted the Protection of Lawful Commerce in Arms Act (P.L. 109-92). It prohibits "a civil action or proceeding or an administrative proceeding," except in six circumstances, against a manufacturer or seller of a firearm or ammunition, or a trade association, for damages "resulting from the criminal or unlawful misuse" of a firearm or ammunition. Section 5 of P.L. 109-92 is a separate law called the Child Safety Lock Act of 2005. With exceptions, it requires a "secure gun storage or safety device" (as defined in 18 U.S.C. § 921(a)(34)) on handguns, and provides that a person who has lawful possession and control of a handgun, and who uses such a device, is entitled to the same immunity as granted to gun manufacturers, sellers, and trade associations by P.L. 109-92. See CRS Report RS22074, *Limiting Tort Liability of Gun Manufacturers and Gun Sellers: Legal Analysis Public Law 109-92 (2005)*, by Henry Cohen.

The 109th Congress also enacted the Public Readiness and Emergency Preparedness Act (P.L. 109-148). Division C limits liability with respect to pandemic flu and other public health countermeasures upon a declaration by the Secretary of Health and Human Services of a public health emergency or the credible risk of such emergency. Victims could, in lieu of suing, accept payment under a new "Covered Countermeasure Process Fund," if Congress appropriates money for this fund. See CRS Report RS22327, *Pandemic Flu and Medical Biodefense Countermeasure Liability Legislation: P.L. 109-148, Division C (2005)*, by Henry Cohen.

110th Congress Legislation

H.R. 961 (Shuster)

The Respirator Access Assurance Act of 2007. Introduced February 8, 2007. Referred to House Judiciary Committee and House Energy and Commerce Committee. H.R. 961 would shield manufacturers and sellers of respirators from liability for defective design or warning in actions involving respirators that were approved by the National Institute on Occupational Safety and Health (NIOSH) and manufactured in compliance with NIOSH design and labeling standards.

H.R. 989 (Boren)

Innocent Sellers Fairness Act. Introduced February 12, 2007. Referred to the Committee on the Judiciary and the Committee on Energy and Commerce. Provides that a product seller would be liable for damages arising out of an accident unless it was the manufacturer, had participated in the design or installation of the product, or had "altered, modified, or expressly warranted the product in a manner not authorized by the manufacturer."

H.R. 1012 (Buchanan)

Small Business Growth Act of 2007. Introduced February 13, 2007. Referred to the House Subcommittee on Courts, the Internet, and Intellectual Property. This bill is not limited to products liability claims but would apply to civil claims. This bill would amend Rule 11(c) of the Federal Rules of Civil Procedure to make sanctions for filing pleadings, motions, or other papers for harassing, frivolous, or unsubstantiated lawsuits mandatory, rather than discretionary. The provisions of Rule 11 would also apply to civil actions in state court if the court determines that the action "substantially affects interstate commerce." H.R. 1012 also would require federal district courts to impose mandatory one-year suspensions from the practice of law in the federal district court of the most recent violation on attorneys who violate Rule 11 at least three times. The bill creates a rebuttable presumption of a Rule 11 violation if a party "has already litigated and lost on the merits in any forum in final decisions not subject to appeal on three consecutive occasions, and the claim or defense, respectively, involves the same plaintiff and the same defendant." One section of the bill, which is limited to personal injury claims, would limit venue in which such claims could be filed, in state and federal courts.

