



## PATRICK J. KENNY

Partner – St. Louis  
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### EDUCATION

University of Missouri - Columbia  
School of Law  
(J.D., *cum laude*, 1990)  
Order of the Coif  
*Missouri Law Review*

University of Missouri - Columbia  
(B.S.B.A., emphasis in Operations and  
Chemistry, 1987)

### PRACTICE AREAS

Business Litigation  
Tort & Catastrophic Events  
Appellate  
Fire and Electrical Liability  
Insurance Coverage and Litigation  
Non-Compete/Trade Secrets  
Transportation Industry

### ADMITTED TO BAR

Missouri  
Illinois  
Kansas  
District of Columbia  
U.S. District Court, Eastern  
District of Missouri  
U.S. District Court, Western  
District of Missouri  
U.S. District Court, Southern  
District of Illinois  
U.S. District Court, Central  
District of Illinois  
U.S. District Court, Northern District of  
Illinois (Trial Bar)  
U.S. District Court, District of Kansas  
U.S. Court of Appeals, Seventh Circuit  
U.S. Court of Appeals, Eighth Circuit  
U.S. Court of Appeals, Tenth Circuit  
Supreme Court of the United States

### PROFESSIONAL ACTIVITIES

Defense Research Institute (Steering  
Committee - Commercial Litigation  
Committee; Expert Witness  
Chair, 2003-present)

### LAW PRACTICE

Mr. Kenny is a trial lawyer with emphasis on complex litigation including cases involving business "divorces," non-compete and trade secrets, insurance disputes, fraud and business torts. He also has substantial experience in appellate, class action and professional negligence litigation. Mr. Kenny has tried jury cases to verdict in Missouri and Illinois and is a member of every trial bar, state and federal, in Missouri, Kansas and Illinois. He also has handled or supervised numerous appeals and has served as a neutral in scores of matters. Before joining the firm, Mr. Kenny served as a judicial clerk for the Honorable Pasco Bowman in the U.S. Court of Appeals for the Eighth Circuit. Within the firm, he has served for several years as a member of the Associates' Committee and the Co-Chair of the Pro Bono Committee.

### SIGNIFICANT ACCOMPLISHMENTS

*The Best Lawyers in America* for Insurance Law (2007-present)

In 2004, Mr. Kenny was asked by the Defense Research Institute (DRI) to serve as the Editor-in-Chief to its new Daubert Online newsletter, which DRI is publishing nationwide

"40 Under 40 Award," *St. Louis Business Journal* (2003)

Designated by a three judge panel to serve as lead counsel on, and then prevailed on, significant dispositive motions raising issues of first impression in more than 100 business fraud cases pending in St. Louis County

Served as lead counsel in obtaining dispositive rulings in several Carmack Amendment cases

Represented and counseled numerous parties on restrictive covenants and non-compete agreements in Missouri and Illinois

AV® Peer Review Rated, *Martindale-Hubbell*

### PRESENTATIONS & PUBLICATIONS

Mr. Kenny is a frequent author and speaker on commercial and insurance litigation matters. Some of his more recent publications and presentations are below.

Co-Author, "Why Liability Insurers are Not Fiduciaries to Their Insureds and Why Missouri Courts Should Stop Saying That They Are," *Journal of the Missouri Bar* (Accepted for Publication)

Co-Author and Speaker, "Practical Tips, Traps and Procedure in Daubert Practice," Eighth Circuit Judicial Conference (August 2008)

Author, "Inadvertent Disclosure of Privileged Information to an Expert Witness," Daubert Online (May 2008)

Author, "Experts Should Test Alternative Designs or be Able to Justify Scientifically the Absence of Testing; Differential Diagnosis Can Satisfy Daubert Only If Potential Causes are 'Ruled in' and 'Ruled out'," Daubert Online, Seventh Circuit Report (May 2008)

