



MITCHELL L. MARINELLO

PARTNER

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Mitch Marinello is a trial lawyer with over 30 years of experience in handling business and professional disputes in the courts and through arbitration and mediation. To date, he has served as an arbitrator in more than 225 business cases and frequently serves as the chair of three-person arbitration panels. He is also an accomplished and experienced mediator.

Mitch provides his clients with services ranging from skilled representation in court to practical advice on how to comply with the law, improve business practices or resolve a dispute quickly at a reasonable cost.

Mitch's arbitration and mediation cases include both national and international business disputes and involve clients across industry sectors including manufacturing and innovation, health care and life sciences, construction, financial services and banking, transportation, consumer products and services, media and entertainment, and technology and telecommunications.

An adjunct professor at DePaul University College of Law, Mitch teaches a course on commercial arbitration. Known for his extensive experience in alternative dispute resolution (ADR), Mitch also serves as a director of the Resolution Systems Institute (RSI), an organization dedicated to enhancing ADR systems in the courts. He is a fellow and former board member of the College of Commercial Arbitrators and has been appointed to the Illinois Chapter of the National Academy of Distinguished Neutrals. He is a long-time panelist with the American Arbitration Association (AAA) where he serves on the Large and Complex Case and Employment Panels, and mediates cases privately for both the AAA and the International Institute for Conflict Prevention and Resolution (CPR). Further, Mitch has dedicated MitchellMarinelloADR.com to showcasing his ADR work.

A frequent author and speaker, Mitch is often called upon by the Illinois Institute of Continuing Legal Education (IICLE) for his deep experience in civil practice.

BACKGROUND

Mitch joined Armstrong Teasdale from Novack and Macey in 2023. He served as Managing Partner of Novack and Macey for 10 years and was chair of the firm's Arbitration and Mediation practice group.

Prior to that, Mitch was an associate at law firms in Chicago and New York City.

SERVICES AND INDUSTRIES

Alternative Dispute Resolution
Complex Commercial
Litigation
Employee Benefits and
Executive Compensation
Ethics and Professional
Responsibility
Insurance Coverage Litigation
Legal Malpractice Defense
Litigation
Noncompete and Trade
Secrets
Real Estate
Financial Services and Banking
Real Estate, Development,
Construction

ADMISSIONS

Illinois
New York
U.S. Court of Appeals, Seventh
Circuit
U.S. Court of Appeals, Second
Circuit
U.S. District Court, Central
District of Illinois
U.S. District Court, Northern
District of Illinois
U.S. District Court, Western
District of Michigan
U.S. District Court, Eastern
District of New York
U.S. District Court, Southern

EDUCATION

- New York University School of Law (J.D., 1980)
 - Moot Court Board (Senior Writing Editor)
- Wesleyan University (B.A., *magna cum laude and with honors*, 1976)
- Thomas J. Watson Foundation (Fellow, 1977)
- Northwestern University School of Professional Studies (2014)
 - Mediation Training (40-hour program)

PROFESSIONAL ACTIVITIES

- Integrated Advisory Group (IAG) International (IAG Management Committee, Board of Directors and Secretary, 2015-2020)
- American Bar Association, Litigation Section (Former Co-Chair, Alternative Dispute Resolution Committee, 2017-2020; ADR Website Editor, 2012-present)
- Federal Bar Association, Chicago Chapter (Former Director)
- Chicago Bar Association, Civil Practice Committee (Past Chair)
- College of Commercial Arbitrators, Fellow, Director (2016-2021), Co-Chair Social Media Committee (2022-present), former Co-Chair Outreach Committee.
- International Institute for Conflict Prevention and Resolution (CPR) (Panelist and Mediator)
- Chicago International Institute for Dispute Resolution
- Financial Industry Regulatory Authority (Commercial and Employment Panels)
- National Futures Association panelist
- DePaul University College of Law (Adjunct Professor)
- Illinois Chapter of the National Academy of Distinguished Neutrals American Arbitration Association (Large and Complex Case and Employment Panels).

