

Clifford's Notes



Clifford's Corner

Clifford Law Offices again was listed as one of the top law firms in achieving the largest number of two-million-dollar-plus settlements in the last year. The Law Bulletin Publishing Company, that compiles the list and publishes it in the *Chicago Lawyer*, reported in October that Clifford Law Offices obtained \$65 million. In addition, the front cover of the publication featured the \$70 million global settlement on behalf of the family members who were injured or killed in the John Hancock scaffolding collapse that was specially recognized. Clifford Law Offices was a leading firm in that settlement.

Robert Clifford has been appointed as the Liaison Counsel in the lawsuits involving the Cypriot jet that crashed in Greece in 1995 killing 121 people. Mr. Clifford will be the spokesperson for all of the American families who lost loved ones when the Boeing 737-300 crashed into a hill near Athens after the pilots apparently fell unconscious following a drop in the cabin's pressure.

Bob Clifford and partner Timothy Tomasik are serving as the Liaison Counsel for all property damage claims stemming from the destruction of the World Trade Center on Sept. 11, 2001, after two Boeing 767 jets slammed into the 110-story steel structures.

Lawsuit Calls Medical Malpractice Caps Unconstitutional in Illinois

A lawsuit filed in November on behalf of a brain damaged infant is challenging the constitutionality of caps on non-economic damages in the state. The Chicago baby, now 13 months old, was born with severe disabilities suffered from a lack of oxygen caused by a botched labor and delivery. The little girl has to be fed through a tube.

A law which took effect Aug. 25, 2005, limits damages for pain, suffering and disability to \$500,000 for doctors and \$1 million for hospitals. Economic damages, such as medical expenses, are not capped.

Previously, the Illinois Supreme Court has held similar laws unconstitutional in 1976 and 1997 on a number of fronts including discrimination and unequal justice to victims of malpractice.

Judy Cates, President of the Illinois Trial Lawyers Association (ITLA), said, "Our legal system must provide justice for this innocent person and hold the responsible parties accountable."

The Illinois AFL-CIO supports the challenge to Illinois' malpractice caps. In a statement released in November, the President of the Illinois AFL-CIO, Margaret Blackshere, said, "Placing malpractice compensation limits on hard working Illinois families when they're seeking retribution for medical negligence was at best misguided legislation fueled by misleading information from insurance corporations."

The group, representing one million workers in Illinois, opposed the bill when it was before the Springfield legislators. Blackshere went on to say, "Workers and their family members who suffer permanent physical damage or death because of gross medical negligence by hospitals and doctors deserve their day in court where a jury of their peers can decide without limitations what the amount of damages should be." She pointed out "that insurance companies were the true culprits behind the skyrocketing cost of medical malpractice insurance, not workers that had suffered irrevocable injury."

One year after the civil justice restrictions became law, ITLA reported that insurers, including ISMIE, the state's largest medical insurer, increased insurance rates for many doctors. ISMIE reportedly paid out 20 percent less in 2005 claims from 2004, yet more than doubled its net income in that same year from \$11.5 million to \$23.6 million.

Press Room

Kevin Durkin, President of the Chicago Bar Association, hosted the World Bar Conference in September. Bar leaders from around the world gathered in Chicago to discuss many issues that impact lawyers in the United States as well as around the globe.

Tom Prindable, Chair of the Senior Lawyers Committee of the Chicago Bar Association, hosted a packed meeting in November on the available pro bono opportunities for elderly lawyers.

Pamela Menaker served as Co-Chair of the Chicago Bar Association/Chicago Bar Foundation's Pro Bono Week in October. Illinois Governor Rod Blagojevich and Mayor Richard Daley proclaimed Oct. 16 Pro Bono Week in Illinois and in Chicago.

She also served as the Co-Chair of the Host Committee for the Gala Benefit of the Illinois Bar Foundation, the charitable arm of the Illinois Bar Association, which raised more than \$200,000 for causes that maintain the honor and integrity of the profession.

Jeff Kroll is speaking next month in Colorado for the National Continuing Legal Education Conference on "The Art of Jury Persuasion Through Storytelling." He also will be discussing "Litigating Back and Neck Injury Cases" in Chicago in February.

Tim Tomasik is on the faculty at the University of Virginia

Law School Trial Advocacy Program. He also recently addressed two Illinois Trial Lawyer Association symposiums on civil practice as well as medical malpractice law.

Robert Strelecky spoke on Opening Statements at the Defense Research Institute's National Trial Superstar Seminar in Chicago in September.

