

Thomas E. Birsic

Partner

Pittsburgh
+1.412.355.6538

thomas.birsic@klgates.com

OVERVIEW

Thomas Birsic maintains an active trial, arbitration, and counseling practice focused on a wide range of complex commercial and insurance coverage litigation. Tom has extensive jury and bench trial experience involving complex commercial cases, including class actions, complex business disputes, deal litigation, environmental and toxic torts, and shareholder disputes. In addition, he has tried numerous international and US based commercial and coverage arbitrations to conclusion. Since 2008 alone, Tom has tried more than 18 significant complex cases to conclusion. In recognition of his extensive trial work, Tom has been inducted as a fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers. For 2025, the United States Lawyer Rankings again selected Tom as one of the top two commercial litigation lawyers in the nation.

PROFESSIONAL BACKGROUND

Tom has been a lawyer with the firm since 1979 and recently completed a term (1993-2018) as one of the global practice area leaders of the firm's litigation and dispute resolution practice area and as a member of the firm's management committee. He is a frequent lecturer to professional groups on trial and arbitration related issues involving complex commercial litigation, insurance coverage, and international arbitration issues.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Litigation: General Commercial in Pennsylvania: Pittsburgh and Surrounds, 2009-2026
- Recognized by *The Legal 500 United States* as a Recommended Lawyer
  - General Commercial Disputes – Mid-Market ($0-250m), 2026
  - International Arbitration, 2025-2026
  - General Commercial Disputes, 2024-2025
- American College of Trial Lawyers, Fellow, 2004-2025
- International Academy of Trial Lawyers, Fellow, 2008-2025

- Selected again by United States Lawyer Rankings as the Nation's No. 2 Best Commercial Litigation Trial Lawyer, 2025
- Selected to Pennsylvania Super Lawyers list for Business Litigation
  - Top 50: Pittsburgh Super Lawyers list, 2004, 2011-2018, 2020-2024
- Litigation Counsel of America - Trial Lawyer Honorary Society, Fellow
- Designated as Top Rated Lawyer in Insurance Law by American Lawyer
- Regularly featured in *The Best Lawyers in America*® for Business and Commercial Litigation in Pittsburgh
- Regularly featured in *The International Who's Who of Commercial Arbitration*
- ADR Champion Award by *National Law Journal*, 2017

PROFESSIONAL / CIVIC ACTIVITIES

- Atlantic Legal Foundation, Board of Directors, 2010-2024
- Board of Directors of the United Way of Allegheny County
  - Member, 1999-2011
  - Member of Governance Committee
- Recipient of Distinguished Alumni Award from University of Pittsburgh School of Law, 2014
- Academy of Trial Lawyers of Allegheny County, Past Fellow and Member of Board of Directors
- Judicial Merit Selection Committee, Officer
- National Pancreas Foundation, Board of Directors and Executive Committee
- American Heart Association, Executive Committee for Heart Walk Campaign
- Collaborative Alliance for Pancreatic Education and Research, Board of Directors and Chair of Executive Committee
- Judiciary Committee of the Allegheny County Bar Association, Current Member
  - Former Chairman, 2002-2003
- Catholic Charities presented Tom with its Caritas Award for Service in recognition of his public service in the area of law, 2003

SPEAKING ENGAGEMENTS

- "Additional Insured Coverage and Contractual Indemnity Issues," 12 September 2012

- "Post-Macondo: Will Contractual Indemnities Hold?," *Risk Management Roundtable: Oilfield Service Contractors and Manufacturing Industries*, 27 September 2011

EDUCATION

- J.D., University of Pittsburgh School of Law, 1979
- B.B.A., University of Notre Dame, 1976

ADMISSIONS

- Bar of Pennsylvania
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Federal Claims
- United States District Court for the District of Colorado
- United States District Court for the Western District of Pennsylvania

THOUGHT LEADERSHIP *POWERED BY HUB*

- 29 June 2021, Where's the Harm in Class Certification? The United States Supreme Court Confirms: It Must Be in Plaintiffs' Evidence
- 24 June 2020, Mass Arbitration, Más Problems: Class-Action Procedures May Guide Solutions to Issues in Mass Arbitrations
- June 2016, Arbitration World

OTHER PUBLICATIONS

- Co-author, Health Care Institutions: Chapter 87, *Business and Commercial Litigation in Federal Courts*, Fourth Edition, December 2016
- Trial Pros: K&L Gates' Tom Birsic, *Law360*, 16 March 2016
- “Insurance Coverage for Marcellus Pollution Claims: Myth or Reality,” *Pennsylvania Independent Oil and Gas Association (PIOGA) Newsletter*, December 2012, Issue 32

