



Sifting Through the Ashes - Using Fire Science in the Defense of a Product Liability Claim

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The graphic features a sequence of three images: a fire, a red car, and a damaged car, connected by a plus sign and an equals sign. Below the images is the title 'SIFTING THROUGH THE ASHES USING FIRE SCIENCE IN THE DEFENSE OF A PRODUCT LIABILITY CLAIM' in orange text. At the bottom, it says 'By: Jonathan T. Barton' and the logo for 'SANDBERG PHOENIX & VON GONTARD P.C.'.



The destroyed evidence is evidence of a defect because products do not ordinarily cause fire unless they are defective. . . .

Or misused...
Or modified...
Or attacked by fire...



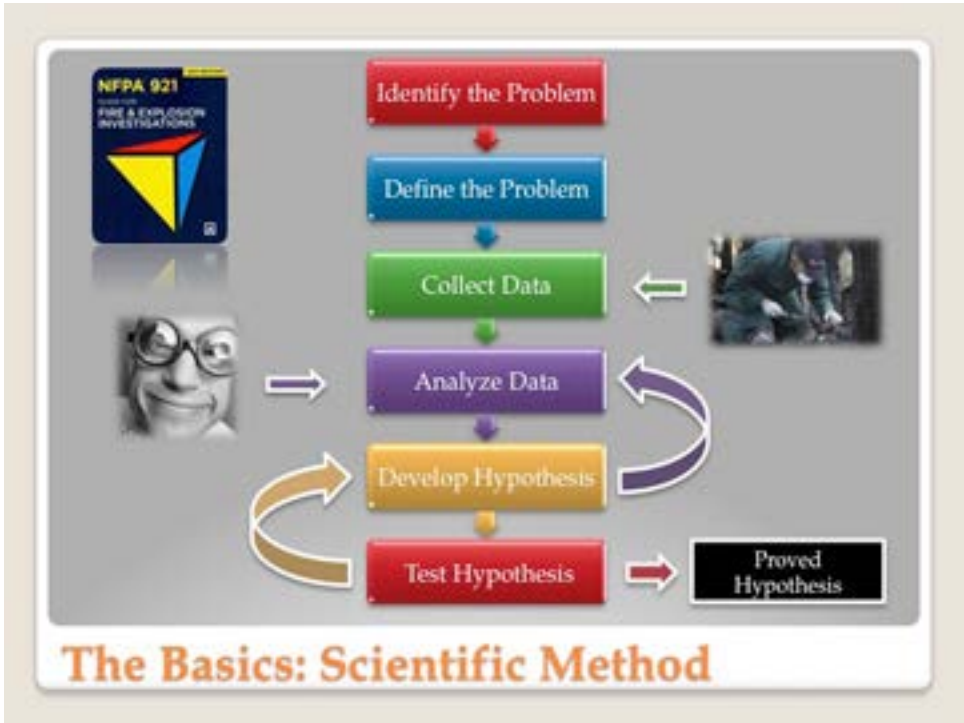
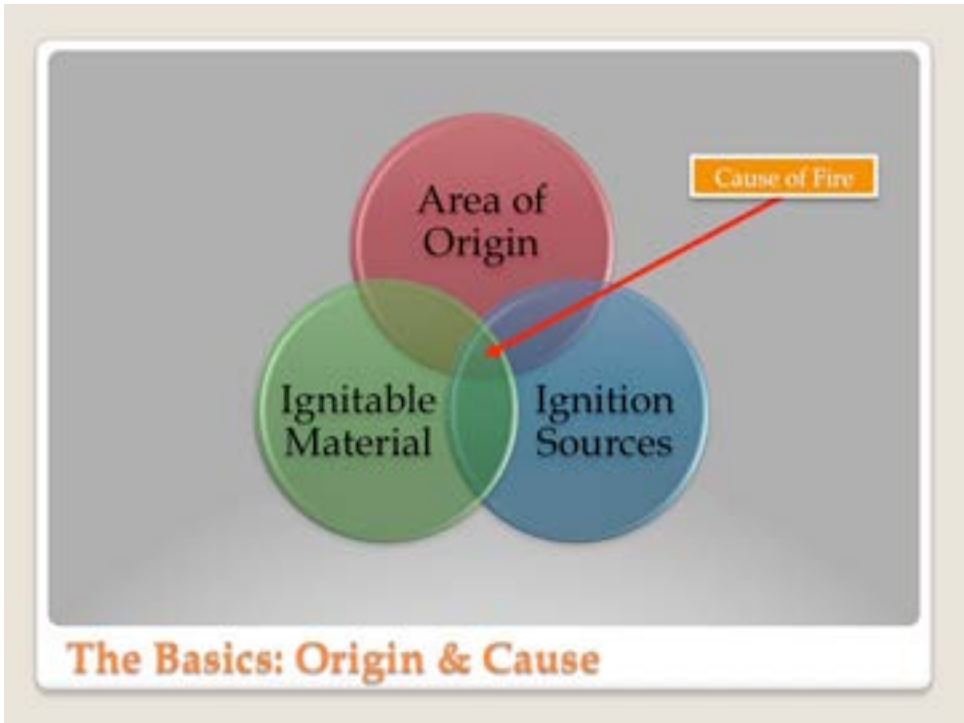
The Perfect Product Liability Case:
res ipsa product defect.

