

## Robert H. Rutherford

Partner

Birmingham, AL  
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Robert Rutherford has represented a wide range of defendants in commercial lawsuits spanning the last thirty-one years and all across the Southeast. This representation includes the defense of over fifty class actions. These defendants include national banks, credit card companies, insurance companies, retailers, finance companies, automobile dealers, cruise line companies, and product manufacturers.

Robert's clients have faced state, regional, and national class actions alleging systemic violations by the defendants in the sale and distribution of products and services. Many of the class action cases against these clients were defeated at an early stage of the case through aggressive use of dispositive motions. Other cases were successfully defended on a class-wide basis through an emphasis on how the claims of individual class members differed and how each would be subject to unique defenses, all of which served to defeat class treatment of those claims.

Some of these clients used the filing of class actions as a means to minimize their exposure to serious problems with their corporate practices, and Robert has helped devise creative solutions through innovative arrangements that resolved the clients' continued exposure.

Throughout his career, Robert has handled numerous commercial lawsuits at the trial and appellate levels on contract, tort, First Amendment, franchise, antitrust, securities, trade practices and tax matters. He has also been hired on frequent occasions by various companies to take over the post-trial and appellate work after those companies lost in the trial court. His success rate on all appeals exceeds 85%. He has recently served as lead counsel for the National Collegiate Athletic Association ("NCAA") in a series of defamation cases arising out of the NCAA's investigation of the University of Alabama's football program. All of those cases against the NCAA have been successfully defended.

### PARALEGAL/ASSISTANT

Paralegal

Lori Miller  
(205) 458-5356  
[lgmiller@burr.com](mailto:lgmiller@burr.com)

Legal Practice Assistant

Robbin Stewart  
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[rstewart@burr.com](mailto:rstewart@burr.com)

### CAPABILITIES

Appellate Litigation

Financial Institutions

Mediators & Arbitrators

Commercial Litigation

Consumer Finance Litigation & Compliance

Tax Law

Trusts, Estates, & Fiduciary Litigation

Class Action

Commercial Arbitration

Real Estate

### EDUCATION

J.D., summa cum laude, University of Alabama School of Law

B.A., Auburn University (1980)

### LICENSED IN

Alabama

# Robert H. Rutherford

He has also represented several manufacturers in tax litigation and either obtained substantial refunds or defeated tax assessments in every case.

## Honors & Recognition

- Listed in *The Best Lawyers in America*®, Commercial Litigation since 2008, Litigation-Banking & Finance since 2011, Mass Tort Litigation/Class Actions-Defendants since 2013, Litigation- Bankruptcy (2023)
- *Alabama Super Lawyers*, Business Litigation (2010-2015)
- *Mid-South Super Lawyers*, Business Litigation since 2016

## Speaking Engagements

- Speaker, ACI's 2nd Cross-Industry Class Actions Conference  
Speaking Engagement, The Park Lane Hotel; New York, NY, 04.03.2017

## Civic Activities

- St. Stephens Episcopal Church: Former Senior Warden and current Capital Fund-Raising Program Leader
- Coach for Youth League Baseball and Basketball

## Professional Activities

- American Bar Association
- Alabama State Bar
- Birmingham Bar Association
- Alabama Defense Lawyers Association
- Defense Research Institute