

Clifford's Notes



Clifford's Corner

Robert Clifford was one of the recipients of the Justice William Brennan Award at the 26th Annual National Trial Advocacy College of the University of Virginia Law School earlier this year. The award was instituted in 1987 to honor the former Supreme Court Justice. Previous recipients of the annual award have been Justice Antonin

Scalia and Benjamin Civiletti. Mr. Clifford also was on this year's faculty.

Bob Clifford and Kevin Durkin were appointed faculty members of the Litigation Institute for Trial Training of the American Bar Association Section of Litigation, together with top trial attorneys from around the country. The

two-day program in July will examine all aspects of a trial.

The \$75.2 million settlement on behalf of those injured or killed when scaffolding fell from the John Hancock Center was listed as one of the top settlements by Crain's Chicago Business, which called it "arguably the highest-profile case of the year."

Chicago Tribune "Voice of the People"

January 22, 2007

"Attorneys for the damned," as the Tribune describes those who volunteer their time to secure the rights of inmates held at Guantanamo Bay, Cuba, are to be lauded, as the Tribune did in its Jan. 16 editorial. Imagine the courage of those lawyers committed to the Constitution to take on the task of representing the detainees, particularly in the post-Sept. 11, 2001 climate.

Therefore the senior Pentagon official's public remarks castigating the men and women who are donating their time, legal acumen and heart to ensure that the rights of all are protected displays an ignorance and shallowness of fundamental American principles, to say the least.

It is shocking that the very values that Charles Stimson, deputy assistant secretary of defense for detainee affairs, is charged with protecting, are the ones for which he is attacking the lawyers.

Upholding the rule of law is something on which this country was founded and exceptions were not crafted by our forefathers or Supreme Court justices for unpopular defendants.

What is even more shocking is Stimson's unfounded remarks that these benevolent lawyers apparently are receiving compensation from dark places and, worse still, to call for retribution in asking the law firms' corporate clients to cut off their legal business.

Stimson, a lawyer himself, is probably well aware that the Center for Constitutional Rights is coordinating the representation of the detainees with about 500 lawyers around the country.

The center has publicly stated that no one has received compensation, and when a firm operating independently of the center was paid by a Kuwaiti family, the money was donated to charities related to the Sept. 11 attacks.

It is sad that Stimson referred to the detainees as "terrorists" in his radio remarks, not "alleged terrorists" or "suspected terrorists." I am not suggesting they necessarily are innocent, but they are entitled to prove their innocence of any charges against them. It should be noted that about half of the original detainees have been released. To date, none of the Guantanamo captives has been convicted of crimes.

These lawyers, devoted to protecting constitutional rights, are merely seeing that justice is carried out in the names of the detainees as it is for all Americans. Their pro bono service for clients in such a forbidden and inconvenient zone should not be denigrated but should be applauded.

As for Stimson, although the Tribune called for "an explanation and an apology," I say nothing short of a resignation will do.*

Robert A. Clifford
Illinois State Delegate
America Bar Association House of Delegates

(*Charles Stimson resigned Feb. 2, 2007.)

Press Room

Clifford Law Offices will be featured as one of the Top Chicago Law Firms in the August issue of Chicago Magazine. It has been one of the premiere firms listed in the magazine in its "Best Of" issue since it began the feature in 2002.

Keith Hebeisen spoke at the Illinois Trial Lawyers Association Evidence Seminar in Chicago in May on "Doctors, Treators and Medical Evidence." He also addressed the membership at its 35th Annual Convention in Oak Brook on "The Use of Learned Treatises."



Kimberly M. Collins has been named an associate at Clifford Law Offices. Kim graduated in the top five percent of her class at DePaul University College of Law where she graduated Magna Cum Laude and Order of the Coif. She worked as a clerk at the firm for the past two years.

She received her undergraduate degree from the University of Illinois in Champaign-Urbana, majoring in Political Science.

Richard F. Burke, Jr., was invited to speak at the Chicago Bar Association's "Navigating the Moral Compass" June 7. The program examined the impact of work-life balance on ethical behavior as well as tales from the trenches.

