



David F. McGonigle

Partner

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OVERVIEW

David F. McGonigle concentrates his practice in insurance coverage litigation and counseling, and in complex commercial litigation. With decades of experience assisting policyholders maximize the value of their insurance assets, Mr. McGonigle has handled a broad range of coverage matters. These include coverage disputes in connection with advertising, asbestos, aviation, chemical exposure, environmental, mortgage banking errors and omissions, product recall, premises, and product liabilities and losses. He has served as lead coverage counsel in a variety of forums, including state and federal courts, federal bankruptcy courts, arbitration under the U.K. Arbitration Act, and private mediations. Mr. McGonigle has also counseled clients on coverage issues to assist them with corporate transactions and with their insurance coverage placements, analyzing policies issued by a wide variety of domestic, Bermuda and European insurers. In addition to his insurance coverage practice, Mr. McGonigle has handled class action defense, ERISA, environmental and general commercial litigation.

PROFESSIONAL BACKGROUND

For more than a decade, Mr. McGonigle has been selected by his peers for inclusion in *The Best Lawyers in America* and has been awarded an “AV” rating by Martindale Hubble. In 2015, he was one of only 354 lawyers in the United States recognized by the BTI Consulting Group as a “Client Service All-Star,” an award based exclusively on input from corporate counsel. A frequent lecturer and author on insurance coverage and litigation practice issues, Mr. McGonigle has published dozens of articles, served as Recent Developments Editor of the *Journal of Insurance Coverage* (a quarterly publication of Aspen Law & Business published from 1998-2002), and has spoken widely at client, industry and bar association programs. Before joining the firm, Mr. McGonigle served as a law clerk to the Honorable Gustave Diamond, United States District Judge for the Western District of Pennsylvania.

PROFESSIONAL / CIVIC ACTIVITIES

- American College of Coverage and Extracontractual Counsel (Founding Member)
- Catholic Charities of Pittsburgh (Recipient of “Champion of Justice” *Caritas* Award for Service)
- St. Joseph's House of Hospitality (Past Vice President and Board Member)

- Local Rules Advisory Committee for the U.S.D.C. for the Western District of Pennsylvania (Past Member)
- Associate Member of *the risk management society*® (RIMS)

EDUCATION

- J.D., Yale Law School, 1988 (*Chair, Yale Moot Court of Appeals*)
- B.A., University of Notre Dame, 1985 (*summa cum laude; Phi Beta Kappa; Beinecke Memorial Scholar*)

ADMISSIONS

- Bar of California (Inactive)
- Bar of Pennsylvania
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Northern District of California
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP POWERED BY HUB

- 24 March 2020, COVID-19: Government-Imposed COVID-19 Restrictions May Trigger Insurance Coverage (*Alerts/Updates*)
- 29 September 2015, Better Late Than Never: The California Supreme Court Reverses Itself, Holding That Corporate Policyholders May Assign Insurance Rights Without Insurer Consent (*Alerts/Updates*)
- 20 August 2015, Maximizing Insurance Recovery for the Tianjin Port Explosions (*Alerts/Updates*)

OTHER PUBLICATIONS

- "8 (Not So Innocent) Questions to Ask Your D&O Insurance Advisors," *NYSE's Governance Insights newsletter*, 6 June 2016
- "Better Late Than Never: The California Supreme Court Reverses Itself, Holding That Corporate Policyholders May Assign Insurance Rights Without Insurer Consent," *FC&S Legal*, 5 November 2015
- "Recent Developments: Asbestos Insurance Coverage: The Policyholder Secures a Key Victory in Fuller-Austin," *Journal of Insurance Coverage*, Summer 2002
- "Millions for Defense, Not a Penny for Tribute: *Lockwood International, B.V. v. Volm Bag Company, Inc.*," *Journal of Insurance Coverage*, Spring 2002

- "Look Before You Dig: An Overview of Insurance Principles that Should Guide Historical Insurance Policy Searches," presentation at The Future of Mass Tort Litigation in America, 22 March 2002
- "Insurance-Related Issues in the Context of Asbestos Bankruptcies," presentation at Mealey's Asbestos & Mold Insurance Conference, 14 March 2002
- "The Task of Rebuilding: The Important Role of Insurance," *Journal of Insurance Coverage*, Winter 2002
- "Long-Tail Successor Liability and the Right to Access a Predecessor's Insurance Coverage: Conflicting Responses from California Courts," *Journal of Insurance Coverage*, Autumn 2001
- "Coverage for a Municipality's Land Use Decisions: *New Castle County v. National Union Fire Ins. Co. of Pittsburgh*," *Journal of Insurance Coverage*, Summer 2001
- "Recent Developments: Coverage for Liability Arising out of After-Acquired Premises: Judicial Responses to *K F Dairies, Inc. v. Fireman's Fund Insurance Company*," *Journal of Insurance Coverage*, Spring 2001
- "Recent Developments: Illinois Supreme Court Rules on Trigger of Coverage in the Incorporation Context in *Travelers v. Eljer Manufacturing, Inc.*," *Journal of Insurance Coverage*, Spring 2001
- "Coverage for Liability Arising Out of After-Acquired Premises: *K F Dairies, Inc. v. Fireman's Fund Insurance Co.*," *Journal of Insurance Coverage*, Winter 2001
- "*Madison Construction Co. v. Harleysville Mutual Insurance Co.*: The Pennsylvania Supreme Court Takes Its First Look at the Absolute Pollution Exclusion," *Journal of Insurance Coverage*, Winter 2000
- "California High Court Hands Down Two Pro-Insurer Split Decisions on Environmental Coverage Issues: *Foster-Gardner, Inc. v. National Union Fire Insurance Co.* and *Aydin Corp. v. First State Insurance Co.*," *Journal of Insurance Coverage*, Winter 1999

NEWS & EVENTS

- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide (*Rankings & Recognitions*)
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders (*Press Release*)

AREAS OF FOCUS

- Insurance Recovery and Counseling
- Complex Commercial Litigation and Disputes
- International Arbitration