

Product Risk Management

Crowell & Moring's Product Risk Management Group (PRM) offers a unique, multidisciplinary approach to businesses in identifying and managing the legal risks involved in design, manufacturing, marketing, distribution, and sale of products. Our lawyers and policy professionals help clients navigate the complex legal and regulatory regimes, both domestically and internationally, applicable to the design and sale of their products and services as clients develop strategies to grow their businesses. The PRM Group assists clients in taking innovative and proactive measures to protect their business from the array of challenges before them, including regulatory compliance, government investigations, and product liability, including class action and mass tort litigation related to claims and representations regarding product performance and safety.

Clients report that our practice is one of a kind in its holistic, innovative, business-oriented, and end-to-end approach to risk management and mitigation.

Who we are. Our group consists of more than 25 lawyers and policy professionals from our offices across the United States as well as in Europe, and is led by former high-level government officials and nationally recognized prominent litigators in products liability and consumer protection. We were most recently selected to *Law360's* "Consumer Protection Practice Groups of the Year" listing, which describes our practice as helping "clients distinguish their products in a hectic, overcrowded market."

What we do. We help clients develop legal strategies that support business growth and minimize risk in a highly competitive and complex environment. We work with clients to address regulatory compliance and litigation relating to the design, manufacturing, marketing, distribution, and sale of products across a wide range of industries. Our practice is one of a kind in its holistic, innovative, practical, business-oriented, and end-to-end approach to risk management and mitigation.

Our team leverages deep knowledge in the wide range of legal fields this work requires, including:

- government investigation and enforcement
- product liability litigation
- consumer class action defense
- risk counseling
- reputation and crisis management
- sourcing, supply chain, distribution, and recall management
- product safety
- privacy and data protection
- import/export
- chemicals and environmental
- warranty
- regulatory compliance programs
- due diligence evaluation of target acquisitions for product liability risks

This enables us to handle the full range of commercial and regulatory legal issues facing our clients in a comprehensive and integrated approach focused on mitigating risk.

Experience before government agencies. We regularly appear before regulatory authorities such as the U.S. Consumer Product Safety Commission, the Federal Trade Commission, the U.S. Food and Drug Administration, the National Highway Traffic Safety Administration, the Environmental Protection Agency, Customs and Borders Protection, the Occupational Safety and Health Safety Administration, state attorneys general and regulatory agencies, Health Canada, Transport Canada, and the European

Commission. We have a track record of successfully litigating federal and state consumer protection and product safety enforcement matters, defending federal and state consumer class action litigation, and counseling on product recall issues.

Lifecycle management. Our Group works with companies across a wide range of industries that develop and sell products and services, including manufacturing, consumer products, food and beverage, telecommunications and media, and retail. We guide our clients as products and services are first conceived in design and in how best to position and monitor their innovations in the marketplace. We help our clients prepare for and address issues that may arise through the manufacturing of their products, distribution, and, ultimately, delivery to the end user. We coordinate with our Advertising & Media team to consider any media, branding or sweepstakes needs. We work with clients to maximize the value of their products and services, as well as their brands at every step of the lifecycle and distribution chain, and to minimize unpleasant surprises, whether from litigation, adverse regulatory action, or damage to brand reputation.

Product and service experience. We have represented some of the nation's leading companies in categories where the most narrow market share advantage is a battleground, including:

- alcoholic beverages
- airplane and helicopter parts
- airlines
- automobiles and auto parts
- appliances, household and industrial
- aviation and drones
- building and construction materials
- chemicals
- children's products
- cleaning products
- cookware
- cosmetics
- dietary supplements
- diapers, tampons, and paper products
- e-cigarettes and chargers
- filters for air and water
- food and beverages
- glass and glassware
- home furnishings and accessories
- hospitality
- herbicides and insecticides
- HVAC and refrigeration units
- medical devices
- mobile devices and handsets
- office supplies
- paints and thinners
- paper products
- personal care products
- pet supplies
- protective equipment
- recreational vehicles
- robotics
- software
- safety equipment
- sports equipment
- televisions, computers, printers, and consumer electronics
- telecommunications services
- textiles
- toys

- housewares

OUR APPROACH

Work as a team to address the full lifecycle of our clients' innovations. We work as a team, bringing the best and most relevant talent to the multifaceted challenges faced by your business. We hope to be in it for the long haul with you. So we encourage clients to get to know all of our lawyers and to feel comfortable with the team.

We partner with clients to develop comprehensive risk evaluation and early warning systems to reduce lifecycle costs for existing and new business ventures. Our experience, and the experiences of our clients, confirm that well-structured, front-end investment in these systems consistently produce significant cost savings and the avoidance of lawsuits and claims over the life of the products and services our clients create, sell, and support. When challenges are lodged, our clients are better prepared to defend them. We team clients with our experienced regulatory and prevention counselors, as well as tort litigators and trial lawyers, to develop compliance programs and business processes that envision how government regulators, courts, and opposing counsel may characterize events months or years in the future.

Embrace regulatory authorities. Our clients do not run and hide from regulatory agencies or from tort or regulatory legal requirements. Instead, they build good will and trust with agency officials over time. Crowell & Moring regularly helps our clients meet regulatory authorities and come to know them. Over and over, as other regulated entities suffer fallout from "run and hide" strategies, our clients build on the trust they have developed to avoid or mitigate adverse agency action.

"Become" our clients. We work intensely to build knowledge and understanding of our clients' products, industries, corporate philosophies, business goals, and strategies, then tailor our legal advice and representation to our client's needs and personality. We often come to serve as their institutional memory when it comes to developing new areas of business and evaluating a business idea's legal history and track record.

Understand, then achieve, victory. We learn early how our clients define "victory" in the potential outcome of their legal challenges and direct our counseling, litigation, and regulatory efforts to achieve that goal. We don't grandstand or pound our fists on tables for show. Our approach is tenacious, hardworking and detail-oriented. We dig deep into the facts and science to unlock issues and strategies for success.

Add value, not just bill time. We help you manage legal costs through application of the latest project management technology in order to stay on track and on budget, to staff and run matters efficiently and cost effectively. But, we also add continual value by watching out for your issues, business and legal team. We provide regular alerts and reports, and offer complimentary training programs on legal issues, so that you can stay on top of legal developments affecting your business. We invite you to participate with us at events and conferences, helping contribute to thought leadership and creating opportunities to make connections and build goodwill for your business.