



Partner

[emedoway@archerlaw.com](mailto:emedoway@archerlaw.com)

(856) 354-3092

## Voorhees, NJ

### Practice Areas

Business Litigation

Construction & Real Estate Litigation

Insurance

### Admitted

New Jersey

Pennsylvania

Supreme Court of the United States

United States Court of Appeals for the Third Circuit

### Education

Pennsylvania State University, (B.A., 1970)

Trenton State College, (M.Ed., 1974)

Rutgers Law School, (M.Ed., 1976; J.D., with honors, 1982)

Ellis has been an attorney with Archer since 1987. He specializes in general and complex litigation matters, with an emphasis in commercial, insurance coverage, construction and professional negligence related matters. Before coming to Archer, Ellis served as a Deputy Attorney General with the New Jersey Attorney General's Office where he represented several state agencies, including the Departments of Health, Education, and Treasury.

Regarding his insurance coverage practice, Ellis has a broad range of experience in litigating matters in both state and federal courts in New Jersey as well as other jurisdictions. The insurance coverage matters Ellis has been involved in include, among others, first and third-party coverage claims for environmental liability, directors and officers liability, construction defects, professional errors and omissions liability, employment practices liability, intellectual property, toxic tort, and life, health and disability claims. Ellis has represented policyholders in some of New Jersey's leading environmental insurance cases on issues such as choice of law and the qualified and absolute pollution exclusions.

Ellis has a broad range of litigation and trial experience in construction disputes. He has represented design professionals, owners and general contractors in construction disputes that often involve complex litigation due to the numerous professional and contractual parties involved. Ellis has experience in representing these parties in various types of construction related disputes including, for example, construction claims related to condominiums, colleges and school facilities, residential and commercial developments, municipal and potable wells, and roads and highways.

In addition, Ellis is experienced in other types of litigation matters involving employment related issues, civil rights claims, environmental toxic tort claims, administrative law claims, intellectual property claims, general commercial and contract disputes, and issues regarding professional ethics.

## Representative Experience

### Environmental Insurance Coverage

- *Morton International v. General Accident*, 134 N.J. 1 (1993), cert. denied, 114 S. Ct. 2764 (1994) (one of New Jersey's leading cases on environmental coverage issues);
- *Nav-lts, Inc. v. Selective Ins. Co.*, 183 N.J. 110 (2005) (New Jersey's leading case on the "absolute" pollution exclusion);

- *J. Josephson v. Crum & Forster*, 293 N.J. Super. 170 (App. Div. 1996) (choice of law issue in multi-state environmental coverage dispute);

### **Stockholder Derivative/Class Action**

- *Maul v. Kirkman*, 270 N.J. Super. 596 (App. Div. 1994) (derivative and class action suit against corporate directors based on breach of fiduciary duty and gross mismanagement).

### **Construction Litigation**

- *Di Maria Construction v. Commerce Bank*, 300 N.J. Super. 9 (App. Div.), *certif. denied*, 151 N.J. 73 (1997), *cert. denied*, 522 U.S. 1116 (1998) (case interpreting what is an arbitral issue in construction arbitration dispute and the proper standard of judicial review to apply to an arbitrator's decision).
- *DiMaria v. Hill, et al.*, 351 N.J. Super. 558 (App. Div. 2001), *aff'd*, 172 N.J. 182 (2002) (case involving issues of tortious interference with contract in construction related dispute).

### **Intellectual Property**

- *Duffy v. Charles Schwab & Co.*, 97 F.Supp.2d 582 (D.N.J. 2000); 123 F.Supp. 2d 802 (D.N.J. 2000) (clarification of law on misappropriation of idea claim regarding "novelty" issue).

### **School Law**

- *Galbraith v. Lenape Regional High School District*, 964 F. Supp. 889 (D.N.J. 1997) (application of New Jersey's entire controversy doctrine to federal claim brought after conclusion of state school administrative proceeding).
- *Abbott v. Burke*, 164 N.J. 84 (2000) (case involving issues related to separation of powers concerning public funding for school facilities construction).

