



MEDIATION & ARBITRATION

## Hon. Mitchell L. Hoffman, (Ret.)



Judge Hoffman has served the legal community for over 38 years, most recently as the Presiding Judge of the Civil Division in Lake County. As an attorney, he represented both plaintiffs and defendants in civil litigation. After beginning his career in private practice in Chicago, he spent 13 years in the Civil Division of the Lake County State's Attorney's Office, where he led the division as Chief Deputy State's Attorney. He then served as a judge in Lake County for 21 years, handling both Chancery and Law Division calls and settling many commercial and personal injury cases. Judge Hoffman is known for his detailed case preparation and analysis. He is fair and even-tempered and provides a calming influence during mediations. Judge Hoffman brings these attributes and his wide-ranging legal experience to each of his mediations and arbitrations.

### ADR Experience and Qualifications

- Since joining ADR Systems in 2023, Judge Hoffman has served as a full-time mediator and arbitrator
- 21-year judicial career in the 19th Judicial Circuit, including Presiding Judge, Civil Division, 2018-2022; Law Jury, 2015-2022 and Chancery, 2006-2015; Traffic and Misdemeanor Division, 2001-2006
- 17-year legal career including Chief Deputy States Attorney, Civil Division, Lake County State's Attorney's Office, 1992-2001; Assistant Lake County State's Attorney, 1988-1992; Associate at Albert Brooks Friedman, 1984-1988
- Mediation Certificate, National Judicial College

### Types of Cases Resolved

- Auto Liability
- Bad Faith
- Business Dissolution
- Civil Rights
- Class Action
- Construction
- Construction Accidents
- Construction Defect
- Contract
- Defamation
- Discrimination
- E-Discovery
- Eminent Domain
- Employment
- Engineering
- Environmental
- Estates
- Family Business
- Fee Dispute
- Finance
- Fraud
- Government
- Harassment
- Insurance Coverage
- Intellectual Property
- Landlord-Tenant
- Legal Malpractice
- Lender Liability
- Mass Torts
- Mechanic's Lien
- Medical Malpractice
- Mergers & Acquisitions
- Non-Compete
- Nursing Home
- Partnership Dispute
- Personal Injury
- Preliminary Injunctions

For more information please contact  
ADR Systems at 312.960.2260  
or email [info@adrsystems.com](mailto:info@adrsystems.com)  
[www.adrsystems.com](http://www.adrsystems.com)

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## Types of Cases Resolved (cont.)

- Premises Liability
- Product Liability
- Professional Malpractice
- Property Damage
- Real Estate
- Restrictive Covenants
- Retaliatory Discharge
- Sexual Harassment
- Sexual Abuse
- Shareholder Dispute
- Stockholder Derivative Actions
- Storm Damage
- Subrogation
- Temporary Restraining Order (TRO)
- Toxic Tort
- Trade Secrets
- Trusts
- Unfair Competition
- Uninsured & Underinsured Motorist Claims (UM&UIM)
- Whistleblower
- Wrongful Death
- Wrongful Termination

## Representative Cases

- Auto Liability: settled more than 100 cases involving personal injuries from motor vehicle accidents, including spinal injuries, broken bones, brain injuries, soft tissue injuries and property damage
- Contract and Mergers & Acquisitions: complex multi-party litigation involving claims that minority owners' shares were nullified by merger which should have been characterized as sale of stock; case involved claims of breach of LLC agreement, breach of fiduciary duty, usurpation of corporate opportunity, fraud and rescission of merger under Delaware law
- Contract and Fiduciary Duty: settled litigation among members of a nationwide real estate development joint venture involving claims of breach of contract, breach of fiduciary duty and a counterclaim for corporate dissolution
- Discrimination: several cases involving claims of sex, race, national origin and age discrimination including one case tried to verdict
- Government: after issuing TRO enjoining layoffs of 180 court employees by county board, assigned a second pretrial judge and jointly conducted 40 hours of pretrial, resulting in settlement involving complex budgetary, facilities and personnel accommodations providing an additional \$11 million in new funding and budget credits for court system
- Insurance Coverage: settled case involving denial of coverage when homeowner's heating oil tank ruptured ruining residence and adjoining property
- Insurance Coverage: settled case in which warehouse roof collapse spoiled large quantities of spices in storage containers; case also involved issues of proximate cause
- Medical Malpractice: allegations of negligent care where plaintiff died during surgical procedure to remove plaque in coronary arteries
- Non-Compete and Trade Secrets: numerous challenges to non-compete agreements, some also involving Trade Secret Act claims, including pharmaceutical companies, physicians employed by hospital groups, home infusion care services, middle market insurance sales and sales of respiratory care products, heating and cooling coils and titanium tanks
- Nursing Home: settled multiple cases involving claims of abuse, falls, bedsores, wrongful death and medical malpractice
- Premises Liability: settled many cases involving sidewalk defects, snow removal and defects in public property involving Tort Immunity Act affirmative defenses
- Personal Injury: settled two cases involving allegations that high school districts failed to properly enforce concussion protocols for athletes
- Products Liability: settled case involving claim that highway guardrail end cap failed to function properly when struck by vehicle resulting in amputation of plaintiff's leg

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## Representative Cases (cont.)

