



## ARTHUR J. MCCOLGAN, II

### PARTNER

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### OVERVIEW

Arthur McColgan has more than 25 years of experience counseling clients and arguing cases in state and federal courts across the country.

His practice focuses on litigation for insurance companies and corporate clients involved in complex coverage and business disputes. Arthur has been retained as coverage counsel in connection with professional liability claims, personal and advertising injury claims, intellectual property claims, advanced medical technology claims, first party property claims, mass tort claims, and long tail exposures. In addition, he has considerable experience in defending clients against statutory violation claims in individual and class action cases filed in state and federal courts. Arthur also assists clients in general commercial litigation matters and disputes, including breach of contract actions. Outside of the litigation context, Arthur counsels clients on coverage, claims handling, and bad faith issues in jurisdictions from coast to coast.

Arthur has substantial experience in managing complex litigation. His clients value his strategic planning and organizational ability as lead counsel on cases involving multi-million dollar exposures, enormous data sets, and numerous depositions. Arthur has a proven record as a resolute but pragmatic negotiator in connection with many complex settlements achieved on behalf of his clients. He has extensive experience in resolving complex litigation through alternative dispute resolution mechanisms as well.

Arthur began practicing law due to his love of solving intellectually challenging legal issues. His passion for solving legal problems is as strong as ever, and is most evident in the energy with which Arthur represents the interests of his clients in contentious litigation and in his counseling of clients to avoid costly disputes in the first instance.

### FOCUS AREAS

- Appellate

- Bad Faith Litigation
- Commercial
- Cyber and Privacy Risks
- Directors and Officers
- First Party Property
- Insurance and Reinsurance
- Litigation
- Professional Liability/Errors & Omissions

## **CREDENTIALS**

### **ADMISSIONS**

- Illinois
- Massachusetts
- New York
- U.S. District Court, N.D. Illinois
- U.S. Court of Appeals for the 2nd Circuit
- U.S. Court of Appeals for the 3rd Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. Court of Appeals for the 9th Circuit

### **EDUCATION**

- University of Notre Dame, J.D.
- University of Notre Dame, B.A.

## **EXPERIENCE**

### **NOTABLE DECISIONS**

- Successfully obtained dismissal of insurance company client from suit alleging coverage for underlying TCPA class action settlement.
- Successfully obtained dismissal of property management company client from putative class action alleging violation of Illinois Condo Act and Consumer Fraud Act violations.
- Represented and currently representing domestic and foreign insurers in connection with underlying class actions and claims involving the Telephone Consumer Protection Act (TCPA); the Fair Credit Reporting Act (FCRA); Fair and Accurate Credit Transactions Act (FACTA); and the Fair Debt Collection Practices Act (FDCPA);
- Successfully resolved class action against corporate client alleging violation of the FDCPA;
- Currently assisting domestic insurers in evaluating exposures arising out of data breach claims;
- Successful in obtaining dismissal of domestic insurer from coverage action relating to underlying TCPA class action.

- Currently representing domestic and foreign clients in connection with asbestos claims and in coverage litigation;
- Successfully resolved foreign insurer's involvement in claims stemming from 72 underlying class or multi-plaintiff product liability actions with total alleged exposure of \$1.5 billion;
- Represented foreign insurers in asbestos coverage litigation and arbitration and obtained favorable rulings with respect to insurers obligations to asbestos trust;
- Successfully resolved domestic insurer's potential exposure arising out of malpractice claim involving underlying patent claims;
- Assisted domestic insurers in evaluating antitrust claims brought against several health care industry insureds;
- Successfully resolved corporate client's involvement in putative class action arising out of real estate transactions;
- Successfully resolved coverage claims against domestic insurers in connection with underlying advanced medical technology claims;
- Successfully resolved coverage litigation involving domestic insurers in connection with trademark claims;
- Assisted foreign insurer in evaluating potential exposures arising out of zip-lining accident;
- Successfully resolved foreign insurers' involvement in multi-hundred-million-dollar coverage litigation with energy provider in connection with over 10,000 pollution, asbestos, and toxic tort claims.
- Successfully resolved numerous actions and claims against domestic insurers involving underlying class actions allegedly asserting personal and advertising injury claims;
- Successfully obtained dismissal of foreign insurers in connection with pollution coverage litigation brought by global manufacturer and marketer of consumer products with respect to sites across the country;
- Successfully resolved foreign insurers' involvement in multi-state pollution coverage litigation with manufacturer of petroleum and industrial equipment, electrical products, electrical power equipment, automotive products, tools and hardware;
- Successfully resolved coverage claims and litigation against foreign insurers for claims involving copper theft, arson, and plant explosions;
- Successfully resolved coverage claims against domestic insurers in connection with first-party losses arising out of Hurricanes Katrina, Rita and Wilma;
- Successfully resolved foreign insurers' involvement in litigation with respect to significant hail coverage claims;
- Successfully resolved litigation against corporate client in connection with real estate transaction.

## ACCOLADES

Arthur is AV-Rated by Martindale-Hubbell and has been named an Illinois "Super Lawyer" for the years 2012 through 2020. He is also Chair of the Firm's Pro Bono Committee.

## AFFILIATIONS

### Professional:

- American Bar Association
- Defense Research Institute
- Professional Liability Underwriting Society

### Community:

- St. Teresa of Avila Parish

## NEWS

- Walker Wilcox Wins Dismissal of Putative Class Action Against Property Management Company
- Walker Wilcox Wins Dismissal of Coverage Case Arising From TCPA Class Action
- Illinois Supreme Court Finds TCPA is Remedial and Not Punitive
- N.D. of Ohio Holds Unsolicited Communications Exclusion Bars Coverage For TCPA Violations