### **Professional and Community Involvement**

- American Bar Association
- ABA Litigation Section
- ABA Insurance Coverage Committee
- New Jersey State Bar Association
- Camden County Bar Association
- Managing Editor of *Coverage Journal* (ABA Insurance Coverage Committee)
- Kingsway Learning Center Board Member

### **Awards and Recognition**

- Named to Best Lawyers in America for Insurance Law (2006-2022)
- Named to Best Lawyers in America Lawyer of the Year – Insurance Law - Philadelphia (2015)

- Named to New Jersey "Super Lawyers" list for General Litigation (2005-2022)
- Martindale Hubbell – Rated AV Preeminent since 1996
- Named a “Top Attorney” for Insurance Law by SJ Magazine (2013–2021)
- Fellow of the American College of Coverage and Extracontractual Counsel
- Fellow of the Construction Lawyers Society of America (CLSA)

## Articles and Presentations

- *Commercial Insureds’ Claims Under All-Risk Policies Following Catastrophic Storm Events*, ABA Coverage Journal, Volume 30, No. 1 (Winter 2020). by: Ellis I. Medoway
- *The Notice - Prejudice Rule Debate in Claims- Made Polices; Should Prejudice Be Required When Notice Is Reported During the Policy Term?* ABA Coverage Journal, Volume 27, Issue 1 (Winter 2017). by: Ellis I. Medoway
- *Recent Developments in Coverage For Faulty Workmanship Claims: Do such Claims Qualify as an Occurrence? New Jersey’s Legislative Response*. Presented at New Jersey Institute for Continuing Legal Education program on "Hot Topics in Insurance Law: 2014 (January 2014), New Brunswick, N.J. by: Ellis I. Medoway
- *Duty to Defend on Collision Course with Duty to Reimburse*, New Jersey Lawyer Magazine, August 2012, No. 277, p. 9-14. by: Ellis I. Medoway and Benjamin D. Morgan
- *Don’t Let the Ground Disappear from Under Your Feet: Understanding the Earth Movement Exclusion* (Published in the ABA Coverage Journal, Volume 21, Number 4, July/August 2011. © 2011 by the American Bar Association. Reproduced with permission. All rights reserved). by: Ellis I. Medoway and Benjamin D. Morgan
- *The Absolute Pollution Exclusion: Limited to Traditional Environmental Catastrophic Events* (Reprinted with permission from the March 1, 2010, *New Jersey Law Journal*, Copyright 2010 ALM Media Properties, LLC). by: Ellis I. Medoway, Esq., and Trevor J. Cooney, Esq.
- *Library of New Jersey Civil Complaint Forms (Insurance)*, Copyright 2009, pp. 203-310. Contributor: Ellis I. Medoway, Esquire.
- *Recent Developments in Insurance Coverage Litigation*, ABA Tort Trial and Insurance Practice Section Journal, Vol. 44, No. 2, pp.551-589 (Winter 2009). by: Ellis I. Medoway and Benjamin D. Morgan, et al.
- *Interpreting Coverage Under Insurance Contract, Bad Faith Litigation and Common Ethical Issues*, Seminar Material: Presented at seminar on Insurance Coverage Litigation, sponsored by National Business Institute (August 2008), Cherry Hill, NJ. by: Ellis I. Medoway and Trevor J. Cooney
- *State Courts Trend: Coverage For Faulty Workmanship*, ABA Construction Journal, Vol. 17, No.3, pp.1, 17-22 (Spring 2008). by: Ellis I. Medoway, William L. Ryan and Benjamin D. Morgan

