



AAA Mediation.org™

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Chicago, Illinois



Panelist Video

<https://www.adr.org/videoresume?paramName=762432295>

Profession

Attorney, Educator, Arbitrator, Mediator

Work History

Attorney at Law, Mary Patricia Benz, 2010 – Present; Litigation Partner, Winston & Strawn LLP, 1999 – 2010; Partner, Quinlan & Crisham Ltd., 1996 – 1999; Partner/Associate, Phlelan Pope and John Ltd., 1978 – 1996.

Experience

Has more than 40 years of litigation and appellate experience in Illinois state and federal courts. Litigation subjects include UCC sales and breach of warranty issues, insurance coverage disputes, breach of fiduciary duty in corporate and other commercial settings, indemnification of corporate officers and directors, violation of publicity and privacy rights, anti-competitive conduct, lawyer misconduct, legal malpractice, business torts, internet defamation, partnership disputes, charitable trust disputes, professional consulting contract and service contract disputes, ERISA benefits claims, consumer fraud, business fraud, attorneys fee disputes and condominium disputes. Has also represented parties in serious products liability and personal injury cases involving air crashes, asbestos, electrical burns, birth injuries, ALS, and cancer.

Served as a volunteer Hearing Board chair for the Illinois Attorney Registration and Disciplinary Commission for 10 years. Continues to represent and advise lawyers and law firms concerning ethical and disciplinary matters. Also serves as an expert consultant and witness on professional ethics topics.

Was involved over many years in volunteer teaching in trial advocacy programs at Northwestern University Pritzker School of Law, in National Institute for Trial Advocacy programs, at Loyola University (Chicago) School of Law and at private law firms. Has been a guest speaker at DePaul University College of Law and at bar association meetings on topics related to attorney-mediator ethics. Served an AAA commercial and consumer panel arbitrator since 2011. Has been a mediator since 2010 and now serves on the AAA mediation panel.

Has used “med-arb” and other forms of combined mediation and arbitration procedures in several

cases, as requested by parties who wanted to use some aspects of mediation to try to reach agreement or maximize efficiency with respect to specific issues in their dispute, e. g. disputes among the experts, disputes with peripheral parties, and disputes involving small dollar amounts. Med-arb processes may involve ethical issues. Requests for combined mediation/arbitration processes are best addressed with ground rules agreed in advance of the mediation.

Mediator Experience

Current dispute resolution practice involves both arbitration and mediation.

Early mediation experience involved many pro bono cases; mediated for several years as one of several volunteer mediators in the Small Claims Court of the Will County Circuit Court in Illinois. Those cases involved many commercial disputes, including landlord-tenant disputes and breach of contract cases.

Served as an advocate in mediated commercial disputes, including legal malpractice and insurance coverage disputes, a dispute among members and managers of an Illinois Limited Liability Company, an ERISA disability benefits case, and a UCC warranty case.

Served as a mediator in many commercial disputes including, without limitation, dispute among specialty medical practice about right to expel physician, disputes between members of a large condo association and their management company, a commercial pilots' organization and its aviation consulting company, a national accounting firm and one of its managers concerning relocation issues, an investor claims services company and one of its employees concerning an employment agreement, a dispute about lost profits resulting from an allegedly defective commercial freezer unit, an ERISA benefits dispute, and a dispute involving a national grocery chain relating to its local minority merchandising policies. Has also served as a mediator in insurance property damage cases, mortgage foreclosure cases, and cases involving construction defects in residential developments.

Using experience gained over 10 years as a volunteer Hearing Board member and Chair at the Illinois Attorney Registration and Disciplinary Commission, has made numerous presentations about the ethical issues which are faced by attorney-mediators who are bound by Illinois Rules of Professional Conduct. Those rules mandate reporting, under certain circumstances, of alleged dishonesty, fraud, deceit, or misrepresentation committed by attorneys involved in mediations. Has been asked to speak several times about attorney-mediator ethics at bar association meetings and at the mediation class offered quarterly for law students at the DePaul University College of Law.

