

BIOGRAPHY AND PROFESSIONAL BACKGROUND



Mr. McLauchlan is a highly respected business advisor, litigator and trial lawyer. He has practiced law for over 30 years and concentrates his practice in business counseling and in resolving complex business disputes through mediation, arbitration and when necessary through business litigation. David has counseled all manner of businesses both large and small and successfully resolved matters involving insurance, reinsurance, construction law, intellectual property, mergers and acquisitions, unfair business practices, aviation law, product liability, property damage and claims related to asbestos containing products and environmental coverage issues. He has mediated, arbitrated and tried cases across the United States including trying cases before State and Federal Courts and in private arbitrations serving as lead trial counsel and Appellate counsel. Throughout his career he has successfully managed large litigation teams and served as a mentor and leader to numerous young litigators who are now successful partners, managing partners, and corporate law department executives. His litigation expertise and professional regard has been recognized by the Leading Lawyers Network, Illinois Super Lawyers, Best Lawyers in America and he is AV peer rated by Martindale Hubbell. He is a Fellow of the Litigation Counsel of America and a Fellow of the American Academy of Alternative Dispute Resolution.

PROFESSIONAL BACKGROUND

Mr. McLauchlan joined Lord Bissell & Brook LLP as an Associate upon graduating from law school. In 1980, he was elected an Equity Partner and became one of the firm's top litigators. During his tenure at the firm he served in various leadership roles including serving on the Firm's Executive Committee, Chairman of the Compensation Committee and Litigation Department Chairman. In October 2007, he became an Equity Partner of the successor firm Locke Lord LLP upon its merger with Lord Bissell & Brook. Thereafter David C. McLauchlan P.C. joined two of his former LBB partners as a partner in the firm of Lindemann Miller & Siderius LLP, a boutique firm specializing in insurance legal issues, where he focused on complex reinsurance litigation, mediation, arbitration and business counseling.

In January, 2009, he founded The McLauchlan Law Group LLC, and The International Arbitration & Mediation Group LLC serving as the Managing Partner. Since that time he has served as general outside counsel for numerous small and medium sized businesses and continued his work in the field of dispute resolution through mediation, arbitration and business litigation.

NOTABLE PUBLISHED CASES AND RESULTS

- *Uniroyal Inc. v. American Reinsurance Company, et. al.*, Superior Court of New Jersey, Appellate Division, Docket No. A-6718-02TI (unpublished N.J. Appellate Division Sept.

13, 2005) (Mealey's Litigation Report: Insurance Vol. 20 #1, Nov. 1, 2005). Served as Lead trial and Appellate Counsel for London Insurers in asbestos related coverage action by Uniroyal, Inc. to recover in excess of \$260 million in London coverage. Prevailed on substantial issues at trial and all remaining issues on appeal.

- *U.S. Gypsum Co. v. Admiral Ins. Co.*, 268 Ill.App.3d 598, 643 N.E.2d 1226, 205 Ill.Dec. 619 (Ill.App. 1 Dist., 1994). Served as Lead trial and appellate counsel for London in asbestos related building damage coverage action. Prevailed on key coverage issues saving over \$45 million for London clients.
- *In re Energy Systems Equipment Leasing Securities Litigation*, Defended lawyer and law firm in securities fraud and RICO claim. Successfully concluded with a favorable settlement and dismissal.
- *In re Celotex Corp.*, Served as Lead Trial Counsel for London Insurers in lengthy trial in Bankruptcy Court in asbestos related coverage action. Prevailed on key coverage issues for London clients in defense of over \$125 million in coverage.
- *Heckmann Building Products Inc. v. Hohmann & Barnard Inc., et al., United States District Court, N.D. of IL, Civil Action No. 12 CV 265; and Heckmann Building Products Inc., et al, v. Hohmann & Barnard Inc., et al., United States District Court, N.D. of IL, Civil Action No. 10 CV 47262.* Represented plaintiff-manufacturer as lead trial counsel in trial proceedings for contempt of court for breach of Consent Decree related to prior patent litigation settlement and in the filing of companion case for tortious business interference and breach of fiduciary duties. After trial, post trial motions, appeal and the filing of a second action all issues and cases resolved by confidential settlement agreement.