-  Lit On Fire
-  Power Washed
-  Trampled
-  Shoveled
-  Left to the Elements



First Responder's Report

The Scene: Not Very Pristine.





Advance Investigation



Advance Investigation



Witnesses have useful information too.

12:49 p.m.

Collect the Data: (All Data)



It is critical to interview the Firemen who were on scene



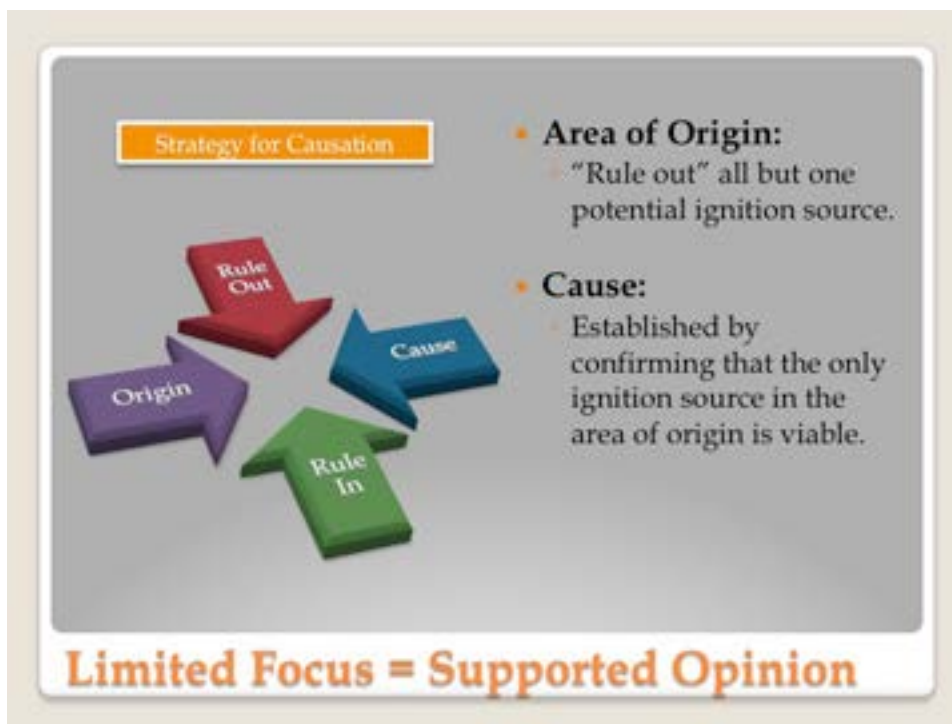
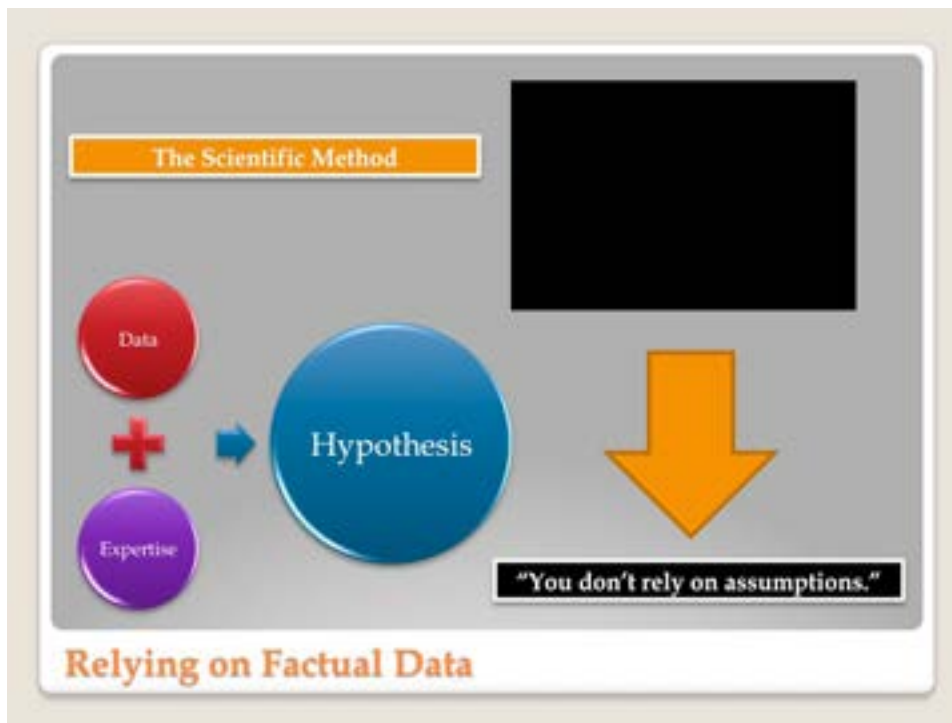
Fire in Garage