Has, at the request of some parties (with full consent and ethical compliance) used "Med-Arb" or other combined mediation and arbitration processes to attempt to achieve resolution of all or part of a dispute. In one such case, Covid issues prevented inspection of the large industrial machine at the heart of the dispute. The parties and their experts shared information and discussed the disputed technical issues under a negotiated confidentiality agreement. What would otherwise be a "battle of experts" can thereby become a less expensive and more enlightening presentation by the experts, whose agreements and disagreements are more easily understood by the parties and trier of fact.

Mediator Style & Process Preferences

I have followed primarily a facilitative model with caucusing. Typically, I require an agreement to mediate signed by the parties. I also ask the parties to submit brief written submissions in advance of the first in-person session. A pre-mediation telephone conference among all counsel, or with individual counsel, is often helpful but is not required. Written submissions may be used in lieu of opening statements. I find that most of the in-person session time is spent in caucus. Multiple sessions and/or telephone follow up sessions are encouraged. I often allow the parties to engage in limited informal discovery to facilitate settlement discussions. I am open to suggestions about "Med-arb" process at the beginning of my involvement in a case as mediator or arbitrator.

Technology Proficiency

Trained in the use of Zoom for virtual arbitration hearings and mediation. Presided over a two-week Zoom arbitration hearing.

Education

Northwestern University Pritzker School of Law (J.D., Magna Cum Laude, Order of the Coif, 1978); DePaul College of Law (Mediation Certificate Course, 2008); University of Illinois, Chicago (BA, with distinction in Psychology, 1973).

Professional Licenses

Admitted to the Bar: Illinois (1978); U.S. District Court: Northern and Central Districts of Illinois; U.S. Court of Appeals, Seventh Circuits; Federal Trial Bar (former); U.S. Supreme Court

Professional Associations	American Bar Association; Chicago Bar Association; Illinois State Bar Association; Appellate Lawyers Association; Association of Attorney-Mediators (Illinois Chapter)
Recent Publications & Speaking Engagements	<p>PUBLICATIONS:</p> <p>"Amnesty Opportunity For In-House Counsel", Chicago Daily Law Bulletin, Feb. 6, 2014; "ISBA reviews liens and recoverable costs in personal-injury cases. "Chicago Daily Law Bulletin, Jan. 28, 2013; "The Mediation Option in Attorney Discipline Cases," ILLINOIS BAR JOURNAL, 2010; co-author, "Overview of the Briefing Process in the Seventh Circuit and Illinois Appellate Court," CBA RECORD, May 2010; co-author, "Motions After Judgment in Illinois and Federal Jury Trial Practice," CBA RECORD, October 2009.</p> <p>SPEAKING ENGAGEMENTS:</p> <p>Presentation at AAA Program, Self-Represented Parties in Arbitration, June 2021; AAA Program, "Ideas About Arbitrator Discretion in Discovery and Motion Practice" 6/3/19; "Good Advocates Are Key to Successful Mediation", Chicago Kent School of Law guest speaker, 2014; "Thoughts About Defending Lawyers at ARDC", ARDC orientation for new hearing panel members, 2014; Mediation Ethics For Mediators and Advocates, Chicago Bar Association 2012, 2013; "ARDC", Video, Mentor CLE, 2012. "What's New In Ethics For Illinois Lawyers In Solo Or Small Firm Practice?" 2011; "Thoughts About Ethics for Attorney-Mediators", Association of Attorney-Mediators (IL) 2011, 2018; "Ethical Dilemmas for Mediators" 2010, 2011. "Keeping it confidential" (attorney's duty under the Illinois rules of professional conduct), Law Bulletin Seminars, June 2010; Mediation Ethics, DePaul; University School of Law, various times in 2011-21; "ADR and the new Illinois Rules of Professional Responsibility of 2010," CBA Seminar, April 16, 2010; "Mediation in Attorney Discipline Cases for Hearing Board Chairs," ARDC, 2009; "Federal Appellate Practice," Kane County Bar, 2008; also taught Deposition Practice and Trial Practice in programs for associates at Winston & Strawn LLP (2010-2014), in NITA programs, and at a seminar given to the Illinois Attorney General's Office. Speaker on mediation topics at several law firms.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	Chicago, Illinois and surrounding suburbs within 25 miles of downtown Chicago
Mediation Rate	\$450 Per Hour
Languages	English
Citizenship	United States of America
Locale	Chicago, IL

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.