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Conn. High Court Modifies Design Defect Standards

Jim Rotondo and Jennifer Shukla wrote an article, "[Conn. High Court Modifies Design Defect Standards](#)," for *Law360*. The article is about the significance of the decision in *Izzarelli v. R.J. Reynolds Tobacco Co.*, 321 Conn. 172 (2016) (officially released May 3, 2016) nicknamed by the media as the "Good Tobacco" litigation. With the decision, the Connecticut Supreme Court altered the legal landscape in Connecticut for design defect product liability claims. The authors describe the case as "Connecticut Supreme Court's attempt at finding a middle ground in a national debate about the best standard to use in design defect product liability cases." The plaintiff sued R.J Reynolds for allegedly intentionally manipulating the additives and nicotine content in its Salem brand of cigarettes to make the cigarettes more addictive and consequently more carcinogenic and won the first trial. The case established that the modified consumer expectations test, which involves balancing several risk and utility factors and will generally require expert evidence, is the default and primary standard for design defect cases in Connecticut. The case fits squarely within a national trend of moving away from the ordinary consumer expectations test in design defect cases.

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