

# McElroy Deutsch

## Theodore M. Baum



### Partner

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### Overview

#### Curriculum Vitae

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**THEODORE M. BAUM** practices in commercial litigation, with a particular practice focus in the construction and surety industries. His experience arises from surety defaults, payment and performance bond claim defense, construction contract disputes, construction defect litigation, contract drafting and litigation. Mr. Baum's license to practice law covers New York, including all federal district courts, Pennsylvania (including the Western District of PA), Massachusetts and the District of Columbia. He is also admitted to practice before the Court of Federal Claims, and the Second and Third Circuit Courts of Appeal.

Mr. Baum serves as both a neutral and advocate in commercial arbitration and mediation. He is a member of the Commercial and Construction Industry Panel of Arbitrators for the American Arbitration Association.

Mr. Baum is active in the Fidelity & Surety Law Committee of the American Bar Association, and serves as a vice-chair. He has authored numerous articles and book chapters for the ABA, and is also a member of the ABA's Forum on the Construction Industry. Mr. Baum is also an active member of the Surety & Fidelity Claims Institute and the National Bond Claims Association. In addition, Mr. Baum is active in the Greater Rochester Chapter of the Construction Financial Management Association and currently serves as the President of that Chapter.

#### Awards

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- Listed in Best Lawyers® (2015-2022) a Woodward/White, Inc. business and partners with U.S. News & World

Report, in the areas of Construction Law and Litigation - Construction. He was also recognized as the 2021 "Lawyer of the Year" for Construction Law in the Rochester area. A description of the standard or methodology on which the accolade is based can be found [HERE](#).

## Cases

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- Swiss Reinsurance America Corp. v. Airport Industrial Park, Inc., 325 Fed.Appx. 59 (3d Cir. 2009)
- Kemper Insurance Co. v. State of New York, 70 AD2d 192 (3rd Dep't 2009)
- RLI Insurance Co. v. New York State Department of Labor, 97 NY2d 256 (2002)
- New York National Bank v. Primalto Development and Construction Co., 270 AD2d 22 (1st Dep't 2000)
- Construction Pace Setters, Inc. v. United States Fidelity & Guaranty Co., 225 AD2d 1090 (4th Dep't 1996)
- Green Island Construction Co., Inc. v. County of Chenango, 212 AD2d 853 (3rd Dep't 1995)

## Industries

[Construction](#)

[Insurance](#)

## Practices

[Alternative Dispute Resolution](#)

[Construction](#)

[Insurance Coverage](#)

[Litigation](#)

[Surety](#)

## Education

University of Rochester (B.A. 1985)

Albany Law School of Union University (J.D. 1990)

## Admissions

State of New York

Commonwealth of Pennsylvania

District of Columbia

U.S. District Court, EDNY

U.S. District Court, NDNY

U.S. District Court, SDNY

U.S. District Court, WDNY

U.S. District Court, WDPA

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 3rd Circuit

Commonwealth of Massachusetts

U.S. Court of Federal Claims

**Memberships**

Fellow, Construction Lawyers Society of America