



Partner
New York Office

Practice Areas

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

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David S. Rutherford

Trial and appellate practice focusing on aviation, products liability, 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, 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 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, 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)
- *Wilson v. Diocese of New York.*, 1998 WL 82921 (SDNY Feb. 26, 1998)
- *Newyear v. Church Ins. Co.*, 155 F.3d 1041 (8th 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 Court, for the Eastern, Southern and Northern Districts of New York
- United States District Court, Connecticut
- United States Circuit Court of Appeals, Second and Eighth Circuits

Professional Memberships and Affiliations:

- Defense Research Institute
- New York State Bar Association
- American Bar Association

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.