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## One-on-One with New ADR Chair Patrick R. Kingsley



**Patrick R. Kingsley** was recently appointed chair of Stradley Ronon's alternative dispute practice group. Pat handles a wide variety of complex commercial disputes, focusing much of his practice on construction and surety litigation. As a trial lawyer, he has tried both jury and nonjury cases and has represented clients in arbitrations, mediations and hearings before administrative law judges and referees. He is also chair of the firm's construction practice group.

**ADR: Please share your background and how you became involved in dispute resolution?**

**PK:** I have been a commercial and construction litigator for 27 years and have been engaged in dispute resolution since the very beginning of my career. Complex commercial litigation and detailed construction disputes both lend themselves to alternative dispute resolution in the form of arbitration and mediation. Given the volume of matters to be litigated, both legal and factual, mediation and arbitration are often more efficient alternatives. An arbitrator with specific subject matter familiarity can process information much more rapidly than a jury which must be taught every concept along the way. Mediation frequently allow the exchange of information in a matter of hours that might take months in the context of litigation.

**ADR: What is your area of focus?**

**PK:** Much of my practice is focused on construction and surety litigation. I have significant experience in this area. I have handled virtually every type of construction dispute, representing owners, architects, engineers, general contractors, subcontractors, sureties and suppliers at one point or another. I have experience with claims ranging from huge megaprojects to individual residential construction disputes in many different jurisdictions, including Pennsylvania, New York, New Jersey, Maryland and Delaware. The projects at issue have included roads, sewers, bridges, stadiums, shopping centers, hotels, irrigation systems, parking lots, skyscrapers, schools and homes.

**ADR: What work experience has lead you to mediation services?**

**PK:** My matters frequently involve multiple parties. Consequently, I am extremely comfortable being directly in the middle of disputes involving owners, general contractors, subcontractors, vendors and design professionals. My role, even as advocate, is frequently to broker disputes that result in a successful and efficient project

completion with minimal costs to all parties involved. Mediation has the virtue of not only saving time and money but also of preserving relationships between parties that may have ongoing or future business relationships. In addition, mediation allows for creative resolutions and remedies that are not available in the litigation context.

**ADR: What is your philosophy on discovery in arbitration?**

**PK:** The scope of discovery depends on the nature of the controversy, as well as the amount and size of the dispute. With that in mind, discovery can be tailored to allow litigants to get to the heart of the matter and discover what is truly necessary to try the controversy in a more streamlined and efficient way than may be provided by the courts. To put it another way, there are often diminishing returns on discovery. If the parties are guided to focus on what is truly essential, discovery can be very efficient while simultaneously revealing the facts necessary for a party to put on its case.

**ADR: What is your view of hosting a “joint session” in mediation?**

**PK:** While there are certain controversies that are so sensitive and emotional that a joint session will only make these matters worse, I find that joint sessions in complex commercial and construction disputes often initiate the type of discussion that is necessary to resolve the pending controversy. For the mediator, the joint session offers an opportunity to set expectations and obtain a commitment from other parties to listen respectfully and engage in appropriate negotiations. For the parties themselves, a joint session offers each litigant the chance to hear, perhaps for the very first time, the other party’s thoughts on a matter unfiltered by its own counsel. The joint session in a mediation is not an opportunity to convince the other side that you are right and they are wrong, but it is simply an opportunity for both parties to see that there is a legitimate alternative perspective and they may not be as right as they thought they were going into the mediation.

**Stradley Ronon’s Alternative Dispute Resolution Practice Group**

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