

John M. Sylvester

Partner

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OVERVIEW

John Sylvester is a partner and concentrates his practice in commercial litigation, with an emphasis in insurance coverage litigation and counseling. John has handled major environmental insurance coverage litigation pending in the courts of Alabama, Arizona, Connecticut, Delaware, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Vermont, and Washington. He has also litigated asbestos coverage and insurer bad-faith issues in the courts of the District of Columbia, Kentucky, Louisiana, Massachusetts, Ohio, Pennsylvania, and Texas. In addition, he has been involved in insurance coverage litigation relating to product liabilities in Pennsylvania, Ohio, Delaware, California, Hawaii, Illinois, Missouri, Louisiana, and West Virginia. He has also handled first-party property coverage litigation, including property damage and business interruption claims, in California, Florida, Georgia, Louisiana, Pennsylvania, Tennessee, Texas, and Washington. He has also counseled clients regarding D&O liability issues and has litigated D&O coverage issues in court and arbitration proceedings. John has had substantial dealings with insurance coverage matters relating to Lloyd's and the London insurance companies, in the marine, non-marine and aviation markets. He has significant trial experience in both insurance coverage actions and in general commercial matters and has argued appeals before both federal and state appellate courts. He has also handled numerous domestic and international arbitrations, including those conducted under the auspices of the AAA, the ICDR, the CPR Institute for Dispute Resolution and the English Arbitration Act, among others. John has lectured and published on topics relating to commercial litigation generally and insurance issues specifically.

PROFESSIONAL BACKGROUND

Partner with K&L Gates since 1993 and an Associate from 1985-1992.

Prior to joining K&L Gates, John served as a law clerk to the Honorable Francis L. Van Dusen of the United States Court of Appeals for the Third Circuit in Philadelphia. Prior to attending law school, John served on the staff of the US Senate Committee on the Judiciary and the Administrative Office of the United States Courts.

ACHIEVEMENTS

- Recognized by *The Best Lawyers in America*® as "Lawyer of the Year" for Insurance Law in Pittsburgh, PA, 2026
- Recognized by *The Best Lawyers in America*® in Pittsburgh, PA, 2006-2026
  - Litigation - Insurance
  - Insurance Law
- Recognized by *The Legal 500 United States* as a Recommended Lawyer for Insurance: Advice to Policyholders, 2026
- Regularly listed in *The International Who's Who of Insurance & Reinsurance Lawyers*

PROFESSIONAL / CIVIC ACTIVITIES

- Co-chair, International/London Subcommittee of the Insurance Coverage Litigation Committee of the ABA Section of Litigation

SPEAKING ENGAGEMENTS

- Environmental Insurance Coverage – Latest Trends and Developments, ABA Insurance Coverage Litigation Committee CLE Seminar, 8 March 2024 (Tucson, AZ)
- Insurance Coverage for Climate Change Litigation: Disputes are Heating Up!, ABA Insurance Coverage Litigation Committee CLE Seminar, 3 March 2023 (Tucson, AZ)
- Insurance Arbitrations in London after Halliburton v. Chubb: What's Next? ABA section of Litigation CLE Webinar, March 9, 2021 (virtual webinar)
- Retrospective Premiums - Avoiding Surprises and Understanding Risk Sharing, ABA Insurance Coverage Litigation Committee CLE Seminar, 6 March 2020 (Tucson, AZ)
- Brexit Issues for Transatlantic Businesses, K&L Gates Briefing, 12 April 2019 (Pittsburgh, PA)
- Artificial Intelligence Part II: A Paradigm Shift for Insurance, ABA Insurance Coverage Litigation Committee CLE Seminar, 1 March 2019 (Tucson, AZ)
- Resolutions in the Wake of Disaster, CPR Institute Annual Meeting, 8 March 2018 (Atlanta GA)
- Artificial Intelligence and Insurance: A Glimpse of the Future, ABA Insurance Coverage Litigation Committee CLE Seminar, 2 March 2018 (Tucson AZ)
- Insurance Developments Across the Pond: The English Insurance Act of 2015, ABA Insurance Coverage Litigation Committee CLE Seminar, 3 March 2017 (Tucson, AZ)

