BERLINER GROUP

Expert Witness ~ Mediator ~ Arbitrator

# Robert W. Berliner, Jr.

## Personal:


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## Education:

**Law School:** Harvard Law School, Cambridge, Massachusetts,
J.D. magna cum laude, 1974

**College:** Harvard College, Cambridge, Massachusetts,
A.B. magna cum laude, 1967

## Business & Professional:

**2020-present:** **Consulting Editor and Editorial Board Member, The Principal Post**

**2020-2021:** **Vexidus Corporation, Board Member and Secretary**

**1997-present:** **Self-employed Mediator/Arbitrator, Expert Witness, Attorney, and Real Estate Developer and Investor**

Active mediator of various disputes, both pre-litigation and during litigation. Mediated cases involving numerous types of disputes, including the following: intra-family business disputes; partnership conflict; employment/trade secrets; personal injury; breach of fiduciary duty; conversion of personal property; contract interpretation and breach; construction defects; title to real property; insurance subrogation; property line and encroachment disputes; landlord/tenant; nuisance; chattel lien; debtor/creditor; family, including custody, visitation, child support and related debt issues.

Expert witness in cases involving legal malpractice or real estate or both. Testimony at trial and in depositions.

Active arbitrator of various disputes, including American Arbitration Association, FINRA and other private cases.

Engaged in private practice of law, representing entrepreneurial clients in a variety of business matters, with emphasis on real estate transactions and family business disputes. Also handle much of the legal work for the real estate business entities described below.

**1984-2016:** **Various Related Real Estate Limited Liability Companies/Partnerships**

Principal of various affiliated entities which have bought, developed, managed, operated and sold various properties in Chicago, Illinois, and elsewhere, including in the aggregate over 1,000 dwelling units and over 400,000 square feet of commercial space and having a value of over $200 million.

**1989-1996:** **Jupiter Industries, Inc., and Subsidiaries -- Jupiter Realty Corporation**

Secretary and General Counsel, 1991-1996; Associate General Counsel, 1989-1991

Shareholder and Senior Vice President, Secretary and General Counsel, 1991-1996; Associate General Counsel, 1989-1991. Partner in various affiliated real estate partnerships.

Responsible for all legal affairs of Jupiter Industries, Inc. (including subsidiaries), a diversified conglomerate (estimated $1 billion in revenues) with interests in construction and engineering, transportation, retailing, insurance, manufacturing and real estate, founded by the late Jerrold Wexler, and Jupiter Realty Corporation, a full-service real estate development and investment firm, and related real estate and other investment ventures. Sole employed lawyer at both companies. Reported to Board of Directors of Jupiter Industries, Inc. During this time, Jupiter Realty Corp. and its affiliated partnerships developed and/or acquired millions of square feet of retail and office space and thousands of hotel rooms and apartment units across the country at a cost of over $500,000,000.

**1984-2016:** **Attorney in Private Practice (Berliner and Krasnow, 1988-1989; sole practitioner, 1984-1988)**

Represented various clients in a wide range of real estate, corporate, bankruptcy, tax and estate planning matters. Clients included manufacturing and service companies, real estate developers and entrepreneurs, and individuals in a wide range of personal and business activities.

**1974-1984:** **Levy and Erens, Chicago, Illinois. Partner, 1978-1984; Associate, 1974-1978**

Practiced law with firm that grew from 13 to 35 lawyers in 10 years. Handled variety of corporate, tax, real estate, litigation, bankruptcy and estate planning matters. Among other things, briefed and argued cases before the United States Circuit Court of Appeals (see, e.g., Johnson v. Nationwide Industries, Inc., 715 F.2d 1333 (7th Cir. 1983)), and Illinois Appellate Court (see, e.g., People v. Community Hospital of Evanston, 108 Ill.App.3d (1st Dist. 1982)), and tried unreported cases.

