



HUGH M. RUSS III

Partner

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Hugh resolves business disputes. As a trial lawyer, Hugh has argued more than 100 cases before juries in the last 30 years, and he has represented individuals and businesses in virtually all areas of civil litigation throughout New York and the Northeast. Hugh was appointed by the U.S. District Court to be plaintiffs' liaison counsel in the Continental Flight 3407 multi-district litigation. In addition to serving as lead counsel for all 50 plaintiffs, he also represented seven families of victims killed in the crash.

Hugh has represented major industries in environmental class action lawsuits. He has represented a major insurer in one of the largest environmental insurance coverage litigations in the nation, and he has represented numerous international businesses in product liability cases. Hugh has tried catastrophic personal injury cases, including those involving claimed medical malpractice. Hugh also has substantial trial experience on insurance cases involving arson and fraud, on personal injury cases, in employment litigation, environmental litigation, and in shareholder and business disputes. Additionally, he has extensive experience in pro bono and civil rights work.

Now, Hugh devotes much of his time to alternative dispute resolution, especially mediation and arbitration.

Hugh is a fellow in the American College of Trial Lawyers, which is comprised of the preeminent members of the trial bar in the United States and Canada. Fellowship is extended only by invitation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the higher standards of ethical conduct, professionalism, civility, and collegiality. Membership is limited to less than 1% of the total lawyer population.

Hugh is currently the president of the Bar Association of Erie County.

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

Practices & Industries

Product Liability & Complex Tort
Business Litigation
Employment Litigation
Alternative Dispute Resolution
Art
Food & Beverage
Life Sciences

Admissions

New York
U.S. District Court, Northern District of New York
U.S. District Court, Southern District of New York
U.S. District Court, Western District of New York
U.S. Court of Appeals, Second Circuit
U.S. Tax Court

Education

Harvard University, A.B., cum laude
University at Buffalo School of Law,

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Honors

J.D., magna cum laude

- 2023 *Pro Bono* Honor Roll, U.S. District Court, Western District of New York
- *Bar Association of Erie County*, Award of Merit 2022
- Listed, *Best Lawyers in America* (Commercial Litigation; Product Liability Litigation - Defendants) 2011 - 2024
- Listed, *Upstate New York Super Lawyers*, (Civil Litigation: Defense) 2007 - 2023
- Listed, *Top 50 Upstate New York Super Lawyers*, (Civil Litigation: Defense) 2010 - 2023
- *Buffalo Business First/Buffalo Law Journal's* Legal Elite of Western New York, 2008 - 2020
- Listed, *Top 10 Upstate New York Super Lawyers*, (Civil Litigation: Defense) 2013, 2014, 2023
- *America's Top 100 Attorneys*® Lifetime Achievement Member
- Listed, *New York Area's Top Lawyers*
- *Buffalo Business First's* Who's Who in Law
- U.S. District Court for the Western District of New York Pro Bono Award
- National Conference for Community and Justice Brotherhood/Sisterhood Award
- Former articles editor, *Buffalo Law Review*

Experience

Hodgson Russ attorneys successfully secured indemnification on behalf of a distributor of construction equipment in the defense of products liability claims involving the alleged malfunctioning of gas lines in a particular model of crane.

Hodgson Russ defended a Fortune 100 manufacturer of industrial machinery in a horrific product liability case where the plaintiff became caught in machinery while working in a plant, sustaining serious, permanent, and disfiguring injuries. The case ultimately settled, and our client did not have to pay any part of the settlement.

Hodgson Russ was appointed by the U.S. District Court for the Western District of New York to be lead counsel in an aviation wrongful death action involving the death of 50 people. The firm also represented seven of the victims' families. Cases were started all over the country, but were consolidated in a multidistrict litigation proceeding in Western New York, where Hugh M. Russ, III, the lead attorney for the Hodgson Russ team, has his primary office. The case has resulted in seven-figure settlements for each of the seven families we represented.

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Represented major multinational manufacturers of consumer foods in various general liability, product liability, trade secret and labor litigation matters.

Hodgson Russ attorneys defended a company that makes parts for pressure vessels in an explosion case. The plaintiff suffered horrible injuries, including the loss of all four limbs. Our client was relieved of liability on summary judgment.

For two years, Hodgson Russ attorneys Ryan K. Cummings and Hugh M. Russ, III pursued an appeal that sought to narrow the application of New York Labor Law § 240(1) across the state. The New York State Court of Appeals issued its decision in *Holly v. County of Chautauqua and E.E. Austin & Son, Inc.* In its decision, the court returned to the true intent of New York Labor Law § 240(1) and, by doing so, began to limit the statute's far-ranging impact on owners of construction projects and their contractors throughout New York State.

A Hodgson Russ team led by Hugh M. Russ, III successfully defended Fortune 500 company 3M in a longstanding product liability suit. The plaintiff alleged that, beginning in the 1970s through the 90s, she was exposed to toxic fumes emitted by a 3M 400C microfilm reader printer that caused her a host of neurological problems, including peripheral neuropathy. She claimed the machine's activator solution and treated paper contained styrene monomer as well as 1,2 and 1,3 butadiene as "impurities" and/or the byproducts of heating the solution and paper. At trial, Mr. Russ was able to exclude the testimony of one plaintiff's expert and to discredit the testimony of another. At the conclusion of the trial, the jury returned a unanimous verdict in favor of 3M, thereby rejecting the plaintiff's strict products liability, failure to warn, breach of warranty, and negligence causes of action.