- Hot Issues in Bermuda Form Arbitrations, ABA Insurance Coverage Litigation Committee CLE Seminar, 5 March 2016 (Tucson, AZ)
- Can the Arbitration Process under Bermuda Form Policies be Enhanced for Policyholders? K&L Gates International Arbitration Webinar Series, 29 October 2015 (Webinar)
- "'Bending the Cost Curve' in Long-Tail Liability Coverage: The Berkshire Hathaway Strategy," ABA Insurance Coverage Litigation Committee CLE Seminar, 6 March 2015 (Tucson, AZ)
- "Berkshire Hathaway, the New Goliath: Strategies for the Boy David," ABA Insurance Coverage Litigation Committee CLE Seminar, 8 March 2014 (Tucson, AZ)
- "Key Issues in Marine Insurance for Global Companies," RIMS Annual Conference, 24 April 2013 (Los Angeles, CA)
- "The Concentration of Long-Tail Claims Handling in Berkshire Hathaway's Resolute Management," ABA Insurance Coverage Litigation Committee CLE Seminar, 2 March 2012 (Tucson, AZ)
- "Excess Insurer Issues," Claims Made and Professional Liability Insurance Conference, Pennsylvania Bar Institute, 12 December 2011 (Pittsburgh, PA)
- "Business Interruption Defined: What Your Policy Says and What It Means," RIMS Pittsburgh Chapter Meeting, 8 March 2011 (Pittsburgh, PA)
- "Key Issues in Bermuda-Form Arbitration Proceedings," American Bar Association Insurance Coverage Litigation Committee CLE Seminar, 5 March 2011 (Tucson, AZ)
- "Insurance Coverage for Global Warming Liabilities," EEI Risk Management Committee Meeting, 22 February 2011 (Orlando, FL)
- "Bermuda-Form Insurance Coverage Arbitrations in London: Key Issues and Practical Considerations," K&L Gates Recorded Webinar, 30 September 2010
- "Key Insurance Coverage Issues Under 'Energy Package' Policies for Offshore Operations," K&L Gates Co-Sponsored Seminar, 20 October 2010 (Houston, TX)
- "Bermuda-Form Arbitrations in London: Key Issues and Practical Considerations," ABA Webinar, 24 June 2010 (London, England)
- "The Lloyd's Part VII Transfer and Beyond," ABA Insurance Coverage Litigation Committee CLE Seminar, 5 March 2010 (Tucson, AZ)
- "Assessing Global Legal Liability Risks," REBEX 2008 Conference, 24 October 2008 (Chicago, IL)
- "Excess Insurer Issues," Claims Made and Professional Liability Insurance Conference, Pennsylvania Bar Institute, 12 August 2008 (Pittsburgh, PA)
- "Risk Management for Global Corporations – Assessing Global Legal Liability Risks," 2008 RIMS Annual Conference, 29 April 2008 (San Diego, CA)

