

Karl S. Myers

Chair, Appellate

Philadelphia, PA

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Karl Myers is a leading Pennsylvania appellate lawyer who has personally argued and briefed numerous precedent-setting cases before the appellate courts of Pennsylvania and other jurisdictions. He maintains a particular focus on cases before the Pennsylvania Supreme, Commonwealth and Superior Courts, as well as the United States Court of Appeals for the Third Circuit, including litigation involving state and federal constitutional challenges, Pennsylvania Right-to-Know Law requests, government contracting and bid-protest disputes, insurance insolvency and regulatory matters, state administrative agency disputes, complex commercial actions, and many other types of civil cases. Karl has served as counsel of record in hundreds of cases before Pennsylvania's appellate courts.

Clients routinely entrust Karl with high-risk appeals; the combined amount in dispute in his appellate matters is approaching a half-billion dollars. The nature of these appeals has led to Karl's frequent presentation of televised arguments on the Pennsylvania Cable Network. These arguments are often quoted in the *Pennsylvania Law Weekly*, *Legal Intelligencer*, *Law360* and other publications, which seek Karl out as a commentator on issues of importance before the Pennsylvania appellate courts. Karl also often serves as a panelist and moderator for appellate practice presentations and continuing legal education seminars.

Karl is actively involved in the community of appellate practitioners. He currently serves as chair of the Appellate Advocacy Committee of the Pennsylvania Bar Association, and is a charter member of that Committee, having been a member since its formation in 2003. He also serves as chair of the Appellate Advocacy Committee of the American Bar Association's Tort Trial and Insurance Practice Section. Karl serves as Pennsylvania State Chair of the Council of Appellate Lawyers of the ABA's Appellate Judges Conference, the first and only national appellate bench-bar organization. He also is an active member of the Pennsylvania Commonwealth Court Historical Society and the Third Circuit Bar Association, and serves as chair of the Administrative Law Section of the Pennsylvania Bar Association.

The roots of Karl's appellate capabilities run deep, and include experience from within the appellate courts, as he served as a law clerk for the Hon. Russell M. Nigro of the Supreme Court of Pennsylvania immediately following law school, and also served as a clerk for the Hon. John T.J. Kelly Jr. of the Superior Court of Pennsylvania while still in law school.

In addition to his appellate practice, Karl also is an experienced trial court lawyer

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FOCUS

Appellate
Litigation
Government & Public Affairs
Insurance Coverage Advisory & Litigation
Complex Commercial & Class Action
Litigation
Alternative Dispute Resolution
Construction

BAR ADMISSIONS

Pennsylvania
New Jersey

COURTS

U.S. Court of Appeals for the Third
Circuit
U.S. District Court for the Middle District
of Pennsylvania
U.S. District Court for the Eastern District
of Pennsylvania
U.S. District Court for the District of New
Jersey

EDUCATION

J.D., *cum laude*, Pennsylvania State
University Dickinson School of Law
B.A., University of Delaware

MEMBERSHIPS

Chair, Appellate Advocacy Committee,
Pennsylvania Bar Association
Chair, Appellate Advocacy Committee,
Tort Trial and Insurance Practice Section,
American Bar Association
Pennsylvania State Chair, Council of
Appellate Lawyers, Appellate Judges
Conference, American Bar Association
Chair, Administrative Law Section,
Pennsylvania Bar Association
Member, Pennsylvania Commonwealth
Court Historical Society
Member, Third Circuit Bar Association
Member, Third Circuit Historical Society
Certified Arbitrator, Court of Common
Pleas, Philadelphia County

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who has handled disputes from inception through verdict, decision or resolution in hundreds of cases pending before the state and federal courts in the region. Karl's diverse litigation practice has touched virtually every type of civil matter, including insurance coverage and bad faith cases, commercial disputes, and contract, tort and personal injury matters.

Karl also has adjudicated dozens of civil cases as a state and federal court-certified arbitrator, usually serving as the arbitration panel's chairperson. He has been trained as a civil mediator by the American Arbitration Association. Karl also assisted in the judicial selection process by serving three terms as a reviewer in the Investigative Division of the Philadelphia Bar Association Commission on Judicial Selection and Retention, a body that interviews, evaluates and rates state court judicial candidates.

During his distinguished law school career, Karl was selected as a member of the Appellate Moot Court Board, *Dickinson Law Review* and Woolsack Honor Society. At that time, he also served as a clerk for the Hon. Yvette Kane of the U.S. District Court for the Middle District of Pennsylvania. Karl began his legal career as an intern for the Montgomery County District Attorney's Office.