CHARITABLE AND CIVIC INVOLVEMENT

- American Bar Foundation
- Resolution Systems Institute (RSI) (Director and Secretary)
- Bauer Foundation (Director)

ACCOLADES

- Illinois Super Lawyers® (2005-present), Top 100 Lawyers in Illinois (2021-present)
- AV Preeminent, Martindale-Hubbell
- Illinois Leading Lawyer, Commercial Litigation (2004-present)
- American Bar Association's Best Website, Alternative Dispute Resolution (2016), Most Valuable Committee ADR (2021)

- Exceptional Volunteer Recognition, Illinois Institute of Continuing Legal Education (IICLE)

EXPERIENCE

Representation of CEO in Compensation, Wrongful Termination Dispute

Represented former CEO of a major corporation in a dispute involving wrongful termination and compensation including stock options.

Representation of Recruiter in Fee Dispute

Represented a recruiter in a suit against a law firm for his fees.

Representation of High-Profile Law Firm Partner Moving to Another Firm

Represented a partner of a major law firm who was moving his practice to another major law firm.

Summary Judgment, Legal Fees Award in Breach of Settlement Agreement Arbitration

Won summary judgment and an award of legal fees in an arbitration alleging breach of a settlement agreement involving workers' compensation insurance.

Obtained \$200 Million for Client in Breach of Contract Action Against Fortune 500 Company

As co-counsel, helped obtain settlements totaling approximately \$200 million in actions for breach of contract against a Fortune 500 company that managed a chemical plant that exploded.

Analyzed Fortune 100 Company's Liability in Computer Hard Drive Defect Case

Analyzed and reported on a Fortune 100 company's potential liability for an allegedly defective component used in hundreds of thousands of computer hard drives.

Favorable Settlement for Food Ingredient Supplier in U.N. Contract Enforcement

Won a favorable settlement for a food ingredients supplier seeking to enforce a long-term contract governed by the United Nations Convention on the Sale of International Goods.

Prosecuted Claims Involving Purchase and Sale Contracts for Electrical Equipment

Defended and prosecuted claims involving purchase or sale contracts for electrical transformers used to operate light rail, and electrical switches and doors used on subway cars.

Prosecuted Claims Involving Purchase and Sale Contracts

Prosecuted claims involving purchase and sale contracts of sea containers, coal, steel, paint, wine, perfume, cloth and clothing for various manufacturers and retailers.

Licensing Matters Relating to Health Care Software Applications, Billing Systems

Prosecuted and defended licensing disputes for software including software used in health care applications and to create and maintain hospital medical and billing records.

Revamped Fortune 100 Company's Form Contracts to Limit Exposure

Revamped a Fortune 100 company's form contracts with suppliers and with customers of customized chemical products to reduce its potential exposure.

Recovered Fraudulently Acquired Jewelry for Upscale Boutique

Recovered fraudulently acquired jewelry valued at several hundred thousand dollars for

an upscale jewelry boutique.

Enforcement of Rent, Other Obligations for Retail Tenants

Successfully represented the manager of a shopping mall in action to enforce the construction, rent and other obligations of an anchor tenant.

Construction Defect Suit on Behalf of University Library

Represented the state of Illinois in a suit for defective construction of a university library.

Represented Residential Complex Manager in Wrongful Termination Case

Represented the manager of 10 residential complexes with more than 5,000 units, winning damages for the wrongful termination of its management contract.

Multimillion-Dollar Settlement for LLC Owner

Obtained a multimillion-dollar settlement from the owner of an LLC who reneged on a contract to buy a commercial building.

Multimillion-Dollar Eminent Domain Award for Fortune 500 Company

Won a trial that enabled a Fortune 500 company to share in a multimillion-dollar eminent domain award.

Successful Defense of Warehouse Owner in Property Sale Dispute

Successfully defended a company at trial from being forced to sell its warehouse to an unscrupulous buyer.

Commercial Property-Related Disputes

Enabled client to exercise a hotly contested and poorly drafted right of first refusal for commercial property located in downtown Chicago.

Defense of Majority Partners in Case Involving Forced Sale of Investment Properties

Successfully defended majority partners against minority partners seeking damages and a forced sale of the partnership's investment property.