- *Environmental Insurance Claim: Choice of Law - 15 Year Review*, Seminar Material: Settling Asbestos and Environmental Insurance Claims. Presented at New Jersey Institute of Continuing Legal Education program (March 2007), New Brunswick, NJ. by: Ellis I. Medoway
- *Ethics for Insurance Defense Counsel*, Seminar Material: pp. 53-63. Presented at seminar on Current Issues Impacting Insurance Defense Practice, sponsored by National Business Institute (November 2007), Cherry Hill, NJ. by: Ellis Medoway
- *Consequence of Insolvent Carrier Under Guaranty Association Statutory Scheme: Recent Decisions Find Policyholder Suffering Double Whammy*, ABA Coverage Journal, Vol. 17, No. 2, pp. 3-7. (November/December 2006). by: Ellis I. Medoway
- *Insurance Contract Exclusions: General Principles*, Seminar Material: pp. 63-71 Presented at Mealey's "Insurance Contract Wording Conference" (Sept. 20, 2006), Philadelphia, PA. by: Ellis I. Medoway
- *Methods and Alternatives for Construction Contract Dispute Resolution*, Seminar Material: pp. 77-90 Presented at Seminar on Averting Chaos on the Job Site, Sponsored by National Business Institute (January 2006), Cherry Hill, NJ. by: Ellis I. Medoway
- *Coverage Clarification Needed for 'Intentional Wrongs' Exception* New Jersey Law Journal, 182 N.J.L.J. 546 (November 7, 2005). by: Ellis I. Medoway and Trevor J. Cooney
- *The Affidavit/Certificate of Merit Requirement: Avoiding Potential Pitfalls*, ABA Construct Journal, Vol. 14, No. 4, pp. 1, 13-16 (Summer 2005). by: Ellis I. Medoway and William L. Ryan
- *Nav-Its Follows Morton's Legacy: Insurance Industry Held Accountable For Presentations To Regulatory Authorities; Absolute Pollution Exclusion Thus Limited To Traditional Environmental Claims*, ABA Coverage Journal, Vol. 15, No. 4, pp.1, 11-20 (July/August 2005). by: Ellis I. Medoway, Arthur H. Jones, Jr., and Trevor J. Cooney  
*Reprinted* in seminar material presented at Mealey's 4th Annual Advanced Insurance Coverage Conference: Top Ten Issues (January 23 -24, 2006), Philadelphia, Pa.  
*Also reprinted* in seminar material presented at Annual mid-year meeting of the Insurance Coverage Litigation Committee, ABA Litigation Section (March 1-5, 2006), Tucson, AZ.
- *Policyholders May Be On The Hook For Insolvent Insurer: Court Finds Insured Personally Responsible For A Judgment In Excess Of New Jersey's Guaranty Association Cap*, New Jersey Law Journal, 180 N.J.L.J 444 (May 9, 2005). by: Ellis I. Medoway and Trevor J. Cooney
- *Court Message To Insurers: Level With Clients*, New Jersey Lawyer, 14 NJL 787 (April 25,2005). by: Ellis I. Medoway and Arthur H. Jones, Jr.
- *Insurance Coverage For Mold Claims*, Seminar Material: pp. 105-131. Presented at Seminar on Mold Related Litigation Issues, sponsored by National Business Institute (April 2004), Cherry Hill, NJ. by: Ellis I. Medoway

- *New Jersey Construction Law: What Do You Do When...?* Seminar Material: pp. 32-64. Presented at Seminar on Construction Related Law Issues, Sponsored by National Business Institute (September 2003), Cherry Hill, NJ. by: Ellis I. Medoway and William L. Ryan
- *Broker Liability for Failing to Procure Adequate Insurance: May Broker Assert Defense of Insured's Comparative or Contributory Negligence Based on Policyholder's Failure to Read Policy?* Seminar Material: Presented at Annual Mid-Year Meeting of The Insurance Coverage Litigation Committee, ABA Litigation Section (March 2002), Tucson, AZ. Reprinted in ABA Coverage Journal, Vol. 12, No. 3, pp. 3-10, (May/June 2002).  
by: Ellis I. Medoway
- *Insurance Coverage for Terrorist Acts? - Implications of September 11, 2001.* by: Ellis I. Medoway
- *General Principles Governing Broker and Agent Liability in Coverage Disputes*, Seminar Material: Presented at Annual Mid-Year Meeting of the Insurance Coverage Litigation Committee, ABA Litigation Section (March 2001), Tucson, AZ. by: Ellis I. Medoway  
Reprinted in ABA Coverage Journal, Vol. 11, No. 3, pp. 30-36. (May/June 2001)
- *Update: Owned Property Exclusion*, Seminar Material: "Environmental Insurance From A to Z", pp. 55-64. Presented at New Jersey Institute of Continuing Legal Education sponsored program (Fall 2000), Trenton, NJ. by: Ellis I. Medoway
- *Basic Overview of Damages Generally Available in Insurance Coverage Disputes*, Seminar Material: Presented at ABA Annual Meeting (August 2000), New York, NY. by: Ellis I. Medoway and Darrin Howard  
Reprinted in ABA Coverage Journal, Vol. 11, No. 1, pp. 3-8 (January/February 2001)
- *Current Developments in Environmental Insurance Coverage*, Seminar Material: Presented at Camden County Bar Association's Environmental Law Committee Seminar on "Hot Topics In Environmental Law - 1998" (December 1998), Camden, NJ.  
Reprinted in Environmental Law Section Newsletter, New Jersey State Bar Association, Vol. XXI, No. 2, pp. 15-23 (April 1999).by: Ellis I. Medoway
- *Sexual Harassment and Other Employment-Related Torts Covered Under Workers' Compensation Policy? New Jersey Supreme Court Latest Court to Recognize Potential Coverage in Schmidt v. Smith*, ABA Coverage Journal, Vol. 8, No. 6, pp. 3-11 (November/December 1998).  
by: Ellis I. Medoway
- *Owned Property Exclusion: The Effect of Groundwater Impact*, Seminar Material: Insurance Issues, pp. 151-160. Presented at New Jersey Institute of Continuing Legal Education sponsored program (June 1997), New Brunswick, NJ. by: Ellis I. Medoway
- *Absolute Pollution Exclusion as Applied in Construction Disputes*, Seminar Material: Insurance Issues, pp. 1-19

