

Donald W. Kiel

Partner

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OVERVIEW

Don Kiel's practice focuses on complex commercial litigation, including commercial insurance coverage litigation, and counseling, as well as complex commercial, environmental, toxic tort and tort litigation.

He has handled some of the largest insurance coverage disputes for corporate policyholders in state and federal courts throughout the country. Don's experience includes litigation, arbitration, appraisals and counseling concerning insurance coverage for environmental, asbestos, directors and officers, antitrust, product (including pharmaceutical and chemical), employment practices, professional liability, entertainment event cancellation, e-commerce, and gun liability, as well as for first party losses (including business interruption) arising from natural disasters, the Covid-19 pandemic and 9/11, and claims under health insurance plans and life insurance policies.

Don also handles commercial disputes against insurers arising from the issuance and cancellation of insurance policies. He also counsels clients concerning the purchase and negotiation of commercial insurance policies. Don's insurance coverage practice includes assisting clients in insurance due diligence in connection with proposed corporate transactions.

Don also handles complex commercial litigation, including real estate, closely held corporate shareholder, fraud, contract, and construction litigation. His commercial litigation experience includes representation of clients in the retail, petroleum marketing, healthcare, medical device, pharmaceutical, manufacturing, hospitality, and logistics industries.

Don's practice includes serving as counsel and arbitrator in several commercial arbitrations throughout the United States. He has been selected by policyholders to serve as a party appointed and neutral arbitrator in a number of large insurance coverage arbitrations, including claims involving a loss of a gas and oil drilling platform in the Gulf of Mexico during Hurricane Rita; underlying antitrust claims, and multiple D&O and E&O insurance coverage disputes. Don has also handled several large insurance coverage and commercial arbitrations on behalf of policyholder clients involving both first party losses and D&O insurance coverage disputes, and on behalf of commercial clients in contract disputes.

Don has also defended several significant environmental and toxic tort litigations, including precedent setting environmental justice litigation, CERCLA, and similar state statutory cost recovery litigation, along with related toxic tort class actions, wrongful death litigation, and multiple plaintiff lawsuits. He also regularly counsels and

represents clients in litigation concerning contractual indemnity claims for asbestos, environmental, and other liabilities.

Don has been listed in *The Best Lawyers in America* in the area of Insurance Law (Bad Faith, Coverage, Dispute Resolution, Plaintiffs) since 2006.

PROFESSIONAL BACKGROUND

Don served as a Law Clerk for the Honorable Sherwin D. Lester, Superior Court of New Jersey, Chancery Division, from 1982-1983. Don has been listed in the Best Lawyers in America in Insurance Law since 2006 and has been selected as a New Jersey Super Lawyer in Insurance Law.

ACHIEVEMENTS

- Recognized by *The Legal 500 United States* as a Recommended Lawyer for Insurance: Advice to Policyholders, 2024-2026
- Elected Fellow of American College of Coverage Counsel
- Listed in *The Best Lawyers in America*® for Insurance Law, 2006-2022
- Named to the New Jersey Super Lawyers list for Insurance Coverage

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association (Litigation Section, Committee on Insurance Coverage Litigation)
- Vice President, Board of Trustees, Morristown and Morris Township Joint Free Public Library
- District V.A. Supreme Court Ethics Committee (Former Member)
- Trial Attorneys of New Jersey (Former Board Member)

SPEAKING ENGAGEMENTS

- "Understanding and Managing Cyber Risk," Association of Corporate Counsel of New Jersey 23rd Full Day CLE Conference, 25 September 2025
- "Claims Handling for the In-House Lawyer: Maximizing Recovery and Minimizing Impediments to Coverage," *Association of Corporate Counsel of New Jersey 22nd Annual Full Day CLE Conference*, 23 September 2024
- "Insurance For Natural & Manmade Disasters Including the COVID-19 Pandemic & Highlights of Insurance Facts," *Association of Corporate Counsel of New Jersey 21th Full Day CLE Conference*, 16 October 2023.
- "Insurance 101: A Basic Level Introduction to Corporate Insurance," *Association of Corporate Counsel of New Jersey 20th Full Day CLE Conference*, 15 September 2022.

