



# David A. Shimkin

## Member

## Los Angeles

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### Practice Areas

- Construction Law
- Complex Risk & Litigation
- Products Liability
- Appellate

### Industry Sectors

- Food & Beverage
- Real Estate & Construction

### Education

- Cornell Law School, J.D., 1997
- Columbia University, B.A., 1993

### Bar Admissions

- California
- New Jersey
- New York

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court -- Central District of California
- U.S. District Court -- Eastern District of New York
- U.S. District Court -- Southern District of New York

### Affiliations

- Hispanic National Bar Association

David A. Shimkin focuses his litigation practice on representing clients in the hospitality, construction, and transportation fields, including trucking companies involved in interstate and intrastate claims. He is experienced in the defense of cases involving alleged food contamination, and has also defended restaurant clients in dram shop/liquor liability matters in multiple jurisdictions. David also has extensive experience in defending class actions and handling toxic exposure and contamination cases involving both property damage and bodily injury claims. David has also handled fire damage cases. He has also defended errors and omissions and professional liability claims brought against officers of closely held and public companies, accountants, and other professionals. He has also defended cyber-security breach, intellectual property, and trade secret claims. David was an adjunct professor at New York Law School and sits on the board of a major nonprofit organization.

David started his career as an assistant district attorney in the Bronx, where he argued appeals, including in the U.S. Court of Appeals for the Second Circuit. He also tried misdemeanor and felony cases. More recently, he has tried civil cases in both state and federal courts.

David was a John Kluge Scholar as an undergraduate at Columbia University. He earned his law degree from Cornell Law School, where he was a general editor of the *Cornell Journal of Law and Public Policy*, and received a certificate of specialization in Public Law.

David was chosen as a 2013 Rising Star by the *New York Law Journal*. The panel reviewed more than 200 nominations of young lawyers who have established a record of accomplishments and demonstrated that they are top contributors to the practice of law as well as to their communities. David was among the 44 attorneys with the highest ratings.

## Experience

Co-tried and won a defense verdict in a personal injury case in which the plaintiff, a laborer working on a demolition project, sustained serious fall-related injuries. We represented both the property's owner and the demolition project's general contractor, and successfully disputed the plaintiff's description of the incident, impeached him with prior statements, and precluded his use of a key witness's sworn deposition testimony.

Co-tried and won a defense verdict on behalf of a hospitality industry client in a personal injury case involving the same burn expert who testified in the infamous McDonald's hot coffee case. The jury returned a defense verdict after less than a day of deliberation.

Represented a major national manufacturer in a multi-million-dollar construction defect matter in San Francisco. Brought into the case mere weeks before trial, the Cozen O'Connor team managed to perform diligent discovery and skillful cross-examination to demonstrate to the jury that the plaintiff's cost estimates were grossly exaggerated. The case settled after 5 weeks of trial.

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