



Douglas H. Fleming

Partner

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Doug bridges the gap between engineering and the law.

His practice centers on helping manufacturers to reduce risk when introducing new products and manage risk when problems arise with products in the field.

Product Development – Reducing Risk

- Assess hazard analysis and risk assessment practices and procedures
- Analyze product safety and litigation risk for new products and technologies
- Develop warnings and instructions
- Allocate responsibility among parties in manufacturing and distribution chains

Investigation of Pattern Problems With Products in the Field

- Represent companies before the U.S. Consumer Product Safety Commission and international counterparts
- Lead forensic engineering investigations working with in-house engineers and outside experts to identify and isolate problems while managing legal risks
- Design and implement product field actions and recalls
- Lead development of engineering solutions for problems with products in the field

Litigation Arising out of Alleged Product Failures

- Defend product manufacturers in catastrophic personal injury claims
- Represent product and component manufacturers in commercial warranty and other claims related to product failures
- National product liability counsel for large consumer electronics manufacturer for more than a decade
- Outside general counsel for major bicycle manufacturer for more than a decade
- Litigate throughout the U.S. and internationally, including in Canada, UK, Italy and the Netherlands

Areas of Technical Knowledge

- Virtual Reality and Augmented Reality Health and Safety, including medical science, human factors warnings and instructions, and management of legal risks



- Optical safety, including laser safety, photosensitivity and 3D display issues
- Switching power supplies, including shock and fire hazards associated with design and manufacturing issues and component failures
- Capacitors, including overvoltage failure modes and electrolyte combustion and corrosion issues
- Electro-mechanical switches, including thermal fuses, relays and variable speed switch issues
- Plastics, including fire rating, heat deflection temperature and electrical insulation issues as well as thermoforming, injection molding and rapid prototyping technologies
- Consumer electronics, including electrical and mechanical hazards, ergonomics and over-voltage and over-current protection issues
- Bicycles, including bicycle and bicycle accessory failure analysis and compliance with CPSC, ANSI, ASTM and CEN safety standards

Areas of Legal Practice

- Product liability law, including indemnity, warranty, component supplier, fault allocation, tender, insurance and OEM and component supplier contracting issues
- Commercial sale of goods, with a particular focus on Article 2 of the Uniform Commercial Code, the United Nations Convention for the International Sale of Goods (CISG) and similar laws
- Antitrust law, including distribution, joint venture, price discrimination and merger and acquisition issues

Before Fox Rothschild

Prior to joining Fox Rothschild, Doug was a principal at Riddell Williams.

Beyond Fox Rothschild

Doug frequently gives presentations to in-house counsels on obtaining value from medium sized commercial claims.

Honors & Awards

- Named a "Washington Rising Stars" by Thomson Reuters
- Named a "Top Rated Products Liability Attorney in Seattle" by SuperLawyers

Practice Areas

- Litigation
- Privacy & Data Security
- Product Liability & Mass Torts

Bar Admissions

- Washington

Court Admissions

- U.S. Court of Appeals, Ninth Circuit

Education



- University of California, Los Angeles, School of Law (J.D., 1991)
- Pomona College (B.A., 1987)

Emerging Technology

Technology is advancing at an ever-increasing pace, presenting businesses with new and challenging risks. Doug leverages his knowledge of this area to lead a Fox team dedicated to helping manufacturers whose products incorporate emerging tech such as artificial intelligence, AR/VR, automation, machine learning and smart devices (Internet of Things/IoT) lower their risk of class action lawsuits, pattern product liability claims and recalls. The Emerging Tech group provides strategic advice on:

- Product safety testing and documentation
- Hazard analysis and risk assessments
- Product warnings and instructions (often with outside experts)
- Risk allocation strategies through contracting
- Privacy concerns
- Dispute and litigation avoidance and preparedness measures
- Forensic engineering investigations
- Product safety regulatory reporting and corrective actions

For details, visit our [Emerging Tech: AI, AR/VR, IoT, Automation](#) group page.