## Honors, Memberships & Professional Activities:

- Association of Attorney-Mediators: Member, Board of Directors 2015-2021; Co-Founder, Illinois Chapter; President, Illinois Chapter, 2016-2022
- 2018-2019 John C. McAndrews Award for Pro Bono Service from the Illinois State Bar Association
- Illinois Super Lawyer (Alternative Dispute Resolution) 2013-2024
- Albert Nelson Marquis Lifetime Achievement Award, Marquis Who's Who (2018)
- Charter Member and Member of Executive Committee, Illinois Chapter, National Academy of Distinguished Neutrals (invitation only selective organization)
- Fellow, Chartered Institute of Arbitrators
- Member, National Roster of Arbitrators, American Arbitration Association
- Member, Panel of Mediators, American Arbitration Association
- Adjunct Professor, Stuart Graduate School of Business, Illinois Institute of Technology, "Real Estate Investment," 2003-2008
- Kellogg School of Management, Northwestern University, REAL 447, Legal Issues in Real Estate:
  --Lecturer, "Purchase and Sale of Real Estate" 1996-2011
  --Panelist, "Selection and Use of Lawyers" 1996-2011
  --Lecturer, "Management of Real Estate" 1989-1995
- Lecturer, Department of Finance, College of Commerce, DePaul University, "Taxation of Real Estate" in Finance 530, Real Estate Investment and Finance, 2007

- Faculty, Law Seminars International, CLE Conference on Construction Law, "Primary Contracts" 2007
- Member, Roster of Arbitrators, FINRA Dispute Resolution
- Association of Attorney-Mediators: Secretary and Member, Board of Directors; President, Illinois Chapter
- Court-certified mediator, Law Division Major Civil Case Mediation Program, and Chancery Division's Mediation Program, Circuit Court of Cook County
- Court-certified mediator, Civil Division, 12th Judicial Circuit, Will County,
- Presenter in many continuing legal education and other programs, including:
  --No Caucus Mediation of Family Business and Similar Disputes: to Illinois Chapter, Association of Attorney Mediators, March 2010; Chicago Bar Association, Alternative Dispute Resolution Committee, April 2010; Association of Attorney Mediators Annual Meeting, New Orleans, March 2011
  --Mediation: Different Disputes--Different Approaches, to attorneys of Hinshaw & Culbertson LLP, April 2011
  --Anatomy of a Mediation: The Parties, Their Attorneys and the Mediator Discuss a Successful Mediation, to Circuit Court of Cook County, May 2011
  --Mediation as a Tool for the Litigator and the Business Lawyer, to attorneys of Locke Lord Bissell & Liddell LLP, May 2011
  --Not Just for Litigators: Mediation and the Business Lawyer, to Corporate and Real Estate Departments, Jenner & Block, September 2011
  --What Mediation Can (and Can't) Do for You and Your Clients: Process and Ethics, to the attorneys of Brown Udell Pomerantz and Delrahim, April 2013
  --Panel Member, Negotiating Your First Job Offer: Tips, Advice & Mistakes to Avoid, to American Bar Association, Alternative Dispute Resolution Conference, Young Lawyers' Section, April 2013
  --What Mediation Can (and Can't) Do for You, to Alternative Dispute Resolution ExecuSummit, June 2013
  --Panel Member, Facilitating Workouts, Bankruptcy and Litigation, IMN Real Estate General Counsels Forum (East), September 2014
  --Panel Member, Workouts, Litigation & Remedies for Multiparty Structures Including Funds and Joint Ventures, IMN Real Estate and Bank General Counsels Forum (Midwest), May 2015
  --Lessons from the Mediation Front: Two Mediators Discuss Their Experiences of Successes, Failures and Surprises (with Michael J. Leech) to Association for Conflict Resolution, Chicago chapter, January 2016

--Anatomy of a Mediation: The Judge, the Parties and the Mediator Discuss Mediation of a Complex Commercial Case, to Circuit Court of Cook County, January 2016
--Panel Member, Deal or No Deal....What to do to Get a Deal Done, When it Looks Like it's Not Going to Happen, to Association of Attorney-Mediators Advanced Attorney-Mediator Training, April 2019

- Member, American, Illinois and Chicago Bar Associations

## Military:

**1968-1971:** **U.S. Navy**

Lieutenant, Supply Corps, USNR

Supply Officer of Polaris submarine U.S.S. Henry L. Stimson (SSBN 655-Blue)

Received Commanding Officer's Letter of Commendation