

Employee Training: Writing Defensively to Avoid Products Liability Litigation

Too often, documents created by companies in the ordinary course of business are used against them by plaintiffs in products liability cases. Medical technology and life sciences companies can be at risk, in particular, because of the amount and type of information that they are required to record as part of the manufacturing process. Because of the important role that documents play in litigation, companies need to **heighten awareness of products liability issues** and **teach employees to write defensively when creating documents**.

This course provides participants with **key information about basic products liability concepts and the documents that can negatively impact companies in litigation**. It discusses the techniques that employees can use to avoid creating the type of document that plaintiffs find useful and “best practices” for document management. By ensuring that its employees are recording information appropriately and responsibly, a company can do much to preserve its defense position and reduce the costs and stress associated with document discovery during litigation.

Course Overview: This course:

- Provides an overview of **basic products liability concepts**;
- Explains the **discovery process** and the important role that documents play in litigation;
- Describes how **plaintiffs** make use of documents created by medical technology and life sciences companies to **prove their cases**;
- Discusses the factors that tend to contribute to the creation of damaging documents, sometimes referred to as “**smoking gun**” **documents**;
- Identifies the **specific words and phrases** that medical technology and life sciences companies should avoid using altogether;
- Describes the **techniques** that employees can use when drafting documents to **avoid creating damaging documents**;
- Examines **case studies** based on actual claims to illustrate how companies have been affected by damaging documents; and
- Asks participants to **critique poorly drafted documents** by identifying the writers’ mistakes and suggesting alternative approaches.

Course Format: PowerPoint presentation, group discussion, small group break-out sessions and exercises, questions and answers.

Contact your broker or our Loss Control Department to schedule a training session. Our Loss Control Department offers a variety of educational programs designed to assist medical technology and life sciences companies with reducing their potential products liability exposures. Our training programs may be included as a complementary service to our policyholders or are available on a discounted basis, depending on the specific needs of the company. We also conduct these programs for companies that are not insured by Medmarc on a fee-for-service basis.