



AAA Mediation.org™

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Harvard, Illinois



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Current Employer-Title Rapp Law Group LLC - Member

Panelist Video <https://www.adr.org/videoresume?paramName=329090096>

Profession Arbitrator, Mediator, Attorney, Counselor

Work History Principal, Rapp Dispute Resolutions, 2010 - present; Member, Rapp Law Group LLC, 2017 – Present; Of Counsel, Kozacky Weitzel McGrath P.C., 2010 – 2017; Vice President (Corporate Services), General Counsel & Secretary, Woods Equipment Company, 2000 – 2010; Partner, Foley & Lardner, 1988 – 2000; Partner/Associate, Wilson & McIlvaine, 1976 – 1988; Adjunct Instructor (International Law), Illinois Institute of Technology Chicago Kent College of Law, 1980; University of Iowa Professor of International Law, Burns H. Weston, 1974 – 1976.

Experience Construction:

1976 - 2000: Represented clients on construction legal issues in nearly all aspects of the construction process including owners, developers, architects, engineers, construction managers, general contractors, environmental engineers and contractors, subcontractors, testing services, and suppliers. Handled construction claims relating to delays, defects, means & methods, safety, design, environmental, change orders, surety bonds, and liens. Involved as advocate or arbitrator in many multi-party, multi-million dollar construction disputes. As counselor, negotiated and drafted well over a billion dollars in construction contracts.

2000 - 2010: At Woods Equipment Company, primary business and legal responsibility for construction of \$9 million manufacturing plant including land acquisition, public and private financing, architect (and agreement), contractor (and agreement), change orders, pay requests, and close-out. Served as the Owner's Representative during construction. Responsible for all owned and leased properties nationally and involved in business and legal construction issues such as leasing and tenant build-outs; renovations; and installations of heavy cranes, steel fabrication and cutting tools, and robotic welding equipment. Business and legal responsibility for proposed sale of construction attachment manufacturing division to European company (negotiated and drafted to

signature documentation before buyer financing failed). Supervised and actively involved in investigating incidents and defending multi-million dollar claims arising out of construction accidents involving construction and agricultural equipment manufactured by Woods.

2010 - Present: Represent construction clients including growing Chicago-area general contractor. Primary business in alternative dispute resolution. Most arbitration and mediation engagements during this period are construction or complex commercial disputes.

Commercial:

Experience in private litigation practice in commercial contracts, financing, fraud, software licenses, distribution, real estate, land use, letters of credit, product safety, product liability, corporate compliance, corporate governance, intellectual property, international supply and other commercial agreements, environmental and safety compliance, and labor/employment matters. As business executive and General Counsel, negotiated, reviewed, and approved hundreds of commercial contracts for all aspects of \$250M manufacturing and distribution business including agreements for international distribution and sales; sale of a division to an international buyer; multiple financings involving \$100's of millions; sale-leaseback transaction; and supply, distribution, and acquisition. Supervised European Union product certification and NAFTA compliance; oversaw management, acquisition, and disposition of owned and leased real property; and directed human resource management for over 1,500 employees in 13 US locations including hiring, retention, separations, evaluations, executive agreements, wage & salary planning, training, plant safety, benefits, payroll, plant and facility moves and closings, reductions-in-force, and employment claims.

Not-for-profit:

Heartland Alliance, Board member (1990 - 1998; 2017 - Present). Midwest Immigrant Rights Center, n/k/a National Immigrant Justice Center, Co-Founder, Officer & Board Member, 1985 - Present; Immigration Project, Inc. (legal services provider), Officer & Board Member, 1997 - 2018; The Land Conservancy of McHenry County, Treasurer & Board Member, 2012 - 2019; Sanibel Beach Club Condominium Association, Officer (including President) & Board Member, 2009 -2019. Significant experience in not-for-profit corporate legal affairs, funding, staffing, governance, budgeting, and strategic planning.

Mediator Experience

As of end of 2022, mediated about 400 cases, with the parties settling about 90%. Cases mediated involved construction, real estate (including foreclosure, condominiums, and landlord-tenant), and commercial and contract disputes, many involving multiple parties and opposing claims.

