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The Products Liability Restatement: Was it a
Success?

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Introduction to the Symposium

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SYMPOSIUM

The Products Liability Restatement: Was It a Success?

INTRODUCTION

On November 13-14, 2008, the *Brooklyn Law Review* sponsored a symposium to address a not-so-simple question: *Was the Restatement (Third) of Torts: Products Liability* a success? The two-day event attracted the leading scholars in products liability. An ensemble of panelists, impressive both for their contributions to the field and for the diversity of their opinions, participated in the symposium in six separate panels.

All panelists addressed a current hot-button topic in products liability, covering such highly debated subjects as design defects, liability for defective drugs, defenses to liability, and liability for failure to warn. The first panel addressed the Restatement provisions on design defects. A second panel examined the proper evidentiary standards for use in determining drug defects, debating whether judges have the capacity to properly assess the science involved. Other panelists focused their discussion on federal preemption in products liability litigation, the only panel topic not given black letter in the Restatement. Another panel discussed the extent to which lawyers and judges should push the failure to warn doctrine after the *Restatement (Third)*. The two-day event ended with a look to the future in products liability. Panelists laid the groundwork for the issues that will unfold in the years ahead, each sharing their own perspective on the direction of products liability over the next decade.

Numerous panelists drafted papers in response to this symposium and the 10th Anniversary of the *Restatement (Third)*. The results of the invigorating symposium appear in this issue of the *Brooklyn Law Review*.