

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

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
Pennsylvania Supreme Court
New York State Court of Appeals

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

- Speaker, “Public Official Bonds,” American Bar Association’s Fidelity & Surety Law Committee Conference
- Presenter, American Arbitration Association Roundtable on Virtual Hearings
- 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

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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- 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



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- Speaker, "Subdivision Development Bonds," Continuing Legal Education
- Speaker, "New Jersey and Delaware Surety Law," Continuing Legal Education

PUBLICATIONS

- 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*
- Co-author, "E-Discovery – Managing the Risks to Get the Reward: Best Practices for Construction and Their Clients," *The Construction Lawyer*
- Co-author, "Resolving Construction Disputes Through Baseball Arbitration," *Dispute Resolution Journal*
- Author, "Why Do Construction Mediations Fail? Avoid These Top Ten Mistakes," *American Bar Association*
- Author, "How Effective Is Electronic Mediation in the Age of COVID-19," *LegalTechNews*
- Co-author, "Is It Ever Wise for A Performing Surety To Terminate an Owner?," Surety Claims Institute

RECOGNITION

- *Pennsylvania Super Lawyers*
- *The Best Lawyers in America*

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