



AAA Mediation.org™

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Chicago, Illinois



Current Employer-Title Law Offices of Kevin R. Sido

Profession Mediator, Arbitrator, Attorney; Editor; Adjunct Professor

Work History Hinshaw & Culbertson LLP Partner (1982 - 2023), Associate (1975 - 1981); Adjunct Professor, Northwestern University, 2022 - Present.

Experience Has practiced for over 48 years with a concentration in construction law, both in transactional and litigation (trials and appeals), experience has also included a wide range of civil practice. This includes insurance coverage and policy drafting, coverage litigation for policyholder and carriers, condominium law, negligence cases (e.g., construction worker injury), employment disputes, school law (e.g., handicapped children access to education, teacher dismissals).

Construction law practice has included representation of owners, architects, engineers, construction managers, surveyors as well as contractors and subcontractors for both litigation and contract drafting. For over 10 years, served as the outside general counsel for a nationally recognized firm of engineers, architects and material scientists for all aspects of its legal needs including corporate governance, securities, employment, professional licensing and real estate. Practice has also included the drafting of amicus curiae briefs before Illinois courts on issues of the Illinois version of the Brooks Acts, scope of design professional duties, extensions of the implied warranty of habitability doctrine, mechanics lien law, and economic loss doctrine.

Another active area of practice has been the representation of condominium associations in directors and officers. Claims involving issues as to scope of common elements, owner conduct (dogs, noise), parking issues, etc.

Adjunct professor at the Northwestern University McCormick School of Engineering in graduate program for Master's in Project Management on classes of Negotiations.

American Institute of Architects Illinois Council, President's Award, 2005; Best Lawyers in America; Leading Lawyers Network; "Super Lawyer" status for numerous years; selected for the 2022 directory of the Best Lawyers Chicago as the only "Lawyer of the Year" for Construction Law.

Mediator Experience

Mediation of \$6 million construction defect claim on 80 story building just past substantial completion and just as closings on sales of the condominiums were about to begin; with downturn in market, if closings were delayed due to unresolved defect, most of the building would not be sold. With dispute not in suit, mediation began with extended discussions on how to fund immediate need for HVAC repairs; during the repairs and then upon completion, mediation involved monthly meetings to assist parties in acquiring information needed for the ultimate mediation to reassess the respective shares, followed by two-day meeting to reach agreement among owner, contractors, suppliers and insurers.

Mediation of dispute between chemical hauler and customer on claims for chemicals spilled in delivery process.

Mediation between transit agency and contractor on sourcing of products.

Mediation of condo dispute involving a virtual punch list of construction defects pitting owners who recently assumed control of board against developer, the developer's board of directors and the D & O carrier for the developer's original board.

Mediation of dispute between salesman and employer over accounting and commissions due arising from sales of alternative energy products.

Mediation of dispute not in suit among owner, designer (then defunct), and contractor over inefficient alternative energy system for new office building.

Mediation of dispute not in suit between telecommunications software developer and its contractor over contractor's alleged failure to perform and developer's hiring of former contractor's employee allegedly in violation of contract.

Mediation of dispute with owner, architect, and contractor where latter agreed to repair high-profile building with owner holding off release pending running of five-year warranty period.

Mediation of dispute of newly-weds with florist over flowers for bi-cultural wedding event under Covid delays.

Mediation of dispute between owner and engineer over scope and quality of work for structural details of parking garage.

Mediation of dispute not in suit between subcontractor and design-build subcontractor over defective products incorporated into 30 story office building.

Mediation of lawsuit involving owner, architect, general contractor, subcontractors and suppliers over allegedly defective appliance leading to fire in manufacturing facility.

Mediations of several lawsuits involving homeowners, architects, general contractors and subcontractors on claimed construction defects.

Society of Illinois Construction Attorneys and Association of Attorney Mediators - Illinois, meetings regularly included various programs regarding mediation and arbitration.

Representative Issues Handled as a Mediator

Matter involving how to incentivize contractors, suppliers, and insurers to create fund for immediate remediation of HVAC system so that sales of new condos could close (to avoid massive additional consequential damages), while still preserving the right of reallocation once repairs were completed to the HVAC system. In same matter, for matter not in suit (and thus no exchange of documents or other discovery) how to balance the obvious need to share information without bogging the process down with the usual full scope of discovery typically seen in construction defect lawsuits while still keeping parties invested in the mediation process as repairs were performed.

