



AAA Mediation.org™

**FN-2141223 MN-2141223 LN-2141223,
Esq.**

Philadelphia, Pennsylvania



[View Video](#)

Current Employer-Title	Welsh & Recker, P.C. – Counsel
Panelist Video	https://www.adr.org/videoresume?paramName=272780756
Profession	Attorney, Arbitrator, Mediator
Work History	Counsel, Welsh & Recker, P.C., 2023 - Present; Counsel, Schnader Harrison Segal & Lewis LLP, 2021 – 2023; Partner, Schnader Harrison Segal & Lewis LLP, 1998 - 2021; Chair, Schnader Harrison Segal & Lewis LLP, 1992 – 1998; Schnader Harrison Segal & Lewis LLP, 1967 - 1992.
Experience	<p>From the very beginning of career, has been involved in litigating complex commercial disputes. At first, was doing the spade work (paper discovery, review of documents, etc.) that is an essential part of prosecuting or defending such cases. In time worked up to serving as lead trial counsel in a wide variety of significant cases including antitrust cases, trademark disputes, patent cases, RICO cases, environmental litigation, real estate disputes, insurance coverage cases, applications for air cargo rights involving hundreds of millions of dollars, and contract disputes of every description (including disputes about the meaning of terms, alleged breaches of representations and warranties, disputes as to whether the contract was breached, the measure of damages, etc.).</p> <p>In addition to commercial cases, for a number of years handled and tried personal injury/death cases, primarily on the defense side. These included product liability claims and various tort cases (property owner liability, automobile accidents, liquor liability claims, etc.). The advantage of handling those cases was that they provided opportunities to get into the courtroom much earlier in career than would otherwise have been the case.</p> <p>Also handled a dozen criminal cases on a pro bono basis, including three murder cases. Again, those cases provided opportunities to stand up in the courtroom and be a real trial lawyer.</p>

In January, 2018, was appointed by the Court in the NFL Concussion Litigation to represent the families of certain deceased players facing a Statute of Limitations defense to recovery of monetary benefits; all of those cases settled.

Here are examples of complex commercial cases handled:

Representation of claimant in a patent-related dispute. During the 16 days of hearings, the parties called 14 experts; the award issued was \$72.5 million in favor of the claimant.

Defense of an antitrust case filed in federal court involving the delivery of small packages, in which the court granted summary judgment, after which the remaining state law claims were settled.

Two insurance coverage actions, both of which were tried to a successful conclusion, one of which was a nine-week jury trial.

Defense of an antitrust action brought on behalf of a nationwide class of travel agents alleging that the major airlines had conspired to reduce travel agent commissions, in which the federal district court granted summary judgment for defendants, and the Fourth Circuit affirmed.

Prosecution of a CERCLA contribution action on behalf of the owner of a battery-breaking facility against more than 250 battery suppliers. The case represents the first time that a court allocated liability to a scrap battery supplier where the owner-operator was financially viable.

Representation of Villanova University in a trademark lawsuit against its former booster club in which the University sought a preliminary injunction to prevent the club from using the University name. After an evidentiary hearing, the district court granted the injunction.

Representation of plaintiff in a patent infringement case involving hydrogen peroxide gas vaporizers used by pharmaceutical companies and others for bio-decontamination of instruments and rooms. After two months of discovery, defendant stipulated to the entry of an Order prohibiting it from marketing its infringing product.

Prosecuted and defended a number of cases involving employee restrictive covenant agreements (non-competition agreements).

Mediator Experience

Served as a mediator in a number of commercial disputes including:

Disputes between pharma companies and their wholesalers as to compliance with contract terms.

A suit by a large insurance company against two former high-level employees and their new employer (another large insurance company) alleging theft of trade secrets, breach of fiduciary duties, etc. Claimant sought damages in excess of \$10 million.

A dispute between a senior partner of a national law firm and his law firm. The senior partner alleged that his compensation was set at an unfairly low level because of national origin discrimination. The senior partner was seeking damages of more than \$5 million.

A dispute between a major chemical company and the former head of one of its divisions. The chemical company alleged theft of trade secrets and breach of fiduciary duties; in response, the former division head alleged age discrimination prior to the termination of his employment. Each side was seeking damages in excess of \$5 million.

