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Q3 2025 Legal Review: Autonomous Systems and Strict Products Liability

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The widespread deployment of commercial autonomous systems and Level 3/4 vehicles tests California strict products liability and comparative fault doctrines.

In the third quarter of 2025, the proliferation of commercial autonomous vehicle fleets, robotic industrial automation, and algorithmic control systems presented complex challenges to California tort law. Courts and trial attorneys were tasked with applying foundational products liability principles—originally forged in mechanical manufacturing—to sensor failures, neural network edge-cases, and shared human-machine control.

I. The Barker v. Lull Framework in the Software Era

In evaluating whether an autonomous system is defective, California courts apply the two-prong design defect test established in *Barker v. Lull Engineering Co.* (1978) 20 Cal.3d 413:

1. **The Consumer Expectations Test:** Does the autonomous vehicle or robotic system perform as safely as an ordinary consumer would expect when used in an intended or reasonably foreseeable manner?
2. **The Risk-Benefit Test:** Does the gravity and probability of the danger inherent in the system's algorithmic design outweigh the technical and financial feasibility of a safer alternative design?

In autonomous driving cases, plaintiffs increasingly satisfy the risk-benefit test by demonstrating that redundant LiDAR sensors, improved computer vision models, or stricter handover protocols could have prevented collision events.

II. Comparative Fault and Handover Protocols

A primary defense asserted by autonomous manufacturers centers on comparative fault under *Li v. Yellow Cab Co.* (1975) 13 Cal.3d 804, arguing that human drivers failed to resume manual control during transition demands. However, human-factors experts and trial courts evaluate whether the vehicle provided adequate, timely, and unambiguous visual and auditory warnings before catastrophic disengagements.

III. Trial Strategy & Discovery in Autonomous Tort Litigation

For personal injury and catastrophic loss litigators, autonomous systems litigation requires forensic technical discovery:

- **Event Data Recorder (EDR) & Telemetry Preservation:** Counsel must immediately serve comprehensive spoliation notices demanding raw sensor logs, LiDAR point clouds, camera feeds, and neural network decision trees.
- **Joint Tortfeasor Analysis:** Claims must properly join software developers, hardware sensor manufacturers, fleet operating entities, and vehicle OEMs under joint and several liability rules.
- **Expert Witness Stacking:** Successful prosecution or defense requires specialized experts in robotics, neural network architecture, computer vision, and cognitive ergonomics.

Practice	Personal Injury
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