

Patrick R. Kingsley

Chair, Construction

Chair, Alternative Dispute Resolution

Philadelphia, PA

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Patrick Kingsley has tried more than 40 cases involving diverse legal claims and fact patterns in several different forums across the country. As a trial lawyer, he has tried both jury and non-jury cases and has represented clients in arbitrations, mediations and hearings before administrative law judges and referees. Patrick is a fellow of the American College of Civil Trial Mediators. He has also served as an adjunct professor at Rutgers University School of Law, instructing students on trial advocacy skills.

Patrick handles a wide variety of complex commercial disputes, focusing much of his practice on construction, surety and fidelity litigation. He represents owners, contractors, subcontractors, design professionals, sureties and building product suppliers in construction disputes involving claims for delay, unforeseen site conditions, poor workmanship, defective materials, design errors, liquidated damages, mechanics' liens, change orders, lost productivity, bid protests, warranty claims, performance bond claims, payment bond claims and indemnity claims.

RESULTS

- succeeded in obtaining the dismissal of a performance bond claim on the grounds that the owner failed to afford the contractor the right to attempt to cure its alleged construction shortcomings
- obtained the complete dismissal of a financial consultant from a \$75 million RICO action
- secured an \$8.1 million award in favor of an insurer for retro-premiums past due
- secured the dismissal of a surety from a multimillion-dollar suit which assisted the principal in obtaining a \$36 million verdict for wrongful discharge
- obtained a defense decision in a multimillion-dollar cases involving severe brain injury allegedly caused by therapeutic radiation
- obtained a \$3.1 million judgment on an indemnity claim brought by a surety against its indemnitors
- in a case of first impression in Pennsylvania, persuaded a court that a no-damage-for-delay provision necessarily defeated joinder claims against a contractor, a surety and an engineer

FOCUS

Litigation
Construction
Insurance Coverage Advisory & Litigation
Products Liability & Mass Tort Defense
Alternative Dispute Resolution
Education
Special Situations
Appellate

BAR ADMISSIONS

Pennsylvania
New York
Maryland

COURTS

U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the Eastern District of Pennsylvania
U.S. District Court for the Middle District of Pennsylvania
U.S. District Court for the Western District of Pennsylvania
U.S. District Court for the Northern District of Illinois
U.S. District Court for the District of Arizona
U.S. District Court for the Eastern District of Michigan
New York State Court of Appeals
Pennsylvania Supreme Court

EDUCATION

J.D., *magna cum laude*, University of Pittsburgh School of Law
B.A., *magna cum laude*, University of Pittsburgh



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- defended claims related to a catastrophic accident at the Kingdom Center Project, the largest building ever built in Saudi Arabia
- handled several hundred complex mass-tort exposures as part of a national asbestos trial team for national client
- prevailed in an appeal before the U. S. Court of Appeals for the Third Circuit in a case involving an alleged breach of contract governing the sale of a printing business based in Puerto Rico
- convinced a federal court in New Jersey to reverse New Jersey law and hold that a surety cannot be liable under state law for the bad faith denial of a bond claim
- obtained an award from an NASD panel on an unfair competition claim for the “raiding” of one broker-dealer’s office by another
- obtained a jury verdict in favor of a general agent against a broker for the return of commissions relating to a canceled “key” employee policy
- obtained a multimillion-dollar award in favor of an insurer against its reinsurer as part of a multi-firm trial team
- defended a fledgling industrial minerals supplier in a two-week-long bet-the-company injunction trial involving claims of theft of industrial trade secrets brought by a competitor
- defended dozens of unemployment compensation claims for a major utility company
- successfully defended a national paint manufacturer from several benzene claims in Pennsylvania and New Jersey
- defended local municipalities in police brutality and §1983 cases
- successfully defended a multimillion dollar claim for traumatic brain injury allegedly resulting from an automobile accident

SPEAKING ENGAGEMENTS

- Moderator, “Arbitrators and Mediators: How Much Freedom Do You Give or Take from Your Participants & A Mediator’s Freedom to Lie,” International Institute for Conflict Prevention & Resolution Annual Meeting
- Speaker, “First Things First: Foundational Principals,” Fidelity and Surety Law Committee Spring Conference
- Speaker, “Tips for a Successful Mediation,” Surety Claims Institute’s 48th Annual Meeting & Seminar
- Presenter, “Why Mediations Fail: Avoid These Common Mistakes,” Association of Corporate Counsel’s Greater Philadelphia Chapter
- Speaker, “Public Official Bonds,” American Bar Association’s Fidelity & Surety Law Committee Conference
- Presenter, American Arbitration Association Roundtable on Virtual Hearings