S. 243 (Ensign)

Medical Care Access Protection Act of 2007 (MCAP Act). Introduced January 10, 2007. Referred to the Senate Health, Education, Labor, and Pensions Committee. With respect to health care liability claims concerning the provision of health care goods or services, S. 243, with some exceptions, would create a three-year statute of limitations from "the date of the manifestation of injury" or a one-year statute of limitations from the date the plaintiff "discovers, or . . . should have discovered, the injury, whichever [date] occurs first." The bill would limit liability of health care providers for injuries caused not only by medical malpractice, but also by defective medical products (e.g., drugs, medical devices). Health care providers who prescribe or dispense Food and Drug Administration-approved prescriptions, drugs, biologic products, or medical devices for approved indications could not be named as a party to a product liability suit and would not be liable in a class action against the manufacturer, distributor, or product seller. The bill would impose a cap on noneconomic damages of $250,000 or a total of $500,000 in the event that noneconomic damages were awarded against multiple health care institutions, and a cap on punitive damages of the greater of $250,000 or twice the economic damages, and would set criteria for awarding punitive damages. In addition, the bill would prevent the discounting of an award for future noneconomic damages to present value, set limits on contingent fees for attorneys representing health care claimants, and establish qualifications for certain expert witnesses. S. 243 also would allow the introduction of evidence of collateral source payments, and, with exceptions, would reduce recovery by the amount of collateral source benefits to which the plaintiff is

entitled. Joint and several liability would be eliminated, and parties would only be liable for their portion of the damages awarded.

S. 244 (Gregg)

Healthy Mothers and Healthy Babies Access to Care Act. Introduced January 10, 2007. Referred to Senate Judiciary Committee. S. 244 is substantially similar to S. 243, except that it concerns claims concerning obstetrical or gynecological goods or services.

S. 328 (Menendez)

Ensuring Implementation of the 9/11 Commission Report Act. Introduced January 17, 2007. Referred to the Senate Committee on Foreign Relations. Section 117 of the bill would limit civil liability for the donation of fire control or fire rescue equipment to volunteer fire companies, except in cases of gross negligence or intentional misconduct or cases in which the donor is the manufacturer of the equipment. The bill would also preempt inconsistent state laws.

For Additional Reading

American Enterprise Institute. Arbitrary and capricious product liability regimes. [http://www.aei.org/docLib/20070104_LiabilityOutlookPosted_g.pdf]

Economic Policy Institute. The Frivolous Case for Tort Law Change: Opponents of the legal system exaggerate its costs, ignore its benefits, by Lawrence Chimerine and Ross Eisenbrey. Washington, D.C., 2005. [http://www.epi.org/content.cfm/bp157]

——. Tort Costs and the Economy: Myths, exaggerations, and propaganda, by Ross Eisenbrey. Washington, D.C., 2006. [http://www.epi.org/briefingpapers/174/bp174.pdf]

Rand Corporation Institute for Civil Justice. Asbestos Litigation. Santa Monica, CA, 2005. [http://www.rand.org/pubs/monographs/2005/RAND_MG162.sum.pdf]

——. Product Liability and the Business Sector. Santa Monica, CA, 1989.

——. What We Know and Don't Know About Product Liability. Santa Monica, CA, 1993.

Tillinghast-Towers Perrin. U.S. Tort Costs: 2006 Update on U.S. Tort Cost Trends. [http://www.towersperrin.com/tp/getwebcachedoc?webc=TILL/USA/2006/200611/Tort_2006_FINAL.pdf]

Pacific Research Institute for Public Policy. The U.S. Tort Liability Index: 2006 Report, by Lawrence J. McQuillan and Hovannes Abramyan. San Francisco, CA, 2006. [http://www.pacificresearch.org/pub/sab/entrep/2006/Tort_Reform_06.pdf]

Public Citizen's Congress Watch. Federal asbestos legislation: The winners are . . . Washington, D.C., May 2005.
[http://www.citizen.org/documents/master%20report.pdf]

U.S. Council of Economic Advisors. Who Pays for Tort Liability Claims?: An Economic Analysis of the U.S. Tort Liability System (April 2002). [http://www.whitehouse.gov/cea/tortliabilitysystem_apr02.pdf]

U.S. Department of Commerce. Bureau of Domestic Commerce. Product liability insurance: Assessment of related problems and issues; staff study. Washington, March 1976.

U.S. Department of Commerce. Interagency Task Force on Product Liability. Briefing report, Washington, January 1977; final report, Washington, November 1977.