John Karnezis is working as a volunteer with the CARA Foundation, a group dedicated to providing training and job placement for the disadvantaged.

Shannon McNulty, as Vice Chair of the Chicago Bar Association Professional Development Committee, coordinated and moderated the Trial Superstars panel featured on the back page here.



Left to Right: Pro Bono Week Kick Off Reception at the Ceremonial Courtroom of the Daley Center: Mary Megan McCarthy, Director, Heartland Alliance and Co-Chair of Pro Bono Week; The Honorable Timothy Evans, Chief Judge of the Cook County Circuit Court; Illinois Supreme Court Justice Anne Burke; Kevin Durkin, Chicago Bar Association President and Partner, Clifford Law Offices; Pamela Menaker, Communications Partner, Clifford Law Offices, and Co-Chair of Pro Bono Week.

Final Judgment

Robert Clifford received a \$15.8 million verdict in Cook County Circuit Court on behalf of a young Harvey girl who was severely injured when a YMCA van struck her at an intersection in that southern suburb.

Roe Ann Lockhart was crossing the street after school just two days after her 12th birthday in January, 2001, when the YMCA van struck her as she attempted to cross the street at Dixie Highway and 150th Street. Roe Ann, now 17, suffered permanent brain damage, her head striking the windshield before she was thrown 25 feet hitting the pavement. She has since required a wheelchair in order to get around.

Mr. Clifford had retried a previous verdict by different plaintiff's counsel. In May, 2004, a not guilty verdict was reached in that same case but then overturned because of defense counsel's misconduct during that trial. The seven-man-five-woman jury deliberated about five hours in October before reaching the unanimous verdict before Judge Daniel Locallo at the Daley Center. Sean Driscoll and Matthew Willens assisted Mr. Clifford at trial.

"We are most gratified that this jury was able to understand and properly evaluate the negligence of the driver here and the permanent life-changing injuries that he caused this young girl," Mr. Clifford said after the verdict. "She will need a lifetime of care which this verdict will allow her to achieve."

Willie Mae Lockhart, her adoptive mother, is 68 years old and the legal guardian for Roe Ann. The mother and daughter testified at trial as to how the elder Lockhart had taught her daughter to properly cross the street. Roe Ann told the jury that she had one day dreamed of being a pediatrician.



Bill of Particulars

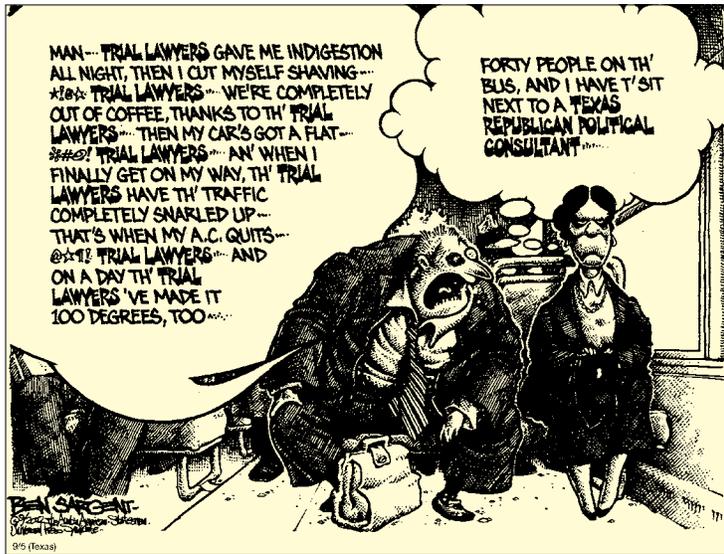
Medical Malpractice Matters

State Audit Finds Disciplining of Doctors Flawed

The Illinois Auditor General's Office has found serious problems in the way the state handles doctors accused of possible misconduct. Auditor General William Holland reported earlier this year that his office found problems from improperly closed investigations to sloppy paperwork to a lack of public information. His office reported that the Department of Financial and Professional Regulation, charged with investigating accusations of physician misconduct, merely shelved some accusations while up to 15 percent of others were closed without approval from the department's disciplinary board after being sent to investigators.

The audit reported a staff shortage interfered with the department's ability to monitor doctors placed on probation. The department's probation section had only two employees to monitor 1,100 cases involving 100 professions.

Auditors also were concerned with the fact that the Medical Disciplinary Board should have four public members not involved in health care, but the last of those public members resigned in March, 2005, leaving the Board with no one representing the public.