Lease Violation Claims for Buildings, Shopping Centers

Prosecuted claims for lease violations on behalf of several buildings and shopping centers.

Defense of Major Builder Against Homeowner Warranty Claims

Defended a major builder from homeowner warranty claims.

Secured Dismissal of Corporation in Dispute Involving \$1.8 Billion Investment

Represented client against alter ego and other claims in a dispute involving a \$1.8 billion investment. Thereafter, represented client in various discovery and bankruptcy-related matters.

Defense of Managing Partner in Mismanagement, Breach of Fiduciary Duty Case

Defended the managing partner of a real estate partnership against claims of mismanagement and breach of fiduciary duty.

Enabled Investor to Exercise Conversion Rights, Control over Retail Company

Enabled an investor to exercise conversion rights, vote his new shares and exercise control over a profitable retail company despite fierce opposition.

Representation of High-Net-Worth Family in Business Dispute

Represented wealthy family members in a dispute over control of a profitable family business.

Representation of Medical Association in Bylaws Enforcement, Right-to-Payment Case

Represented a professional medical association in an action to enforce its bylaws and right to payment from a group of doctors.

Retained Membership for Renowned Surgeon Following Medical Malpractice Case

Helped a renowned surgeon retain his membership in a voluntary professional association that threatened to suspend him for his testimony in a medical malpractice case.

Defense in Shareholder Dispute Involving Malfeasance, Breach of Fiduciary Duty Claims

Defended the managing shareholder of a metal fabrication company against claims of malfeasance and breach of fiduciary duty from his fellow shareholder.

Defense of Major Law Firm in Malpractice Action

Defended a major law firm in an action involving alleged malpractice relating to the entry of a \$17 million judgment against its former client.

Defense of Law Firm in Tax, Estate Planning Malpractice

Defended a major law firm in an action involving alleged malpractice in tax and estate planning.

Defense of Major Law Firm in Malpractice Involving ESOP

Defended a major law firm in alleged malpractice involving an employee stock ownership plan.

Representation of Law Firms, Lawyers in Varied Disputes

Represented law firms and individual lawyers in disputes with partners who resigned or were asked to resign, including issues concerning the solicitation of clients, allocation of income, return of capital and breach of fiduciary duty.

Defense in Accounting Malpractice Case

Defended and prosecuted claims for accounting malpractice.

Represented Law Firm in Action to Recover Fees and Expenses

Represented a law firm in an action to recover its fees and expenses pursuant to statutory and retaining liens.

Representation in Employee Terminations, Alleged Rutan Violations

Represented the state of Illinois in disputes involving employee terminations and alleged Rutan violations.

Defense of Chicago Manufacturer Against Wage Payment Action Claims

Successfully defended a Chicago manufacturer against Wage Payment Act claims brought by its former president.

Prosecution of High-Profile Embezzlers

Prosecuted embezzlers, including the partner of a real estate venture, the treasurer of an energy company and the bookkeeper of a significant business.

Prosecution in Matter Involving Breach of Employment Agreement

Prosecuted and defended claims for breach of an employment agreement.

Prosecuted Claims of Internet Defamation Against Medical Doctors

Prosecuted claims against persons who made anonymous, defamatory internet postings that damaged the reputations of medical doctors.

Prosecuted Claims Against Individual in Email Hacking, Defamation Case

Prosecuted claims against an individual alleged to have hacked into a private computer and sent a defamatory email blast to the friends, family and business associates of a business executive.

Prosecution of Persons, Businesses Defaming Competitors Online

Prosecuted claims against persons and businesses who posted reviews on internet sites defaming their competitors.

Defense of 1,100-Member Class Action Against Chemical Plant Following Explosion

Defended an 1,100-member class action against the owner of a chemical plant that exploded resulting in deaths, personal injuries and property damage in the surrounding neighborhood.

Defense of Manufacturer in Fire and Explosion-Related Claims

Defended the manufacturer of liquid propane valves and regulators in lawsuits involving fires and explosions that challenged the manufacturer's corporate reorganization.