- Real Estate: settled case involving flooding on multiple large, adjoining properties along Lake Michigan shoreline; settlement involved implementation of complex drainage engineering and wetland preservation measures, delineation of ongoing drainageway maintenance obligations and financial compensation
- Real Estate: after issuing injunction limiting hours of use of wind turbine located near residential neighborhood, settled case whose agreement included re-zoning of nearby land owned by defendant to enable the re-location of the wind turbine
- Toxic Tort: settled consolidated cases involving 90 plaintiffs injured by release of toxic chemical from tank being towed between farms for application of liquid farm fertilizer; after assigning second pretrial judge, jointly engaged in multiple days of mediation, leading to settlement of all remaining plaintiffs' claims
- Trusts: multiple trust disputes involving difficult family dynamics

## Professional Activities and Awards

- Administrative Office of the Illinois Courts (AOIC), Judicial Performance Evaluation Facilitator
- Member, Illinois Supreme Court COVID Taskforce
- Member, Illinois Supreme Court Judicial Performance Evaluation Committee
- Current Member and Past Secretary, Lake County Bar Association (LCBA)
- Former AOIC Peer Judge Mentor
- Former Nineteenth Judicial Circuit New Judge Mentor
- Former Co-Chair, Jury Trial Taskforce, Nineteenth Judicial Circuit
- Former Chairman, Court Technology Committee, Nineteenth Judicial Circuit
- Former Co-Chair, Court Facilities Committee, Nineteenth Judicial Circuit
- Member, Jefferson Inns of Court, Lake County Chapter
- Past Co-Editor and Editorial Board Member of LCBA Docket (monthly publication)
- Former Writer, LCBA Gridiron Show
- Former Judge, Northwestern University Mock Trial Tournament
- Led effort to establish Nineteenth Judicial Circuit's Mortgage Foreclosure Mediation Program and Mortgage Foreclosure Help Desk
- Most Outstanding Civil Division Judge Award, Nineteenth Judicial Circuit, 2008
- Most Outstanding Misdemeanor Division Judge Award, Nineteenth Judicial Circuit, 2004 and 2005

## Presentations and Publications

- Author, "Judicial Performance Evaluations Aim to Help Judges Improve," Chicago Daily Law Bulletin
- Author, "A Lake County Retrospective," LCBA Docket
- Faculty Presenter, "Contempt for Civil and Family Judges," Illinois Judicial Education Conference
- Faculty Presenter, "Managing a High-Volume Courtroom," Illinois Judicial Education Conference
- Panelist, AOIC cable television program on mortgage foreclosure
- Panelist, "Pretrial Practice," LCBA
- Presenter, "Nuts and Bolts of Illinois Foreclosure: Hammering Out the Foreclosure Process," Illinois State Bar Association (ISBA) Annual Solo and Small Firm Conference
- Presenter, "Professionalism and Civility," ISBA

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## Presentations and Publications (cont.)

- Presenter, “Virtual Jury Trials,” Illinois Defense Counsel
- Presenter, “What Civil Court Judges Want You to Know,” National Business Institute
- Presenter, People’s Law School, College of Lake County
- Presenter, various topics including Real Estate, Debtor/Creditor, Civil Trial and Appeals, Employment and Family Law, LCBA
- Presenter, various topics including Sovereign Citizens, Dealing with Self-Represented Litigants, Bond Court Scenarios and Jury Trial Protocols During COVID, Nineteenth Judicial Circuit Judicial Education Committee
- Presenter, Salvation Army Residential Rehabilitation Program
- Chapter Editor, AOIC Benchbook on Mortgage Foreclosure
- Section Author, AOIC Benchbook on DUI

## Education

- JD, University of Illinois Urbana-Champaign College of Law
- BS, Colorado College

## Admissions

- Illinois State Bar

## Disclosure

I was a sitting judge for over 21 years, have practiced law and have been a mediator and arbitrator since 2023. Many attorneys have tried cases in my courtrooms or mediated or arbitrated a case with me.

The disclosures listed above will not affect my neutrality in this dispute.