



## MITCHELL L. MARINELLO

### COUNSEL

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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](http://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