



AAA Mediation.org™

**FN-1823403 MN-1823403 LN-1823403,
Esq.**

Pittsburgh, Pennsylvania



Current Employer-Title Del Sole Cavanaugh Stroyd, LLC – Of Counsel

Profession Arbitrator, Mediator, Retired Appellate Judge

Work History Of Counsel, Del Sole Cavanaugh Stroyd, LLC, 2006-Present; President Judge, Superior Court of Pennsylvania, 2001-2006; Judge, Superior Court of Pennsylvania, 1984-2006; Judge, Court of Common Pleas of Allegheny County, 1978-1984; Adjunct Professor of Law, Duquesne University School of Law, 1994-2006; Partner, Girman & Del Sole, 1972-1978; Partner, VanAmerigan, Girman & Del Sole, 1970-1972; Associate, Meyer, Darragh, Buckler, Bebenek & Eck, 1965-1970.

Experience Before assuming the bench, maintained a civil litigation practice, representing plaintiffs and defendants in commercial, contract, personal injury, and insurance matters. As a judge, participated in all manner of civil litigation, including employment, contract, real estate, commercial, insurance, personal injury, product liability, and marital matters. Held the position of adjunct Professor of Law at Duquesne University Law School, and have been a lecturer at the New Judges School for Pennsylvania Trial Judges.

Mediator Experience Served as a mediator in a copyright matter between a publisher and subscriber that distributed the material in house; a business defamation claim between a service provider and an insurer and its contracted claims agency; a medical device (knee) failure claim between the patient and the manufacturer; multiple insurance coverage disputes; mineral royalty claim; multiple product liability claims; multiple personal injury claims; and multiple contract claims. The amounts involved ranged from 50k to over 4 million dollars. Serves on the roster of mediators for the United States District Court for the Western District of Pennsylvania.

Conducted virtual mediation using the Zoom Pro Platform.

Representative Issues Handled as a Mediator Employment matters include age discrimination claims, and non-compete claims. Product liability claims include a medical device (knee) failure claim; failure of a crane/lift; improper design of a gurney restraint device for an ambulance. Mineral claim for royalties for coal passing through mine shaft on claimants' property. Insurance claims include coverage claimed by a business for pollution caused by mining; a business coverage claim for a violation of the "Fair and Accurate Credit

Transaction Act,"; life insurance coverage claim on the basis of improper cancellation of the policy; coverage for mold remediation under a homeowners policy; theft loss under business policy; coverage of a government agency for a sexual assault by an employee; dispute between a contractor and bonding company over progress payments and continuing work on a government building project; claims between owner and design professional and contractors on building project; construction disputes between contractors, sub-contractors and owners.

Personal injury claims include multiple deaths and injuries following a multi-vehicle accident on an interstate highway; permanent brain damage and other injuries following a motorcycle accident; multiple deaths and injuries following a shooting spree; various UM and UIM claims, and Jones Act cases.

Mediator Style & Process Preferences

I believe that the facilitative role is the best initial approach to a mediation session. The role of the mediator is to assist the parties in arriving at a solution. I encourage the parties, in addition to their counsel, to be active participants in the discussions. However, it is important not to come between an attorney and the client.

While I refrain from expressing an opinion on possible settlement options, there are times when a mediator can, and should do so. Occasionally, the parties will seek advice as the negotiations progress and positions become fixed. Also, the mediator may recognize an opportunity for resolution and should present it to the parties. This evaluative approach is useful at these times, particularly when the participants are looking for closure, but may be unwilling to take the final step.

I request a confidential mediation statement from all parties prior to the session, to include an analysis of the strengths and weaknesses of each side. Not only does this enable me to understand the issues, but causes the parties to view the matter afresh from all perspectives. I begin the mediation with a joint session with all parties, to discuss the issues and secure their public position. This is followed by private caucus with individual participants and the conveying of proposals with the permission of the party. Depending on the nature of the matter and the progress of the negotiations, there may be a need for additional joint sessions to discuss and achieve agreement. It is important to maintain the confidentiality of the individual discussions. Those involved must have confidence in the integrity of the mediator.

Education

University of Virginia (LLM-1992); Duquesne University (LLB, Law Review-1965); Carnegie Institute of Technology (BS, Mechanical Engineering-1962).

Professional Licenses

Admitted to the Bar, Pennsylvania, 1965.

Professional Associations

Pennsylvania Bar Association (Task Force Lawyer Advertising, Alternative Dispute Resolution and Appellate Practice Committees); Allegheny County Bar Association; Pennsylvania Bar Institute (Past Member, Board of Directors); Council of Chief Judges State Courts of Appeal (Past Board Member; Past Treasurer); Academy of Trial Lawyers of Allegheny County; Former member of The National Academy of Distinguished Neutrals.

OTHER: Duquesne University (Century Club of Distinguished Alumni).

Recent Publications & Speaking Engagements

Publications:

"Appellate Review in a Sentencing Guideline Jurisdiction, The Pennsylvania Experience," 31 DUQUESNE LAW REVIEW 479, 1993; co-author, "The Demise of Fair Trade in Pennsylvania: A Study of Judicial Disenchantment," 2 DUQUESNE LAW REVIEW 296, 1964; "Judicial Reform Update: A Response," THE ALLEGHENY LAWYER; "An Analysis of Judicial Discipline Proposals," THE RETAINER; What Makes a Successful Appellate Advocate?, LAWYERS JOURNAL, 2008.

Speaking Engagements:

Presented on various topics with the following organizations: Pennsylvania Bar Institute; Pennsylvania Bar Association (Mid-Year Meetings and Board of Governors Retreat); American Judicature Society (National Conference); Allegheny County Bar Association (Young Lawyers Section, Bench Bar Conferences and various committees); Philadelphia Bar Association; Pennsylvania Trial Lawyers Association; Pennsylvania Defense Institute; and Carnegie Mellon University, Mercyhurst College, Mercy Hospital, and Temple University.

Mediation Rate	\$550 Per Hour
Languages	English
Citizenship	United States of America
Locale	Pittsburgh, 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.