Wheeler Trigg O'Donnell

"Choice of Law: Little-Recognized Punitive Damages Issues," Leader's Prod. Liab. L. & Strategy, at 1, (March 1999).

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Contrary to the apparent belief of many product liability practitioners, the fact that a particular state's laws govern the underlying product liability issues does not necessarily mean that the same state's laws govern the punitive damages issues.

Conflict-of-laws issues in most states are decided by first identifying each pertinent state's interest in the application of its law and then comparing how those interests would be affected by the application of each of those states' laws.

The predominant such test is the "most significant relationship" test set forth in the Restatement (Second) of Conflict of Laws. This article provides an in-depth analysis of this test.

Related Professionals

Malcolm E. Wheeler
Counsel Emeritus

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