Attorneys from Hodgson Russ LLP, led by Hugh M. Russ, III and Julia M. Hilliker, secured a victory on behalf of client Portville Central School District at the New York State Court of Appeals. The Court of Appeals is New York State's highest court. The decision, which protects the school district's statutory right to terminate a non-tenured administrator at any point during a statutorily mandated three-year probationary period, constitutes a victory for all districts and school boards statewide.

In the News

Hugh Russ Quoted in Attorney Mental Health and Well Being Article
Buffalo Business First, April 4, 2022

Hodgson Russ' Hugh Russ leads Bar Association of Erie County
Buffalo Business First, August 12, 2021

Parents of murdered woman sue accused killer's grandmother: 'She should have done more to prevent this'
The Buffalo News, March 29, 2021

Magna Carta Turns 800, Cornerstone of Democracy
Buffalo News, April 9, 2015

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3407 Tragedy Changed Attorneys, Too
Buffalo Law Journal, November 11, 2014

Attorneys Reflect on Flight 3407 Tragedy
Buffalo Law Journal, November 10, 2014

Five Questions with...Hugh Russ III
Buffalo Law Journal, July 23, 2014

Hugh M. Russ on the Admission of Disputed Evidence in Flight 3407 Lawsuits
September 4, 2013

Fifty-Five Hodgson Russ Attorneys Named to *Best Lawyers* 2014
August 28, 2013

Hugh M. Russ Asks NTSB to Reopen Flight 3407 Investigation on Behalf of Victims' Families
July 15, 2013

Press Releases

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List
August 23, 2023

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*
August 17, 2023

Hodgson Russ LLP Honored with 2023 New York State Bar Association President's Pro Bono Service Award
April 17, 2023

Hodgson Russ Partner Hugh M. Russ, III Honored with Bar Association of Erie County's Award of Merit
September 26, 2022

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of *Upstate New York Super Lawyers*
Hodgson Russ Press Release, August 23, 2022

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2022

Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of *Upstate New York Super Lawyers*
Hodgson Russ Press Release, August 20, 2021

55 Hodgson Russ Attorneys Ranked in 2022 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2021

Hugh Russ Appointed President of the Board of Directors of the Bar Association of Erie County
Hodgson Russ Press Release, June 14, 2021

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Sixty-Two Hodgson Russ Attorneys Named to 2020 Upstate New York Super Lawyers
Hodgson Russ Press Release, September 8, 2020

Publications

What's in Your "Secret Sauce?" The FTC's Proposed Rule to Ban Noncompetes and Considerations for Food and Beverage Businesses

Hodgson Russ Food & Beverage Alert, May 3, 2023

Chick-fil-A Confirms Data Breach

Hodgson Russ Food & Beverage Alert, March 20, 2023

McDonald's Faces Class Action Lawsuit Over Sexual Harassment, Hostile Work Environment Accusations

Hodgson Russ Food & Beverage Alert, January 4, 2023

Are Your Labels Allergy-Friendly? Major Change Looming for Food and Drink Labels in the United States

Hodgson Russ Food and Beverage Alert, September 12, 2022

New York Passes the Adult Survivors Act – Every Organization Should Prepare Now

Hodgson Russ Business Litigation Alert, May 25, 2022

New York Court of Appeals Reverses Multimillion Dollar Verdict

Hodgson Russ Product Liability & Complex Tort Alert, May 10, 2022

Trends in Product Liability Litigation & Legislation in New York - May 2022

Hodgson Russ Product Liability Litigation & Legislation Quarterly Update, May 2022

Trends in Product Liability Litigation & Legislation in New York - January 2022

Hodgson Russ Product Liability Litigation & Legislation Quarterly Update, January/February 2022

New COBRA Premium Subsidies Recently Enacted as Part of American Rescue Plan Act

Hodgson Russ Food & Beverage Alert, May 21, 2021

Possible Changes to Food Labeling Under the Biden Administration

Hodgson Russ Food and Beverage Alert, May 10, 2021

Presentations & Events

Minority Bar Foundation Annual Awards Dinner

Minority Bar Association Foundation, The Buffalo Club, Buffalo, NY, March 13, 2024

Civility Matters Panel

University at Buffalo Law School, October 1, 2019

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Best Practices: Working with the Press, Moderator
Hodgson Russ, 140 Pearl St, Buffalo, NY, February 2, 2018

Professional Affiliations

- President, Bar Association of Erie County (BAEC) Board of Directors
- American College of Trial Lawyers
- American Board of Trial Advocates
- American Bar Association
- New York State Bar Association
- Co-chair, New York Eighth Judicial District Pro Bono Committee
- Bar Association of Erie County Professional Ethics, Judiciary, and Pro Bono Endowment Fund Committees
- Board member and former president, Harvard Club of Western New York
- Former regional director, Harvard Alumni Association

Community & Pro Bono

- Director, Executive Committee member, and Chair of the Audit and Corporate Compliance Committees, Roswell Park Alliance
- Nichols School board of trustees
- Director and former president, Buffalo Renaissance Foundation
- Director, Say Yes Buffalo
- Director, United Way of Buffalo and Erie County
- Director, Forest Lawn Cemetery