Mediation experience overall is weighted toward construction; other mediated matters are distributed over the remaining commercial issues like real estate, financing, foreclosure, and other complex commercial disputes. Mediated construction disputes include: dispute between a general contractor and public entity involving \$24 million and a dozen separate claims; disputes among condominium association, developer, and several subcontractors including complex claims for defects in design, engineering and construction, fraud and about \$1 million in various damage claims. Other mediated disputes involve multiple parties, financing, real estate, probate, foreclosure (including a \$1.5 M loan), and many other commercial disputes.

Representative Issues Handled as a Mediator

Representative issues handled as a mediator include:

- Many construction disputes including design and engineering defects; construction defects (roofs, concrete work, interior build-out, among others); repairs; payments; fraud.
- Real estate disputes including foreclosure; developers; condominium owners and associations; landlord-tenant; fraud.

As an advocate in mediation, successfully mediated many disputes involving many millions of dollars and complex issues in construction, employment and executive compensation, development, trade secrets, intellectual property, conversion, product liability, distributors, and unfair competition. -commercial disputes including contracts; sale of goods; warranty; loans; equipment and machine repairs; subrogation; conversion; replevin; non-compete agreements; and property damage.

Mediator Style & Process Preferences

Each mediation is a unique negotiation in which I help the parties in the dispute fashion a mediation process that I then manage by:

- Assuring confidentiality and a safe environment in which all participants can be open and frank,

and will articulate their interests forthrightly;

- Demanding active listening by all participants, especially by me as the mediator;
- Promoting creative thinking by all and active involvement by clients in the search for common sense, value-added solutions;
- Protecting the parties' decision-making autonomy;
- At an appropriate time in a mediation or at the request of the parties, providing a mediator's evaluation of the dispute or specific issues; and
- Preserving strict neutrality.

An effective mediator must be patient, persistent, persuasive, and empathetic; and must earn everyone's trust. I will not give up on resolution until participants and alternatives are exhausted. Mediation is a professional practice that requires consistent learning, experience, and reinforcement by analyzing each mediation for learning point. A mediator must deliver the highest level of professionalism, neutrality, and integrity to all parties and counsels.

Technology Proficiency	Available for arbitration and mediation via virtual platforms, particularly Zoom, and teleconference, in addition to in-person proceedings where safe and appropriate.
Education	University of Iowa (JD-1976); Illinois Wesleyan University (BA-1973).
Professional Licenses	Admitted to the Bar: Illinois, 1976; U.S. District Court: Northern District of Illinois, 1976; Trial Bar, 1983 – 2017; U.S. Court of Appeals, Seventh Circuit, 1977.
Professional Associations	Chartered Institute of Arbitrators (Fellow); Association of Attorney-Mediators; American Bar Association (member of the Forum on Construction Law and Alternative Dispute Resolution Section); Illinois State Bar Association (member of the Construction Law Section Council); Dispute Resolution Board Foundation--Member & Certified for Dispute Resolution Boards; McHenry County (IL) Bar Association; Lake County (IL) Bar Association; American Bar Foundation (Fellow).
Recent Publications & Speaking Engagements	<p>Co-author, "Remote Mediation," Illinois State Bar Association, 2021</p> <p>Co-author, "Construction Law Primer for Young Attorneys & General Practitioners," Illinois State Bar Association, 2020</p> <p>Co-author, "The Intersection of Ethics and Advocacy in Mediation of Civil Cases," McHenry County Bar Association Civil Practice Committee (2019)</p> <p>Panelist for "Mediation Training 2019" and "Mediation Training 2022" for the Illinois Twenty-Second Judicial Circuit</p> <p>Co-author, "Arbitrating with Nonsignatories to an Agreement to Arbitrate: The State of Play in Illinois," Building Knowledge (ISBA Construction Law Section, v. 9, #1, August 2018)</p> <p>Co-author, "2015 Construction Industry Arbitration Rules: Fair, efficient & economical?", Building Knowledge (ISBA Construction Law Section, v. 7, #5, June 2017)</p> <p>"Effective Advocacy in Mediation," MCLE presentation to law firms</p> <p>"Illinois Construction Law: What Do You Do When...?" National Business Institute, Inc., May 1993, January 2000</p> <p>Numerous unpublished presentations and seminars on construction, environmental compliance, indoor air quality, distribution & litigation.</p>
Locations Where Parties Will Not be Charged for Travel Expenses	Northern one-third of Illinois and Southern one-third of Wisconsin
Mediation Rate	\$400 Per Hour
Languages	English

Citizenship

United States of America

Locale

Harvard, 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.