



AAA Mediation.org™

## Theodore A. Adler, Esq.

Harrisburg, Pennsylvania



**Current Employer-Title** Smigel, Anderson & Sacks, LLP. – Of Counsel

**Profession** Attorney - Construction, Government Contracts, Commercial Litigation

**Work History** Of Counsel, Smigel, Anderson & Sacks, LLP. 2024 - Present; Founding Partner, Reager & Adler P.C., 1979 –2023; General Counsel, Pennsylvania Department of General Services, 1975 – 1979; Deputy Attorney General, Pennsylvania Department of Justice, 1972 – 1975.

**Experience** Over 40 years of experience as a civil trial lawyer, specializing in construction law, representing contractors and owners. Board Certified Civil Trial Advocate, National Board of Trial Advocacy. Practice handles 90% construction claims and litigation. Handles delay and disruption claims, differing site conditions and change orders. Government contracts experience includes representing both prime and subcontractors in bid disputes, contract negotiations and claims involving federal, state and local governments and school districts. Types of projects include airports, convention centers, office buildings, waste water treatment plants, industrial buildings, prisons, schools and hospitals. Mediated and litigated claims involving building information modeling and alternative energy projects. Proficient in the use of virtual hearing platforms for arbitration and mediation.

**Mediator Experience** 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.

**Mediator Style & Process Preferences** 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.

<b>Education</b>	Pennsylvania State University at Dickinson School of Law (JD-1972); Pennsylvania State University (BA-1969).
<b>Professional Licenses</b>	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).
<b>Professional Associations</b>	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.
<b>Recent Publications &amp; Speaking Engagements</b>	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.
<b>Locations Where Parties Will Not be Charged for Travel Expenses</b>	Within 40 miles of Harrisburg, PA
<b>Mediation Rate</b>	\$4,000 Per Day
<b>Languages</b>	English
<b>Citizenship</b>	United States of America
<b>Locale</b>	Harrisburg, PA

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.