



Patrick R. Kingsley

Partner -- Chair, Alternative Dispute Resolution

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Patrick Kingsley has tried more than 40 cases involving diverse legal claims and fact patterns in several different forums across the United States. As a trial lawyer, he has tried both jury and non-jury cases and has represented clients in arbitrations, mediations and hearings before administrative law judges and referees. He is chair of both the firm's construction and alternative dispute resolution practices.

Patrick handles a wide variety of complex commercial disputes, focusing much of his practice on construction, surety and fidelity litigation. He represents owners, contractors, subcontractors, design professionals, sureties and building product suppliers in construction disputes involving claims for delay, unforeseen site conditions, poor workmanship, defective materials, design errors, liquidated damages, mechanics' liens, change orders, lost productivity, bid protests, warranty claims, performance bond claims, payment bond claims and indemnity claims.

Patrick is a fellow of the American College of Civil Trial Mediators. He has also served as an adjunct professor at Rutgers University School of Law, instructing students on trial advocacy skills.

Featured Representative Matters

- Obtained the dismissal of a performance bond claim on the grounds that the owner failed to afford the contractor the right to attempt to cure its alleged construction shortcomings.
- Obtained the complete dismissal of a financial consultant from a \$75 million Racketeer Influenced and Corrupt Organizations (RICO) Act action.
- Secured an \$8.1 million award in favor of an insurer for retro-premiums past due.
- Secured the dismissal of a surety from a multimillion-dollar suit, which assisted the principal in obtaining a \$36 million verdict for wrongful discharge.
- Obtained a defense decision in a multimillion-dollar case involving severe brain injury allegedly caused by therapeutic radiation.
- Obtained a \$3.1 million judgment on an indemnity claim brought by a surety against its indemnitors.
- In a case of first impression in Pennsylvania, persuaded a court that a no-damage-for-delay provision necessarily defeated joinder claims against a contractor, a surety and an engineer.

Services

- Litigation
- Construction
- Insurance & Reinsurance
- Products Liability & Mass Tort Defense
- Alternative Dispute Resolution
- Appellate
- Trial Practice

Education

- University of Pittsburgh School of Law (J.D., *magna cum laude*)
- University of Pittsburgh (B.A., *magna cum laude*)

Admissions

- Pennsylvania
- New York
- Maryland
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Ninth Circuit

- Defended claims related to a catastrophic accident at the Kingdom Center, the then-tallest building in Saudi Arabia.
- Handled several hundred complex mass-tort exposures as part of a national asbestos trial team for a national client.
- Prevailed in an appeal before the U.S. Court of Appeals for the Third Circuit in a case involving an alleged breach of contract governing the sale of a printing business based in Puerto Rico.
- Convinced a federal court in New Jersey to reverse New Jersey law and hold that a surety cannot be liable under state law for the bad-faith denial of a bond claim.
- Obtained an award from a National Association of Securities Dealers (NASD) panel on an unfair competition claim for the “raiding” of one broker-dealer’s office by another.
- Obtained a jury verdict in favor of a general agent against a broker for the return of commissions relating to a canceled “key” employee policy.
- Obtained a multimillion-dollar award in favor of an insurer against its reinsurer as part of a multi-firm trial team.
- Defended a fledgling industrial minerals supplier in a two-week-long, bet-the-company injunction trial involving claims of theft of industrial trade secrets brought by a competitor.
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the District of Arizona
- U.S. District Court for the Eastern District of Michigan
- New York State Court of Appeals
- Pennsylvania Supreme Court

Memberships

- Member, Tort Trial and Insurance Practice Section, American Bar Association
- Chair, Fidelity and Surety Law Expert Witness Subcommittee, Defense Research Institute (DRI)
- Member, Medical Liability and Fidelity and Surety Law committees, DRI
- Member, Arbitration Committee for Conflict Prevention Resolution
- Member, Conflict Prevention Resolution Arbitrator Panel of Distinguished Neutrals
- Member, National Academy of Distinguished Neutrals, Pennsylvania chapter
- Member, National Bond Claims Association
- Member, Philadelphia Surety Claims Association
- Member, Surety Claims Institute

Recognitions

- *The Best Lawyers in America* (Lawyer of the Year: Litigation – Construction) (2024)
- *The Best Lawyers in America* (Construction Law; Litigation – Construction) (2020-26)
- *Pennsylvania Super Lawyers* (Construction Litigation) (2019-26)

