GOLDBERGSEGALLA



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Chicago

PRACTICES

Product Liability
Management and Professional Liability
Toxic Tort
Retail and Hospitality
Transportation
Construction Litigation and Counsel
Asbestos
Class Action Litigation

INDUSTRIES

Long-Term Care
Construction
Architecture, Engineering, Surveying, and Design
Manufacturing
Retail and Hospitality
Transportation

David J. O'Connell

PARTNER

EXPERIENCE

David O'Connell is a proven trial lawyer whose practice focuses on product liability, personal injury, toxic torts, legal malpractice and professional liability defense. He is co-chair of Goldberg Segalla's Product Liability practice group. David has extensive experience defending high-exposure product liability actions and appeals in state and federal courts across the United States, including cases involving fires and explosions, as well as a number of significant cases that are often cited by courts on topics such as product design defects, spoliation of evidence, and testimony of expert witnesses. With a background in mechanical engineering, he brings exceptional scientific and technical understanding to his defense of product liability actions and professional liability cases involving architects, engineers, surveyors, and other design professionals.

David currently serves as national counsel for a defendant in toxic tort litigation throughout the United States, handling asbestos exposure related to contact with industrial furnaces and household appliances. David has additional experience in national uniform discovery compliance, maintaining databases of information, presenting corporate witnesses, and depositions of plaintiffs and other fact witnesses.

EXPERIENCE HIGHLIGHTS

Product Liability

David has acted as national counsel for a number of product manufacturers throughout the United States and Canada. Among his successes in product liability are the following:

- Successfully defending a major national retailer on appeal before the Eighth Circuit in a significant negligence and product defect decision in which the court ruled the plaintiff brought insufficient evidence to exclude other forces that may have affected the product in the 20 years before the injury occurred
- Defeating product liability claims through Daubert exclusions of expert witness testimony, including, for example, convincing the Seventh Circuit to uphold a trial court's ruling on the inadmissibility of an engineer's expert methodology for analysis of a vehicle accident
- Successfully defending one of the premier manufacturers of home appliances in fire cases, including before the Seventh Circuit in a case involving spoliation of evidence issues over an expert witness's handling of a product in a way that denied the defendant the means to demonstrate an alternative cause of the fire
- Obtaining summary judgment in favor of the manufacturer of a deep fryer in a significant personal injury case involving allegations of failure to warn and defective design

Management and Professional Liability

David handles a wide range of professional liability cases, including the defense of architects, engineers, and surveyors in claims and lawsuits involving personal injury and errors and omissions. His successes in this area include:

- Defending the world's largest retailer in a workplace-injury case under the Illinois Structural Work Act, which was repealed by the legislature after the plaintiff filed suit

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- Representing an insurer in a precedent-setting case in which the court held that under Illinois law, an insurance agent has no duty to obtain "adequate" insurance, establishing that an insurer has no obligation to provide coverage for the full amount of any possible damages
- Prevailing on a motion for summary judgment in the defense of a design engineer against the owner and subrogating property insurance carriers in an $87 million casino complex fire based upon the enforcement of waiver of subrogation provisions in the project construction contracts

HONORS & AWARDS

- Martindale-Hubbell Peer Review Rating: AV Preeminent; Leading Lawyers — Chicago, Products Liability Defense Law and Toxic Torts Defense Law

BACKGROUND

ADMISSIONS

- Illinois
- U.S. District Courts for the Northern and Central Districts of Illinois
- U.S. Courts of Appeals for the Seventh and Eighth Circuits

EDUCATION

- St. Louis University School of Law, J.D., 1988
- Marquette University, B.S., M.E., 1985

PROFESSIONAL AFFILIATIONS

- Defense Research Institute
- The Toy Association
- Product Liability Advisory Council

PUBLICATIONS & EVENTS

PUBLICATIONS

- Author, "Defending Product Liability Cases in Illinois After the *Best* Decision," *IDC Quarterly*, Vol. 8, No. 4, 1998
- Author, "Federal Preemption Defenses in Product Liability Cases," *IDC Quarterly*, Vol. 6, No. 3, 1996
- Author, "Recognizing and Asserting the Spoliation Defense," *Product Liability Update*, Illinois Association of Defense Trial Counsel, Vol. 1, No. 2, July 1996

PRESENTATIONS

- Presenter, "How Reptile Theory and Other Drivers Influence Pretrial Discovery and Jury Verdicts," 38th Annual Product Liability Conference, October 13, 2026

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David J. O'Connell

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- Co-Presenter, "United States Update on Product Liability Issues," Cunningham Lindsey Seminar, Taipei, Taiwan, October 19, 2018
- Presenter, "Defending Product Liability Claims: For Appliance Manufacturers," Charlotte, NC, November 15, 2017
- Co-Presenter, "Defending the Undetermined Defect of Malfunction Theory," Fighting Fire With Fire, Chicago, June 22, 2016
- Presenter, "The Product Defense Attorney at the Fire Scene," DRI Fire Science and Litigation Seminar, January 2013