

ALTERNATIVE DISPUTE RESOLUTION CURRICULUM VITAE

DAVID ALAN FITZSIMONS

ADRFitz LLC

***Alternative Dispute Resolution
Mediation. Arbitration. Peacemaking.***

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"It's settled, then."

Admitted: Pennsylvania Bar, 1984

Federal: United States Supreme Court (1997)

Third Circuit Court of Appeals (1996)

USDC Middle District of Pennsylvania (1986)

Member, Certified Mediator Panel (2002-present)

USDC Eastern District of Pennsylvania (1988)

USDC Eastern District of Wisconsin (2002)

PROFESSIONAL EXPERIENCE

ADRFitz LLC, Carlisle, Pennsylvania

October 2020 to present

Principal in practice focused on delivery of process-centered alternative dispute resolution outcomes.

MARTSON LAW OFFICES, Carlisle, Pennsylvania

January 2004 to September 2020 (Substantive Practice areas applied to Mediation and Arbitration Practice)

Construction Litigation, Commercial Litigation, Alternative Dispute Resolution, Pennsylvania and Federal Administrative Law, Employment Law, Personal Injury, Representation of Medical and Health Care Providers; Estate Disputes and Litigation, Special Solicitor representation of governmental subdivisions.

Penn State Dickinson Law, Carlisle, PA

Adjunct Trial Advocacy Faculty (*1995 to present*); Professional Responsibility, Legal Ethics (*Fall Semester 2014*).

Widener University School of Law, Harrisburg, PA

Adjunct Faculty Alternative Dispute Resolution Survey (*Fall Semester 2014*).

METTE, EVANS & WOODSIDE, Harrisburg, PA

October 1988 to January 2004

Construction Litigation, Commercial Litigation, Insurance Defense and Plaintiff personal injury, Administrative Law, Municipal Solicitor, Alternative Dispute Resolution.

Office of Chief Counsel, Department of General Services, Commonwealth of Pennsylvania, Harrisburg, PA

October 1985 to October 1988

Construction and Procurement Litigation, Public Works, Land Acquisition.

Pennsylvania Legislature - Budget and Finance Committee, Harrisburg, PA

August 1984 to October 1985

Provided legal services to joint Pennsylvania Legislature committee conducting sunset performance audits and feasibility study of prison privatization.

Memberships:

- American Bar Association (1984-present)
- Pennsylvania Bar Association
 - Alternative Dispute Resolution Committee Co-Vice Chair (May 2020-May 2021), Co-chair (May 2021-present)
 - Collaborative Law Committee (2015-present)
 - Pennsylvania Bar Political Action Committee ("PABAR PAC") (2018-present)
 - Pennsylvania Bar Association House of Delegates member (2016-present)
 - Chair, Committee On Legal Ethics and Professional Responsibility (May 2014-2016); Co-Chair (May 2016-May 2017)
- Disciplinary Board of the Pennsylvania Supreme Court (March, 2014 to June, 2019)
- Cumberland County Bar Association - Chair, ADR Committee; Chair, Fee Dispute Committee (2008-present)
- James S. Bowman American Inn of Court - Master Emeritus
- Cumberland County Inn of Court - Master

Mediation and Arbitration Panel Memberships:

- US District Court for Middle District of Pennsylvania (2001-present)
- Cumberland County Bar Association Panel (2004-present)
- Pennsylvania Bar Association Lawyer Dispute Resolution Panel (2016-present)
- Private retention as mediator and arbitrator (Construction; General Commercial and Business Ownership disputes; Personal Injury claims; Civil Rights and Employment Discrimination Claims; Commercial Contract disputes; Professional Practice disputes)
- Cumberland County Auditor appointments

- Pennsylvania Counsel of Mediators (pamediators.org)
- Maryland Council for Dispute Resolution (mcdr.org)
- Cumberland County Panels under Court Ordered Arbitration.

EDUCATION

THE DICKINSON SCHOOL OF LAW, Carlisle PA, J.D., 1984

President, International Law Society, 1983-84
 Best Oral Advocate, Phillip C. Jessup International
 Moot Court Competition (Mid-Atlantic Region), 1983
 National Antitrust Moot Court Competition, New York, NY, 1984
 Dickinson Journal of International Law, Assoc. Ed., 1983-84
 Order of Barristers: Elected by Faculty Committee; Spring 1983
 Corpus Juris Society

WASHINGTON COLLEGE, Chestertown MD, B.A. International Studies, 1980.

ANNE ARUNDEL COMMUNITY COLLEGE, Arnold MD, A.A. Liberal Arts 1978.

