



AAA Mediation.org™

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Wayne, Pennsylvania



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Current Employer-Title Reidenbach & Associates, LLC - Of Counsel

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Profession Mediator and Arbitrator and Attorney - Large, Complex Construction and Commercial Matters

Work History Of Counsel, Reidenbach & Associates, LLC, 2020-Present; Principal/Of Counsel, Kaplin Stewart, 2000-2020; Principal, Korn & Cohn, PC, 1990-2000; Principal, Korn, Kline & Kutner, PC, 1975-1990; Partner/Associate, Kahn, Bushman, Rosenberg & Weisberg, PC (formerly Winokur & Kahn), 1967-1975; Associate, Rosenfeld & Weinrott, PC, 1965-1967.

Experience Over 50 years' experience as a civil trial lawyer, representing private and public owners, construction managers, contractors, subcontractors, sureties, fabricators, material suppliers, engineers and architects in all aspects of construction in both arbitration before AAA Tribunals and private appointments as well as litigation in state and local courts in Pennsylvania and elsewhere. The issues presented involved scheduling, the Eichleay Formula, inefficiency claims (measured mile), delay and disruption, change order requests, scope of work, material strength, contract interpretation, critical path scheduling, bond claims, indemnity claims, insurance coverage, to name representative issues. Representative subject matter includes HVAC, Electrical, Structural Steel Fabrication and Erection, Power Plants, Paper Processing Plants, Schools and Universities, Concrete Construction, Concrete Repair and Remediation, Curtain Wall and other Building Facades; Painting; Roofing; Carpentry (rough and finished), Sheet Rock, Heavy Civil. including Highway; Paving; Bridge; Marine Construction; Utility, Adaptive Reuse of Buildings, Shopping Centers, Office Buildings, Modular Construction, Factories, etc.

Extensive commercial litigation experience including both jury and bench trial in state and federal courts. Early in career, represented parties in defense of product liability claims. Represented a major brand automobile manufacturer based in the United States. Arbitrated cases before arbitration tribunals and courts involving the issues set forth above. Presently more than 70% of time is spent resolving disputes through mediation and arbitration.

Mediator Experience	<p>Mediated more than 200 construction and other matters in which the amounts in dispute have ranged from \$50,000.00 to more than 10 million dollars. Representative cases involve:</p> <p>A dispute between a governmental body and an authority resulting not only in a large monetary settlement (in excess of \$500,000.00), but also the negotiation of an extension of existing contract.</p> <p>A dispute between a contractor and a fabricator in which the fabricator was seeking damages approaching \$1 million and the contractor was seeking damages for defective fabrication, late delivery, emergency field repairs, etc.</p> <p>A dispute between a steel fabricator and a general contractor involving the interpretation of specifications and plans, and the impact of "industry standards and practices."</p> <p>A dispute between a public-funded entity and a large national contractor involving termination, claim by the contractor for contract balance and claim by owner for cost to complete, resulting in a \$5 million plus settlement.</p> <p>A dispute between a school district and a prime contractor in which the prime contractor sought damages in excess of \$200,000.00 because of unanticipated conditions discovered during demolition of a building's facade.</p> <p>A dispute between an international company, which supplied equipment used for processing cement, and its subcontractor. Each claimed the other breached the contract. The subcontractor was seeking damages in excess of \$100,000.00 and the contractor was seeking damages in excess of \$500,000.00 including liquidated damages.</p>
Representative Issues Handled as a Mediator	<p>Mediated cases involving: termination, claims for contract balances and retention, delay damages, compaction/acceleration claims, loss of efficiency, failure to timely perform, failure to perform in a workmanlike manner, and differing site conditions. Mediated cases involving technical design issues, allegations of design professional malpractice, and contract interpretation.</p>
Mediator Style & Process Preferences	<p>When all is said and done, the parties in any mediation must come to the conclusion that their interests are best served by compromising. I serve as a catalyst in that process. I thoroughly study all of the materials provided beforehand, listen to what the participants have to say, help them focus on the issues and, when appropriate, shift from facilitator/mediator to evaluator. During more than 20 years as a mediator, including years training others in this specialized field, I've instinctively known, as a result of my experience, when to ratchet up the initiative to settle. My tenacity in helping the parties move toward this goal is instrumental in my achieving closure in the vast majority of the cases I mediate. If closure does not happen at mediation, I will, with the consent of the parties, work with the parties after the mediation to seek a resolution.</p>
Education	<p>Temple University (LLB-1964; BS-1961).</p>
Professional Licenses	<p>Admitted to the Bar: Pennsylvania (1965); U.S. District Court: Eastern District of Pennsylvania (1965); U.S. Court of Appeals: Third (1965) and Federal (2000) Circuits; U.S. Supreme Court (1999).</p>
Professional Associations	<p>Pennsylvania Bar Association (Alternative Dispute Resolution Committee); Philadelphia Bar Association (Real Estate Section, Construction Law Committee, First Chair); American Bar Association (Fidelity and Surety Section; Forum Committee on the Construction Industry; Section of Public Contract Law, Construction Law Committee; Committee on Alternative Dispute Resolution, Past Vice-Chair; Tort and Insurance Practice Section, ADR Committee, Vice-Chair).</p>
Recent Publications & Speaking Engagements	<p>"Ethical Considerations in Filing Mechanic's Lien Claims", Mechanic's Liens in Pennsylvania, Pennsylvania Bar Institute, 2005-2017; Co-author "Tort Actions Arising on Construction Projects," 2 Vol. Pennsylvania Construction Law: Project Delivery Methods, Execution and Completion, First & Second Editions, Pennsylvania Bar Institute; "Why Practitioners Should Consider Including Dispute Resolution in Real Estate Agreements", 17th Annual Real Estate Institute, Pennsylvania Bar Institute, December 2013; "Drafting Arbitration Clauses: Tread Carefully", American Arbitration Association, May 2012; "A Creature of Contract: Drafting Construction ADR Clauses to Meet Project Need", Managing your First Arbitration, Program Sponsored by American Arbitration Association, College of Commercial Arbitrators, JAMS and Ohio State Bar Association, October</p>

