



**Partner  
New York Office**

**Practice Areas**

Social Services Organizations  
Sexual Abuse/Misconduct  
Aviation  
Products Liability  
Construction Litigation  
Professional Liability  
Dram Shop  
General Trial and Appeals  
Employment/Civil Rights  
Food Borne Illness  
Church Liability  
Toxic Torts  
Coverage

**Education**

B.A., Hamilton College, 1982

J.D., Southern Methodist  
University College of Law, 1985

**New York**

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**David S. Rutherford**

Trial and appellate practice focusing on aviation, products liability, sexual abuse/sexual misconduct, construction, professional liability, complex and catastrophic injury litigation, dram shop, restaurant liability, First Amendment and Civil Rights, employment and catastrophic injury cases. Serves as trial counsel for major nationwide companies and social services organizations, as well as insurance carriers, both primary and excess.

**Representative Experience:**

- Has served as local trial counsel for major United States airline, having handled in excess of 500 such cases during the past decade
- Has defended and served as trial counsel for social services organizations, social workers and mental health professionals in sexual abuse/ sexual misconduct litigation
- Has served as trial counsel to some of the world's top restaurants in liability matters in New York and Connecticut
- Has defended religious entities on a variety of issues ranging from First Amendment protection to sexual misconduct by clergy
- Has a nationwide practice, having handled cases in 47 of the 50 states and has argued appeals in the Supreme Courts of several states
- Has defended manufacturers and distributors of a wide range of products, including helmets, sporting and recreational equipment, paints and solvents, chemicals, pesticides, tractors, presses, industrial machinery, tools, beverage containers, pharmaceuticals, nutritional supplements and aviation components
- Has litigated numerous complex and catastrophic injury cases including multiple deaths, quadriplegia, double leg amputations, double hand amputations, loss of organs and severe brain injury
- Has been involved in risk prevention and management, the design of product recalls and retrofits and the drafting of product warnings
- Has drafted insurance policies and endorsements and litigated coverage issues involving a wide range of policies

Representative Cases:

- *Ehrlich v. American Airlines, Inc.*, 360 F.3d 366 (2d Cir. 2004)
- *King v. American Airlines, Inc.*, 284 F.3d 352 (2d Cir. 2002)
- *J.S. v. Children of America, Inc.*, 696 Fed.Appx. 39, 2017 WL 3614441 (2d Cir. 2017)
- *Sullivan v. City of New York*, 690 Fed.Appx 63, 2017 WL 1948256 (2d Cir. 2017)
- *Wilson v. Diocese of New York.*, 1998 WL 82921 (SDNY Feb. 26, 1998)
- *Newyear v. Church Ins. Co.*, 155 F.3d 1041 (8<sup>th</sup> Cir. 1998)
- *Doe v. Evans*, 814 So.2d 370 (Fla. 2000)
- *Albright v. White*, 202 W. Va. 292, 503 S.E.2d 860 (W. Va. 1998)
- *F.G. v. MacDonell*, 150 N.J. 550, 696 A.2d 697 (N.J..1997)
- *Galbut v. American Airlines ,Inc.*, 27 F. Supp.2d 146 (EDNY 1997)
- *Coventry Coating Corp. v. Verlan Fire Ins. Co.*, 303 A.2d 164, 756 N.Y.S.2d 505 (Slip Op. N.Y.A.D. 1 Dept. Mar 4, 2003)

Admissions to Practice:

- New York State Trial and Appellate Courts
- United States District Courts, for the Eastern, Western, Southern and Northern Districts of New York
- United States District Court, Connecticut
- United States Circuit Court of Appeals, Second and Eighth Circuits
- United States Supreme Court

Professional Memberships and Affiliations:

- Defense Research Institute
- New York State Bar Association
- National Retail and Restaurant Defense Association
- CLM

Seminars and Speeches:

- Mr. Rutherford has spoken at client seminars and CLE programs on a variety of topics, including aviation, Labor Law, discovery and trial practice issues.