COMMUNITY ACTIVITIES

- First Lutheran Church Council, January 2021 to present
- Carlisle Country Club, Board Member 2011-2018.
- Carlisle Area Soccer Club, Youth Soccer Coach 1991-2012
- Leadership Carlisle (now Leadership Cumberland), Board Member 1996-2003, Presented class on Policy Development, 2005-2011
- Central Pennsylvania Youth Soccer Association, Board Member 2008- 2010
- Carlisle Family YMCA Soccer Committee, Member 2005-2010, Co-Chair 2008-2009
- Carlisle YMCA, Board Member 1996-2003, President 2000-2002, Vice President 1998-1999, 2002-2003

PRESENTATIONS, LECTURES, AND WRITINGS

Mediation and Arbitration Training Courses

1. Introductory Mediation Skills Training; US District Court for Middle District of Pennsylvania. Coached training role play for mediator candidates.
 Trainers: Professor Nancy Welsh and Professor Robert Ackerman (Penn State Dickinson Law).

2. Pennsylvania Bar Institute Alternative Dispute Resolution Symposium, Philadelphia PA, February 27, 2008; Pittsburgh PA, March 4, 2008. Lecturer/facilitator on ethics hour "When Neutrals Consider Changing Roles."
3. Penn State Dickinson Law, ADR/Ethics CLE. October 24, 2009. Lecturer facilitator, co-presented with Professor Nancy Welsh.
4. Survey of 2009 Legal Ethics Developments CLE, Cumberland County Bar Association Lunch and Learn. December 18, 2009. Lecturer.
5. Bankruptcy Mediator Training, US District Court Mediation Panel Training. Coached training sessions. November 13, 2010. Trainer: Professor Nancy Welsh.
6. ADR Symposium, Pennsylvania Bar Association and Pennsylvania Bar Institute, Philadelphia PA. June 7, 2011. Member of Ethics Panel on "New Protocols for Arbitration," authored materials for symposium.
7. Successful Mediation Strategies: the Effective Selection of a Mediator; with Preparation and Conduct of the Mediation to the Best Advantage of Your Client, Cumberland County Bar Association CLE. September 16, 2011. Presenter.
8. Winning Mediation Strategies: Selecting and Working with Your Mediator to Maximize Success and Satisfaction for Your Clients. Joint Cumberland County and Dauphin County Bar Associations CLE. January 17, 2014. Co-presented with Matthew Chabal, III, Esquire, Dawn S. Sunday, Esquire, and Michael W. Winfield, Esquire.
9. OGC University: Introductory Mediation Training, Harrisburg PA. October 30-31, 2014. Co-presented with Dan M. Brookhart, Esquire, Commonwealth of Pennsylvania, Office of General Counsel, Mediation Program.
10. Mediating by the Numbers - 2 hour ethics credit substantive presentation on the use of Rules of Professional Conduct and Standards of Conduct for Mediators in providing effective mediation process for disputants. US District Court for Middle District of Pennsylvania Mediator Program. May 19, 2016. Lecturer.
11. Bridge the Gap – required CLE for newly admitted attorneys in Pennsylvania. Lecturer, authored materials, and facilitated discussion. 2004-present.

Pennsylvania Bar Institute ("PBI") Faculty Presentations:

1. PBI Business Law Institute: Succession Planning for Lawyers, December 2020.
2. PBI Business Law Institute: Succession and Retirement Planning While Sheltering in Place, Webinar, April 2020.
3. PBI Business Law Institute: Mediation Advocacy, November 2018.

4. PBI Business Law Institute: Mediation in Business-to-Business Disputes; Mediation and Collaborative Services in the Workplace; Philadelphia PA, November 2017
5. PBI Business Law Institute: ADR for Business Lawyers, November 2016
6. Ethics Presentation: Limited Scope Representation, PBI Residential Real Estate Representation Symposium, Mechanicsburg PA, June 2012
7. ADR Symposium, Philadelphia PA, June 2011
8. Ethics Stimulus Package, Ethics Presentation for PBI Utility Law Symposium, May 2009
9. Ethics Update, October 2003
10. Substantive Effects of Rules of Professional Conduct, Municipal Law Colloquium, May 2001, May 2003
11. PBI Continuing Legal Education Ethics Program, Mechanicsburg, PA, August 1998, Summer 2001
12. Advanced Issues in Construction Litigation, Pittsburgh and Philadelphia PA, October/November 1999
13. Construction Claims Litigation Seminar, Pittsburgh, PA, October 1990, Philadelphia, PA, November 1990

Continuing Legal Education ("CLE") Ethics Lectures Presented to:

- James S. Bowman American Inn of Court
- Cumberland County Bar Association
- Dauphin County Bar Association
- Cumberland County Inn of Court
- Monroe County Bar Association
- Penn State Dickinson Law

Writings:

1. Author, Chapter Updates - *Pennsylvania Ethics Handbook*, 2011, 2014 and 2017 Editions, Chapters 9 (Advertising and Solicitation) and 12 (Provision of Nonlegal Services) (PBI Press).
2. Various PBI programs, ethics subjects (details available upon request).