Co-Author and Speaker, "Experts Beware: What You Say Can Be Used Against You in a Court of Law," Selected Abstract, 2008 International Symposium Fire Investigation Science and Technology

Co-Author, Chapter, Expert Witness Discovery, New Appleman Insurance Law Practice Guide (2008)



#### **PROFESSIONAL ACTIVITIES (cont'd):**

Missouri Organization of Defense Lawyers (Member, 2002-present; Speaker, 2003 Annual Meeting)  
Lex Mundi (Member, Insurance and Reinsurance Committee; Regional Vice Chair, Pro Bono Committee, 2005-present)  
The Missouri Bar (Panel Member, Complaint Resolution Program, inception-present)  
Alpha Chi Sigma Chemistry Fraternity, St. Louis Professional Chapter (Member, inception to present; Treasurer, 2004-present)  
American Association for Justice (Associate Member, 2004-present)  
Association of Certified Fraud Examiners (Associate Member 2006-present; St. Louis Chapter, Director, 2007-present; Kansas City Chapter, 2006-present)  
Bar Association of Metropolitan St. Louis (Co-Chair, Bench and Bar Relations Committee, 2000-02)  
Phi Delta Phi Legal Fraternity (Vice-Magister, 1989-90)

#### **CIVIC & CHARITABLE ACTIVITIES**

Academy of the Sacred Heart (Board of Trustees - 2008-present; Parents Coordinating Counsel - Board Member, 2003-2008; President, 2007-2008)  
St. Louis Hearing and Speech Center (Board Member, 1996-2004, 2006-present; President, 2002 & 2003; Vice President, 2001)  
Small Claims Mediation Program (Founder)

#### **PRESENTATIONS & PUBLICATIONS (cont'd):**

Author, From the Editor, "What Can You Do About Your Opponent's Junk Science Expert?" Daubert Online (August 2007)  
Author, "Expert Testimony May Be Admitted Based on a Report In Substantial Compliance With Rule 26(a)(2)(B); A Contaminated Crime Scene Renders Testimony Based on the Behavior of a Tracking Dog Unreliable," Daubert Online, Seventh Circuit Report (August 2007)  
Co-Author, Countering Contra-Insurer: Construction Principles, Arguments And Defenses That Level the Contract Interpretation Playing Field, presented at the ERISA seminar conducted by Defense Research Institute (DRI) (Spring 2007)  
Author, Chapter, Demystifying Insurance Disputes, Inside the Minds: Insurance Dispute Resolution Proceedings, Aspatore Books (2007)  
Author, "Pay Attention to Experts' Professional Affiliations," Daubert Online (December 2006)  
Author, "Daubert Applies to Bench Trials, But the Ruling Can be Deferred to Trial," Daubert Online, Seventh Circuit Report (December 2006)  
Author, "Don't Let Legal Training Interfere with the Practice of Law," Daubert Online (August 2006)  
Author, "A Physician First Must 'Rule in' the Defendant's Product as a Potential Cause Before a Differential Diagnosis is Admissible Under Daubert," Daubert Online, Seventh Circuit Report (August 2006)  
Co-Author and Speaker, "Experts Beware: Ignoring the Scientific Method Results in the Exclusion of Opinions," 2006 International Symposium on Fire Investigation, Science and Technology (June 2006)  
Author, "The Plaintiff's Game Plan," Daubert Online (April 2006)  
Author, "Expert's Initial Opinions Are Not Relevant After a Change in Facts: Experts May Testify Solely Based on Experience," Daubert Online, Seventh Circuit Report (April 2006)  
Speaker, "Computer Fraud," Greater Kansas City Area Chapter of the Association of Certified Fraud Examiners (December 2005)  
Speaker, "Drawing the Line on Attorney Communications," Armstrong Teasdale Business Litigation Ethics Seminar (June 2005)  
Speaker, "Computer Fraud," Greater St. Louis Area Chapter of the Association of Certified Fraud Examiners (May 2005)