- "The Equitas/Berkshire Hathaway Transaction: How Will It Affect Your Claim?," ABA Section of Litigation - Insurance Coverage Committee CLE Seminar, 29 February 2008 (Tucson, AZ)
- "Key Issues in Property Damage and Business Interruption Coverage for Natural Disasters and Industrial Accidents," Seminar sponsored by K&L Gates and UHY Advisors, 18 September 2007 (Houston, TX)
- "Pursuing Historical Insurance Coverage for Environmental Cleaning Costs," C-5's Advanced Conference on Environmental Liability and Insurance, 6 July 2007 (London, England)
- "Effective Cross-Examination Techniques," KASE Summer Trial Advocacy Program, 28 June 2007 (Pittsburgh, PA)
- "Understanding Lloyd's, Equitas and the London Insurance Market," Fundamentals of Insurance Coverage Law Conference, sponsored by Lexis/Nexis, 8 February 2007 (Washington, D.C.)
- Broker Liability and Related Concepts, *K&L Gates Insurance Coverage Training Series*, 10 August 2006 (Pittsburgh, PA)
- The Policyholder's Perspective on Insurer Insolvencies and Runoffs, *Insurance Runoff Management Conference*, sponsored by Informa, 28 February 2006 (London, England)
- "Insurance Coverage in the UK for Products and Premises Liabilities," *Maximising Returns From Your Insurance Assets: Protecting Your Company's Bottom Line*, sponsored by K&L Gates, 15-16 March 2005 (Manchester and London, England)
- "Understanding Lloyd's and Equitas," *Reinsurance 101 Conference: Litigation and Arbitration*, sponsored by Mealey's Publications, 14 February 2005 (Washington, D.C.).
- "Policyholder Recourse in the Event of Equitas Insolvency," *Equitas Claims and Insolvency Roundtable*, sponsored by Astor Law Firm and Kirkpatrick & Lockhart LLP, 2 March 2004 (Washington, D.C.)
- "Understanding Lloyd's and Equitas," *Fundamentals of Insurance Coverage Law Conference*, sponsored by Mealey's Publications, 20 March 2003 (Philadelphia, PA)
- "Key Issues in First-Party Property Coverage for Mold-Related Claims," *Mold Insurance Litigation Conference*, sponsored by Mealey's Publications, 23 September 2002 (Chicago, IL)
- "Policyholder Recourse in the Event of Equitas Insolvency," *Lloyd's and Equitas 2002*, sponsored by the American Bar Association, 14 May 2002 (Chicago, IL)
- "Insurance Related Issues in the Context of Asbestos Bankruptcies," *Asbestos and Mold Insurance Conference*, sponsored by Mealey's Publications, 14 March 2002 (Los Angeles, CA) and 18 April 2002 (Philadelphia, PA)
- "Litigating In The London Market: Overview of Current Issues," *Insurance Coverage in the New Millennium*, sponsored by ALI-ABA, 12 October 2001 (New York, NY)
- "Bringing Suit Against Equitas on a Lloyd's Policy," *Lloyd's and Equitas 2001*, sponsored by American Bar Association, 25 May 2001 (Chicago, IL).

- "Lloyd's and Equitas: Recent Asbestos Claims Strategy," *Lloyd's and Equitas 2001*, sponsored by American Bar Association, 24 May 2001 (Chicago, IL)
- "The Relationship between Claims Defense and Insurance Recovery Efforts," *Insurance Coverage Seminar*, sponsored by DuPont Legal Department, 1 December 1999 (Wilmington, DE)
- "Litigating Against Lloyd's in Federal Court: Is It Still Possible?" *Lloyd's and the London Insurance Market 1999: Capitalizing on Change*, sponsored by the Practising Law Institute, 9 April 1999 (New York, NY)
- "Suing Lloyd's on a Lloyd's Insurance or Reinsurance Policy," *Environmental Reinsurance Conference*, sponsored by Mealey's Publications, 19 November 1998 (West Palm Beach, FL)
- "Taking Depositions To Win," *Seminar on Complex Commercial Litigation, Part II*, sponsored by Duquesne University Law School, 26 August 1997 (Pittsburgh, PA)
- "Effective Discovery Strategies In MGP Coverage Litigation: The Policyholder's Perspective," *The 2d Annual Conference on Recovering Manufactured Gas Plant Cleanup Costs*, sponsored by Fulcrum Information Services, Inc., 27 January 1997 (Washington, D.C.)

EDUCATION

- J.D., The George Washington University Law School, 1984 *(Editor-in-Chief, The George Washington Law Review)*
- B.A., George Washington University, 1981 *(Phi Beta Kappa)*

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 15 August 2023, Maui Wildfires - Coverage Considerations and What Business Policyholders Need to Know
- April 2022, April 2022 Accolades

- 15 May 2020, COVID-19: Legislation Seeks to Establish a Federal Reinsurance Program to Insure Future Pandemic-Related Business Interruption Losses
- 12 April 2019, Pittsburgh Brexit Briefing
- 5 March 2018, OnRisk: Business Interruption Insurance for Hurricane Losses
- 13 July 2017, Who Will Be Handling Your Claims Under Berkshire Hathaway's Latest Retroactive Reinsurance Deals?
- 26 April 2017, Pennsylvania Commonwealth Court Confirms "Continuous Trigger" for Latent Environmental Property Damage Claims
- June 2016, Arbitration World
- 25 June 2015, Ninth Circuit Affirms "Absurd" Denial of Insurance Coverage, Highlighting Important Considerations for Marine Insurance Policyholders