OTHER REPRESENTATION

- General outside counsel and Board Member for closely held firms including construction industry clients, photography, film production, talent management, air ambulance, internet sales and marketing, fast moving consumer goods company, transportation and marine businesses and individual client business issues.
- Mergers, acquisitions and sales of business interests: represented owner and key shareholder in sale of business and negotiation of post sale employment contract; represented minority shareholder in change in control and corporate sale negotiations; represented partner in professional services firm in buyout negotiations with his professional partners; all issues related to the formation of new business entities.
- Represented Selling Shareholders in insurance coverage dispute with insurance carrier regarding EPL and D&O coverage for suit by former CEO, post acquisition, for claims for breach of employment contract, wrongful termination and failure to award equity interest in Company at the time of sale.
- Counseling and drafting of restrictive covenants and non-competition agreements and general counseling on executive compensation and employment agreements.
- Preparation of contract wordings for newly formed insurance entity.

- Preparation of contracts for aircraft sales, leasing and operations.
- Defense of lawyers, insurance brokers, architects and engineers in professional liability claims.
- Review of intellectual property issues and protection of client works, copyright, trademark and patent litigation.
- Review of insurance claim department practices, major cases and preparation of report to Board of Directors on best practices and litigation strategies.
- Served as National Coordinating Counsel for client litigation; selection and supervision of local counsel and implementation of national defense strategy for clients in multiple industries.
- Chaired post trial peer review of major cases handled by outside counsel to identify best practices and implement strategic improvements.
- Represented Reinsurer in coverage evaluation and negotiations with primary insurer and insured in potential excess “bad faith” liability insurance claim.

LECTURES AND PRESENTATIONS

Mealey’s, LexisNexis: “Wall Street Forum: Mass Tort Litigation: Insurance Coverage & Mass Tort Litigation.”(Oct. 2005); Speaker and Panelist for International Law Association: International Law Weekend 2005 (New York, N.Y.) on the topic: “Private Ordering and Compliance with Reinsurance Agreements.” Speech at CDEL Annual Gala regarding Pro Bono trial for indigent client (2009); September 2011, Litigation Counsel of America, Renaissance III, Trying the Unwinnable Case: “Think Like a Litigator; Sting Like a Bee: Trying Lawsuits on the Road “. October 9, 2013: Guest Speaker on Blog Talk Radio: “Money for Lunch” program hosted by Bert Martinez titled: “Insurance law issues in Privacy Law, Cyber Security, Advertising and Blogging”.

PROFESSIONAL ASSOCIATIONS

Member of AIDA Reinsurance & Insurance Arbitration Society (Certified Arbitrator, and Qualified Mediator), Association for Conflict Resolution, Association of Insurance & Reinsurance Run-Off Companies (Arbitration Panel), Aircraft Owners & Pilots Association, Lawyer-Pilot Bar Association, American Bar Association (Member of Business Litigation, Aviation Law, Tort & Insurance, Alternative Dispute Resolution, International Law, Construction Law & Intellectual Property Law Committees), Chicago Bar Association, and Founder, The International Arbitration & Mediation Group LLC.

PRIVATE ARBITRATIONS MEDIATIONS AND EXPERT WITNESS

- Represented clients in major arbitration and mediation regarding insurance coverage for asbestos related claims and allocation of insurance coverage.
- Represented air ambulance company in mediation, arbitration and litigation of disputes regarding aircraft leasing, aircraft purchase and business operations.
- Represented clients in Wellington Agreement disputes: CPR panelists and on appeal.
- Represented client in arbitration before arbitrator in IDEA proceeding in Illinois.

