

Industrial Defense

Scope of Practice

Schnader's industrial defense practice goes beyond the fundamental task of defending clients in personal-injury lawsuits arising from injury in the workplace. Chaired by Anthony Watkins, the Industrial Defense Team embraces every aspect of the industrial process, from manufacture and sale, to post-sale product servicing or rebuilding.

At the outset, Schnader attorneys provide sound advice and assistance with negotiations of contracts for sale of manufactured goods. A properly drafted contract can greatly reduce potential risks and exposure in the event of an injury and can avoid or reduce lost profits due to a malfunction. Where appropriate, an indemnity provision can often succeed in shifting the loss from the manufacturer to some other party in the chain of distribution.

Team Approach

At Schnader, we believe that a team approach is essential. We not only have counsel skilled in defending a wide range of personal injury actions, but we have extensive knowledge of contract law, particularly in the areas of indemnity, actual and exemplary damages and warranty. We are also familiar with the law of post-sale duty including recall, duty to warn and duty to retrofit.

Our team includes a number of attorneys with engineering backgrounds who have the technical knowledge and experience to assess the issues and develop the defense of claims arising out of workplace injury. In defending manufacturers, Schnader attorneys often see patterns of misuse of the equipment or even design or manufacturing defects. Our clients are well-served because our defense counsel has the courage to offer constructive criticism to the industrial manufacturing client.

In the event that a client is sued, damage control must be stressed from day one. To answer the complaint and send out standard discovery requests at this stage is simply not enough. Our attorneys give considerable thought to the affirmative defenses, advise clients about the ones most likely to be

effective, and tailor interrogatories and document production requests accordingly. Schnader attorneys remember that no two cases are ever exactly alike, and therefore they cannot be won by treating them as if they were.

Defense Approach

A vigorous defense is the only defense. No stone should be left unturned. A careful review of a client's document archive can be very productive. Very often, the same contracts will have been used for many years and will not have been properly read and updated at any point during that period of time. At times, indemnity provisions have been found in the unlikeliest of places, but once discovered, have been of considerable comfort to the manufacturer.

We conduct an exhaustive inquiry at the outset as to whether there are potential third parties available to whom some or all potential liability can be properly shifted. Very often, industrial products bear components that can be bought off the shelf or bought in bulk from other manufacturers. If the product failure can be attributed to one of these components, damages may be reduced if not avoided altogether. In addition, the designer and so-called manufacturer is not always the fabricator of a product, and in such situations, liability often can be avoided

It is our job to get into our opponents' minds by bringing a Schnader attorney skilled in plaintiff's practice onto the team. This can pay off at all stages, including discovery, settlement negotiations and, above all, at trial.

Our attorneys are experienced in managing cases in a cost-effective manner, but at the same time we never forget that the case is active 24 hours a day, every day, and we monitor our work closely to ensure that we act promptly whenever needed.

Contacts

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