



AAA Mediation.org™

FN-5905 MN-5905 LN-5905, Esq.

Hamburg, Pennsylvania



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Current Employer-Title Coffey Consulting Co. – President

Panelist Video <https://www.adr.org/videoresume?paramName=272770833>

Profession Arbitrator; Mediator; Litigation Support Provider; Business Consultant; Attorney

Work History President, Coffey Consulting Co., 2000 – Present; Of Counsel/Partner, (formerly) Wolf Block Schorr and Solis-Cohen, 1969 – 2009.

Experience Over 30 years' experience as a business lawyer, representing real estate developers, lenders, architects, engineers, building construction contractors, brokers, landlords, tenants, sellers, buyers and governmental entities, entrepreneurs, corporate executives, vendors. Dealt with surety (payment and performance) and fidelity bonds, demolition, design, construction, mechanical, electrical, plumbing, heating, ventilating, air conditioning, roofing, steel, masonry, carpentry, excavation, footings, foundations, dynamic compaction, grading, paving, geotechnical reports, environmental contamination and remediation, structural issues, partnerships shareholder and limited liability company agreements, corporate formation and governance, REITS, entity selection, acquisition agreements, business planning, real estate and equipment leases, mortgage lending, secured and unsecured lines of credit, secured transactions, arbitrage, project finance, naming rights, pouring rights, premium seating agreements, vendor agreements, the following types of insurance issues: business interruption/property loss, directors & officers liability, property casualty, professional liability, errors & omissions, builder's risk, and title insurance. Handled matters for publicly owned and privately held companies, banks, insurance companies, and public/private partnerships, state and local governments, public authorities, professional sports teams. Projects handled ranged in value from \$50,000 to \$275 million and include sports and entertainment facilities, stadiums and arenas, office buildings, hotels, retail centers, shopping centers, industrial buildings, pharmaceutical manufacturing plants, multi-national conglomerates, cross-border, international transactions and single family and multi-family residential properties.

Mediator Experience Mediated major construction claims, complex business disputes, Native American land claims eminent domain proceedings, environmental remediation, performance based business acquisition

deferred payouts, and business liquidations. Amounts in controversy have ranged between 4 and 9 figures.

**Representative Issues
Handled as a Mediator**

Major construction claims mediated have included contract terms and conditions, construction defects, change orders, delay damages, design defects, compression, acceleration, late payment, extended field conditions, home office overhead, labor inefficiencies, prompt payment acts, retainage, project management, and public and private projects. Complex business disputes mediated have included arbitration matters, business fraud, business governance issues, the removal of managing general partners, ability to reach assets wrongfully transferred to off shore trust accounts, contract interpretation, restitution, acquisition contract representations and warranties, indemnification provisions, contractual responsibility for environmental remediation as part of a major corporate asset acquisition agreement, prevailing party entitlement to legal fees, costs, interest and penalties, and crafting creative remedies to a wrongful taking pursuant to the power of eminent domain, 150 years after the taking.

**Mediator Style & Process
Preferences**

Mediation can take many forms. Each case requires an analysis of the issues, the relationships of the parties, past, present and future expectations, the personalities of the party representatives and their counsel and other advisors, as well as what the parties expect to achieve in the mediation and the nature of the resolution they would like to reach.

My role as mediator is to support the parties in resolving their dispute and not to get in the way of resolution. That may include helping each side to evaluate the strengths and weaknesses of their cases and to move them toward creative solutions.

There is no pure facilitative or evaluative mediation style. I can use tools from each style depending on what may be needed to reach resolution. Generally, the parties and their counsel play an active role in the mediation process. But there are circumstances where that may not be appropriate. Generally, I keep all of the parties in the same room as long as discussions among them are productive. I also uses separate caucuses and shuttle diplomacy where productive.

Education

University of Pittsburgh (JD, Editor of the Law Review-1969; BA-1961).

Professional Licenses

Admitted to the Bar: Pennsylvania (1969); U.S. District Court: District of Pennsylvania (1969).

Professional Associations

American Bar Association (Business Section; Dispute Resolution Section; Alternative Dispute Resolution Committee, Training Committee; Education Committee; Real Property, Probate and Trust Section, Sports and Entertainment Law Subcommittee, Chairman); Pennsylvania Bar Association (Alternative Dispute Resolution Section, Revised Uniform Arbitration Act Committee, Chair; Quality of Life/Balance Task Force); Philadelphia Bar Association (Real Estate Section, Professionalism Committee, Chair; Alternative Dispute Resolution Committee); Pennsylvania Supreme Court Medical Malpractice Mediation Task Force (Mediator Selection Committee, Chair); International Mediation Institute (IMI) Certified Mediator; College of Commercial Arbitrators.

**Recent Publications &
Speaking Engagements**

PUBLICATIONS: "Mediated Settlement of a Native American Land Claim," THE CPA JOURNAL, p. 62, June 2006. Co-author, Chapter on Intratribunal Relations and Chapter on Arbitrator Fees and Expenses, College of Commercial Arbitrators Guide to Best Practices In Commercial Arbitration, 3rd Edition, 2014 and 4th Edition, 2017.

SPEAKING ENGAGEMENTS: Speaker, "Practical Lessons from the Pittsburgh Penguins Bankruptcy," Council for Urban Economic Development, 1999, Kagan Seminars, 2000; speaker, "Development, Finance and Operation of Stadiums and Arenas," American Bar Association Annual Meeting, 1998, Kagan Seminars, 1998, Council For Urban Economic Development, 1999; speaker, "Professional Sports Team Lease of a Multi-purpose Sports and Entertainment Facility," Kagan Seminars, 1997, Council For Urban Economic Development, 1999. Course planner and speaker at American Bar Association, Pennsylvania and Philadelphia Bar Associations and Pennsylvania Bar Institute Continuing Legal Education program, "Maximize Your Mediation;" course planner and speaker at Pennsylvania Bar Institute's Business Lawyers Institute program, "Alternative Dispute Resolution for Transactional Lawyers" and "Drafting ADR Clauses in Business Contracts;" speaker at AAA workshops and seminars.

Locations Where Parties

No charge for travel time within 75 miles of Hamburg, Pennsylvania; New York City, or Apopka, Florida.

Will Not be Charged for Travel Expenses

Mediation Rate	\$850 Per Hour
Languages	English
Citizenship	United States of America
Locale	Hamburg, 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.