

BRIAN CLAUSS

Arbitrator Mediator Attorney
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Admitted to the National Academy of Arbitrators

Chicago Minneapolis Seattle Tucson

Clauss ADR. Inc.

2004–present

Professional neutral concentrating in the arbitration and mediation of labor, employment, and commercial disputes. More than a thousand arbitration decisions issued and hundreds of matters resolved in mediation.

Arbitration and Mediation roster memberships: Federal Mediation and Conciliation Service, American Arbitration Association (labor, employment, and commercial), National Mediation Board, National Railroad Adjustment Board, Illinois State Board of Education, Illinois Labor Relations Board, Illinois Educational Labor Relations Board, and Washington State Public Employment Relations Commission Law Enforcement Arbitration Roster.

Numerous permanent arbitration and mediation panels include: AFSCME and State of Illinois, Chicago Public Schools and Chicago Teachers Union (tenured teacher dismissal, grievance, and discipline mediation-arbitration), Chicago Public Schools and SEIU, Chicago Police Department and Various Unions, Cook County Sheriff and FOP Labor Council, Cook County Sheriff and Teamsters, Lake County Sheriff and Teamsters, SEIU and Cook County, State of Illinois and various unions, Southwest Airlines and TWU, Mid-America Regional Bargaining Association and Chicago Regional Council of Carpenters, National Treasury Employees Union and Internal Revenue Service, among others.

Frequent continuing legal education presenter at local, national, and international venues. Frequently published with more than twenty books, guides, chapters, and articles.

University of Arizona James E. Rogers College of Law

2020 to present

Co-developer of Dispute Resolution concentration of Masters in Legal Studies program. Developed and teach Introduction to Dispute Resolution and Arbitration courses.

Interim Director of Veterans Legal Clinic and Clinical Professor. Invited to serve as supervisor and instructor of law school legal clinic for spring 2020 semester.

The University of Illinois John Marshall Law School Veterans Legal Support Center & Clinic, 2007 -2018

Executive Director and co-founder of legal clinic providing pro bono assistance to hundreds of veterans in VA benefits appeals and discharge upgrade appeals. Scholarship concentrations include the Uniformed Servicemember Employment and Reemployment Rights Act and access to services for rural veterans.

Significant experience in teaching, presentations, online teaching, publishing, fundraising, and media presence.

***Cook County State's Attorney,
1990-2004***

Labor and Employment Unit: Represented Cook County in labor arbitration and employment litigation before the Employee Appeals Board, Sheriff's Merit Board, Administrative Review, Equal Employment Opportunity Commission, Illinois Department of Human Rights, and Illinois Labor Relations Board. Defended Title VII, FMLA, Section 1983 and ADA discrimination cases in Federal Court.

Criminal Division: Prosecuted felonies in trial courts, Illinois Appellate Court and the Illinois Supreme Court. Substantial motion, bench trial, jury trial, and appellate experience.

***R.S. Owens & Company, Inc.
1986-1987***

Industrial Mechanic: Installed and maintained production machinery and equipment for nation's leading producer of awards, including the Oscar, Emmy, MTV, and Motor Trend awards.

PROFESSIONAL ORGANIZATIONS

National Academy of Arbitrators – various committees

National Association of Railroad Referees

Labor and Employment Relations Association

Chicago Chapter - Board of Directors

Arizona Chapter – Board of Directors

Illinois Attorney General's Advisory Committee on Veterans Legislation

Chicago Bar Association

Military Affairs Committee

Illinois State Bar Association

American Bar Association

North Suburban Bar Association-Board of Directors

Decalogue Society

Consortium of Law School Veterans Clinics - Board of Directors

CIVIC ORGANIZATIONS

DANK Haus German American Cultural Center - Board member
Chicago, Illinois 2020-present
The John Marshall Law School Alumni Board
Chicago, Illinois 2017-2019
Lutheran General Hospital Oncology Advisory Board
Park Ridge, Illinois 2011 - 2016
Lake Forest College Alumni Board
Career Advancement Committee 2009 - 2016
Illinois ESGR
Executive Committee 2006 - 2008
Park Ridge Police and Fire Commission
Commissioner 2004 - 2007
Hephzibah Children's Organization
Board of Directors 1997-1999

LANGUAGES

German

ADMITTED TO PRACTICE

Illinois Supreme Court
United States District Court for the Northern District of Illinois
Federal Trial Bar