MEMBERSHIPS

American Bar Association, Tort Trial & Insurance Practice Section
Chair, DRI Fidelity Surety Law Expert Witness Subcommittee
Defense Research Institute, Medical Liability and Fidelity & Surety Committees
Member, Arbitration Committee for Conflict Prevention Resolution
Member, Conflict Prevention Resolution Arbitrator Panel of Distinguished Neutrals
Member, National Academy of Distinguished Neutrals, Pennsylvania Chapter
National Bond Claims Association
Philadelphia Surety Claims Association
Surety Claims Institute



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- Presenter, "Fidelity & Surety Law Update and Ethical Roundtable," Surety Claims Institute Annual Meeting and Seminar
- Panelist, "Risk Management from a Schedule Point of View," General Building Contractors Association Webinar
- Panelist, "E-Discovery – Managing the Risks to Get the Reward: Best Practices for Construction Lawyers and their Clients," ABA 2020 Forum on Construction Law Midwinter Meeting
- Panelist, "Performance Bonds and CGL Insurance in Construction Projects: Navigating Interplay Between Insurance and Surety," Strafford Webinar
- Panelist, "10 Mistakes to Avoid in Mediation," Pennsylvania Bar Institute Business Law Institute 2019
- Panelist, "Construction Litigation: Views from the Bench and the Trench," Pennsylvania Bar Institute
- Presenter, "Avoiding Problems in Taking Assignments," Surety Claims Institute 42nd Annual Meeting and Seminar
- Panelist, "The Parties' Obligations Under the Performance Bond Relative to a Principal's Default," ABA Fidelity and Surety Law Committee Spring Meeting
- Moderator, "The AIA A-312 Performance Bond Revisited: A panel discussion addressing key issues, potential pitfalls and practice tips for addressing adverse case law," ABA Fidelity and Surety Law Committee Spring Meeting
- Speaker, "Computer Fraud Coverage – Through the Lens of Recent Cases," DRI Roundtable
- Speaker, "Calculating Damages in a Construction Dispute," Forensic & Litigation Services Conference
- Speaker, "Differing Site Conditions," PBI Seminar: Pennsylvania Construction Law
- Panelist, "Performance Bonds and CGL Insurance in Construction Projects: Navigating Interplay Between Insurance and Surety," Strafford Webinar
- Panelist, "Construction Payment and Performance Bond Bad Faith Litigation: Bringing or Defending Claims Amid Differing State Standards," CLE Webinar
- Presenter, "Bad Faith Claims Against Sureties," Private CLE
- Speaker, "Inter-creditor and Forbearance Agreements," Surety Claims Institute
- Speaker, "Key Contract and Bond Provisions in Pennsylvania," Lorman Education Services: Fundamentals of Construction Law Contracts, Understanding the Issues
- Speaker, "Bad Faith Claims Against Sureties, Which Arguments Work and Which Don't," Philadelphia Surety Claims Association



- Speaker, “Key Bond and Contract Provisions in Pennsylvania,” Lorman Education Services: Fundamentals of Construction Law Contracts, Understanding the Issues
- Speaker, “Drafting a Dispute Resolution Clause,” Continuing Legal Education
- Speaker, “Differing Site Conditions,” PBI Seminar: Pennsylvania Construction Law
- Speaker, “Payment and Performance Bonds in New Jersey,” Continuing Legal Education
- Speaker, “Subdivision Development Bonds,” Continuing Legal Education
- Speaker, “New Jersey and Delaware Surety Law,” Continuing Legal Education