Matter involving how to balance a new owner-controlled condo board's personal and substantive claims against condo developer and/or repair contractors and to otherwise have them face reality of limited funds, laws that did not support any punitive claims, and need to repair defects now as opposed to waiting years from now after a protracted lawsuit and trial, with possible breach of their own fiduciary duties to repair.

For those mediations of disputes not in suit, how to persuade and motivate recalcitrant parties of the need to share information at the mediation stage as against claims of bad faith by opponent who simply seeks information as "free early discovery."

How to persuade party whose president was in Africa for extended time of need for president to participate via live video to assure other side of his buy-in to process.

Matters involving construction defects in residences where design professionals, contractors, and subcontractors often exceed a dozen parties.

Matters involving disputes between general contractors and subcontractors over extras, scope of work, and change orders.

Matters involving disputes between owners and design professionals and contractors on many varieties of construction problems.

Mediator Style & Process Preferences I believe that mediation gives parties not just a personal voice but the ability to create a vector of how their dispute should be and will be resolved. Even skilled advocates cannot know their clients' needs and interests as well as the clients themselves know them. Contrasted with litigation or even arbitration, mediation has so often become the clients' only "day in court." It has thus become so important that parties maximize their opportunity to achieve resolution so that they can feel as satisfied as possible in order to move forward to more productive matters.

Based on my experience as a mediator, advocate and even as a party, I believe the pre-mediation processes offer a substantial opportunity to enhance the likelihood of success at the session. As a mediator, I urge the parties and their counsel to invest in the pre-mediation discussions with the mediator so that a plan for success can be designed. Thereafter, once the parties meet in the mediation, surprises should thus be minimized. Mediation can be so productive and so economical in contrast to the alternatives that the investment in preparation is quite valuable.

Education University of Illinois (Champaign-Urbana) (JD - 1975, BA, with highest honors - 1972).

Professional Licenses Admitted to the Bar: Illinois (1975); U.S. District Courts: Central, Southern, and Northern Districts of Illinois, including trial bar (1975); Northern District Indiana, Western and Eastern Districts of Michigan; U.S. Court of Appeals: Seventh Circuit (1977); U.S. Supreme Court (1979).

Professional Associations American Bar Association; Illinois State Bar Association; Association of Attorney Mediators; Society of Illinois Construction Attorneys; Chicago Committee on High Rise Buildings; American Society of Civil Engineers (professional affiliate); Structural Engineers Association of Illinois (professional affiliate); American Board of Trial Advocates; International Association of Defense Counsel; Defense Research Institute; Illinois Society of Trial Lawyers.

Recent Publications & Speaking Engagements Editor, "Architect and Engineer Liability, Claims Against Design Professionals" (3d. ed. Aspen 2006) with several chapters written for same; Chapter on Illinois law for the "Design Build Deskbook" (4th ed 2010) American Bar Association Forum on Construction.

Numerous articles include: "Forgot to Sign on the Dotted Line? The Law of Unsigned Contracts in Illinois" co-author, DuPage County Bar Association magazine (2013), "Why Should Engineers Care about Spoliation of Evidence?" Illinois Society of Professional Engineers (2013); "Mediation Can Help Lawyers, Clients Resolve Condominium Disputes" Chicago Daily Law Bulletin (2012); "Design Better Solutions to Project Disputes" PE Magazine (2012); "The Pros and Cons of Waiving Subrogation" PE Magazine (2012); "Ownership Transition: Passing the Torch without Getting Burned" Structure Magazine (2012).

Chapters written and revised for the handbooks of Illinois Institute of Continuing Education include Condominium Litigation, Theories of Third Party Practice, Pleadings, Construction Law Transactional Considerations: Owner-Architect Agreements.

Numerous presentations include "Engineering Ethics" (presented to Illinois Society of Professional Engineers as well as Structural Engineers Association of Illinois), "You've Been Sued--Now What?" (Illinois Society of Professional Engineers 2015; National Council of Structural Engineering

Associations 2014); "Ethics" and "Legal Standards" (Illinois Professional Land Surveyors Association 2015). "How to Make Arbitration More Meaningful and Effective" (Victor O Schinnerer & CNA Ins. 2013); "Rules and Regulations for Illinois Structural Engineers" (2012).

Mediation Rate	\$600 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.