EDUCATION

The John Marshall Law School, Juris Doctorate, 1990
Lake Forest College, Bachelor of Arts, 1986

TEACHING

Federal Mediation and Conciliation Service
Becoming a Labor Arbitrator 2020 - present
University of Arizona Rogers School of Law 2020 - present
University of Illinois John Marshall Law School 2008 - 2018
American Arbitration Association 2011 - present
Labor Arbitration Institute 2015 - present
Triton College 2005 - 2007

PUBLICATIONS

Books and Guides

Best Practices Guide for Conducting Video Arbitrations,
National Academy of Arbitrators (with Pilar Vaile) (2021)

Military Service and the Law, Illinois Institute for Continuing Legal Education
(General Editor with Professor John Erbes)(2018)

Servicemembers and Veterans Rights, Lexis Nexis (2012 through 2017 editions)
(General Editor with Professor Stacey Rae Simcox)

Military Service and the Law, Illinois Institute of Continuing Legal Education (2009)
(General Editor with Professor Joseph Butler)

Chapters

Uniformed Servicemembers Employment and Reemployment Rights Act in
Servicemembers and Veterans Rights, (2017)
(Chapter co-author with Professor Marci Karin)

Employment Rights in *The American Bar Association Legal Guide for Military
Families*, Random House, (2013)

The Uniformed Service Employment and Reemployment Rights Act in *Servicemembers
and Veterans Rights*, Lexis Nexis (2012 – 2016 editions)

Public Sector Employees in *The Labor Law Handbook* (with Steven Bierig, Michelle
Camden and Jeanne Wood), Illinois Institute of Continuing Legal Education (2009)

Called to Duty – Military Activation and the Impact on Labor Relations in *Proceedings
of the 2008 Meeting of the National Academy of Arbitrators*, Bureau of National Affairs
(2009)

Off Duty Conduct in *Preventing and Managing Workplace Violence: Legal and
Strategic Guidelines* (with Steve Beirig and Michelle Camden), American Bar
Association (2008)

Law Review

Protecting Civilian Employment and Providing Healthcare to the Citizen Soldier,
University of Memphis Law Review, Vol. 45, No. 4 (Summer 2015)

*Alone in the Wilderness – Reserve Component Service and the Rural Veteran's
Increased Risk of Homelessness*, Journal of Law in Society, Vol. 13 (Winter 2012)

Articles

Mediation-Arbitration, Expedited hearings, and Consolidated Claims, Arizona Bar
Association ADR quarterly. (2023)

Employees Called to Duty – the Employment and Re-Employment Rights of Our Returning Illinois National Guard Members (with Jeanne Charles Wood), Illinois Institute for Continuing Legal Education (2009)

When Employees are Called to Duty (with Joseph Butler), Chicago Daily Law Bulletin, Volume 154, No. 215 (October 31, 2008)

National Guard and Reserve Activation and Return – The Current and Coming Issues in Labor Arbitration, The Chronicle (National Academy of Arbitrators) (September 2008)

Called to Duty in the National Guard and Reserve – an Overview of Federal and Illinois Laws (with Margaret Riley Thomas and Lyndsey Kimber), Illinois Municipal Review Vol. 81 No. 3 (February 2008)

"Off-Duty Conduct" in *Managing Workplace Violence* (with Steven M. Bierig and Michelle Camden), American Bar Association (2008)

Called to Duty – Advising Your Client, The Young Lawyer (January 2007)

Employees Called to Military Duty – an Overview of Military Leave and the Service Member's Rights (with James Capparelli and Lyndsey Kimber), Illinois State Bar Association Labor and Employment Law Newsletter, Vol. 44 No. 5 (December 2006)

Res Judicata Implications of Police and Fire Commission Hearings (with Michelle Camden), Illinois State Bar Association Labor and Employment Law Newsletter, Vol. 44 No. 3 (September 2006)

"Public Employees" in *The Labor Law Handbook* (with Steven M. Bierig and Michelle Camden), Illinois Institute of Continuing Legal Education (Supp. 2006)

Employees Called to Duty in the National Guard and Reserve – an Overview of the Applicable Federal and Illinois Laws, State Universities Civil Service System (Summer 2006)

PRESENTATIONS OF NOTE

International

Law School ADR Concentration - Perspective and Discussion
Dr. Ambedkar Government Law College, Chennai, India, December 2020