OTHER PUBLICATIONS

- Insurers Attempt to Apply Pollution Exclusions to Avoid Coverage for Climate Change Liability Cases, ABA Insurance Coverage Litigation Committee Publication, March 2024 (Co-author)
- "Pennsylvania COVID Insurance Bill Differs From Other States' Proposals," *Law360*, 19 April 2020
- Artificial Intelligence: A Paradigm Shift for Insurance, ABA Insurance Coverage Litigation Committee Publication, March 2019
- Artificial Insurance and Insurance: A Glimpse of the Future, Insurance Coverage, ABA Insurance Coverage Litigation Committee Publication, March 2018 (Co-Author)
- Pennsylvania's Trigger of Coverage for Continuous Property Damage Liabilities: Confirming the "Continuous Trigger for Latent Environmental Claims, Tort, Trial & Insurance Practice Law Journal, Vol. 53-1, February 2018 (Co-Author)
- "Policyholder Litigation Challenging the Claims-Handling Conduct of Resolute Management," *Environmental Claims Journal* Vol. 26, Issue 2 (May 2016)
- Leveling the Playing Field in Bermuda Form Arbitrations: The Policyholders' Perspective, paper submitted for ABA Insurance Coverage Litigation Committee Seminar (March 2016)
- When Marine Insurance Laws Don't Protect Policyholders, Insurance Law 360 (July 9, 2015)
- "Rebutting the 'Agency' Defense to Tortious Interference Claims against National Indemnity Company and Resolute Management," *Insurance Coverage Litigation* (Spring 2015) (Co-Author).
- "Policyholder Litigation Involving Claims Handling by Resolute Management Inc.," paper submitted for ABA Insurance Coverage Litigation Committee Seminar (January 2014 and January 2015).

- "Insurance Coverage for Long-Tail Liabilities: Recent Trends and Concerns," *Aspatore Thought Leadership: Insurance Law 2012*, Aspatore Books, 2012.
- "Recent Trends in Property and Casualty Insurance Law: New Issues and Challenges for Insurance Lawyers," *Aspatore Thought Leadership: Insurance Law 2010*, Aspatore Books, 2010.
- "The Evaluation and Settlement of Insurance Coverage Claims from the Policyholder's Perspective," Chapter 4, *Inside the Minds Series*, Aspatore Books, 2007.
- "Threatened Equitas Insolvency: Is the Lloyd's 'Chain of Security' Really Secure?" *Journal of Insurance Coverage*, Summer 2002 (Co-Author).
- Insurers Seek to Convert the Pollution Exclusion Into a Catch-All Exclusion," *Pittsburgh RiMarks*, Risk and Insurance Management Society – Pittsburgh Chapter, April 2001.
- "Arbitration Clauses in Insurance Policies: Traps for the Unwary," *Pittsburgh RIMarks*, Risk and Insurance Management Society – Pittsburgh Chapter, October 2000.
- "Insurance Issues Surrounding Pipe-Related Liabilities," *Journal of American Waterworks Association*, July 2000 (Co-Author).
- "Insurance Coverage for Damage Caused by Mold and Fungus Infestation," *Construction Law & Business*, Summer 2000 (Co-Author).
- "Understanding the 'Dual Agency' Role of Insurance Brokers," *Pittsburgh RIMarks*, Risk and Insurance Management Society – Pittsburgh Chapter, March 2000.
- "Insurance Coverage for Mold and Fungi Exposure Claims," *Insurance Coverage Bulletin*, September 1999 (Co-Author).
- "Litigating Against Lloyd's in Federal Court: Is It Still Possible?" *Tort & Insurance Law Journal*, Summer 1999 (Co-Author).
- "Insurance Coverage For Pipe-Related Liabilities: Not Just A Pipe Dream," *Journal of Insurance Coverage*, Autumn 1998 (Co-Author).
- "Suing Equitas on a Lloyd's Policy: Lifting The London Fog," *Mealey's Litigation Reports: Insurance*, October 13, 1998 (Co-Author).
- "Litigation of Insurance Coverage Disputes," Chapter 26 of *Policyholder's Guide To The Law of Insurance Coverage*, 1997.
- "Co-Insurers Bound Under 'Follow-The-Settlements' Provision," *The John Liner Review*, Spring 1997 (Co-Author).

