



PATRICK J. KENNY

PARTNER

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Patrick Kenny is a trial attorney with significant experience in bad faith and insurance coverage disputes, ERISA litigation (pension and benefits), subrogation, disputes over business transactions, noncompete agreements, class actions and fraud litigation. He has tried jury cases to verdict in Missouri and Illinois, handled and supervised numerous appeals, and served as a neutral in scores of cases.

Patrick was named the Best Lawyers® 2016 Insurance Law “Lawyer of the Year” in St. Louis and has received numerous other recognitions in connection with his insurance and commercial litigation practices. Those include long term listings in Best Lawyers® for Insurance Law, as a Top Rated Lawyer in Commercial Litigation by Martindale-Hubbell and American Lawyer Media (ALM), and as a “Super Lawyer” by Missouri/Kansas Super Lawyers / Super Lawyers Business Edition.

In addition to his substantial insurance practice Patrick chairs the firm’s Class Action Practice Group and co-chairs the firm’s Pro Bono Committee.

Patrick also serves numerous leadership roles in professional organizations focused on insurance law and commercial litigation. He long has been active with Lex Mundi, an international law group, and currently serves as the Chair of its Insurance / Reinsurance Practice Group. He also serves as the Editor-in-Chief of Daubert Online published by DRI, served for many years on the Steering Committee for DRI’s Commercial Litigation Committee, and has served in many other positions for the Commercial Litigation Committee and the Life, Health and Disability Committee of DRI.

Patrick frequently presents in trainings and seminars, both public and private (in-house), on commercial and insurance matters.

EDUCATION

- University of Missouri School of Law (J.D., *cum laude*, 1990)
 - Order of the Coif
 - University of Missouri Law Review (Member)
 - Business Law Teaching Assistant (1988-1989)
- University of Missouri (B.S.B.A., 1987)
 - Chemistry and Operations

PROFESSIONAL ACTIVITIES



SERVICES AND INDUSTRIES

Class Action Litigation
Insurance Coverage Litigation
Life, Health, Disability and
ERISA Litigation
Noncompete and Trade
Secrets
Product Liability
Litigation

ADMISSIONS

Missouri
Illinois
Kansas
U.S. District Court, 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
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

- Claims & Litigation Management Alliance, CLM (Member, 2013-present)
- Defense Research Institute (Editor-in-Chief, Daubert Online, 2006-present; Steering Committee - Commercial Litigation Committee, 2003-2013; Expert Witness Chair, 2003-2013; Steering Committee - Life, Health and Disability Committee; Expert Witness Chair, 2016-2018; Panel Counsel Vice Chair, 2012-2013)
- Missouri Organization of Defense Lawyers (Member, 2002-present; Speaker, 2003 Annual Meeting)
- Lex Mundi (Chair, Insurance and Reinsurance Committee, 2013-present; Regional Vice Chair, 2012-2013)
- 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)
- Association of Certified Fraud Examiners (Associate Member, 2006-2011; St. Louis Chapter, Director, 2007-2011)
- Bar Association of Metropolitan St. Louis (Chair, Pro Bono Committee, 2012; Co-Chair, Pro Bono Committee, 2013; Co-Chair, Bench and Bar Relations Committee, 2000-2002)
- Phi Delta Phi Legal Fraternity (Vice-Magister, 1989-1990)

Supreme Court of the United States
 Board of Veterans Claims
 Court of Appeals for Veterans Claims
 U.S. District Court, District of Nebraska

CHARITABLE AND CIVIC INVOLVEMENT

- Academy of the Sacred Heart (Board of Trustees, 2008-2015; Parents Coordinating Council—Board Member, 2003-2008; President, 2007-2008)
- St. Louis Hearing and Speech Center (Board Member, 1996-2004, 2006-2011, 2013-present; President, 2002, 2003, 2011; Vice President, 2001)
- Small Claims Mediation Program (Founder)

ACCOLADES

- *The Best Lawyers in America*®; Insurance Law (more than 10+ consecutive years, including the latest edition); “Lawyer of the Year” - Insurance Law (2016)
- Multi-year listing as Top Rated Lawyer in Commercial Litigation by *Martindale-Hubbell* and *American Lawyer Media (ALM)*
- *Missouri/Kansas Super Lawyers*® (multi-year); *Super Lawyers*®, Business Edition
- Lex Mundi Insurance/Reinsurance Practice Group, Chair (2013-present), Regional Vice Chair (2012)
- In 2004, Patrick 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)

BACKGROUND

Before joining the firm, Patrick served as a judicial clerk for Judge Pasco Bowman of the U.S. Court of Appeals for the Eighth Circuit.

When not practicing law, Patrick serves on the boards of various non-for-profit and charitable entities. He enjoys running, duplicate bridge, chess and travel.

EXPERIENCE

\$2 Million Defense Verdict for Insurance Client

Defended an insurance company in an attempt by another insurer to recover a majority of \$2 million in defense costs incurred while defending a co-insured in a class action lawsuit. After an unsuccessful mediation and substantial summary judgment briefing, the Jackson County Circuit Court entered judgment in the client's favor, adopting the argument that the client had no duty to defend because the underlying lawsuit's allegations did not allege facts to bring it within coverage.

Summary Judgment for Insurance Client

Secured a summary judgment for insurance company in a case before the U.S. District Court for the District of Kansas. The matter involved a traffic accident in which the plaintiffs recovered the full policy limits under the insured's business auto policy, but their claim was denied under the insured's general liability policy. The Court found that the general liability policy's auto and mobile equipment exclusions applied in this case.