MEDIATION AND ARBITRATION TRAINING COURSES ATTENDED

1. Dauphin County Bar Association Mandatory Mediation Training: Mediation and Arbitration Program. July 13, 2000.; 6 hours (5 substantive, 1 ethics).
Trainers: Andrew Barbin, Esquire and Lacey Hayes, Esquire.
2. Lancaster County Bar Association Mediation Training Program. December 1-2, 2000. 16 hours (15 substantive, including role play, 1 ethics).
Trainer: Zena D. Zumeta, Esquire.
3. Advanced Mediation Clinic, CDR Associates, Boulder CO. September 13-15, 2004. 22 hours.
Trainers: Bernard Mayer, Ph.D. and Jonathan Bartsch, M.A.
Materials by Christopher Moore and Bernard Mayer.
4. Identifying Interests and Solving Problems, US District Court for Middle District of Pennsylvania Mediator Program. October 21, 2004. 2 hours.
Trainer: Judge Jeremy Fogel, Northern District of California.
5. Mediating with McMurphy and Nurse Ratched, US District Court for Middle District of Pennsylvania Mediator Program. May 1, 2006. 2 hours.
Trainer: Ellen Waldman, J.D., LLM, Thomas Jefferson School of Law.
6. Arbitration Training/Certification, Construction Dispute Resolution Systems, Albuquerque NM. March 16-17, 2006. 16 hours.
Trainers: John Feldman, Esquire, University of New Mexico, and Rita Segal, Esquire.
7. Dispute Review Board Training (Specialty Construction Application), Construction Dispute Resolution Systems, Albuquerque NM. March 18, 2006. 8 hours.
Trainer: Peter Merrill.
8. Commercial Arbitration Training, The American Bar Association Section of Dispute Resolution, New York NY. February 22-24, 2007.
Trainers: John R. Phillips and Kenneth R. Feinberg, Esquire.
9. Team Building from the Transformative Perspective, Hofstra University, Long Island, NY. May 21-22, 2007. 16 hours. Course on Team Building, utilizing tools from Transformative Mediation model.
Trainer: Professor Joseph Folger, Temple University (Co-Author of The Promise of Mediation).
10. Evaluative Mediation and Distributive Bargaining, Federal Bar Association, Middle District of Pennsylvania. April 23, 2008. 3.5 hours.
Trainers: Professor Nancy Walsh, Professor Robert Ackerman, Penn State Dickinson Law.

11. Pennsylvania Bar Institute Alternative Dispute Resolution Symposium, Philadelphia PA. February 27, 2008; Pittsburgh PA, March 4, 2008; 12 hours.
12. American Bar Association, Dispute Resolution Advanced Mediation and Advocacy Skills Training, Philadelphia PA. October 15-16, 2009. 11 hours.
13. Mediating the Settlement of Monetary Disputes, US District Court Mediation Panel Training. April 22, 2010. 4 hours.
Trainer: J. Anderson Little, Esquire,
14. Collaborative Law Basic Training, International Academy of Collaborative Professionals, Penn State Dickinson of Law, Carlisle PA. October 20-21, 2011. 13 hours.
15. Staying with Conflict: Working with Long-Term Disputes in a Short-Term Setting, Pennsylvania Council of Mediators Workshop. April 27, 2012. 6 hours.
Presenter: Bernard Mayer, Ph.D.
16. Advanced Mediation Training; Elder Dispute Practices - Good Shepherd Mediation Program, Philadelphia PA. May 15-17, 2013. 24 hours.
Presenters: Cheryl Cutrona, Esquire; Barbara Foxman, LCSW; Kathy Mariani, M.A.R.
17. Advanced Mediation, Straus Institute for Dispute Resolution, Pepperdine University, Malibu CA. June 20-22, 2013. 18 hours.
Presenters: Bruce Edwards, J.D.; Nina Meierding, MS, JD.
18. Conflict Resolution Consulting: Using Mediation to Improve Organizational Communications, Team Building, Leadership, Change, and Systems Design, presented by Pepperdine University Straus Institute for Dispute Resolution and held at University of Maryland Francis King Carey School of Law Center for Dispute Resolution, Baltimore MD. March 20-22, 2014. 18 hours.
Presenters: Kenneth Cloke and Joan Goldsmith, MA, HLD.
19. Pennsylvania Council of Mediators Program, The Dance of Opposites: Exploring the Sources of Impasse Within and Without, Harrisburg PA. April 26, 2014. 6.5 hours.
Presenters: Kenneth Cloke and Joan Goldsmith, MA, HLD.
20. Using Practical Tools of Mindful Awareness, presented by Pepperdine University Straus Institute for Dispute Resolution and held at University of Maryland Francis King Carey School of Law Center for Dispute Resolution's East Coast Professional Skills Program, Baltimore MD. March 19-21, 2015. 18 hours.
Presenter: Rachel Wohl
21. Mastering Decision Analysis for Mediation Practice, Harrisburg PA. June 5, 2015. 3 Hours [Partial Attendance].

Presenter: Professor Marjorie Corman Aaron, University of Cincinnati College of Law.

22. Basic Divorce Mediation Workshop, Mediation Matters of Rockville MD. May 2021. 40 hours.

Presenters: Carl Schneider, Ph.D., Audrey M. Yowell, Ph.D. MSSS.