- Participated in over 100 mediations as counsel for one of the parties.
- Served as mediator of insurance coverage dispute between captive insurer and reinsurer regarding hundreds of claims under medical and professional plan coverage.
- Served as mediator in complex aviation related series of cases involving both serious bodily injury and insurance coverage claims.
- Served as mediator in family business dispute and subsequent buyout negotiations regarding the sale of a family member's interest in the business.
- Serving as mediator in the administration of a complex trust and estate.
- Served as expert witness on London Insurance Market issues.
- Served as expert witness in legal fees dispute between lawyer and real estate developer involving the handling of a large group of complex cases in litigation.
- Served on numerous arbitration panels including serving as Umpire/panel chair conducting evidentiary hearings and rendering awards.

EDUCATION

University of Illinois College of Law, J.D

Law School Honors/Involvement: Notes & Comments Editor, University of Illinois Law Review; National Moot Court Team

Bradley University, B.A.

Undergraduate School Honors/Involvement: Omicron Delta Kappa, honorary; President Interfraternity Council; Bradley University B Club, Golf

BAR ADMISSIONS

- Illinois
- U.S. District Court, N.D. & S.D. Illinois
- U.S. District Court, N.D. Illinois Trial Bar,
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Federal Circuit
- U.S. Supreme Court
- Admitted pro hac vice for cases pending in numerous jurisdictions throughout the United States.

CERTIFICATIONS AND ADVANCED STUDY

- Certified as an arbitrator by ARIAS-US: January 2009 to present (www.arias-us.com)
- Arbitration Panel Member: Association of Insurance & Reinsurance Run-Off Companies (AIRROC)
- Court Certified Arbitrator: Illinois Supreme Court Mandatory Court-Annexed Arbitration Program; Chair Qualified
- Arbitrator Training: Arbitrator Intensive Workshops; The Power of Arbitrators-Discovery issues; International Arbitration; Cook County Mandatory Arbitration Forum and

Arbitrator Training; Illinois Administrative Law Conference; The Use and Role of Experts in the Arbitration Hearing; The Awarding of Costs and Reasoned Award; International Arbitration Issues; Alternative Neutral Arbitration Process; Res Judicata & Collateral Estoppel in arbitration proceedings; Experienced Arbitrations: enhancing and improving the process; The New ARIAS-U.S. Code of Conduct; ABA National Arbitration Competition Judge; ARIAS-US: Umpire Master Class

- Court Certified Mediator, United States District Court, Northern District of Illinois, Western Division ; Court-annexed Major Case Civil Mediation Program, Circuit Court of Cook County, Illinois, Law Division and Chancery Division; Certified Mediator: DuPage and Lake County, Illinois
- ARIAS-US: Qualified Mediator
- Mediator training: Northwestern University: Mediator Skills Training Course graduate certificate; CPR International Institute for Conflict Prevention & Resolution: Advanced Mediator Training: (www.cpradr.org) and numerous other mediation training programs.
- FAA Licensed pilot with instrument rating and former plane owner

HONORS AND AWARDS

Selected in 2016 and earlier for Super Lawyers (www.superlawyers.com); Leading Lawyers Network (www.leadinglawyers.com); Best Lawyers in America selection 2016; AV peer rated as published by Martindale Hubbell law directory; Eamon Shannon award for Pro Bono work for the Center for Disability and Elder Law (www.probonocdel.org). Fellow, Litigation Counsel of America. Fellow, American Academy of Alternative Dispute Resolution.

PRO BONO AND CHARITABLE

Mr. McLauchlan is committed to numerous charitable organizations including The Misericordia Homes Family Association; He has served as a member of the Foundation Board of Special Olympics Illinois (2008-2013). He has handled Pro Bono cases for the Center for Disability and Elder Law. He was a member of the University of Illinois, College of Law Alumni Board (2012-2014) and a mentor to numerous law students and young lawyers.

SPECIAL INTERESTS

A resident of the greater Chicago area, David is an avid golfer, motorcyclist, and an aviation enthusiast and pilot for over twenty years.