——. Draft uniform product liability law (with analysis). *Federal Register*, vol. 44, January 12, 1979, p. 2996.

——. Final report of the insurance study. 1 vol. Washington, 1977.

——. Final report of the legal study. 7 vol. Washington, 1977.

——. Final report of the industry study. 2 vol. Washington, 1977.

——. Model Uniform Product Liability Act (with analysis). *Federal Register*, vol. 44, October 31, 1979, p. 62714.

——. Options paper on product liability and accident compensation issues. *Federal Register*, vol. 43, April 6, 1978, p. 14612.

U.S. General Accounting Office. Product Liability: Insurance rate levels and claim payments during the 1970s and 1980s. Washington, D.C., 1981. (GAO/HRD-91-108)
[http://archive.gao.gov/d19t9/144815.pdf]

——. Product Liability: Extent of "litigation explosion" in Federal courts questioned. Washington, D.C., January 28, 1988. (GAO/HRD-88 36BR)
[http://archive.gao.gov/d30t5/135159.pdf]

——. Product liability: Verdicts and case resolutions in five states. Washington, D.C., 1989. (GAO/HRD-89-99)
[http://archive.gao.gov/d26t7/140004.pdf]

U.S. Congressional Budget Office, The Economics of U.S. Tort Liability: A Primer. Washington, D.C., 2003.
[http://www.cbo.gov/ftpdocs/46xx/doc4641/10-22-TortReform-Study.pdf]

Guy Carpenter & Co., Inc., Recent Legislative and Judicial Trends Affecting the U.S. Casualty Industry, 2005.

[http://www.guycarp.com/portal/extranet/pdf/GCPub/Guy_Carpenter_Casualty_Legislative_Report_121605.pdf?vid=1]

CRS Reports

CRS Report RL22927, *Selected Federal Compensation Programs for Physical Injury or Death*, by Sarah A. Lister, Edward Rappaport, and C. Stephen Redhead.

CRS Report RL32286, *Asbestos Litigation: Prospects for Legislative Resolution*, by Edward Rappaport.

CRS Report RS21540, *Fairness in Asbestos Injury Resolution Act of 2003 (S. 1125, 108th Congress)*, by Henry Cohen.

CRS Report RS21815, *Fairness in Asbestos Injury Resolution Act of 2004 (S. 2290, 108th Congress)*, by Henry Cohen and Vanessa Burrows.

CRS Report RS22081, *S. 852: Fairness in Asbestos Injury Resolution Act of 2005*, by Henry Cohen and Vanessa Burrows.

CRS Report RS22088, *Fairness in Asbestos Injury Resolution Act of 2005 (H.R. 1360, 109th Congress)*, by Henry Cohen and Nathan Brooks.

CRS Report RS21931, *Lawsuit Abuse Reduction Act of 2005*, by Henry Cohen and Kenneth R. Thomas.

CRS Report 95-797, *Federal Tort Reform Legislation: Constitutionality and Summaries of Selected Statutes*, by Henry Cohen.

CRS Report RL31649, *Homeland Security Act of 2002: Tort Liability Provisions*, by Henry Cohen.

CRS Report RS22054, *Medical Malpractice Liability Reform: H.R. 5, 109th Congress*, by Henry Cohen.

CRS Report RS22075, *Medical Malpractice Liability Reform: S. 354, 109th Congress*, by Henry Cohen.

CRS Report RS22074, *Limiting Tort Liability of Gun Manufacturers and Gun Sellers: Legal Analysis of Public Law 109-92 (2005)*, by Henry Cohen.

CRS Report RL32560, *Selected Products Liability Issues: A Fifty State Survey*, by Henry Cohen.

CRS Report RS22327, *Pandemic Flu and Medical Biodefense Countermeasure Liability Legislation: P.L. 109-148, Division C (2005)*, by Henry Cohen and Vanessa Burrows.