Accident Claims Drop; Insurance Companies Enjoying Profits

American drivers are reporting fewer crashes to their insurance companies than ever before. For example, State Farm Insurance Company has reported a four-year, 15 percent drop. Allstate's auto claim filings also reportedly have fallen nearly every quarter for the last four years.

At the same time, insurers are reaping huge earnings without necessarily raising premiums. Northbrook-based Allstate's sales rose 3 percent in the first six months of 2006 compared to the same period a year ago.

Industry experts have a number of theories for the reported decrease

Reforms to Reduce Medical Errors Proposed by Governor

Illinois Governor Rod Blagojevich has signed an Executive Order creating a new Division of Patient Safety designed to reduce medical malpractice in the state, including comprehensive changes aimed at prescription errors. Medication mistakes injure well over 1.5 million Americans every year. Nationally, medical experts have estimated computer prescriptions reduce errors by 80 percent.

Blagojevich's plan calls for a computer prescription program designed to avoid pharmacy mix-ups. The Institute of Medicine is moving to have all prescriptions in the country written electronically by 2010. It estimates a single drug error can add more than \$5,800 to a hospital bill. It is estimated there are more than 10,000 prescription drugs on the market and 300,000 over-the-counter products.

Medical errors claim the lives of more than 4,000 Illinoisans and nearly 100,000 Americans each year. The Governor also wants the state to develop medical record databases and Internet databases as well as expand technology for rural health care facilities so that patients can know more about their doctors and nursing homes.



Keith Hebeisen appeared in November on a statewide cable television station discussing the impact of the Medical Malpractice Reform Bill that was passed by the Illinois legislature last year.

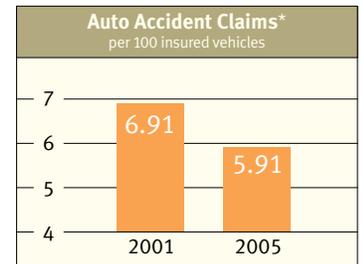
The law, which caps non-economic damages in medical malpractice cases involving doctors and hospitals, was the subject of much controversy before its passage. Hebeisen talked of how the Illinois Supreme Court twice has ruled a similar law unconstitutional.

Hebeisen, Past President of the Illinois Trial Lawyers Association, spoke on the issue on Illinois Channel, an independent, non-profit organization that features public affairs programming.

Need for Nurses



In hospitals with eight patients per nurse, patients have a 31 percent greater risk of dying than those in hospitals with four patients per nurse.



*Property Casualty Insurers Association of America

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.

in claims: safer cars, more mature drivers, more stringent rules on drunken drivers, higher deductibles.

The National Highway Traffic Safety Administration also has reported a decline from 6.9 million in 1988 to 6.2 million accidents in 2004. (See chart at right.)

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

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

Approach the Bench

Craig Squillace



Ask Craig Squillace his most memorable case and he tells the story of a young woman who was physically challenged early in life due to a brain aneurysm. Dependent on public transportation, she was on a bus heading to her government job. On the way, the bus lost control and hit an embankment in suburban Mount Prospect.

The 46-year-old woman was thrown from her seat and suffered severe bruising, contusions and fractured ribs which became significantly infected. Craig tried the case before a jury with partner Robert Walsh.

“And through it all, Monica was still optimistic about life. She would always say that things could be worse. She said she never had brothers, and it was nice having two ‘big brothers’ looking after her and standing up for her when she needed it,” Craig recalls.

That is how one views Craig Squillace. He’s everyone’s big brother, watching over them with a patience and a love that is like a close family member.

Craig in real life is brother to one sister, Lynn, and, coincidentally, both of them were married this year, a real bonding for the Squillace family. “It was stressful but at the same time very enjoyable. Both of us had relatively large weddings and it is always nice to see people you haven’t seen in awhile,” Craig said. “And it’s nice to see my sister happy.” Ever the big brother.

Craig was married in September. He met his bride, Sarah, at Clifford Law Offices where she works as a legal assistant to one of the partners at the firm. “Our schedules are so different it doesn’t seem like we work together, yet at the same time it’s nice because we do catch a glimpse every day and we try to commute to work together. It’s also nice because we have so many friends in common.”

His sister was married in June and honeymooned in the Caribbean. Craig and Sarah honeymooned for nine days, taking a memorable Caribbean cruise and then four days in New York which became like two separate vacations, he said.