THOUGHT LEADERSHIP

April 19, 2019

Can You Sue Your Opponent's Expert?

DRI's Daubert Online

February 5, 2019

Blockchain and Insurance

Lex Mundi Blockchain White Paper Series

October 15, 2018

Anything (Your Expert) Says Can and Will Be Used Against You (Later) in a Court of Law (Maybe)

DRI's Daubert Online

October 15, 2018

The Eighth Circuit Provides Helpful Reminder of the Requirements for Expert Differential Analysis

DRI's Daubert Online

October 1, 2017

A Lesson in Sharing: Recommendations and a Proposed Legislative Approach to Help Address the Problem of Multiple Insureds and Insufficient Policy Limits

New Appleman on Insurance: Current Critical Issues in Insurance Law, Pub. No. 60098, Rel. # 44

June 8, 2017

Recent Supreme Court Ruling Spares Church Plans from the Surge of ERISA Fiduciary Duty Litigation

May 26, 2017

Statutory Changes Promise Procedural Relief from Bad Faith Set-ups in Missouri

March 1, 2017

The Inexorable March to Daubert

DRI's Daubert Online

March 1, 2017

The Eighth Circuit Dismisses Appeal From Order Addressing Appointment Of Experts Under Rule 706

DRI's Daubert Online

January 5, 2017

Attorneys Write Series on Life Insurance Clauses for DRI Newsletter

DRI Newsletter

December 1, 2016

Nevada's Treatment of the Suicide Exclusion Clause in Straight Life Insurance Policies

DRI Life, Health and Disability Newsletter

December 1, 2016

Suicide Exclusions in Life Insurance Policies: Illinois

DRI Life, Health and Disability Newsletter

April 1, 2016

In Order to Form a More Perfect Expert

DRI's Daubert Online

April 1, 2016

District Court Provides Good Reminder on the Use of 'Rebuttal' Experts

DRI's Daubert Online

January 1, 2016

DRI 2016 Duty to Defend Compendium, Missouri Chapter; addressing duty to defend, coverage litigation and bad faith

October 1, 2015

Relaxed Daubert Test Applied in 'Lone Pine' Proceeding

DRI's Daubert Online

January 1, 2015

The Use Of Experts In Litigation

Chapter 21 of the New Appleman Insurance Law Practice Guide

June 3, 2014

Use chemicals in your business? Read your insurance policy: You might not be covered.

March 1, 2014

Is It Time to Start Using Rule 706?

DRI's Daubert Online

March 1, 2014

The Value of Not Filing a Pre-Trial Daubert Challenge

DRI's Daubert Online

October 1, 2013

More Lessons on Improper Contact with Experts

DRI's Daubert Online

September 1, 2013

A Degree in a Relevant Field Might Not Be Sufficient for Expert Testimony to Survive a Daubert Challenge

DRI's Daubert Online

April 1, 2013

Do Experts Have Standing to Appeal from Daubert Rulings? Right Now They Might

DRI's Daubert Online

April 1, 2013

Expert's Comparison Against Averages Leads to the Exclusion of Lost Profits Opinion

DRI's Daubert Online

September 1, 2012

Challenges to Rebuttal Expert Opinion

DRI's Daubert Online

April 1, 2012

Does Your Expert Have Too Much Information?

DRI's Daubert Online

September 1, 2011

Tips from the Trenches—On the Other Side

DRI's Daubert Online

April 1, 2011

Undesignating Expert Witnesses

DRI's Daubert Online

January 1, 2011

Expert Witness Discovery

New Appleman Insurance Law Practice Guide

November 1, 2010

Experts and Testimonial Immunity

DRI's Daubert Online

July 1, 2010

Daubert Challenges During Class Certification

DRI's Daubert Online

May 1, 2009

Why Liability Insurers Are Not Fiduciaries to Their Insureds and Why Missouri Courts Should Stop Saying That They Are

Journal of the Missouri Bar, vol. 65, 135

May 15, 2008

Inadvertent Disclosure of Privileged Information to an Expert Witness

DRI's Daubert Online

May 1, 2008

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'

DRI's Daubert Online, Seventh Circuit Report

January 1, 2008

Expert Witness Discovery (Chapter)

New Appleman Insurance Law Practice Guide

August 15, 2007

What Can You Do about Your Opponent's Junk Science Expert?

DRI's Daubert Online

August 1, 2007

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

DRI's Daubert Online, Seventh Circuit Report

April 1, 2007

Countering Contra-Insurer: Construction Principles, Arguments and Defenses That Level the Contract Interpretation Playing Field

Defense Research Institute (DRI)

January 1, 2007

Demystifying Insurance Disputes (Chapter)

Inside the Minds: Insurance Dispute Resolution Proceedings, Aspatore Books

December 15, 2006

Pay Attention to Experts' Professional Affiliations

DRI's Daubert Online

December 1, 2006

Daubert Applies to Bench Trials, But the Ruling Can be Deferred to Trial

DRI's Daubert Online, Seventh Circuit Report

August 15, 2006

Don't Let Legal Training Interfere with the Practice of Law

DRI's Daubert Online

August 1, 2006

A Physician First Must 'Rule in' the Defendant's Product as a Potential Cause before a Differential Diagnosis Is Admissible Under Daubert

DRI's Daubert Online, Seventh Circuit Report

April 1, 2006

The Plaintiff's Game Plan

DRI's Daubert Online

April 1, 2006

Expert's Initial Opinions Are Not Relevant after a Change in Facts: Experts May Testify Solely Based on Experience

DRI's Daubert Online, Seventh Circuit Report