Featured Speaking Engagements

- Moderator, “Arbitrators and Mediators: How Much Freedom Do You Give or Take from Your Participants & A Mediator’s Freedom to Lie,” International Institute for Conflict Prevention & Resolution Annual Meeting
- Speaker, “First Things First: Foundational Principals,” American Bar Association’s Fidelity and Surety Law Committee Spring Conference
- Speaker, “Tips for a Successful Mediation,” Surety Claims Institute’s 48th Annual Meeting & Seminar
- Presenter, “Why Mediations Fail: Avoid These Common Mistakes,” Association of

Corporate Counsel's Greater Philadelphia chapter

- Speaker, "Public Official Bonds," American Bar Association's Fidelity and Surety Law Committee Conference
- Presenter, American Arbitration Association Roundtable on Virtual Hearings
- Presenter, "Fidelity & Surety Law Update and Ethical Roundtable," Surety Claims Institute Annual Meeting and Seminar
- Panelist, "Risk Management from a Schedule Point of View," General Building Contractors Association Webinar
- Panelist, "E-Discovery – Managing the Risks to Get the Reward: Best Practices for Construction Lawyers and Their Clients," American Bar Association Forum on Construction Law Midwinter Meeting
- Panelist, "Performance Bonds and CGL Insurance in Construction Projects: Navigating Interplay Between Insurance and Surety," Strafford Webinar
- Panelist, "10 Mistakes to Avoid in Mediation," Pennsylvania Bar Institute Business Law Institute
- Panelist, "Construction Litigation: Views from the Bench and the Trench," Pennsylvania Bar Institute
- Presenter, "Avoiding Problems in Taking Assignments," Surety Claims Institute 42nd Annual Meeting and Seminar
- Panelist, "The Parties' Obligations Under the Performance Bond Relative to a Principal's Default," ABA Fidelity and Surety Law Committee Spring Meeting
- Moderator, "The AIA A-312 Performance Bond Revisited: A Panel Discussion Addressing Key Issues, Potential Pitfalls and Practice Tips for Addressing Adverse Case Law," ABA Fidelity and Surety Law Committee Spring Meeting

Featured Publications

- Co-author, "AI in Mediation: Science Fiction, Fact or Future," *The Legal Intelligencer*
- Author, "Why Your Best Move in Arbitration May Be to Use a Chess Clock," *The Legal Intelligencer*
- Author, "The Electronic Payment Bond Deskbook – Pennsylvania," Spring Meeting of the Fidelity & Surety Law Committee of the Tort Trial and Insurance Section of the ABA
- Author, "The Electronic Payment Bond Deskbook – Delaware," Spring Meeting of the Fidelity & Surety Law Committee of the Tort Trial and Insurance Section of the ABA
- Author, "Consider Binding Mediation for Your Persnickety Construction Disputes," *The Legal Intelligencer*
- Co-author, "Building Greener: How to Navigate Pennsylvania's Eco-Friendly Initiatives," *The Legal Intelligencer*
- Author, "Public Official Bonds," *The Law of Commercial Surety and Miscellaneous Bonds*
- Co-author, "Construction Law Update: What Else? Still COVID-19!" *The Legal Intelligencer*
- Author, "How to Make Your Mediation a Success: Seven Tips," *The Legal Intelligencer*
- Author, "E-Discovery – Best Practices for Construction Lawyers and Their Clients," *The Construction Lawyer*
- Author, "Why Construction Mediations Fail," *Under Construction*