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 5 June 2025, K&L Gates Receives More Than 240 Firm, Individual Rankings in 2025 *Chambers USA* Guide
- 6 June 2024, K&L Gates Receives More Than 200 Firm, Individual Rankings in 2024 *Chambers USA* Guide
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 21 May 2021, K&L Gates Litigation and Dispute Resolution Practice, Lawyers Recognized in 2021 Chambers USA Guide
- 9 March 2021, Insurance Arbitrations in London after the Halliburton v Chubb Judgment: What's Next?
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders

OTHER MEDIA MENTIONS

- Mentioned, “Nippon, US Steel Hit Back With Suits After Biden Blocks Deal,” *Law360*, 6 January 2025
- Quoted in “Samsung Biometric Data Door Opens New Mass Arbitration Front,” *Bloomberg Law*, 21 October 2022
- Mentioned, "Judge Trims Investors' Claims In Revamped Grenfell Fire Suit," *Law360*, 23 June 2021

AREAS OF FOCUS

- Insurance Recovery and Counseling
- Commercial Disputes
- Construction and Infrastructure
- Industrial Incidents
- International Arbitration

- Mass Tort
- Product Liability

INDUSTRIES

- Aerospace and Defense
- Energy
- Manufacturing
- Oil and Gas

REPRESENTATIVE EXPERIENCE

Select Current Engagements

- Represents a major chemical company in connection with the defense of civil liability and damage claims arising from a series of well-publicized chemical fires at a Texas facility in the wake of Hurricane Harvey in September 2017, including the defense in federal court of a putative class action involving upwards of 30,000 individuals who allege a variety of personal and property injuries and another federal court case of combined individual actions involving 200+ plaintiffs, who were allegedly injured and/or suffered property damage during the fires.
- Represents a major aerospace supplier in the defense of three separate ICC arbitrations filed by an aircraft original equipment manufacturer in London, Geneva and Paris alleging material defects in certain products.
- Represents a major aluminum company in two separate federal court putative class actions challenging changes to retiree medical and insurance benefits.
- Represents a major railroad services company in the defense of a federal court MDL putative class action proceeding involving the consolidation of over 24 class actions alleging anti-trust and anti-competitive claims to unlawfully restrain competition in the applicable labor markets.
- Represents a major aluminum company in the defense of claims in federal court by twenty-seven landowners in Louisiana alleging injuries and damages suffered from purported contamination from an industrial plant.
- Represent major real-estate developer in closely held business dispute, successfully defending claims for breach of contract and breach of fiduciary duty and successfully asserting claims for breach of fiduciary duty, relating to disputes over 10 limited-liability real-estate entities.
- Represents a major aluminum company in the defense of claims asserted in federal court arising out of alleged third-party contractual rights for the transport of bauxite from a mine in the Republic of Guinea.

Select Recent Trial Experience

- Represented a major energy services company in a London-based arbitration against an insurer that refused to indemnify the company for its portion of a $1 billion settlement entered into to resolve lawsuits arising out of an explosion and fire that occurred onboard the Deepwater Horizon drilling rig in 2010.
- Represented a major aluminum company in a jury trial in state court in a bodily-injury chemical exposure case. Plaintiff, a former mine worker, alleged that he contracted a rare form of cancer as a result of his exposure to toxic substances deposited by the company from its nearby smelter in the 1960s and 1970s. The case was originally filed as a class action involving dozens of former miners alleging a wide variety of illnesses as a result of exposure to substances buried at the mine site. This case was the lead case selected by counsel for plaintiffs for trial.
- Represented a major oil producing company in an international arbitration based in London against excess insurers who refused to indemnify the company for a settlement of a class action in excess of $500 million arising out of a crude oil spill at a refinery caused by Hurricane Katrina.
- Represented a major electrical equipment supplier in a jury trial in Fulton County (Atlanta) Georgia state court involving claims of breach of contract and fraud brought by a former CEO of a joint-venture company under a multi-year earn out contract.
- Represented a major aluminum company in a jury trial in federal court defending claims of strict liability and negligence by a plaintiff alleging that pulmonary injuries necessitating a double-lung transplant resulted from inhalation of aluminum particles from fabricating metal in the workplace.
- Represented a major off-shore oil producer in a jury trial in Harris County (Houston) Texas against a number of excess insurers seeking coverage for work removal and decommissioning expenses incurred in connection with five offshore platforms and related pipelines that were destroyed during Hurricane Katrina.
- Represented a major aluminum company in an ICC arbitration concerning an explosion and fire that took place at an aluminum smelter facility in Iceland in 2010 resulting in claims against a French company for providing latently-defective electrical equipment that caused the explosion and fire.
- Represented the world's largest internet auctioneer in a jury trial in federal court prosecuting patent claims against a Florida company related to methods for conducting auctions of financial or legal instruments over electronic networks.
- Represented a major aluminum company in an ICC arbitration brought by a Dutch mining company over claims related to the development of a bauxite mine in Suriname.