

# Kenneth Ross Attorney at Law

Of Counsel, Bowman and Brooke LLP

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## Product Safety and Liability Prevention

Kenneth Ross is one of the world's most experienced and well-known lawyers practicing in the areas of product safety, product liability prevention, and regulatory compliance. He has been selected for inclusion in the *Guide to the World's Leading Product Liability Lawyers* (2007 and 2009) and *The International Who's Who of Product Liability Lawyers* (2009) and has been referred to by the National Law Journal as a "preventive law pioneer." Prior to entering private practice, Ken was an in-house lawyer at Westinghouse Electric and Emerson Electric where he counseled on safety and prevention issues and managed litigation.



In his safety and prevention practice, he advises U.S. and foreign manufacturers, product sellers, insurance brokers and insurance companies on ways to identify, evaluate and minimize the risk of liability, especially product and contractual liability. This advice is provided during product development as well as after sale.

Mr. Ross has written extensively on this subject. His recent writings can be accessed at <http://www.productliabilityprevention.com/plparticles.html>. He has also presented hundreds of seminars over the last 30 years on product safety and liability prevention and regulatory compliance in the U.S., Asia, Latin America, and Europe for business persons, engineers, lawyers, and insurance company personnel. See [www.productliabilityprevention.com](http://www.productliabilityprevention.com) for more information.

### Representative Services

Mr. Ross has provided the following services to manufacturers and sellers of all kinds of consumer products, industrial products, food, vehicles, and medical devices:

- **Safety Management** - policies, procedures, personnel, safety committees.
- **Safety Communications** - warning labels, instructions, ads, catalogs, safety videos.
- **Design and Manufacture** - hazard analysis, design decisions, quality, standards compliance, documentation.
- **Post-Sale** - management systems, recalls, retrofits, safety improvements, and government reports.
- **Document Management** - policies and procedures, implementation, education.
- **Contracts** - purchase and sales terms and conditions, contracting procedures, risk spreading techniques, dealer agreements.

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- **Regulatory Compliance** - reporting to various agencies such as the U.S. Consumer Product Safety Commission, the National Highway Traffic Safety Administration and the Food & Drug Administration.
- **Legal Audits** - pre-sale and post-sale legal audits, internal investigations, claims and litigation audits.
- **Legal Risk Assessments and Risk Management** - for manufacturers or insurance companies.
- **Ethics and Compliance** - codes of conduct, ethics and compliance policies and procedures, training, risk assessment.
- **Claims and Litigation Management** - policies and procedures, staffing, strategic planning, training, and managing litigation and claims.
- **Seminars and Training** - presented to manufacturers, product sellers, insurance companies, trade associations and insurance brokers on above issues.
- **Consulting Attorney and Expert Witness** - assist in the defense of litigation on safety and prevention issues such as warnings, post-sale duty to warn, document retention and recall.

In addition to offering the above services, Mr. Ross works with a variety of companies that assist him with design, warning label testing, warning label production, technical writing, risk analysis, crisis management, and recall issues. He can also make referrals to excellent product liability defense counsel all over the world.

Mr. Ross has worked for various U.S. and foreign insurance companies, risk retention groups, and insurance brokers. He has also presented a number of seminars on behalf of these entities for both their insureds and employees.

### **Warnings, Instructions, and other Safety Communications**

Mr. Ross helps companies analyze risk and develop adequate warnings and instructions. In addition, he has lectured and written extensively in this area, including co-authoring one of the early warnings compliance manuals while he was an attorney at Westinghouse Electric. Mr. Ross has also provided legal advice regarding the testing of warning labels and has helped several industries create industry-wide labeling systems. Some of the testing projects he has worked on include the Mr. Ouch label in 1980 and the water heater flammable vapor labels in 1990. He has also helped trade associations revise voluntary industry standards for their products to incorporate new general labeling standards.

In the area of instructions, Mr. Ross has revised many instruction manuals, promotional literature, advertising, and other communications.

### **Recalls, Retrofits, and Post-sale Safety Improvements**

Another area where Mr. Ross concentrates his practice is post-sale issues such as recalls and retrofits involving machinery, industrial equipment, consumer products, motor vehicles and accessories, medical devices and food. He has worked with the U.S. Consumer Product Safety Commission since the late 1970's and more recently with the FDA and the NHTSA.

He assists companies in setting up systems so that they can better identify possible safety issues as early as possible and also counsels them on all aspects of pre-sale and post-sale recall preparedness. Mr. Ross has assisted many companies in reporting safety issues to a government agency and implementing an acceptable corrective action program. Lastly, he has served as an expert witness in litigation on the issue of recall adequacy.