2011; “Breaking Down the Basics Series: How to File a Defend a Mechanic’s Lien”, Pennsylvania Bar Institute, February 2011; “How to File and Defend a Mechanics Lien”, Delaware County Bar Association, Real Estate Practices Committee, November 2010; “Care and Feeding of Arbitrators: A How-To Guide for Improving Your Chances of a Successful Arbitration Result, Annual Meeting of the Surety Claims Institute, June 2010; “Integrated Project Delivery: Is It the Future of Construction?”, The American Society of Professional Estimators, April 2010; “How to File and Defend a Mechanic’s Lien Claim”, 13th Annual Real Estate Institute, Pennsylvania Bar Institute, December 2009 and December 2013; “Construction Arbitration: What’s the Fight About?”, Presented to Case Managers, American Arbitration Association, Northeast Case Management Center, July 2009; “Differing Site Conditions and Changes in the Work”, The Construction Contracts Program, Forum on the Construction Industry, American bar Association, November 2008; “The 2007 AIA & Consensus Contract Documents”, Construction Financial Management Association (CFMA), Berk-Lehigh Valley, PA Chapter, May 2008; “The 2007 AIA & Consensus Contract Documents”, Mid Atlantic BX, April 2008; “Ethical Considerations for Attorneys Handling Mechanic’s Lien Claims, The Day After: Dealing with Mechanics’ Liens in Pennsylvania in Post-Amendment Environment, Allegheny County Bar Association, June 2007; “Avoid Litigation Through Careful Contract Drafting and Attentive Project Administration – Myth or Reality?”, 71st Annual Conference, International Municipal Lawyers Association (IMLA), September 2006; “Bidding and Award of Public Contracts”, AIA Contracts, Lorman Education Services, May 2006; “Differing Site Condition,” Advanced Construction Litigation, Pennsylvania Bar Institute, November 2005; “Dispute Resolution Processes”, Pennsylvania Law for Design/Construction Professionals, Lorman Education Services, 2000 and 2002; “Dispute Resolution Processes”, Construction Contracting for Public Entities in Pennsylvania, Lorman Education Services, February 2001; “Pennsylvania Construction Lien Law, Mechanics’ Lien, Bond and Prompt Payment Claims”, “Differing Site Conditions: A Contractor’s Nemesis,” Pennsylvania Bar Institute, Advanced Issues in Construction Litigation, 1999.; “When a Bankruptcy Court is the Battle Theatre”, American Bar Association Annual Joint Winter Meeting, Forum on the Construction Industry and TIPS Fidelity & Surety Law Committee, 1996; “Advanced Issues in Construction Litigation”, Pennsylvania Bar Institute, October 1994; “Construction Arbitration and Mediation in Public and Private Contract Disputes”, Department of Education and Training, American Arbitration Association, April 1993; “Construction Law Update: Case Law & Legislation Affecting the Construction Industry”, contributor for Pennsylvania, published by the Forum on Construction Law, American Arbitration Association.

Mediation Rate	\$675 Per Hour
Languages	English
Citizenship	United States of America
Locale	Wayne, 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.