Josh In Garage

Josh Leaves



Everybody Loves a Uniform

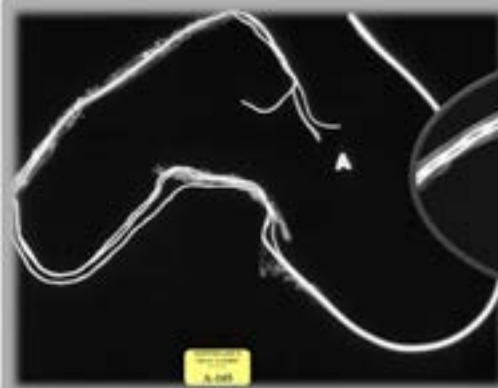




I'm going to assume the evidence that contradicts my theory wasn't there.



Data: Limiting the Potential Cause



No 10 foot power cords.



Analyze the Data: Know thy Product



The fire was caused by an unknown component that suffered an unknown malfunction creating excess heat.



Analyze the Data



Thank You.

About Jon Barton

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Jonathan Barton is a shareholder of Sandberg Phoenix & von Gontard. He is a member of the firm's products liability practice group and is active in the firm's general litigation and business litigation practice. Jon is engaged in all aspects of litigation from the initial claim investigation stage through trial before the bench and jury in both state and federal courts. He has extensive experience in defending products liability cases involving a wide array of industrial machinery, motorized vehicles, electrical components (including medium and high voltage equipment) and consumer goods. Jon is also experienced in cases involving fire science, premises liability, transportation law, intellectual property litigation and insurance defense.

Jon is a regular speaker to members of the Missouri and Illinois Bar as well as attorneys and general counsel on a national basis. He presents seminars on issues involving integration of technology during the discovery process and at trial as well as advanced trial and deposition skills and techniques. Jon also hosts a yearly web seminar on ethics from the litigator's perspective.

Jon received the honor of being named by Missouri Lawyers Weekly as one of the Up & Coming Lawyers in Missouri for 2008. He was also named a Rising Star by Missouri & Kansas Super Lawyers in 2010 in the area of "Personal Injury Defense: Products." He was chosen as one of the St. Louis Business Journal's "40 Under 40" recipients based on his career achievements and community work. In addition, Jon received an AV Peer Review Rating on Martindale Hubbell which was given by his peers for his high level of professional excellence.

Civic Activities

- Volunteer: St. Louis Lawyers and Accountants for the Arts (2001 to present). Board of Directors (2011 to present).
- Volunteer: Bar Association of Metropolitan St. Louis (2001 to present). Volunteer yearly as a guest judge for the high school mock trial competition.
- Adjunct Professor: Washington University. Coach of the national intercollegiate mock trial team - 2003-2005.

Professional Activities

- Member of the Order of Barristers and is the recipient of two consecutive Lewis F. Powell, Jr. Awards for Excellence in Advocacy, issued by American College of Trial Lawyers.
- Chairs the firm's Technology Committee and serves on the firm's Professional Development Committee.

Education

- Juris Doctor, with honors, Drake University School of Law in 1998
- B.A. in Political Science, Saint Louis University in 1994