- Author, "How Effective Is Electronic Mediation in the Age of COVID-19?" *LegalTech News*
- Author, "Resolving Construction Disputes Through Baseball Arbitration," *AAA Dispute Resolution Journal*
- Author, "E-Discovery – Managing the Risk to Get the Reward," ABA Forum on Construction
- Author, "Why Do Mediations Fail? Avoid These Common Mistakes," Business Law Institute, PBI
- Author, "International Arbitrations: The Conversion Rate of Judgements Measured in Foreign Currencies"
- Author, "Revised Uniform Arbitration Act," The Commonwealth of Pennsylvania
- Editor, "Alternative Dispute Resolution – Chapter 57 of Successful Partnering Between Inside and Outside Counsel," *Thomson Reuters*
- Author, "The Effect of Submittals on Allocating Risk and Responsibility," *Under Construction*
- Author, "The Singapore Convention of Mediation: Good News for Businesses," *The Legal Intelligencer*
- Author, "Surety and False Claims Act Liability Today," *For the Defense*
- Author, "New Pennsylvania Law Protects Rights of Unpaid Contractors," *Law360*
- Author, "Assignments: Avoiding Problems in Taking Assignment," Surety Claims Institute Annual Conference Publication
- Co-author, "The Parties' Obligations (Or Lack Thereof) Prior to and Leading Up to a Contractor Default and Conditions Precedent to Pursuit of a Claim," FSLC Spring Meeting, *The Annotated Performance Bond*
- Author, "Is It Ever Wise for a Performing Surety to Terminate an Owner," Surety Claims Institute
- Author, "Harmonizing the Conflicting Interests of Creditors Before Bankruptcy," Surety Claims Institute
- Author, "Bond and Construction Contract Provisions in Pennsylvania"
- Author, "Differing Site Conditions – Project Delivery Methods, Execution and Completion," PBJ, Pennsylvania Construction Law
- Author, "The Surety Underwriters' Desk Book –Delaware and Pennsylvania Chapters," Fidelity & Surety Law Committee
- Author, "Bad Faith Claims Against Sureties," *For the Defense*
- Author, "Latent Defect Claims Against Sureties – Practical Considerations," Fidelity & Surety Law Committee Newsletter
- Author, "Which State's Law Controls These Policies – Comprehensive Construction Defect Claims," Super Conference, BVR Legal
- Author, "Who Is a 'Customer' When a Check Is Wrongly Dishonored? The Answer Is Not Child's Play," *Banking Law Journal*
- Author, "Performance Bond Notice Provisions: 36 Million Reasons to Comply," ABA Tort, Trial & Insurance Practice Newsletter
- Author, "Pennsylvania Mechanics' Lien Statute: An Overview and Update," *Pratt's Journal of Bankruptcy*
- Author, "A Client Success Story," *The Dispatch*
- Author, "Fraud Litigation in Pennsylvania," National Business Institute

- Author, “Asserting the Caution Defense to Claims of Cancer from Nonionizing Electromagnetic Fields,” Law and Science Institute
 - Author, “Preserving the Record – How to Conduct Effective Direct and Cross Examination in a Civil Case,” Pennsylvania Bar Institute
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Publications

Is Mandatory Mediation Worth the Effort? It Turns Out It Is

The Legal Intelligencer

November 13, 2025

The Importance of the Vanishing Opening Statements in Mediation

The Legal Intelligencer

May 29, 2025

AI in Mediation: Science Fiction, Fact or Future?

The Legal Intelligencer

November 20, 2024

Why Your Best Move in Arbitration May Be to Use a Chess Clock

The Legal Intelligencer

April 26, 2024

Good News for Sureties Under the False Claims Act

August 10, 2022

The Scope and Standard – Third Circuit to the Rescue

March 24, 2022

The Connection Between Surety Bonds and Hollywood Scripts

February 8, 2022

Assignments of Judgments: Another Tool in the Surety Toolbox

January 19, 2022

E-Discovery – Managing the Risks to Get the Reward: Best Practices for Construction Lawyers and Their Clients

The Construction Lawyer

October 6, 2021

Experience

Pennsylvania Supreme Court Rules Sureties Are Not Liable for Bad Faith

Stradley Ronon partner Patrick Kingsley and counsel Adriel Garcia secured a significant victory for surety companies in Pennsylvania. In *Eastern Steel Constructors v. International Fidelity Insurance*, 2026 WL 457805 (Pa. 2026), the Pennsylvania Supreme Court ruled that Pennsylvania’s insurance bad-faith statute does not apply to sureties or surety bonds. The subcontractor, Eastern Steel Constructors, had asserted a payment bond claim, which was denied in part. It argued a surety should be liable for

bad faith under the statute because suretyship and insurance are essentially the same thing. Mr. Kingsley presented oral argument before the Supreme Court and convinced them otherwise.

The Supreme Court found the plain language of the statute only applies to “insurance policies” written by “insurers.” The court found that language “clearly and unambiguously does not encompass a surety bond.” The court was persuaded that insurance and suretyship were fundamentally different and had been recognized as different for quite some time, citing the 1996 Pennsylvania Supreme Court case *Foster v. Mutual Fire, Marine and Inland Insurance*, which itself quotes the 1962 U.S. Supreme Court case *Pearlman v. Reliance Insurance*. As a result, the court concluded that “the General Assembly did not intend to subject surety bonds to the bad faith statute.”