Shannon M. McNulty, associate at Clifford Law Offices, is Vice Chair of the CBA Professional Development Committee which hosted the event.

Mr. Burke also spoke on the Successful Prosecution of a Product Liability Action at the American Bar Association's 2007 Spring Seminar on Emerging Issues in Motor Vehicle Production Liability Litigation in Phoenix, Arizona. He also spoke earlier this year on Winning Auto Product Liability Cases in Chicago at the invitation of the Illinois Trial Lawyers Association.

Kevin Durkin and John Karnezis (right) addressed the Kentucky Justice Assn. in Louisville and Covington on "Trying the Big Rig Truck Case." Their topic was Effective Litigation of Trucking Cases. Durkin and Karnezis received the largest transportation verdict - \$38.3 million - in the country in 2005, as recognized by the National Law Journal, on behalf of a suburban family involved in a tragic accident on an Illinois interstate highway.



Karnezis also was invited to speak at the National Constitutional Audio Conference on "Killer Cross Examination - Cross Examining Experts."

Pamela Sakowicz Menaker will serve as Associate Editor of the upcoming Evidence issue of Litigation Magazine, the flagship publication of the American Bar Association's Section of Litigation that is distributed to its 75,000 members across the country.

Final Judgment

An Illinois appellate court affirmed the \$10.45 million verdict for the family of a pilot killed at Palwaukee Airport.

Richard Burke and John Karnezis, partners at Clifford Law Offices, obtained the verdict following a five-week trial in Cook County Circuit Court on behalf of the family of 53-year-old Larry Koppie. He was traveling in the cockpit of a Gulfstream IV jet with three others when it crashed moments after starting to take off from the airport that is jointly owned by the Village of Wheeling and the city of Prospect Heights.

The jury had found that the plane encountered a drainage ditch running alongside the length of the runway in an area where the terrain should have been flat to support the plane.

Mr. Koppie of Elgin had three children. He had been a pilot for more than 30 years.

For other successful verdicts and settlements obtained at Clifford Law Offices, please visit the firm's Record of Justice at its website at www.CliffordLaw.com.



Kevin Durkin passes the gavel as the 130th President of the Chicago Bar Association. See inside.

Study Reveals Few Payouts in Medical Malpractice Cases

A new study has revealed that the majority of medical malpractice cases in seven states, including Illinois, were closed without any payment to the plaintiffs.

According to a study conducted by the Justice Department’s Bureau of Justice Statistics, only about 12 percent of closed med mal claims from 2000–2004 ended in a payout. The other states studied—Florida, Maine, Massachusetts, Missouri, Nevada and Texas—experienced a large percentage of cases that did not result in a payout.

View the entire study at www.ojp.us-doj.gov/bjs/abstract/mmics04.htm

Proposal to Ease Patients’ Medical Record Copy Costs

Congress is considering a bill that would close loopholes and rein in the retrieval costs of medical records, especially electronic records. SB 472 passed the house in May and is before the Senate for final action.

The bill limits copying fees for medical record companies and requires them to provide those records in an electronic format whenever possible. It allows the companies to charge only 75 cents for each CD-Rom or DVD, plus actual postage costs and a \$20 processing fee. That amounts to a great savings for patients.

It has been reported that more health care providers are looking into changing to electronic records from paper records. A software program, WorldVistA, is being used that is based on the Veterans Affairs Department’s electronic records system. In the last decade, the department is reported to have increased its pneumonia vaccination rate among at-risk patients to 94 percent from 29 percent due to the electronic records keeping system. That translates into saving 6,000 lives and \$40 million each year from fewer pneumonia hospitalizations. Costs also reportedly have been reduced by 32 percent under the system.

Cost for the electronic records system is estimated at \$33,000 per doctor to set up and \$1,500 per month in maintenance.

