Regulation limits could boost plaintiff awards, Bailey Glasser attorney Ben Lajoie writes

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In an article published in Law360, Benjamin Lajoie, an attorney at Bailey Glasser's Boston, Massachusetts, office, made the case that President Donald Trump's efforts to roll back federal regulations could have unintended consequences — especially for medical device manufacturers.

Why? Currently, medical device manufacturer's exposure to liability for faulty products are limited by a concept known as federal preemption. Essentially, if a device has gone through the Federal Drug Administration's approval process, with the FDA deeming the device both safe and effective, courts have limited the ability of plaintiffs to argue otherwise.

Lajoie argues that if Trump successfully weakens FDA regulations, he will also weaken the preemption defense for medical device manufacturers.

Law 360 Article – Less FDA Review May Boost Medical Device Plaintiff Awards

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Practice Areas

Medical Device & Drugs