Careers in Alternative Dispute Resolution,
UiTM School of Law, Shah Alam, Malaysia. July 2020

Vertrauen und Trauma: Eine Beziehung Aufbauen,
Wagner Arbitration, Berlin, Germany. November 2017

If Not Me, Then Who and If Not Now, Then When: Why Pro Bono?
Sumpah Pemuda School of Law, Palembang, Indonesia. October 2017

Diverse Approaches to Dispute Resolution and Avoiding Cultural Assumptions
UiTM School of Law, Shah Alam, Malaysia. October 2017

North America

Interest Arbitration: Overview, Best Practices, Trends, and the Future
Illinois Public Sector Labor Law Conference, Chicago 2023

Med – Arb Procedures for Effective Dispute Resolution
46th Collective Bargaining and Arbitration Conference, Seattle, 2023

Just Cause or Just Because: The Just Cause Standard
Federal Mediation and Conciliation and Service 2020 National Conference

Effective Use of Online Assistants in Video Arbitration Hearings
National Academy of Arbitrators Online Continuing Education Series, August 2020
(with Silvia Stratek and Elishiva Patterson)

Post Traumatic Stress and the Workplace
A three-part series during the Annual Conference of the National Association of
Railroad Referees 2016-2018.

Access to Justice in Rural Communities
Consortium of Law School Veteran Clinics Conference, Washington D.C., 2018

Veterans & Family Law,
Domestic Relations Division Child Representative Seminar,
Circuit Court of Cook County, Chicago. Illinois, 2017

Experiential Learning and a State Agency Internship,
Illinois Commission on Human Rights, Chicago, Illinois, 2017

Veterans as Students,
Law School Admissions Counselors Annual Meeting, Palm Springs, California, 2017

Uniformed Servicemembers Employment & Reemployment Rights Act,
14th Annual Employee Benefits Symposium, Chicago, Illinois, 2017

Veterans, National Guard, & Reserve in the Workforce – Issues for Labor and Management, 40th Annual Collective Bargaining & Arbitration Conference, Seattle, Washington, 2017

FEES

Employment & Commercial matters

Hourly Fee of \$635.00 for employment and commercial matters.

\$635.00/hour for pre-hearing matters including discovery scheduling, status meetings, pre-hearing motions, mediation, arbitration hearing, pre and post-hearing research, award writing, and post-award proceedings.

Mediation-Arbitration procedures, consolidated claims, multiple claims and expedited procedures are accommodated and encouraged. The office will gladly work with the parties to establish or implement procedures to increase efficiency and reduce costs.

Cancellations and Postponements for employment and commercial matters:

Employment and Commercial matters canceled or postponed five days or less prior to the hearing date are charged a 5-hour minimum fee per each day of scheduled hearing.

Travel Policy for employment and commercial matters:

Travel time from St. Charles, Illinois at the hourly rate. Mileage at the IRS rate. Travel costs as incurred.

Labor Matters Pursuant to a Collective Bargaining Agreement

Per Diem Fee of \$2,000.00 for labor matters in the Midwest, Southwest, and Western states.

Per Diem Fee of \$2,300.00 for labor matters on the West Coast (California, Oregon, Washington, and Alaska).

Per Diem Fee applies per day for hearing, research and writing of the award for:

- Grievance Arbitration
- Mediation - Arbitration
- Public Sector Interest Arbitration
- Mediation
- Substantive Motions
- Factfinding

Mediation-Arbitration procedures, consolidated grievances, multiple grievances per day, and expedited grievance procedures are accommodated. The office will gladly work with the parties to establish or implement procedures to increase efficiency and reduce costs.

Cancellation & Postponements Policy:

30 days or less: Cancellations or postponements 30 days or less, but more than 15 days, prior to the hearing date are charged half the per diem fee for each scheduled day.

Cancellations or postponements 15 days or less prior to the hearing date are charged the per diem fee for each scheduled day.

Travel Policy:

No charge for travel time for hearings within the greater Chicago metropolitan area. Outside the area, expenses as incurred and travel time at a prorated per diem. Mileage at the IRS rate.

Selections pursuant to FMCS procedures: No charge for travel time within the cities of Seattle, Tucson, and Minneapolis. Outside those areas: expenses as incurred and travel time at a prorated per diem. Mileage at the IRS rate.

Office Expenses and Docketing Policy:

No charge for normal office expenses.

No docketing charge.