



AAA Mediation.org™

**FN-2482824 MN-2482824 LN-2482824,
Esq.**

Glencoe, Illinois



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Current Employer-Title Orlofsky ADR Services

Panelist Video <https://www.adr.org/videoresume?paramName=268425808>

Work History Sole Proprietor, Orlofsky ADR Services, 2016 – Present; Law Offices of Jonah Orlofsky, 2000 – 2020; Partner, Plotkin Jacobs & Orlofsky Ltd., 1983 – 2000; Law Clerk to Judge Milton I. Shadur, United States District Court: Northern District of Illinois, 1980 – 1982.

Experience For approximately 35 years, specialized in litigating complex civil cases. About 15 years ago began transitioning practice to serving as a mediator and arbitrator. No longer represents clients in litigation. Have mediated over 1,000 cases and served as an arbitrator in over 40 cases.

Law practice focused exclusively on complex civil litigation. Tried cases and argued appeals in at least a dozen federal and state jurisdictions. While to some extent expertise has been in cases posing novel issues of unusual complexity, the following are areas of specific expertise:

Insurance Coverage:

Represented insurance companies in complex coverage litigation including some of the major asbestos insurance coverage cases. Later in career, represented major corporate policyholders in cases involving general liability, worker's compensation, D & O insurance and other issues. Also advised clients on the drafting of insurance policy provisions. Have mediated numerous cases involving insurance related issues included insurance coverage and insurance broker negligence.

Employment Cases:

Litigated employment cases involving: age, race, sex and handicap discrimination; employee benefit cases under ERISA; breach of employment agreement issues, usually involving the termination of an executive, and severance benefits. Have also mediated numerous employment-related cases.

Breach of Fiduciary Duty:

Represented clients in the breakup of close corporations and partnerships. The cases generally involved claims of breach of fiduciary duty and fraud. Have mediated many such cases, as well.

Securities Cases:

Litigated disputes against brokerage firms and cases involving the issuance of stocks and bonds. Mediated cases involving disputes between brokers and clients, as well as employment disputes between brokerage firms and their employees. Serve as an arbitrator and mediator for FINRA (the Financial Industry Regulatory Authority).

Consumer Fraud/Class Actions:

Represented both plaintiffs and defendants in class actions. In recent years, many of those class actions involved consumer fraud claims. Mediated consumer class actions.

Banking/Real Estate Disputes:

Involved in many cases concerning real estate financing. For example, represented a village in a dispute with a developer that arose out of a \$100 million TIF-financed project. In another case, represented a bank in a dispute with a developer when the bank cut off funding for an office building.

Lawyer-Client Disputes:

Litigated, testified as an expert, and mediated fee disputes between lawyers and clients. Also litigated legal malpractice actions.

Mediator Experience

Mediated more than 1000 cases, including securities disputes, employment disputes, lawyer clients disputes, class actions, insurance coverage matters, mortgage foreclosures, oral and written contract cases and family law matters. Certified Mediator in the Law Division of the Circuit Court of Cook County, Illinois, the Chancery Division Circuit Court of Cook County, Illinois, and is on the Roster of Mediators for 12th Judicial Circuit's Major Case Mediation Program. On the national panel of Mediators for FINRA (the Financial Industry Regulatory Authority).

Representative Issues Handled as a Mediator

Financial Services: Settled a \$2 million dispute between a financial advisor and its client relating to advice given concerning a margin account. Also mediate disputes for FINRA, the Financial Industry Regulatory Authority.

Insurance Coverage: Mediated disputes involving CGL (commercial general liability) policies and worker's comp coverage, among others. Mediated a case involving alleged negligence placement of insurance coverage by a broker. Mediated a case involving a dispute concerning the whether a retro premium was properly calculated.

Legal Malpractice: Mediated more than a dozen fees disputes between clients and terminated lawyers. There were allegations of malpractice or threats to file malpractice claims in virtually all of those cases. Have also testified as an expert in several attorney fee dispute lawsuits.

Real Estate: Mediated dozens of foreclosure cases involving both residential and commercial properties.

Breach of Contract: Mediated dozens of cases that required the interpretation of contractual language. These cases have included consulting agreements, employment contracts and insurance contracts, among others. For example, recently settled a case that posed the question of what continuing contractual duties a payroll services vendor had under a contract after the client had terminated their services.

Employment Cases: Mediated cases involving gender and age discrimination, wage disputes, severance contracts, and Equal Pay issues.

Mediator Style & Process Preferences

Mr. Orlofsky's approach to mediation is to learn the case in as much depth as possible, so as to be able to give the parties a true neutral's view of the litigation. Too often mediators limit themselves to acting as messengers transmitting settlement offers and demands. While that will suffice to settle some cases, the more difficult and complex cases require the input of someone who, while neutral, can suggest options and ways of looking at a case that the parties may not have thought of. After years of litigating a case, advocates can benefit from the perspective of someone who is new to the case (like a trial judge or jury), but who has studied it thoroughly. Mr. Orlofsky therefore

encourages the parties to submit whatever they believe will inform the mediator of what is at issue in the case.

Technology Proficiency	Zoom proficient and generally am the host for virtual proceedings. Have conducted multiple pre-trial conferences, trials and mediations on Zoom, many with multiple parties.
Education	Northwestern University School of Law (JD-1980); State University of New York at Binghamton (BA-1977).
Professional Licenses	Admitted to the Bar: Illinois (1980). Attorney registration changed to retired status as of January 1, 2024.
Professional Associations	Association of Attorney Mediators; on the mediator panels of FINRA (Financial Industry Regulatory Authority) and Resolute Systems, Inc.
Recent Publications & Speaking Engagements	<p>PUBLICATIONS:</p> <p>What To Do When Parties Attribute Bad Faith Motives To Each Other, www.mediate.com, November 2020.</p> <p>Unsettled Settlements: Understanding Mediation Agreements, Illinois State Bar Journal, August 2013.</p> <p>Making Sure a Mediated Settlement Is Binding, Chicago Bar Association, CBA Record, July/August 2014.</p> <p>What law governs the mediation privilege in federal cases?, Illinois State Bar Association, In the Alternative, May 2014.</p> <p>SPEAKING ENGAGEMENTS:</p> <p>Speaking and Teaching:</p> <p>Panel Discussion of mediating over Zoom, April 2021.</p> <p>What To Do When A Party Lacks the Capacity to Mediate: 2019 talk to Association of Attorney Mediators.</p> <p>Circuit Court of Cook County Alternative Dispute Resolution Seminar, “Pre-Mediation Agreements,” November 8, 2012.</p> <p>Chicago Bar Association, Alternative Dispute Resolution Committee, “Should Your Firm’s Engagement Letter Contain an ADR Clause? – Use of Arbitration and Mediation for Legal Services Disputes,” May 3, 2012.</p> <p>Association of Attorney Mediators, “Mediation Contracts,” September 11, 2011.</p> <p>Guest lecturer on ADR, John Marshall Law School and Chicago Kent Law School.</p> <p>Association for Conflict Resolution: gave talk entitled "What Happens When the Alternative to Court Goes to Court?"</p> <p>Center for Conflict Resolution: spoke on the use of video conferencing for ADR.</p> <p>Mediation coach for Loyola University Law School, Chicago Kent Law School and Northwestern Pritzker Law School.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	Willing to serve without travel costs anywhere in Illinois, Wisconsin, Michigan, Indiana or Iowa.
Mediation Rate	\$350 Per Hour
Languages	English
Citizenship	United States of America
Locale	Glencoe, 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.