RESULTS

- secured the return of over \$18 million in assessments by a guaranty association from Medicare Part C and D health plans by obtaining a unanimous decision of the *en banc* Commonwealth Court holding the assessments were preempted by federal law after personally briefing and arguing the case before the appellate court in proceedings televised on the Pennsylvania Cable Network
- defeated a constitutional Establishment Clause challenge to the tradition of the Pennsylvania House of Representatives of opening each session day with a religious prayer offered by guest chaplains of diverse faith traditions by obtaining a Third Circuit ruling in the client's favor after personally arguing the case before the appellate court
- successfully shielded Philadelphia's Amazon second headquarters or "HQ2" proposal from public disclosure prior to Amazon's selection of a second (and third) headquarters in multiple Right-to-Know Law litigation disputes before the Pennsylvania Supreme and Commonwealth Courts, the Philadelphia Court of Common Pleas, and the Pennsylvania Office of Open Records
- secured a victory for several health plan clients seeking to protect their confidential and secret rate information by obtaining a ruling of the *en banc* Commonwealth Court that rates paid by plans participating in the Pennsylvania Medical Assistance program were not required to be publicly disclosed in response to a request under the Right-to-Know Law, after personally briefing and arguing the case in proceedings televised on PCN
- defeated class-action lawsuits against the Pennsylvania legislature challenging the constitutionality of Pennsylvania laws and seeking over \$200 million in relief, including by defeating multiple requests for injunctions in the Pennsylvania Commonwealth Court and obtaining a unanimous Pennsylvania Supreme Court decision in the legislature's favor after personally arguing the case before the Court during

MEMBERSHIPS

Certified Arbitrator, U.S. District Court for the Eastern District of Pennsylvania
Judge Pro Tempore, Court of Common Pleas, Philadelphia County



proceedings televised on PCN

- preserved \$11 million in public funding awarded for conversion of a former school building to apartments for lower-income senior citizens by obtaining a Pennsylvania Supreme Court decision awarding zoning to the project after personally briefing and arguing the case before the Court in proceedings aired on PCN
- obtained a unanimous Pennsylvania Supreme Court decision of first impression holding that legislative enactments by the Pennsylvania General Assembly are not subject to belated procedural constitutional challenges after personally briefing and arguing the case before the court in proceedings aired on PCN
- defeated an attempt by another state's insurance guaranty association to apply that state's laws to Pennsylvania's insurance insolvency proceedings in a \$700,000 reimbursement dispute by obtaining a 4-to-3 ruling of the *en banc* Commonwealth Court that the other state's laws did not apply after personally arguing the case before the court during proceedings televised on PCN
- obtained a first-impression precedential ruling of the Commonwealth Court on the scope and application of the Pennsylvania Right-to-Know Law holding the law inapplicable to insurance insolvency proceedings after personally briefing and arguing the case before the court
- protected the constitutionality of a statute enacted by the Pennsylvania legislature in expedited election-related proceedings before the Pennsylvania Supreme and Commonwealth Courts, culminating in a Pennsylvania Supreme Court opinion in the client's favor issued after personally arguing the case before the court in proceedings aired on PCN
- negated nearly all of a \$12 million claim in an insolvent insurance company's liquidation proceedings by way of a unanimous, published decision by the Pennsylvania Supreme Court of significance in the insurance insolvency setting
- blocked an alleged participant in the Luzerne County "Kids for Cash" scandal from obtaining insurance coverage in trial court litigation and then on appeal before the Third Circuit
- authored numerous successful *amicus curiae* briefs before the U.S. Supreme Court and Pennsylvania appellate courts in a wide array of significant, precedent-setting cases
- tried a half-million dollar dispute between packaging companies before a federal jury over five days, securing a partial victory at trial, followed by a complete victory on appeal before the Third Circuit

SPEAKING ENGAGEMENTS

- Panelist, "The New Appellate Court Rule on Citing Non-Precedential Opinions: What Does It Really Mean?" Pennsylvania Bar Institute
- Moderator, Pennsylvanians for Modern Courts' and Philadelphia Bar Association's Interactive Forum, Superior Court Candidates
- Panelist, "Appellate Advocacy in Pennsylvania State Courts," Pennsylvania Bar Institute



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- Moderator, “Commonwealth Court Operations,” Commonwealth Court Practicum
- Moderator, “Chancellor’s Forum for Commonwealth Court Candidates’,” Philadelphia Bar Association
- Co-Host, “Pennsylvania Superior Court’s *en banc* argument session,” Pennsylvania Cable Network

RECOGNITIONS

- Pennsylvania Super Lawyer

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