PUBLICATIONS

- Co-author, “AI in Mediation: Science Fiction, Fact or Future,” *The Legal Intelligencer*
- Author, “Why Your Best Move in Arbitration May Be to Use a Chess Clock,” *The Legal Intelligencer*
- Author, “The Electronic Payment Bond Deskbook – Pennsylvania,” Spring Meeting of the Fidelity & Surety Law Committee of the Tort Trial and Insurance Section of the ABA
- Author, “The Electronic Payment Bond Deskbook – Delaware,” Spring Meeting of the Fidelity & Surety Law Committee of the Tort Trial and Insurance Section of the ABA
- Author, “Consider Binding Mediation for Your Persnickety Construction Disputes,” *The Legal Intelligencer*
- Co-author, “Building Greener: How to Navigate Pennsylvania’s Eco-Friendly Initiatives,” *The Legal Intelligencer*
- Author, “Public Official Bonds,” *The Law of Commercial Surety and Miscellaneous Bonds*
- Co-author, “Construction Law Update: What Else? Still COVID-19!,” *The Legal Intelligencer*
- Author, “How to Make Your Mediation a Success: Seven Tips,” *The Legal Intelligencer*
- Author, “E-Discovery – Best Practices for Construction Lawyers and Their Clients,” *The Construction Lawyer*
- Author, “Why Construction Mediations Fail,” *Under Construction*
- Author, “How Effective Is Electronic Mediation in the Age of COVID-19?,” *LegalTech News*
- Author, “Resolving Construction Disputes Through Baseball Arbitration,” *AAA Dispute Resolution Journal*

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- Author, “E-Discovery – Managing the Risk to Get the Reward,” ABA Forum on Construction
- Author, “Why Do Mediations Fail? Avoid These Common Mistakes,” Business Law Institute, PBI
- Author, “International Arbitrations: The Conversion Rate of Judgements Measured in Foreign Currencies”
- Author, “Revised Uniform Arbitration Act,” The Commonwealth of Pennsylvania
- Editor, “Alternative Dispute Resolution – Chapter 57 of Successful Partnering Between Inside and Outside Counsel,” *Thomson Reuters*
- Author, “The Effect of Submittals on Allocating Risk and Responsibility,” *Under Construction*
- Author, “The Singapore Convention of Mediation: Good News for Businesses,” *The Legal Intelligencer*
- Author, “Surety and False Claims Act Liability Today,” *For the Defense*
- Author, “New Pennsylvania Law Protects Rights of Unpaid Contractors,” *Law360*
- Author, “Assignments: Avoiding Problems in Taking Assignment,” Surety Claims Institute Annual Conference Publication
- Co-author, “The Parties’ Obligations (Or Lack Thereof) Prior to and Leading Up to a Contractor Default and Conditions Precedent to Pursuit of a Claim,” FSLC Spring Meeting, *The Annotated Performance Bond*
- Author, “Is It Ever Wise for a Performing Surety to Terminate an Owner,” Surety Claims Institute
- Author, “Harmonizing the Conflicting Interests of Creditors Before Bankruptcy,” Surety Claims Institute
- Author, “Bond and Construction Contract Provisions in Pennsylvania,”
- Author, “Differing Site Conditions – Project Delivery Methods, Execution and Completion,” PBJ, Pennsylvania Construction Law
- Author, “The Surety Underwriters’ Desk Book –Delaware and Pennsylvania Chapters,” Fidelity & Surety Law Committee
- Author, “Bad Faith Claims Against Sureties,” *For the Defense*
- Author, “Latent Defect Claims Against Sureties – Practical Considerations,” Fidelity & Surety Law Committee Newsletter
- Author, “Which State’s Law Controls These Policies – Comprehensive Construction Defect Claims,” Super Conference, BVR Legal
- Author, “Who Is a ‘Customer’ When a Check Is Wrongly Dishonored? The Answer Is Not Child’s Play,” *Banking Law Journal*
- Author, “Performance Bond Notice Provisions: 36 Million Reasons to Comply,” ABA Tort, Trial & Insurance Practice Newsletter



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- Author, "Pennsylvania Mechanics' Lien Statute: An Overview and Update," *Pratt's Journal of Bankruptcy*
- Author, "A Client Success Story," *The Dispatch*
- Author, "Fraud Litigation in Pennsylvania," National Business Institute, Inc.
- Author, "Asserting the Caution Defense to Claims of Cancer from Nonionizing Electromagnetic Fields," Law and Science Institute
- Author, "Preserving the Record – How to Conduct Effective Direct and Cross Examination in a Civil Case," Pennsylvania Bar Institute

RECOGNITIONS

- *The Best Lawyers in America*, Philadelphia Area Litigation – Construction "Lawyer of the Year"
- Pennsylvania Super Lawyers

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