Presented at Annual Mid-Year Meeting of The Insurance Coverage Litigation Committee, ABA Litigation Section (March 1997), Tucson, AZ. *Reprinted* in ABA Coverage Journal, Vol. 7, No. 3, pp. 3-15 (May/June 1997).

by: Ellis I. Medoway

- *Forum Selection and Choice of Law Provision in Liability Policy Struck Down in Environmental Coverage Dispute*, Environmental Law Section Newsletter, New Jersey State Bar Association, Vol. XIX, No. 3, pp. 6-11 (April 1997).

by: Ellis I. Medoway

- *Basic Coverage Issues in Environmental Disputes, Seminar Material: Personal Injuries Resulting From Toxic Exposures To Contaminated Properties*, pp. 193-224. Presented at New Jersey Institute of Continuing Legal Education sponsored program (January 1997), Trenton, NJ.

by: Ellis I. Medoway

- *Third Circuit Rules Occurrence Clause Requires Subjective Intent To Injure in Environmental Coverage Disputes*, Environmental Claims Journal, Vol. 9, No. 2, pp. 23-57 (Winter 1997). by: Ellis I. Medoway and Arthur H. Jones

- *Issues To Consider Prior To Bringing Environmental Coverage Action*, Seminar Material: Insurance Aspects of Environmental Law, pp. 1-40. Presented at New Jersey Institute of Continuing Legal Education sponsored program (Fall 1996), Union, NJ. by: Ellis I. Medoway

- *The Assault On Fundamental Privileges In Environmental Coverage Disputes*, Seminar Material: Presented at Annual Mid-Year Meeting of The Insurance Coverage Litigation Committee, ABA Litigation Section (March 1995), Tucson, AZ.

*Reprinted* in ABA Coverage Journal, Vol. 5, No. 3

*Reprinted* in Environmental Law Section Newsletter, New Jersey State Bar Association, Vol. XIII, No. 3, pp. 4-25 (March 1996). by: Ellis I. Medoway

- *Morton's Binding Legacy on the Pollution Exclusion - Regulatory Estoppel*, Environmental Claims Journal, Vol. 7, No. 1, pp. 25-47 (Autumn 1994).

by: Edward C. Laird and Ellis I. Medoway

- *Pre-Litigation Considerations*, Seminar Material: Environmental Insurance Litigation Desk Reference Manual; pp. 1-31; Presented at National Education Network Seminar (September 1994), Newark, NJ. by: Ellis I. Medoway

- *Morton International v. General Accident: New Jersey Sparks a National Debate over the Resolution of Environmental Coverage Disputes*, ABA Coverage Journal, Vol. 4, No. 2, pp. 24-38 (March/April 1994). by: Edward C. Laird and Ellis I. Medoway

- *The Impact of Morton International on New Jersey's Legal Landscape*, Seminar Material: New Jersey State Bar Insurance Law Committee Overview of Recent New Jersey Supreme Court Decisions on Substantive Issues in Environmental Insurance Coverage Disputes.

Presented at New Jersey State Bar Mid-Year Meeting (November 1993), Palm Springs, CA. by: Ellis I. Medoway

- *Does an Administrative Enforcement Action Trigger a Duty to Defend?*, Environmental Claims Journal, Vol. 6, No. 1, pp. 67-78 (Autumn 1993).by: Ellis I. Medoway
- *The Attorney-Client Privilege and Work Product Doctrine in the Context of Environmental Insurance Coverage Disputes*, Environmental Law Section Newsletter, New Jersey State Bar Association, Vol. XI, No. 1, pp. 9-11 (October 1993). by: Ellis I. Medoway
- *An Emerging Choice of Law Doctrine in New Jersey Environmental Insurance Coverage Disputes: The New Battlefield After Gilbert Spruance*, Seton Hall Law Review, Volume 24, No. 2, pp. 779-821 (1993).by: Edward C. Laird and Ellis I. Medoway
- *Standard for Expected/Intended after Voorhees and SL Industries*, Environmental Law Section Newsletter, New Jersey State Bar Association, Vol. X, No. 2, pp. 13-17 (March 1993). by: Ellis I. Medoway