A dispute involving a claim of copyright infringement of forms developed to capture certain costs in the health-care industry. The amount of the claim exceeded \$10 million.

A dispute involving the landlord's right to terminate a long-term commercial lease. Because the landlord wanted to terminate the lease in order to dedicate the building to use by a new single large tenant, the dollars at issue were significant.

Disputes as to whether the sellers of certain businesses complied with certain reps and warranties made in connection with the sale.

A dispute as to whether the advertising injury provision of a Personal and Advertising Injury insurance policy covered losses allegedly attributable to copyright infringement related to dresses manufactured for and sold to a certain retailer.

A dispute arising from a manufacturer's termination of a distributor.

Representative Issues Handled as a Mediator

Have dealt with a variety of issues including:

- a number of contract interpretation disputes
- disputed provisions of a long-term commercial lease
- whether the reps and warranties provision of an asset purchase agreement were breached
- the extent to which, if at all, certain evidence was barred by the parol evidence rule
- the extent to which, if at all, fiduciary duties were breached by certain activities of high-ranking company officials
- whether a partner in a law firm was an employee under Title VII
- whether certain information or compilations of information constituted trade secrets
- the meaning of the advertising injury provision of a Personal and Advertising Injury insurance policy
- the damages legally recoverable in the event of a finding of liability
- the damages likely to be recovered in fact in the event of a finding of liability
- the likelihood of an injunction being entered, and the scope thereof, in the event of a finding of liability.

Mediator Style & Process Preferences

There are some mediators who think that their principal role is to evaluate the parties' positions and use that evaluation to push the parties to a resolution. There are others who believe that the role of the mediator is to avoid being evaluative entirely, and instead believe that they should be solely facilitative. There is no absolute answer to the evaluative/facilitative debate. A good mediator needs to include all the tools, each at the appropriate time, required to achieve a resolution based on the needs of the particular dispute. What is important is to be able to be flexible and to have a substantial, creative toolkit.

Education

The University of Pennsylvania Law School (JD-1967); St. Joseph's University (BS-1964).

Professional Licenses

Admitted to the Bar: Pennsylvania, 1967; Pennsylvania Supreme Court; U.S. District Court: Eastern and Middle District of Pennsylvania; U.S. Court of Appeals, Third Circuit.

Professional Associations

American College of Trial Lawyers (former State Chair, former Regent)
International Academy of Trial Lawyers (Past President)
Supreme Court Historical Society (former Board Trustee)
University of Pennsylvania Law School Inn of Court (Past President)
Philadelphia Association of Defense Counsel (Past President).

Recent Publications & Speaking Engagements

Has presented at programs on all aspects of pretrial and trial practice on hundreds of occasions.

Publications in the last 5 years include:

ARTICLES

- "The Ethics of Brokering a Settlement with Fewer than All Defendants," *Alternatives* (2018)
- "Meeting Mr. Wright," *Journal of the American College of Trial Lawyers* (2017)
- Book review of "Jury Trials Outside In," *Journal of the American College of Trial Lawyers* (2017)
- "Have Big Law Firms Lost Their Way?," *Law360*
- "Trial Practice – The ABCs and Beyond," *The Philadelphia Lawyer*
- "Trial Practice – The ABCs and Beyond (Part 2)," *The Philadelphia Lawyer*
- "Trial Practice – The ABCs and Beyond (Part 3)," *The Philadelphia Lawyer*
- "Playing Poker and Trying Cases: Getting Better?" *The Philadelphia Lawyer*
- "A Lesson Learned from Roy Cohn," *The Journal of The American College of Trial Lawyers*

Books

- The Deposition Handbook* (5th ed., 2011) (coauthor)
- "Substantive Preparation of the Witness," Chapter 8 of *Effective Depositions*

Locations Where Parties

Anywhere within 50 miles of Philadelphia.

**Will Not be Charged for
Travel Expenses**

Mediation Rate \$600 Per Hour

Languages English

Citizenship United States of America, United States of America, United States of America

Locale Philadelphia, 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.