Advertising Material Only

Clifford Law Offices has prepared this newsletter for its many friends, clients and colleagues world-wide. It is purely a public resource of general information. Although it is not intended to be a source of either solicitation or legal advice, it must be regarded as an advertising or promotional communication in the terms of the lawyers’ professional responsibility law. Accordingly, it is necessary that certain information be supplied to and noted by the reader. This newsletter should not be considered as an offer to represent in any legal matter, nor should it be the basis of legal hiring decisions. Thus, the reader should not consider this information to be an invitation for an attorney-client relationship, should not rely on information provided herein, and should always seek advice of competent counsel.

All lawsuits are different, and Clifford Law Offices makes no representation or promises that it can obtain the same results as reported in this newsletter in other legal matters. Nothing in this newsletter constitutes a guarantee, warranty or prediction regarding the outcome of any future legal matter. Further, it should be noted that even where the fee arrangements are on a contingency basis, clients will still be responsible for payment or reimbursement of the costs and expenses of litigation.

Look Who’s Trying to Hide Behind Illinois’ Small Businesses



Corporate front groups are running advertisements in Illinois featuring an Illinois business owner – touting the need for “legal reform.”

DO YOU KNOW WHO’S BEHIND THIS?

Corporate front groups, which are funded by big tobacco, oil, drug and insurance companies.

The real agenda of these big and profitable corporations is to limit access to our courts by regular people in Illinois.

These special interest front groups know our court system is the only way that working people and consumers can hold wrongdoers accountable.

Regular people must be able to obtain justice when they are the victims of a drunk driver, an unsafe product, corporate negligence or other instances when people are wrongfully injured or killed.

DON’T LET THESE SPECIAL INTERESTS GET AWAY WITH IT.

For more information, visit www.ProtectOurCourts.org.

This advertisement of the Illinois Trial Lawyers Association appeared in many major newspapers and publications throughout Illinois to create a greater awareness of the real agenda of corporate America.

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Legal Study Shows Patients Fare Poorly in Court

A law professor at the University of Missouri in Columbia found that juries in medical malpractice cases tend to sympathize with doctors rather than patients who are victims of malpractice.

Philip G. Peters, Jr., studied three decades of malpractice trials and found that no empirical evidence supports the anecdotal notion that the tort system amounts to a lottery for injured patients. In a 42-page analysis, Professor Peters wrote in the May issue of the Michigan Law Review that overall injured patients win only about 27 percent of all cases that go to trial—the lowest rate of any category of tort litigation.

The reasons for what he terms unfair favoritism are jurors’ willingness to give a doctor the benefit of the doubt where the evidence is confusing or complicated, cultural prohibitions against gaining from one’s injuries and the defendants’ superior economic resources and social standing. Professor Peters also wrote that a juror’s lack of medical expertise tends to favor the doctor, not the patient.

Grief, Sorrow and Mental Suffering Now Elements of Damages in Illinois

Governor Rod Blagojevich signed H.B.1798 (Wrongful Death Act) into law that allows a jury to award damages for grief, sorrow and mental suffering to a loved one for causes of action accruing after May 31, 2007.

In approving the legislation, the vote was mostly along party lines. Corporate-controlled lobbyists had fought the legislation in Illinois, which now becomes the 24th state to allow for such elements of damages.

ISMIE Ordered to Lower Premiums

The Annual Report of the Illinois State Medical Insurance Exchange (ISMIE) filed in March indicated a record high surplus of \$294 million, up 25 percent from the previous year. The company’s CEO was given a raise and he now earns \$1 million; two other company executives earn at least \$747,000. ISMIE Mutual Insurance Company claims to be the leading provider of medical liability insurance to some 13,000 doctors in Illinois.

The owner of this newsletter is a law firm licensed to practice only in Illinois. In preparing and disseminating this newsletter, Clifford Law Offices has made a good faith effort to comply with all laws and ethical rules of every state into which it may be sent. In the event, however, that it is found not to comply with the requirements of any state, Clifford Law Offices disclaims any wish to represent anyone desiring representation based upon viewing this newsletter in such state.

