



Richard H. Rubenstein

Senior Counsel

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Rich Rubenstein principally practices in the area of product liability defense, with a focus on gray market products originating from Japan. He also has experience in the prosecution of trademark infringement actions.

As counsel to manufacturers and distributors of agricultural and industrial machinery, construction equipment, and consumer and office products, Rich has litigated product liability cases involving death, serious injury and property damage claims. He also has experience in planning and implementing gray market countermeasure programs on behalf of his clients. He additionally has been involved in ground-breaking trademark infringement actions against importers and retailers of used versions of his clients' products.

Rich earned a master's degree in mechanical engineering from MIT, where he was a National Institute of Health Fellow and took courses in biomedical engineering and conducted research on the development of artificial skin for massive burn victims. His engineering background and graduate-level research experience enable Rich to fluently communicate with clients and experts regarding the technical aspects of the products he defends as well as to digest and effectively leverage technical papers and scientific literature, both affirmatively and defensively.

Product Liability

Rich has extensive experience litigating, trying and appealing product liability cases for his clients and also has been successful in obtaining favorable settlements in multi-party suits and avoiding the need for litigation. He makes himself available on a 24/7 basis to ensure that clients worldwide receive a same-day response to their needs.

In a case of first impression in the gray market area, Rich and an appellate team in New

Services

- Appellate
- Asbestos & Talc
- Asia
- Intellectual Property & Technology
- Italy
- Product Liability, Prevention & Government Compliance
- Toxic Tort

York and Arkansas recently won a significant victory for a Japanese tractor manufacturer and its U.S. subsidiary in the appeal of an adverse product liability verdict before the Arkansas Supreme Court. The Court reversed the trial court decision and dismissed the case on the grounds that there was no personal jurisdiction over the Japanese defendant and the U.S. defendant had no duty to warn or otherwise act. He tried and won another recent gray market tractor case brought in Alabama against a Japanese manufacturer involving a wrongful death claim arising from a rollover accident.

Rich's significant accomplishments for clients also include the successful defense at trial of an office product that was in violation of industry standards. In two other product liability cases involving gray market products, he succeeded in obtaining voluntary dismissal of two different Japanese manufacturers after filing of jurisdictional motions, before the courts were allowed to rule. He also obtained the voluntary dismissal of an \$800,000 fire subrogation property damage case in the Southern District of New York where the plaintiff had spoliated the crucial evidence. In addition, Rich defended the manufacturer of portable fire extinguishers in the Happyland Social Club Litigation, which arose out of a notorious incident in which 87 people died in an intentionally set fire at an illegal social club in the Bronx.

Education

- The George Washington University Law School (J.D., 1981)
- Massachusetts Institute of Technology (M.S., 1977)
- Hofstra University (B.S., 1975)

Bar Admissions

- New York

Professional Affiliations

- Association of the Bar of the City of New York
- Defense Research Institute (DRI)

Awards & Honors

- AV® Preeminent™ Rated by Martindale-Hubbell

Events

January 7, 2021

“Arise Out of or Relate to”: Which Way Will the Ford Cases Steer SCOTUS on Specific Jurisdiction?

Wilson Elser