

Robert W. Berliner, Jr.

520 West Erie Street
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www.berlingroup.com

An accomplished mediator and attorney and a seasoned business professional with an extensive expertise that includes real estate, corporate, finance, estate planning and litigation matters. Principal in many real estate and other business ventures. Often serves as a consultant and expert witness on real estate matters. Brings a unique and powerful perspective as a mediator with decades of business and legal experience.

Areas of Mediation Expertise

- Business / Corporate / UCC: including loan restructurings and workouts; shareholder, director, joint venture and partner disputes; family business disputes; valuation; contract disputes; lender-borrower disputes; breach of fiduciary duty; fraudulent conveyances; securities; securities offerings; private placements; purchase and sale of businesses; franchisee and distributor disputes; antitrust; intellectual property.
- Real Estate: including acquisition and disposition; construction and development; lender-borrower disputes; loan restructuring and workouts; land use; title and survey issues and disputes; easements; specific performance; contracts for purchase and sale, management and other real estate matters; valuation; landlord/tenant; environmental matters; mechanics liens.
- Construction: including actions involving architects, engineers, contractors, developers and/or subcontractors/tradesmen; construction defects and delays; construction and professional services agreements;
- Estates: including construction of wills and trusts; will contests; disputes among beneficiaries; disputes with creditors.
- Bankruptcy: including validity and priority of claims; disputes among creditors; debtor-creditor disputes; structuring and implementation of plans of reorganization.

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PRESENT / ONGOING

Principal, BERLINER AND ASSOCIATES	1997 – Present
Principal, BERLINER DEVELOPMENT PARTNERS LLC	1997 – Present
President, CITISCAPE PROPERTIES, INC.	1984 – Present

PAST

General Counsel and Senior Officer,
JUPITER INDUSTRIES, INC. and JUPITER REALTY CORPORATION 1989 – 1996
Jupiter Industries, Inc., was a family-owned conglomerate with interests in transportation, insurance, construction and engineering, manufacturing, retail, and real estate, and revenues in excess of \$1 billion. Jupiter Realty Corporation is a full-service real estate development and investment company.

Principal Attorney in Private Practice 1984 – 1989

Partner (1978 – 1984) and Associate (1974-1978), LEVY AND ERENS 1974 – 1978

Representative Cases

- Successfully mediated cases in the following areas: title to real property, landlord/tenant, property line and encroachment disputes, nuisance, debtor/creditor, family business disputes, mechanic's lien. Settlement rate over 95%.
- Co-mediated dispute among three members of a family business, resulting in settlement before institution of litigation.
- Successfully mediated dispute involving child custody, visitation and child support and related indebtedness issues between unmarried couple that was initially presented as a dispute over responsibility for debts
- Negotiated and facilitated:
 - Acquisition of 247-room hotel from insolvent owner and bank to prevent foreclosure of defaulted mortgage.
 - Separation of the two partners of successful general contracting business.
 - Agreements with political leaders, community groups and governmental officials to permit rezoning of downtown Chicago parking lot to allow construction of a high-rise building and reduce parking requirement.
 - Transaction providing for repayment of insurance company first mortgage and contemporaneous sale of one of five environmentally impaired properties to industrial occupant to provide funds required for repayment.
 - Agreement with neighborhood groups, city officials and political leaders to obtain zoning and other necessary entitlements to permit development of 452-unit apartment building.

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- Represented homeowner who rented house as set for movie; drafted and negotiated written agreement; handled litigation with insurance company after home destroyed by fire during shooting; facilitated settlement before trial.
- Negotiated settlement of case involving mechanics lien foreclosure with title insurer.
- Supervised outside counsel in dispute:
 - Involving alleged non-performance of coal processing plant. Settled in mediation.
 - With broker claiming fee in connection with purchase of insurance company from holding company's bankrupt estate. Also acted as co-counsel; settled in mediation.

Honors, Memberships and Professional Activities

- Vice President and Secretary, Illinois Chapter, Association of Attorney-Mediators
- Court-certified mediator, 12th Judicial Circuit, Will County, Illinois
- Court-certified mediator, Major Civil Case Mediation Program, Law Division, and Chancery Division's Mediation Program, Circuit Court of Cook County
- Member, Roster of Arbitrators, Financial Industry Regulatory Authority (FINRA)
- Presenter, "No Caucus Mediation of Family Business Disputes," Chicago Bar Association, ADR Committee, April 2010
- Presenter, "No Caucus Mediation of Family Business Disputes," Illinois Chapter, Association of Attorney-Mediators, February 2010
- Adjunct Professor, Stuart Graduate School of Business, Illinois Institute of Technology, *Real Estate Investment*, 2003-2008
- Member:
 - American Bar Association.
 - Illinois State Bar Association.
 - Chicago Bar Association.
- Kellogg School of Management, Northwestern University, REAL 447, *Legal Issues in Real Estate*:
 - Lecturer, *Purchase and Sale of Real Estate*, 1996-present.
 - Panelist, *Selection and Use of Lawyers*, 1996-present.
 - 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.

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Background and Education

- Harvard Law School, J.D. Magna Cum Laude, 1974.
- Harvard College, A.B. Magna Cum Laude, 1967.
- Military Service: United States Navy, 1968-1971. Lieutenant, Supply Corps, USNR. Served as Supply Officer on nuclear-powered Polaris missile submarine. Received Commanding Officer's Letter of Commendation.
- Mediation Training:
 - DePaul College of Law, Center for Dispute Resolution, 40 hour course, Certificate in Mediation, February 2009
 - Association of Attorney-Mediators, Advanced Mediation Training, "Avoiding the Line in the Sand," San Antonio, Texas, September 2009
 - Association of Attorney-Mediators, Advanced Mediation Training, "Portmanteau: Creating New Approaches to Mediation," St. Louis, Missouri, March 2010