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20 years of seeing you out of court

BY JOHN FLYNN ROONEY
Law Bulletin staff writer

After enduring a contentious legal fight as executor of his father's estate in the early 1990s, Marc Becker wanted to find a better way to resolve disputes.

The lawsuit involving his late father's partner in the steel business lasted 3½ years.

Becker, a non-lawyer, then talked to attorneys and others and learned about alternative dispute resolution.

"I figured there had to be a better way to handle any situation that went to court," Becker said. "There seemed to be a real need for ADR in Chicago, so I decided to get out of the steel business and give that business an opportunity."

In 1994, Becker founded ADR Systems of America with 10 former judges from Cook County and the collar counties.

The business started slow with about 20 cases monthly.

"I decided to give it another six months, and it just took off after that," Becker said.

ADR Systems now has about 150 neutrals who handle nearly 200 cases a month, primarily in Illinois.

ADR is used in civil cases ranging from tort to commercial. Two forms of ADR are typically used.

Arbitration can be binding or non-binding with one to three panel members.

Mediation usually involves a sole neutral working with the parties using a form of "shuttle diplomacy." Under this system, parties and their lawyers stay in separate rooms as the mediator shuttles between the rooms.

If mediation breaks down, either party can opt to take the case back to court.

When ADR Systems began, most of the matters neutrals handled were arbitrations.

Now 80 percent of ADR Systems cases go through mediation, and the remaining 20 percent are subject to arbitration. Those methods are usually less expensive than taking a case to trial.

"The pendulum has really swung to non-binding mediation because the parties prefer to have more control over the process, including picking the mediator that's right for the particular case," Becker said.

Neutral rates are typically between \$400 and \$650 an hour depending on the type of case and the number of parties involved.

ADR Systems neutrals have presided over about \$4 billion in settlements since 1994 and resolved about 90 percent of the cases.

Stuart A. Nudelman, a retired Cook County circuit judge, has worked as a neutral with ADR Systems since 2006.

In September, Nudelman was the mediator in a lawsuit related to the more than \$53 million Rita Crundwell stole from the city of Dixon. She served as the city comptroller for the municipality about 100 miles west of Chicago for 22 years.

Nudelman helped a slew of attorneys, elected officials and business people unite behind a \$40 million settlement in a lawsuit that accused auditors and a bank of negligence for failing to notice the city's bookkeeper was embezzling massive



Marc Becker

amounts of money.

"My style is to evaluate the case and help them try to work out all of the possible scenarios," Nudelman said.

Working as a neutral is not a 9 a.m. to 5 p.m. job. For example, Nudelman conducted a 17-hour session in the Dixon dispute.

"I have put my chair in front of the door so (attorneys and parties) can't leave the room," Nudelman said, referring to ADR matters generally.

"I try not to give up. You've got to keep the conversation going."

Laurie Siwek Randolph, a Hinshaw & Culbertson LLP partner, has used Nudelman as a neutral in commercial disputes. She called him tenacious.

"I think that (ADR Systems) has one of best forums for (construction accident cases) primarily because they have mediators that have been in the commercial calendar of the (Cook County Circuit Court) Law Division," she said.

"They have handled these



Mark E. McNabola

cases as a judge. So, they are very knowledgeable about the construction process."

ADR Systems launched a commercial division in 2006. Now, nearly 30 percent of the cases handled by its neutrals are commercial disputes.

Mark E. McNabola, a partner at McNabola Law Group, said he's used ADR Systems neutrals for 20 years in dozens of cases in which he represents personal-injury plaintiffs.

"The beauty (of ADR Systems) is you have retired judges who have spent their entire career analyzing the complexity of our area of the law and have objective and pointed opinions about the strengths and weaknesses of cases," McNabola said.

ADR Systems experienced growth for 20 consecutive years, which is expected to continue, Becker said.

"That shows you," he said, "the legal community has embraced the ADR process."