NEWS & EVENTS

- 21 August 2025, More Than 350 K&L Gates Lawyers Recognized Among 2026 Best Lawyers in America, Ones to Watch

- 3 March 2023, 2023 Insurance Coverage Litigation Committee CLE Seminar, Hosted by American Bar Association
- 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
- 9 March 2021, Insurance Arbitrations in London after the Halliburton v Chubb Judgment: What's Next?

OTHER MEDIA MENTIONS

- Mentioned, W.Va. Judge Says 3 Exclusions Do Not Bar Coverage For Chlorine Gas Damages, *Mealey's Insurance,* 30 November 2021
- Mentioned, "Insurer Claims It Did Not Breach Contract In Benzene Exposure Dispute," *Mealey's Litigation Report*, 29 July 2021

AREAS OF FOCUS

- Insurance Recovery and Counseling
- Commercial Disputes
- Energy Disputes
- International Arbitration
- Mass Tort
- Product Liability

INDUSTRIES

- Energy
- Manufacturing
- Manufacturing Technologies
- Maritime
- Metals Manufacturing and Fabrications
- Oil and Gas
- Specialty Chemicals
- Technology

- Transmission
- Transportation and Logistics
- Utilities

EMERGING ISSUES

- Artificial Intelligence (AI)

REPRESENTATIVE EXPERIENCE

- Served as a lead trial counsel in jury trial seeking insurance coverage for employee theft loss (W.D. Tenn. 2024).
- Confidential Arbitration – Served as lead trial counsel in confidential arbitration hearing for coverage for pesticide-related personal injury liabilities (2024).
- Aloha Petroleum Ltd. v. National Union Fire Insurance Co. – Successfully represented client in insurance coverage action to obtain a court ruling ordering client's liability insurer to defend the client against climate change liability cases (D. Hawaii, 2025).
- E.I. du Pont de Nemours and Company, et al. v. TIG Insurance Co., et al. – Served as lead counsel in insurance coverage litigation arising from benzene-related products and premises liabilities (Delaware Superior Ct. 2021).
- Served as lead counsel for policyholder in marine insurance coverage action arising from explosion and property loss at seaport terminal (C.D. California, 2011).
- Duke Energy, Ohio v. AEGIS – Served as co-lead counsel for policyholder in coverage action for environmental remediation liability (Ohio Ct. Common Pleas, 2018).
- PMA Insurance Co. v. Johnson Matthey Inc. – Served as lead counsel for policyholder in successfully arguing key issues of insurance law before the Pennsylvania Commonwealth Court (2017).
- Linde Gas LLC v. Zurich American Ins. Co. – Served as lead counsel in arbitration trial regarding dispute over coverage for losses arising out of a mechanical breakdown at a syngas facility (Arbitration, Houston, TX, 2007).
- Ebensburg Power Co. v. Zurich American Ins. Co. – Served as lead counsel during jury trial for policyholder seeking coverage for losses arising from failure of a steam turbine (W.D. Pennsylvania, 2005).
- Served as lead counsel in appraisal hearing for policyholder seeking coverage for first-party property loss relating to a damaged electrical generator (Appraisal Hearing, Pittsburgh, PA, 2008).
- E.I. du Pont de Nemours and Company v. Stonewall Insurance Co. – Served as lead counsel during jury trial, and successfully on appeal to Delaware Supreme Court, in pursuing policyholder’s coverage claim for product liabilities relating to polybutylene plumbing systems (Delaware Super. Ct., 2010).

- Served as lead counsel in arbitration trial regarding insurer's breach of an asbestos coverage-in-place agreement (AAA Arbitration, Washington, DC, 2005).