

FOULSTON

ATTORNEYS AT LAW



DAVID E. ROGERS

PARTNER

WICHITA OFFICE

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PROFILE

David Rogers is a veteran trial lawyer who represents clients in jury trials, arbitrations, mediations, and appeals in state and federal courts. David serves as Foulston's managing partner and maintains an active litigation practice in high-stakes product liability cases, insurance coverage disputes, employment matters, and a broad range of business cases. In addition to a variety of commercial disputes, he has arbitrated construction, employment, and labor disputes. David also serves as an arbitrator on the employment and commercial panels for the American Arbitration Association. He provides counseling and representation for faith-based organizations and serves as outside general counsel to a local university.

David has been selected by his peers for inclusion in *The Best Lawyers in America*® for more than 20 years. In 2016, 2019, 2021, and 2024 he was recognized by Best Lawyers® as the Wichita Product Liability Litigation – Defendants "Lawyer of the Year." *Benchmark Litigation* has named David a "Local Litigation Star" and "Labor and Employment Star," and he has been identified by *Chambers USA* as a leading lawyer in the United States in the area of Litigation: General Commercial. David enjoys Martindale-Hubbell Law Directory's highest "AV" rating for lawyers and has also been selected to the *Missouri & Kansas Super Lawyers*® list. His peer memberships include the Product Liability Advisory Council, Defense Research Institute, and the Kansas Association of Defense Counsel.

Outside the office, David is a longtime member and former president of the South Central Area Command Salvation Army Board of Trustees and previously served on the Board of Trustees for Trinity Academy. He still drives a 2010 work truck with crank windows and is on the lookout for an 8-track tape deck to install in it.

Education

- University of Kansas (J.D., 1987)
- University of Kansas (B.S., 1984)

Admissions

- Kansas (1987)

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- U.S. District Court for the District of Kansas (1987)
- U.S. Court of Appeals for the Tenth Circuit (1987)

PRACTICE AREAS

- Product Liability
- Tax-Exempt/Not-for-Profit Organizations
- Litigation & Disputes
- Mediation/Dispute Resolution
- Employment & Labor
- Professional Malpractice
- Construction

INDUSTRIES

- Tax-Exempt/Not-for-Profit Organizations
- Insurance
- Construction
- Manufacturing

RELEVANT EXPERIENCE

- Successfully represents national and international manufacturers in catastrophic product liability cases in both state and federal court.
- Serves as outside general counsel for faith-based and higher education organizations.
- Obtained summary judgment for a client in a federal declaratory judgment action involving complex, multimillion-dollar insurance coverage and construction issues.
- Obtained summary judgment for national motor manufacturer in a fire case involving the economic loss doctrine.
- Represented a privately held company in multimillion-dollar insurance coverage litigation arising from the catastrophic train derailment in Lac-Megantic, Quebec.
- Obtained summary judgment for insurance carrier in federal declaratory judgment action involving coverage issues arising from the FDIC's closure of a financial institution and its subsequent multimillion-dollar suit against the institution's officers and directors.
- Obtained summary judgment in a products case involving catastrophic injuries after convincing the court to exclude the testimony of plaintiff's expert witness through a Daubert motion.
- Obtained dismissals for two international manufacturers on personal jurisdiction grounds.
- Served as lead trial counsel in the successful, no-fault defense verdict in a medical negligence claim alleging failure to diagnose.

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- Obtained summary judgment on behalf of a general contractor in complex architectural malpractice case.
- Obtained multiple summary judgments in a variety of employment litigation cases including race, national origin, FMLA, and pregnancy discrimination issues.
- Tried and won a company v. union arbitration over whether the outsourcing of certain classes of jobs violated a collective bargaining agreement.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Identified by *Chambers USA* as a leading lawyer in the United States in the areas of Litigation: General Commercial, 2018-2023
- Named a "Litigation Star" in the area of Dispute Resolution by Benchmark Litigation, 2011-2024
- Named a "Labor & Employment Star" by Benchmark Litigation, 2018-2022
- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Product Liability Litigation – Defendants and Personal Injury Litigation – Defendants (2003-2024); Litigation – Labor and Employment (2011-2024); and Arbitration (2023-2024)
- Recognized by Best Lawyers® as the 2016, 2019, 2021, and 2024 Wichita Product Liability Litigation – Defendants "Lawyer of the Year"; and as the 2022 Wichita Litigation – Labor and Employment Law "Lawyer of the Year"
- Selected for inclusion in *Missouri & Kansas Super Lawyers*® List 2005, 2011-2016, 2018-2020 (a Thomson Reuters business)
- Wichita Business Journal, 40 Under 40 Business Leader (2002)
- Product Liability Advisory Council
- American Bar Association
- Kansas Bar Association
- Wichita Bar Association
- President's Award, Wichita Bar Association, 2010
- American Arbitration Association, both Employment and Commercial Dispute panels
- Defense Research Institute Products Liability Committee
- Kansas Association of Defense Counsel

COMMUNITY INVOLVEMENT

- Salvation Army, Board Member (2004-present); Advisory Board President (2009-2010)
- Trinity Academy, Board Member (2010-present); Board Secretary (2010-present)
- Eastminster Presbyterian Church, Elder (1997-present)
- HopeNet, Former Board Member
- Music Theatre of Wichita, Former Board Member
- Wichita Festivals, Inc., Former Board Member
- Fellowship of Christian Athletes, Former Board Member

PRESENTATIONS

2023

- *Employee vs. Employer: An Employment Law Case Mock Trial* (Foulston Siefkin LLP, Employment Law Institute)

2022

- *Wait, Wait, Don't Sue Me* (Foulston Siefkin LLP, Employment Law Institute Webinar Series)

2019

- *Employment Law Mythbusters* (Foulston Siefkin LLP, Kansas Employment Law Institute)
- *When Worlds Collide: Strategies for Work Comp, ADA, and FMLA Compliance* (Foulston Siefkin LLP, Kansas Employment Law Institute)

ISSUE ALERTS

2020

- *Coronavirus: COVID-19 and Business Interruption Insurance*

2011

- *KS Supreme Court Holds that Sellers of Used Goods are Subject to Strict Liability Under the KS Product Liability Act*