Finally, this newsletter is disseminated to our many friends around the world. We hope you find the information here useful and informative. Anyone, however, who does not wish to receive future newsletters can contact us at the numbers or locations listed here, and the matter will be promptly attended to.

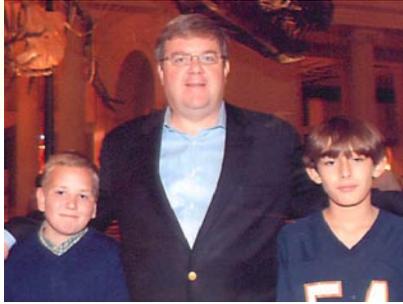
Very Sincerely Yours,

Thomas K. Prindable, Managing Partner, Clifford Law Offices, P.C.

Kevin Durkin

CBA President 2006-07, a year in review

Right: Mentoring was part of Kevin's agenda. He appears here with his son, Michael (left) and his mentee, Jeremy, a Chicago public school student.



Illinois Supreme Court Justice Anne Burke congratulates Kevin on a successful year at the Passing the Gavel lunch in June.



Above: Kevin Durkin has fun at the Chicago Bar Foundation's 11th Annual Benefit at the Museum of Science and Industry.



Clifford Law Offices entered a volleyball team in the Chicago Bar Association tournament this year. Staff members and attorneys at the firm enjoyed an evening of fun (left to right): Alan Gallardo, Brian Nash, Courtney Boho, Kevin Durkin (team captain), Andy Prindable, Ana Ortega, Craig Squillace, Jaime Makepeace, Veronica Trejo, Sean Driscoll.

Message from Kevin P. Durkin 130th President of the Chicago Bar Association:

I would like to thank everyone for all of their support throughout my year as President of the Chicago Bar Association. I have tried to further the goals of this fine organization as well as foster new programs that continue the excellence and mission of these lawyers.

Although the list would be much too long to print here, I must point out a special thank you to my partner, Robert Clifford, whose unwavering support has allowed me to accomplish my goals and allowed me to strive to be all that I can be as a lawyer and an example of excellence in the profession. The standard he sets himself is exemplary.

I also would like to thank the Executive Director of the CBA, Terry Murphy, and his entire staff. With their hard work and dedication, it is no wonder that the CBA is one of the finest legal associations in the country.

I look forward to continue working with everyone at the CBA and in furthering its laudable purpose.

Kevin

The Moral Compass & Legal Navigation



Left: Kevin initiated an annual program on ethics in the profession.

Below: The CBA travels to Japan to exchange ideas and sign a Friendship Agreement with the Tokyo Bar Association. Kevin is seated in the Chief Justice's seat at the Supreme Court of Japan.



Below: Robert Clifford has been a tremendous support during Kevin's presidency.



Above: Kevin, his wife Kathy, parents, Colette and Tom Durkin, and his daughters, Kristy (left) and Katie.



Left: Phi Alpha Delta salutes Durkin with the "Outstanding Contribution to the Legal Profession" Award.

Right: Illinois House Speaker Michael Madigan, Ireland Supreme Court Justice Hugh O'Flaherty, Nicole Madigan, Kevin and U.S. Attorney Patrick Fitzgerald stop for a moment at the CBA's seminar in Dublin, Ireland.



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Robert Clifford spoke on “When to Take the Case, When to Settle” on April 11 in a seminar sponsored by the Law Bulletin Publishing Company. Mr. Clifford is expected to reprise his role on a second panel Oct. 24. In the background is the program moderator, Bernie Judge, former publisher of the Chicago Law Bulletin Publishing Company.



Clifford Symposium: attorney-client relationship



The 13th Annual Clifford Symposium on Civil Justice, Tort Law and Social Policy offered a two-day seminar on “Challenges to the Attorney-Client Relationship: Threats to Sound Advice?”

The Symposium, held April 19-20 at the Harold Washington Library Center, was free and offered continuing legal education credit.

