



Patrick M. Kennell

Overview

Patrick Kennell is a directors and officers (D&O) and professional liability litigator, representing companies, boards, executives, and professionals in courts throughout the U.S. in matters ranging from breach of contract, breach of fiduciary duty and professional negligence (E&O) actions, to complex business disputes involving claims of fraud and conspiracy. In his D&O defense practice, Mr. Kennell has defended companies and their directors and officers in actions brought by shareholders, lenders, investors, creditors, clients, and others in venues throughout the country, including at trial of lawsuits in Delaware Chancery and Superior Courts and in litigation before the New York Commercial Division and numerous federal courts nationwide. He understands decision-makers – whether clients, judges or juries – need clear and succinct communication of essential information.

His clients encompass a variety of professions and classes of business, including defense of private company D&O, community banks, real estate professionals, architects and engineers, insurance professionals and third-party administrators (TPAs), lawyers/law firms, investment funds, ERISA-related professionals, managed care and healthcare organizations, environmental consultants, technology specialists, and miscellaneous E&O.

Mr. Kennell also advises U.S. and London Market insurers on D&O, E&O and cyber policy coverage issues, litigating those matters and trying them through jury verdict when necessary. He has successfully litigated declaratory judgment, rescission and bad faith lawsuits in state and federal courts nationwide, on matters including professional services, prior knowledge and claims-made topics.

Mr. Kennell's background advising London Market insurers includes a secondment with a leading Lloyd's of London syndicate, where he worked alongside the claims team and provided in-house legal advice on a broad range of professional indemnity and D&O issues. He also helped the company design and implement e-discovery protocols for responding to electronically stored information demands in U.S. lawsuits.

Admissions

- New York
- Connecticut
- U.S. Supreme Court
- U.S. Court of Appeals



Partner

Contact Information

40 Exchange Place, 20th Floor
New York, NY 10005
Email: pkennell@kaufmandolowich.com
Main: (212) 485-9600
Direct: (646) 599-9420
Cell: (917) 843-0490
Fax: (212) 485-9700

55 Post Road West, Suite 200
Westport, CT 06880
Phone: (203) 293-7830
Fax: (914) 470-0007

Related Practices

- Commercial Litigation
- Directors & Officers Liability
- Directors and Officers (D&O)
- Professional Liability/Errors and Omissions - Defense
- Lawyers
- Insurance Agents and Brokers
- Architects and Engineers
- Real Estate Professionals
- Insurance Coverage & Litigation
- Bad Faith Litigation
- Reinsurance Audits & Disputes
- Appellate Law

- *Second Circuit*
- *Sixth Circuit*
- *Ninth Circuit*
- *U.S District Court*
 - *District of Connecticut*
 - *Eastern District of New York*
 - *Southern District of New York*
 - *Northern District of New York*
 - *Western District of New York*
 - *Eastern District of Michigan*

Education

- *Syracuse University College of Law – J.D.*
 - *cum laude*
 - *Order of the Barrister*
 - *National Trial Competition, New York Bar Association “Tiffany Cup” Winner*
- *Eastern Illinois University – B.A.*

Professional Memberships

- *American Bar Association, Member*
- *ABA Tort Trial and Insurance Practice Section (TIPS), Member*
- *Professional Liability Underwriting Society (PLUS), Member*

Experience

Recent Cases & Reported Decisions

- *TIAA-CREF v. Illinois National, et al.* – Tried issues involving “consent to settle” provisions through jury verdict in Delaware Superior Court.
- *Ranasinghe v. Great West Cas. Co., et al.* – Won summary judgment and attorneys’ fee award as the prevailing party for insurer in non-insured’s breach of contract action.
- *Vertrue, LLC v. Hiscox Inc.* – Prevailed at summary judgment for insurer in Connecticut bad faith and breach of contract action involving claims-made and interrelatedness issues.
- *Appel v. Schoeman Updike Kaufman Stern & Ascher L.L.P., et al.* – Represented a family-owned environmental consultancy in wide-ranging conspiracy action, succeeding on motion to dismiss and obtaining attorneys’ fee award for client.
- *Barton Malow v. Underwriters* – Litigated coverage action in Michigan federal court on behalf of London Market insurers involving “claims made” and “professional services” issues under architects & engineers policy.

- *Executive Risk Indem. Inc. v. Pepper Hamilton, LLP, et al.* - Represented a legal malpractice insurer in rescission action in trial court and in appeals to the First Department and New York Court of Appeals.
- *31-01 102nd Street Assocs. V. ACE European Ins. Group, et al.* - Litigated to judgment for insurer in rescission and misrepresentation case in New York trial court.

Community Service

- *Veterans Consortium Pro Bono Program, Volunteer Attorney*
- *The Trust for Governors Island, Member of the Board of Directors (Appointed by the Mayor of New York City)*
- *Manhattan Community Board No. 1, Chair of Land Use, Zoning & Economic Development Committee, Member of Executive Committee (Appointed by the Manhattan Borough President and New York City Council)*
- *Financial District Neighborhood Association, President and Member of the Board of Directors*
- *Syracuse University Law Alumni Association, Board of Directors Member, Executive Committee Member*

Publications

- *CT Supreme Court sides with Insurer on Pandemic-related Property Insurance Claims, Hartford Business Journal, Patrick Kennell quoted, 2-20-2023*
- *Delaware Rulings Clarify Interpretation of 'Related Claims' Provisions in D&O Insurance Policies: Published in Reuters Legal News, authors Michael Zigelman, Patrick Kennell, Catherine Lyster*
- *A Changing Boardroom Climate: Insurance Planning w/ ESG in Mind, Reuters, authors Michael Zigelman, Patrick Kennell, & Matthew Lee, Sept. 24, 2021*
- *Shuttered Courts Led to Increase in Settlements, Business Insurance, ft. Patrick Kennell*
- *3 Lessons From The Failed \$54B Cigna-Anthem Merger, Law360, ft. Patrick Kennell*
- *Top exec with coronavirus a reportable event? It all depends, Business Insurance, ft. Patrick Kennell*
- *3 Things M&A Attys Need To Know About Delaware Law In 2018, Law360, ft. Patrick Kennell*
- *Four Years After Sandy, Storm Resilience Lags, Risk Management*
- *2016 PLUS D&O Symposium Day One Recap, Advisen Front Page News, by Marc Voses and Patrick Kennell*
- *The Calm Before the Next Storm: What Insurance Leaders Should Know About Resiliency*

News

- *Shuttered Courts Led to Increase in Settlements, Business Insurance, ft. Patrick Kennell*
- *Top exec with coronavirus a reportable event? It all depends, Business Insurance, ft. Patrick Kennell*

Speaking Engagements

- *KD Lunch and Learn: Legal Impact for Employers and Businesses in Today's World: Legal Impact for Employers and Businesses in Today's World*

- *2015 PLRB Claims Conference: D&O and E&O Coverage for HOA Board Members' Liability*