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## Small-claims success found in Will County

Mediation program started in 2010, now features an 84 percent settlement rate

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To help litigants resolve small-claims matters faster in Will County, an attorney created a mediation program three years ago that now has an 84 percent settlement success rate.

Sole practitioner Robert W. Berliner Jr. started the Will County Small Claims Mediation Program in March 2010.

Berliner selected the small-claims court in Joliet for the program because "I wanted to start it somewhere where pro bono mediation wasn't already going on."

Berliner mediated cases in small-claims court about once a week and then recruited more mediators.

"There is somebody out in the courtroom pretty much every day," he said.

Dennis J. Carlin — of counsel at Drinker, Biddle & Reath LLP — received encouragement from Berliner to become a mediator

and get involved in the program.

"It's not easy for (litigants) to take time off work and go to court," Carlin said.

"In the court system, you may not have trial the day you come in. You may have to come back again and take off more from work, but with mediation, we get it done right then and there."

The mediation program now includes about 23 attorneys who provide their neutral services at no cost to parties.

"The more you do it, the better you get at it, no matter how much you do it," Berliner said. "And in this context, it also gives us a chance to give back. We're mission-driven."

Will County Associate Judge Mark Thomas Carney refers cases to mediation at his discretion. Many of the referred cases — which include disputes about residential living, construction projects and personal property — involve pro se litigants.

For small claims, the damages must be less than \$10,000 — except in eviction matters, which can go up to \$50,000.

Travis G. Maisel, a partner at Oltman & Maisel P.C. who participates in the program, said most litigants "just need someone to help them work out their differences."

"Sometimes they just need to



Robert W. Berliner Jr.

tell each other their sides and come to a resolution on it," Maisel said. "A lot of people are really grateful because they just want to get it all over with."

After a referral, Berliner said, the mediator brings the parties into a room adjacent to the courtroom. The mediation lasts about an hour.

"We conduct the joint session in that room, and people can leave and come back if we want to caucus with separate parties," he said. "Most people who go through these things are happier when they come out than if they had gone to trial."

Each neutral handles about

one to three mediations each day they attend court. The group mediates about 80 to 90 cases every quarter and have completed about 900 cases since March 2010.

"Everyone has bought into our mission because it is very rewarding," Berliner said. "You are serving the people to get their cases settled, and you're serving the court."

Carney agreed the mediation program provides a more efficient option for litigants and judges.

"People are happier because they get to reach their own resolution, rather than the court making that decision for them," Carney said.

"And it helps me tremendously because it removes cases off the docket. It gives me the alternative to give them over the risks and burdens of a trial."

Carney said litigants have followed through on the mediated completion terms about 95 percent of the time.

"It's not as if these agreements are blown off and appearing back in court and causing the court more time," he said. "These cases are staying resolved, staying off the docket and keeping the people happy having their differences resolved."