Faculty from around the country explored the relationship between lawyers and their clients and the new pressures found today in medical care settings, under government regulation reporting requirements and in the corporate world. Stephan Landsman, Professor at DePaul University College of Law, is Chair of the Symposium.

Robert Clifford endowed DePaul with a generous grant in 1994 that provides for the annual event.

On the Web



Law Day, 2007

Clifford Law Offices sponsored Law Day, May 1, on the ABC-Chicago Channel 7 website. In an effort to create a greater awareness of the importance of the law and how it impacts all of us as consumers and citizens, Robert Clifford and Clifford Law Offices was featured on a banner on the ABC home page that is visited by hundreds of thousands of internet users every day.

Clifford Law Offices Launches New Aviation Web Site

Clifford Law Offices has debuted a new web site that focuses on its aviation work. A national leader in aviation litigation, the web site discusses the experience and accomplishments of the lawyers at the firm on behalf of those injured or killed in commercial airline crashes. The site also examines the small plane crash cases, corporate jet crashes and helicopter crash tragedies that have been handled by the firm. To visit the site, please see www.CliffordAviation.com



Trial Notebook

New Cases at Clifford Law Offices

- two young women killed a month apart in their apartments when Comcast worker drowns them in their bathtubs while on repair calls; company had previous customer and employee complaints about him and kept him on the job after first murder knowing he was under investigation for first murder
- pilot is killed at Oshkosh, Wisconsin Air Show when large plane rams his smaller plane from behind on the runway
- Highland Park father of three is killed when mast of catamaran boat cracks off and strikes him while family is vacationing in Hawaii
- 22-year-old pedestrian killed when 76-year-old school bus driver strikes another car, causing a chain reaction multi-vehicle crash on Chicago's South Side
- Chicago bus driver strikes 32-year-old bicyclist causing her to lose balance; bus runs over her left leg, shattering it
- pilot in a Cirrus aircraft with a flight instructor crashes during maneuvers
- 11-year-old passenger is killed when the driver of an SUV crosses over the median on the Illinois tollway and strikes the family car head-on
- 56-year-old accountant was eating lunch at a fast food Loop restaurant when a speeding car crashes through the window, killing him
- Illinois tourist is severely injured in Hawaii when a tree topples on his back
- five-year-old boy requires surgery to remove magnetic toys from his stomach; extensive surgery on intestine means he will suffer bowel obstruction and abdominal pain for the rest of his life
- worker loses two fingers on his right hand on defective printing press
- 10-year-old is struck and killed by express Metra train at Fox River Grove station with no pedestrian gates
- government employee riding bicycle to work is struck by truck, resulting in his left leg being amputated and right leg requiring numerous surgeries



Clifford Law Offices filed lawsuits against Comcast in the deaths of two young woman killed by a cable company worker. Robert Clifford speaks to the press with family representatives in the high profile cases that were filed separately against the cable company and the employee.

Reaching Out: Pro Bono Activities of the firm

Robert Clifford was part of the Steering Committee of the inaugural Investing in Justice Campaign, the Chicago Bar Foundation's 2007 effort to raise money for pro bono efforts of the bar.

The Committee raised \$903,000 to help those who have dedicated their careers to legal aid. The goal is to raise the salaries of those involved in pro bono work by 8 to 10 percent.

“I was gratified to be part of such a worthwhile endeavor,” Clifford said. “I also think that the Investing in Justice Campaign helped to raise the awareness of the work of legal aid attorneys and the thousands of Chicagoans who depend upon them for their invaluable services.”

The attorneys at Clifford Law Offices have volunteered for a pro bono program to help disabled adults and minors in Probate Court. In conjunction with the Chicago Volunteer Legal System, attorneys at the firm will help the indigent with their probate questions.

Robert and Joan Clifford share a moment with Dan Schmitt, General Manager of WTTW, Channel 11, at a recent event celebrating Check, Please!

Clifford Law Offices generously sponsored the event at the public television station's studio in Chicago. Mr. Clifford and the firm also has sponsored closed captioning that allows the hearing impaired to listen to all locally produced programming.