- Understanding & Managing Cyber Risk," Association of Corporate Counsel of New Jersey 18th Full Day CLE Conference, 22 September 2020.
- "Free Money: Insurance Coverage under Policies Issued to Other Companies", Association of Corporate Counsel of New Jersey 19th Full Day CLE Conference, 9 September 2021.
- "Free Money: Insurance Coverage under Policies Issued to Other Companies," *Association of Corporate Counsel New Jersey 16th Annual Full Day CLE Conference*, 20 September 2019.
- "Understanding and Managing Cyber Risk," *Association of Corporate Counsel New Jersey 15th Annual Full Day CLE Conference*, 15 September 2017.
- "A Primer on Directors and Officers and Similar Professional Liability Insurance," *Association of Corporate Counsel New Jersey 14th Annual Full Day CLE Conference*, 16 September 2016.
- "A Primer on Directors and Officers and Similar Professional Liability Insurance," *New Jersey Corporate Counsel Association 12th Annual Full Day CLE Conference*, 19 September 2014.
- "A Primer on D&O Insurance," *American Bankers Association General Counsel Group Meeting*, 14 November 2013.
- "An Introduction to Corporate Insurance," *New Jersey Corporate Counsel Association 11th Annual Full Day CLE Conference*, 20 September 2013.
- "Superstorm Sandy: Are You Covered," *K&L Gates Webinar*, 13 November 2012.
- "Insurance 101: A Basic Level Introduction to Corporate Insurance," *New Jersey Corporate Counsel Association 10th Annual Full Day CLE Conference*, 21 September 2012.
- "Contractual Indemnities and Insurance: Not Always Perfect Together," *New Jersey Corporate Counsel Association 9th Annual Full Day CLE Conference*, 23 September 2011.
- "Climate Change and Sustainability: Selected Issues Regarding Risk Management, Liability and Insurance," *New Jersey Corporate Counsel Association 8th Annual Full Day CLE Conference*, 24 September 2010.
- "Sustainability: Selected Issued Regarding Liability and Insurance," *New Jersey Risk and Insurance Managers Society Meeting*, 13 April 2010.
- "Insurance Coverage and the Financial Crisis," *K&L Gates Webinar,* February 26, 2009.
- "'Free Money' Insurance Coverage under Policies Issued to Other Companies," *New Jersey Corporate Counsel Association 6th Annual Full Day CLE Conference*, 18 September 2008.
- Panelist, "Developing a Goods Sold and Delivered Case," *New Jersey Institute for Continuing Legal Education*, September 2004.
- "Negotiating Insurance Settlements for Long-Tail Exposure Claims," *ABA/ACCA Conference for Corporate Counsel: "The Legal Department's Role in Enhancing the Corporate Bottom Line,"* June 2002.

- "Indemnification and Insurance Contract Provisions – A Primer," *ABA Section of Business Law 2002 Spring Meeting Program Titled, "Terrorist Attacks, Catastrophes and Insurance Coverage Litigation, Relationship with Risk Managers and Contractual Indemnities, Old and New Insurance Topics for Corporate Counsel*," April 2002.
- "The Owned Property Exclusion Under New Jersey Law," *New Jersey Institute for Continuing Legal Education Seminar*, "Environmental Insurance From A to Z," September 2001.
- Panelist, "Insurance Issues in Toxic and Environmental Contamination," *New Jersey Institute for Continuing Legal Education*, September and November 1991.

EDUCATION

- J.D., American University Washington College of Law, *(magna cum laude)*
- B.A., Bucknell University, *(summa cum laude; Phi Beta Kappa; with honors)*

ADMISSIONS

- Bar of New Jersey
- Bar of New York
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of New Jersey
- United States District Court for the Southern District of New York

THOUGHT LEADERSHIP *POWERED BY HUB*

- 17 August 2026, Pennsylvania Supreme Court Rejects Insurers' Arguments that Public Policy Bars Coverage for Hotel Sex-Trafficking Claims
- 1 July 2026, New Jersey High Court Highlights D&O Insurance Traps for Complex Business Structures
- 20 May 2026, Pro-Policyholder Trend Continues in TVPRA Coverage Litigation

OTHER PUBLICATIONS

- "IMO Industries Tackles New Jersey Law on Host of Insurance Coverage Issue," *FC&S Legal: Insurance Coverage Law Report*, January/February 2015.