Defense of Chemical Company in Action Involving Dangerous Chemical Exposure

Defended a chemical company in an action for exposure to dangerous chemicals.

Investigation of Sudden Demise of Automotive, Recreational Equipment Companies

Investigated and analyzed the causes of and potential legal claims arising from the sudden demise of two major Illinois corporations in the automotive and recreational equipment industries.

Lien Prosecution in Matter Involving Commercial Property Recovery

Prosecuted liens and actions to recover possession of commercial property and to evict debtors who were not meeting their commercial lease obligations.

Prevented Discharge of Debts

Prosecuted claims to prevent the discharge of debts arising from the debtor's defalcation or fraud.

THOUGHT LEADERSHIP

Chapter 18 — Contracts for the Benefits of a Third Person

Contract Law 2023 Edition, Illinois Institute of Continuing Legal Education

November 2021

Nonparty Discovery & the Federal Arbitration Act

Illinois Bar Journal, Vol. 109 #11

January 2021

Right of First Refusal, Right?

Illinois Bar Journal, Vol. 109 #1

2021

Minority Shareholder Suits Under §12.56 of the Business Corporation Act

2021 Edition of Causes of Action: Contract and Business Disputes, Illinois Institute for Continuing Legal Education

2020

Contracts for the Benefit of a Third Person

2020 Edition of Contracts Law, Illinois Institute for Continuing Legal Education

September 12, 2019

New York Law Prohibiting Arbitration of Sexual Harassment Claims Is Preempted

American Bar Association, Litigation Section, Alternative Dispute Resolution, Practice Points section

February 27, 2019

What Will They Think of Next?

American Bar Association

June 6, 2018

Are Truck Drivers Exempt From the FAA When Classified as Independent Contractors?

American Bar Association ADR Website

December 18, 2017

Can an Arbitrator Certify an Opt-Out Class?

American Bar Association

November 8, 2016

Good faith concept overrides contract

Chicago Daily Law Bulletin

August 2, 2016

Appellate court opens door for shareholders to sue despite insolvency

Chicago Daily Law Bulletin

June 6, 2016

First impression case on veil-piercing and attorney fees an eye-opener

Chicago Daily Law Bulletin

April 7, 2016

Lessons in partnership law from an unreported decision

Chicago Daily Law Bulletin

March 10, 2016

Freeze-out does not negate fiduciary duty

Chicago Daily Law Bulletin

2015

Chapter 1: Litigation Issues Related to Corporate Governance

Illinois Institute of Continuing Legal Education

2015

Chapter 5: Venue in Federal Civil Cases

Federal Civil Practice, Illinois Institute of Continuing Legal Education

2014

Federal Circuit Holds That Magistrate Judge Violated Duty to Disclose

Sidebar of the Federal Litigation Section of the Federal Bar Association

2014

Legal Malpractice Claims and the Innocent Insured, a Case Note on Illinois State Bar Ass'n Mut. Ins. Co. v. Law Office of Tuzzolino & Terpinas

eVisory of the ABA Standing Committee on Lawyers' Professional Liability

2014

Fighting Anonymous Online Defamation

Chicago Daily Law Bulletin

2013

Contracts for the Benefit of a Third Person

Chapter 18, Illinois Law of Contracts, Illinois Institute of Continuing Legal Education

2013

Internet Defamation: The Need to Change Illinois and Federal Law

CBA Record

2012

Smart Evidence: Commercial Litigation

Illinois Institute of Continuing Legal Education

June 30, 2012

Preserving the Record During Trial and Motions at the Close of Evidence

Illinois Civil Practice: Trying the Case, Illinois Institute of Continuing Legal Education

December 31, 2011

Small Business and the Corporate Opportunity Doctrine

Business Law Today, the Online Resource of the American Bar Association's Business Law Section

December 31, 2010

Nonparty Discovery Under the Federal Arbitration Act

98 Illinois Bar Journal 476

2010

Should Your Firm's Engagement Letter Contain an Arbitration Clause?

Conflict Management, a Publication of the Committee on Alternative Dispute Resolution of the American Bar Association