



Theodore A. Adler, Esq.

Current	Reager & Adler, P.C. – Partner
Practice	19
Cases	200
Languages	English

Current Employer-Title

Reager & Adler, P.C. – Partner

Work History

Founding Partner, Reager & Adler P.C., 1979 – Present; General Counsel, Pennsylvania Department of General Services, 1975 – 1979; Deputy Attorney General, Pennsylvania Department of Justice, 1972 – 1975.

Experience as a Mediator

Mediated in excess of 100 construction cases. These cases have involved the following types of projects: schools; airports; wastewater treatment plants; and office buildings. The value of the claims has ranged from \$25,000 to \$5 million. Many have involved multiple parties including contractors, subcontractors, suppliers, design professionals, construction managers and owners. Have also mediated claims involving disputes related to oil and gas leases. Mediated claims that involved projects that were designed using building information modeling and claims arising out of the construction of wind power stations.

Representative Issues Handled as a Mediator

Issues handled include: mechanical design; delay claims; design professional errors and omissions relating to structural, mechanical and electrical design; scheduling; and terminations for default. Have also mediated cases involving matters related to alternative energy projects, projects that were designed using building information modeling and disputes arising out of oil and gas leases.

Years of Practice as a Mediator

19

Total Number of Cases Mediated

200

Mediation Experience as an Advocate or Party

Represented contractors, owners and design professionals for over 45 years. Has also represented parties in arbitration and mediation proceedings, bench trials and jury trials. Board certified civil trial specialist. Over the last 45 years, has represented clients in hundreds of arbitrations, mediations and trials involving construction disputes. Litigation experience includes construction claims related to airports, hospitals, schools, waste water and water treatment plants

Mediation Philosophy

My mediation philosophy is grounded in the concept of principled negotiation championed by professors Fisher and Ury in their book: "Getting to Yes: Negotiation Without Giving In." This means assisting the parties to recast in their own minds the concept of dispute resolution to one of problem solving. Simply because there are conflicting values and conflicting facts does not mean there are conflicting interests. My function is to help the parties appreciate their common interests and work to establish a set of options so that the parties move away from competitive negotiations to cooperative ones.

Mediation References

James C Sargent, Jr. Esq.
Lamb McErlane
610-701-4417
jsargent@lambmcerlane.com

Jeffery L. Pettit, Esq.
McElroy, Deutsch, Mulvaney & Carpenter
215-557-2979
jpettit@mdmc-law.com

William Clifford, Esq.
Dickie McCamey
412-392-5411
wclifford@dmclaw.com

Diane Tokarsky, Esq.
McNees
717-237-5354
dtokarsky@mcneeslaw.com
Harrisburg, PA 17101

Raymond L. DeLuca, Esq.
Cozen O'Connor
215-665-6945
rdeluca@cozen.com

Michael Winfield, Esq.
Post & Schell PC
717-612-6024
mwinfield@postschell.com

Sud Patel Esq.
Fanelli, Evans & Patel
570-622-2455
spatel@feplawyers.com

Jason Copley Esq.
Cohen Seglias
215- 564-1700 ext 4707
jcopley@cohenseglias.com

Additional references available upon request.

Alternative Dispute Resolution Training

ACE 22 - Process Essentials for AAA Arbitrators, 2022; ACE21 Impartiality: Do You Know Where Your Biases Are? 2021; Anatomy of a Virtual Mediation, 2021; ACE20 - Cyber Security: A Shared Responsibility, 2020; AAA/ICDR/AAA Mediation.org Panel Conference, 2019; ACE18 - Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA Addressing the Challenges of Demanding Arbitrations: Part 2 - The Hearing Phase, the Award, and Beyond, 2017; AAA Addressing the Challenges of Demanding Arbitrations: Part 1 – The Pre-Hearing Landscape, 2017; Consolidation and Joinder Issues in Construction

Arbitration, 2016; AAA Webinar, Closing the Deal: Getting to Yes (and Avoiding No), 2015; Pennsylvania Bar Institute, The Strategic Mediator, 2015; AAA Webinar, Guided Choice: Innovations in Mediation to Get Better Settlements at Less Cost, 2014; AAA Advanced Mediator Training, 2014, 2011, 2009; ABA Forum on the Construction Industry, Pushing the ADR Envelope, 2011; AAA Webinar, Ensuring That Your Clients' Interests are Addressed in Mediation, 2008; AAA Dealing With Delay Tactics in Arbitration ACE04, 2007; ABA Section of Dispute Resolution, Organizing the Construction Case for Mediation, 2007; AAA Neutrals Conference, 2006, 2004; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards ACE01, 2006; Lancaster Mediation Center, Mediation Training, 2004; AAA Construction Industry Arbitrator II Training: Advanced Case Management Issues, 2001; AAA Construction Industry Arbitrator Training, 1999.

Professional Licenses

Admitted to the Bar: Pennsylvania (1972), District of Columbia (1979-Inactive); U.S. District Court: Middle (1972) and Eastern Districts of Pennsylvania (2008); U.S. Court of Appeals, Third Circuit (1979); U.S. Supreme Court (1978).

Professional Associations

American Bar Association (Forum Committee on Construction Industry; Litigation Section; Alternative Dispute Section); Pennsylvania State Bar Association; Dauphin County Bar Association; Fellow, Litigation Counsel of America: Fellow, Construction Lawyers Society of America.

Education

Pennsylvania State University at Dickinson School of Law (JD-1972); Pennsylvania State University (BA-1969).

Awards and Honors

Pennsylvania SuperLawyer (2005-2020): Construction Litigation; Fellow, Litigation Counsel of America, the Trial Lawyer Honorary Society; Fellow, Construction Law Society of America; Member, Diversity Law Institute; Member, Trial Law Institute.

Publications and Speaking Engagements

Co-editor, ANNOTATIONS TO MODEL PROCUREMENT CODE FOR STATE AND LOCAL GOVERNMENTS, American Bar Association; co-author, SUMMARY OF PENNSYLVANIA JURISPRUDENCE 2D, MUNICIPAL AND LOCAL LAW, Lawyers Cooperative Publishing. Assistant Adjunct Professor of Law, Dickinson School of Law of the Pennsylvania State University, 1990-1996; "Construction Law: What Do You Do When...?," National Business Institute; "Construction Claims Against the Commonwealth," OGC University, 2009; "Public Contracts and Procurement Regulations in Pennsylvania," Lorman Education Services, 2006; "AIA Standard Form Construction Contracts," Lorman Education Services, 2004; "Construction Lien Law in Pennsylvania," Lorman Education Services, 2004; "Public Contract Code and Competitive Public Bidding in Pennsylvania," 2004; "Construction Contracting for Public Entities in Pennsylvania," Lorman Education Services, 2000; "Mechanics Liens in Pennsylvania," Pennsylvania Bar Institute, 2012; "Public Contracting with the Commonwealth", Pennsylvania Bar Institute, 2014; "The Disappointed Bidder-Protesting an Award of a Contract by a Local Governmental Agency," Pa. Bar Quarterly, October, 2014 .

Compensation

\$4,000 Per Day

Languages

English

Citizenship

United States of America

Locale

Camp Hill, PA

The AAA provides mediators to parties on cases administered by the AAA under AAA mediation procedures. Mediations that

proceed without AAA administration are not considered AAA mediations, even where parties select a mediator who is a member of an AAA mediation roster.