NEWS & EVENTS

- 16 October 2023, 21st Annual CLE Conference Program- Insurance for Natural and Manmade Disasters Including the COVID-19 Pandemic and Insurance 101 Highlights, Hosted by Association of Corporate Counsel New Jersey
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

OTHER MEDIA MENTIONS

- Mentioned, "Insured Not Required To Produce Certain Information In Asbestos Suit, Judge Affirms," *Mealey's Insurance*, 28 May 2021

AREAS OF FOCUS

- Insurance Recovery and Counseling
- Appellate Litigation
- Commercial Disputes
- E-Discovery Analysis and Technology (e-DAT)
- Mass Tort
- Product Liability

INDUSTRIES

- Consumer Goods and Services
- Franchising
- General Manufacturing
- Healthcare
- Manufacturing
- Metals Manufacturing and Fabrications
- Pharmaceuticals, Biologics, and Medical Devices
- Resort, Hospitality, and Leisure

- School Districts
- Specialty Chemicals
- Sports

REPRESENTATIVE EXPERIENCE

- Represented one of largest global retailers in coverage litigation against employment practices liability insurer involving large underlying employment discrimination class action
- Representing global chemical products manufacturer regarding disputed coverage under local and global pollution legal liability insurance policies
- Represented two large hospitality industry resorts in Puerto Rico in connection with property, business interruption and extra expense losses arising from Hurricane Maria, one of which was the subject of litigation in federal court in Puerto Rico
- Represented large private hospital system in North Carolina in connection with business interruption and extra expense losses from the Covid-19 pandemic
- Represented multi-office medical practice throughout New York and New Jersey in connection with business interruption and extra expense losses from the Covid-19 pandemic
- Represented large managed care company in litigation and arbitration regarding coverage under E&O policies for underlying antitrust claims
- Representing large hotel chain regarding insurance coverage for alleged sex trafficking liability claims
- Handling complex construction dispute involving state of the art healthcare facility in New York City on behalf of healthcare providers
- Handling shareholder litigation between shareholders of closely held petroleum retailer
- Handling fraud and real estate title litigation among shareholders to closely held company
- Handled shareholder dispute arbitration involving valuation of shares of New York logistics company
- Representing genomics company in connection with product claims arising out of genetic testing kits
- Represented healthcare providers regarding claims under project-related pollution legal liability insurance policy
- Represented multiple large industrial product manufacturers in litigation regarding insurance coverage for asbestos liabilities
- Represented large healthcare company in D&O insurance litigation involving recovery of substantial costs to defend multiple former officers and directors in substantial criminal matters

- Represented industrial manufacturing company in insurance coverage litigation against historical general liability insurers for substantial liabilities arising from former manufacturing facility, including victory in New Jersey Supreme Court
- Representing pharmaceutical manufacturer in coverage dispute involving opioid claims
- Represented large national clothing retailer in insurance coverage disputes arising from employee claims and hurricane property damage claims
- Represented large hospital system captive insurer in connection with claim against reinsurer arising out of large medical malpractice settlement
- Represented New Jersey school district in dispute with health insurer
- Represented health benefits company in D&O and E&O insurance coverage litigation and arbitration involving recovery of substantial costs to defend and indemnify against substantial underlying antitrust claims
- Insurance coverage counsel for global medical device manufacturer, handling claims under general liability, employment practices liability, directors and officers liability and environmental liability insurance policies
- Represented New Jersey bank in connection with coverage issues arising out of underlying construction litigation
- Represented New Jersey school district in insurance coverage litigation involving substantial employment discrimination claims
- National insurance coverage counsel for New York-based entertainment and professional sports company
- Represented chemical products manufacturer in coverage litigation regarding underlying product liability claims, resulting in insurer agreement to defend and indemnify manufacturer
- Insurance coverage counsel for New Jersey-based restaurant franchisee, handling claims under general liability, employment practices liability, and employers' liability insurance policies
- Represented large global chemical manufacturer in comprehensive environmental insurance coverage litigations
- Appointed as special insurance coverage counsel for Bankruptcy Chapter 11 debtor in asbestos bankruptcy, resulting in establishment of bankruptcy trust funded almost exclusively with hundreds of millions of dollars of insurer-paid funds
- Represented large pharmaceutical manufacturer in two coverage litigations involving underlying mass tort product liability claims and obtained settlement at amounts close to policy limits