

Thomas J. Smith

Partner

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OVERVIEW

Thomas J. Smith is the managing partner of the firm's offices in the United States, and has practiced at K&L Gates since 1987. Tom is a trial lawyer who has litigated a wide variety of commercial matters, and has been lead counsel in jury trials, bench trials, and international arbitrations, including environmental, insurance coverage, breach of contract, and other commercial disputes. He was lead counsel for a plaintiff hedge fund manager in a jury trial in New Jersey state court in which his client obtained a jury verdict for defamation in the amount of $40.4 million. The verdict is listed as the 45th-highest in the National Law Journal's Top 100 Verdicts of 2016. The verdict was upheld by the New Jersey Supreme Court in November 2019, and the judgment has been paid by the defendant.

Tom's other significant successes in jury trials include a Clean Water Act enforcement action brought by the US DOJ against a steel industry client, and a bad faith verdict obtained against an insurer in an environmental insurance coverage case, both federal court cases. He obtained a successful resolution for a US university in an international arbitration against a Chinese company in which Chinese law was at issue. Tom's litigation and trial experience extends to numerous jurisdictions, including California, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Texas, Washington and Wisconsin, as well as in Canada.

Tom recognized very early the impact that the proliferation of electronically stored information (ESI) would have on litigation discovery and trials, and founded in 2004 the firm's e-Discovery Analysis and Technology (e-DAT) Group, for which he is the co-practice group coordinator. The e-DAT Group was one of the first e-discovery practice groups established at a major law firm.

Tom is also a founding faculty member of the firm's mini-MBA program, an innovative professional development training program designed to orient associates to key business concepts that are integral to our clients' business success.

ACHIEVEMENTS

- Law Power 100, City & State Pennsylvania (2022, 2023)
- Fellow, Litigation Counsel of America

PROFESSIONAL / CIVIC ACTIVITIES

- Member, Trial Law Institute
- Member, Diversity Law Institute
- Named as *Pittsburgh Business Times* 2022 Power 100
- President of the Board for the Christian Legal Aid Clinic of Pittsburgh
- Adjunct Professor (former), e-Discovery and Civil Litigation, Duquesne University
- Federal Bar Association
- Allegheny County Bar Association
- Federal Bar Association
- Pennsylvania Bar Association
- Former Commissioner, Pine Township Planning Commission
- Former Council Member, Allegheny County Bar Association Environmental Law Section

EDUCATION

- J.D., Duquesne University School of Law, 1987 *(Member, Law Review; Assistant Editor, Law School Magazine Juris)*
- B.A., Carnegie Mellon University, 1981 *(cum laude; Technical Writing)*

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Michigan
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- February 2022, February 2022 Accolades

OTHER PUBLICATIONS

- eDiscovery, Spoliation of Evidence: The Duty to Preserve Records Relevant to Litigation, *PBI Press*, Fourth Edition, 2017

- Co-Author, “eDiscovery,” book published by *PBI Press*, updated edition 2017
- K&L Gates Alert: “Will the Federal e-Discovery Rules Change Again? A report on the proposed changes to the Federal Rules of Civil Procedure,” August 2013
- K&L Gates Alert: “Electronic Discovery Law - Must Parent and Attachment Files Be Kept Together?” 9 February 2012

NEWS & EVENTS

- 14 July 2025, K&L Gates Names New United States Regional Managing Partner
- 11 April 2023, K&L Gates Welcomes Asset and Corporate Finance Partner, Pittsburgh Office's Eighth Partner Addition This Year
- 23 January 2023, K&L Gates Bolsters Corporate/Private Equity Practice With Addition of Seven-Partner Team in Pittsburgh Office
- 27 December 2022, K&L Gates Adds Recently Retired U.S. Congressman Mike Doyle to Public Policy and Law Practice
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 25 February 2021, K&L Gates, University of Pittsburgh School of Law Continue Diversity Fellowship Offering
- 10 July 2019, K&L Gates Litigation Partner Confirmed to Judgeship with U.S. District Court for the Western District of Pennsylvania
- 23 January 2018, K&L Gates Welcomes Returning Pittsburgh Lawyer as Emerging Growth and Venture Capital Partner
- 6 March 2017, K&L Gates Names Pittsburgh Partner as 2017 Leadership Council on Legal Diversity Fellow
- 8 October 2015, K&L Gates, University of Pittsburgh School of Law Team to Offer K&L Gates Diversity Fellowship

OTHER MEDIA MENTIONS

- "The 2022 Law Power 100," *City & State Pennsylvania*, 27 June 2022.
- “Save the date: [Firm] says when return to office is set for U.S. locations,” *Pittsburgh Business Times*, 7 February 2022
- “POWER PLAYERS: Meet 100 business leaders who made a big impact in 2021,” *Pittsburgh Business Times*, 3 February 2022
- “Pa. Law Leaders Still Eyeing COVID Protocol As 2022 Begins,” *Law360*, 4 January 2022

- "Personalities of Pittsburgh: K&L Gates' Thomas Smith, Charting a Course Beyond COVID," *Pittsburgh Business Times*, 27 December 2021

AREAS OF FOCUS

- Commercial Disputes
- E-Discovery Analysis and Technology (e-DAT)
- Insurance Recovery and Counseling

REPRESENTATIVE EXPERIENCE

- Lead trial counsel for a plaintiff hedge fund manager in a September 2016 jury trial in New Jersey state court. False statements about the plaintiff had been published in a series of industry background check reports by the defendant background reporting service. Obtained a jury verdict for defamation in the amount of $40.4 million. The verdict was the 45th-highest verdict in the United States of America in 2016 as reported in the National Law Journal's Top 100 Verdicts that year. The verdict was upheld by the New Jersey Supreme Court in November 2019, and the judgment has been paid by the defendant.
- Lead trial counsel in comprehensive environmental insurance action against two dozen insurers to recover costs for defense and clean-up of major environmental site at Passaic River, New Jersey. Case settled before trial.
- Lead trial counsel in suit against insurers to recover costs for defense and indemnity related to toxic tort claims. Bad faith claim also asserted against certain insureds. Case set for jury trial in 2020.
- Co-lead trial counsel in 5-week federal jury trial for plaintiff industrial client in which bad faith verdict was obtained against an insurer in an environmental insurance coverage case. Damages awarded included punitive damages. Verdict upheld on appeal.
- Lead trial counsel in 6-week federal jury trial for defendant steel company in Clean Water Act enforcement action brought by the U.S. DOJ. Defendant found not liable on 99.9% of 5,000 claims. Represented client in Third Circuit appeal of civil penalty, and obtained reversal and remand for new penalty trial, after which the matter settled.