Until *Eastern Steel Constructors*, there had not been a published Pennsylvania appellate court decision on the applicability of the bad-faith statute to sureties. This historic ruling from Pennsylvania’s highest court resolves the issue in Pennsylvania once and for all.

Mr. Kingsley previously succeeded in reversing the law in New Jersey regarding the applicability of bad-faith claims to sureties. In the 2010 case of *SBW v. Ernest Bock & Sons*, the U.S. District Court for the District of New Jersey rejected the holding in the 2000 case of *U.S. ex rel. Don Siegel Construction v. Atul Construction*, which recognized such a bad-faith cause of action against sureties. The *SBW* case has since been cited several times with approval, marking a reversal in New Jersey law.

Stradley Ronon Advises International Fidelity Insurance in Avoiding \$600K Windfall Payment in \$2M Surety Bond Case

In *H.C. Pody v. International Fidelity Insurance*, the U.S. District Court for the Eastern District of Pennsylvania sided with International Fidelity Insurance Co., represented by Stradley Ronon, denying a contractor’s demand for the full penal sum on a mechanics lien discharge bond. The contractor argued that the bond issued with a \$2 million penal limit entitled it to the full penal sum even though that amount was \$601,975 beyond the underlying lien judgment.

The court disagreed, holding that the bond covered only the actual judgment amount—not the entire bond limit—and granted our client’s motion for judgment on the pleadings. In its opinion, the court noted the contractor was “stretch[ing] the language of the surety bond beyond its agreed scope to claim hundreds of thousands of dollars that no court awarded it.”

Travelers Casualty & Surety Victorious in the Third Circuit

Stradley secured an important Third Circuit victory for Travelers Casualty and Surety when the court affirmed the Middle District’s dismissal of a performance bond claim against Travelers arising from a substantial public works project. Travelers was the surety on a contract to refurbish a sewer in Milton, Pennsylvania. Soon after the project commenced, the Milton Regional Sewer Authority fired the contractor for a litany of alleged serious performance deficiencies. The authority did so, however, without first giving the contractor the opportunity to cure the deficiencies, as required by the underlying construction contract and the bond. Milton replaced the contractor and then sued Travelers, seeking payment under the bond for the extra costs. Stradley persuaded the trial court to grant its motion to dismiss, extinguishing this potential million-dollar Travelers liability. Milton appealed to the Third Circuit, arguing that its violation of the cure period was excused because of the seriousness of the contractor’s poor performance. Again, Stradley was able to persuade the Third Circuit

to reject Milton's argument while adopting in its opinion virtually all the arguments advanced by Stradley. The decision is a significant victory for the surety industry and this appears to be the first case in the country dismissing a surety on these grounds at the pleadings stage.

Therapeutic Radiation Malpractice Claim Defeated

Stradley Ronon successfully tried a significant insurance claim for Reliance Insurance Co. (in Liquidation). The claimant, who was given therapeutic radiation, developed severe neurological complications following the treatment. Stradley defended causation by contending that the neurological deficits that developed were caused by an autoimmune response, and not because of the treatment, and that the insured was not guilty of malpractice. Stradley secured a victory before a referee appointed in the Reliance liquidation.

No Bad Faith in New Jersey

SBW, Inc. v. Ernest Bock & Sons, Inc. – Our surety team convinced a federal court interpreting New Jersey law that a surety cannot be liable for the bad faith denial of a surety bond claim. This seminal decision reversed case law in New Jersey on this subject. This opinion has now been followed in several published decisions.

Notice to Cure Enforced

Donald M Durkin Contracting, Inc. v. City of Newark – Our construction litigation team secured the dismissal of a claim that a general contractor defaulted on the construction agreement for a massive reservoir near Newark, Delaware. Stradley Ronon lawyers succeeded in having the surety dismissed on the basis that the general contractor was wrongfully terminated because the owner failed to satisfy the construction contract's notice-to-cure requirements.

Right to Cure Enforced

Milton Regional Sewer v. Travelers Casualty & Surety Co. of America – Our construction litigation team succeeded in obtaining the dismissal of a performance bond claim on the grounds that the owner failed to afford the contractor the right to attempt to cure its alleged construction shortcomings.

Stradley Enforces No-Damages-for-Delay Provision Before Commonwealth Court

Guy Cooper Inc. v. East Penn School District v. United States Fidelity & Guaranty – Stradley litigators succeeded in having the owner's joinder complaint against the general contractor and its surety dismissed on the grounds that the construction contract's no-damage-for-delay provision precluded such joinder.