Craig’s parents, down-to-earth, hard-working people, managed to put both of their children through school. With his love of politics since a child, Craig always knew he would do something related to government. “I grew up loving the sixties and the optimism of the Kennedy Administration.” He looks forward to living an idyllic “Norman Rockwell” life, joking of having the Victorian house in the suburbs with two-and-a-half children and a dog, similar to

the one he had when he was growing up.

“Roxie” was a husky/shepherd mix who loved the outdoors. “It was never too cold for Roxie,” he recalled. “She was so protective of the family. Every morning at 2 a.m., it was her routine to go into everyone’s bedroom, one by one, and check on all of us. Then she would go back to sleep.”

Without even realizing it, Craig has developed that same sense of protection for his family as well as his clients. He started at Clifford Law Offices as a “runner,” delivering important packages and documents, filing court papers, helping with the day-to-day routines in the office. He was accepted to John Marshall Law School which he attended in the evenings while working full-time as a law clerk during the day.

“From the moment I have been here, I knew I wanted to do personal injury work. It is very rewarding,” Craig said as he sat, as always in his office with a crisply ironed white shirt and perfectly tailored suit. “The work is fast-paced and the feeling of fulfillment in helping those in need can’t be duplicated.”

He is working on a variety of cases – from the wrongful deaths of those killed because of a lack of barriers on the highways to those hurt on unsafe premises to construction accidents as well as many auto accident cases. His day is made up of court appearances, depositions and talking to clients. He also sits on the Chicago Bar Association’s Judicial Evaluation Committee which recommends judges for retention or election to the voting public.

One of the most heart-wrenching cases on which he is now working is that of a teenager from Downers Grove who was seated in the back of a car when a bus struck him. The boy suffered a traumatic brain injury and requires round-the-clock care which is now provided by his mother. “It is very difficult to see someone who was living a full life and had such a future now being forced to rely on his mom for everything, especially for someone who was merely an innocent passenger.” He talks of the teen like he is his brother, like so many of his other clients as well.

“That’s what Clifford Law Offices is all about. We’re all like a family here. Everyone here tries to help others. It’s that sense of closeness that keeps all of us going and able to help those at the worst of times in their lives.”

Everyone should be so lucky to have a brother like Craig Squillace.



CLIFFORD LAW OFFICES

Partners:

Robert A. Clifford
Keith A. Hebeisen
Kevin P. Durkin
Susan A. Capra
Richard F. Burke, Jr.
Robert P. Walsh, Jr.

Jeffrey J. Kroll
Robert A. Strelecky
Michael S. Krzak
Timothy S. Tomasiak
John T. Karnezis

Managing Partner:

Thomas K. Prindable

Communications Partner:

Pamela Sakowicz Menaker

Of Counsel:

George S. Bellas
Robert P. Sheridan

Associates:

Brian T. Nash
J. Ryan Potts

Craig J. Squillace
Shannon M. McNulty
Brian S. Shallcross
Colin H. Dunn
Mary C. Sweeney
Sean P. Driscoll

120 North LaSalle Street
31st Floor
Chicago, Illinois 60602
Telephone (312) 899-9090
Fax (312) 251-1160
www.CliffordLaw.com

WISHING YOU HOLIDAY GREETINGS FROM



Jackie Samuel Jose Abel Roxanne
Michelle Sarah Theresa @Missy
Shannon Kathleen Kevin "Swiz" Teresa
Colin Renee Rachel Susan
Kerry Jennifer Anne Kim
Bob Clifton Pam Keith Stephanie Diane J.T. Denise
Brian

FROM THE CLIFFORD LAW OFFICES' FAMILY



PHOTO BY: BILL RICHERT

Jaci Jim Kaus Rick Dana Sam Chen for
Re Country Chris Beths Jeff Bob Michael Anne
Jim Carrie Jeff Bob Michael Anne
Lindsay Chato Collin RFA

On the Docket

Clifford Law Offices has been recognized as one of the leading personal injury firms, garnering multi-million dollar verdicts and settlements. Some of the recent successful cases in the last year include the following:

Amount	Attorney(s)	Case
\$70 million	Robert Clifford/Kevin Durkin Tim Tomasik/John Karnezis	global settlement on behalf of victims and their families injured or killed in the collapse of scaffolding at the John Hancock Center
\$15.8 million (verdict)	Robert Clifford Sean Driscoll/Matt Willens	12-year-old girl is struck by YMCA van when attempting to cross the street in suburban Harvey
\$5 million (partial)	Robert Clifford Timothy Tomasik	neurosurgeon using Medtronic spine instruments during surgery caused permanent incontinence in a 30-year-old woman due, in part, to manufacturer failing to advise surgeon about the appropriate imaging required for the proper use of the instruments
\$4.6 million	Keith Hebeisen/Mary Sweeney	baby is severely and permanently brain damaged after medical personnel delayed in performing c-section for fetal distress
\$3.5 million	Robert Clifford/Keith Hebeisen	58-year-old woman dies following negligent treatment for bowel obstruction
\$3.25 million	Kevin Durkin/Colin Dunn	truck rear ends car with 71-year-old driver, killing him
\$2.85 million	Jeffrey Kroll/J. Ryan Potts	39-year-old man suffers crushed right foot after 1,600 pound steel beam is dropped from a magnetic lift while he is working at steel plant
\$2.25 million	Kevin Durkin/Tom Prindable	truck loses control and strikes car, killing young mother of two in Indiana
\$1.75 million	Keith Hebeisen	improper treatment of 28-year-old woman with Crohn's disease results in severe osteoporosis
\$1.175 million	Richard Burke/Brian Nash Shannon McNulty	maintenance man killed when he falls down a faulty elevator shaft in a high rise building
\$1.5 million	Robert Strelecky	mother pregnant with twins dies due to failure to appropriately manage ruptured uterus
\$1.5 million	Robert Walsh	truck swerved and hit 43-year-old man head-on who suffers back, elbow and hip injuries on Elgin/O'Hare Expressway
\$1.4 million	Robert Clifford/Robert Strelecky	failure to timely diagnose and treat extreme swelling of left leg resulted in nerve damage and chronic pain in 42-year-old man
\$1.35 million	Robert Clifford/John Karnezis	34-year-old worker suffers severe burns in electrical explosion at Neiman Marcus in Northbrook Court mall
\$1.25 million	Michael Krzak	44-year-old firefighter/paramedic suffers moderate hearing loss in one ear and severe hearing loss in the other when contractor performing maintenance work on fire engine inadvertently blasts air horn in fire station
\$1.25 million	Robert Clifford	innocent bystander is struck by bullet fragments when police shoot at a suspect
\$1.2 million	Susan Capra/Jeffrey Kroll	unnecessary surgery performed on 31-year-old man with broken right leg; infection sets in requiring amputation
\$1.2 million	Robert Clifford/Jeffrey Kroll	contractor fails to follow proper safety precautions during demolition; 59-year-old construction worker is injured resulting in his being unable to work again
Confidential	Robert Clifford Richard Burke	newly married 27-year-old woman is killed when wing of an aging seaplane sheared off immediately after take-off from Miami to the Bahamas
Confidential	Richard Burke/George Bellas	husband and father of three children killed in Mitsubishi SUV rollover
Confidential	Richard Burke/Shannon McNulty	mother sustains spinal cord injuries when General Motors van crashes while she is reclined in passenger seat

Trial Notebook

New Cases at Clifford Law Offices

- retained by several families including the mother of three killed in the crash of Comair Flight 5191 in Lexington, Kentucky, when jet takes off from wrong runway that is too short
- six-year-old Joshua Woods is killed and his family members are injured when Southwest Airlines jet skids off the runway at Midway Airport and smashes into his family car while he was singing "Santa Claus is Coming to Town"
- five-year-old Diamond Brownridge dies after dentist over-sedates her during dental work
- autistic man dies after police use excessive force to restrain him at health facility, including tasing him
- teenager in back seat of a sport utility vehicle involved in a rollover is severely injured including a broken pelvis
- CTA bus strikes woman on her bicycle, throwing her under the rear wheels of the bus crushing her foot and fracturing her leg
- Bolingbrook teenager killed as she sat in the back seat of a car that was hit by a truck whose driver failed to yield coming out of an industrial park near her high school
- 43-year-old man examining damage to rear of his car from previous collision is struck and killed by drunk driver who slams into stopped vehicles
- Arlington Heights teenager killed as he sat in the front passenger seat when car was struck by truck that slammed into their car at Wheeling intersection; Buffalo Grove police were involved in reckless chase of truck; teens had stopped at nearby store for soda and chips on Sunday evening
- 52-year-old father of three from Batavia tested for an abnormal EEG that detected a tumor but his physician never informed him and he died after delayed diagnosis and surgery
- 63-year-old man dies in small plane crash who was flying under the supervision of flight instructor in an aircraft delivered five days earlier; the Cirrus SR20 single engine is the same plane in which pitcher Cory Lidle died
- Chicago father of two small children killed when small Cessna aircraft in which he was a passenger crashed upon approach to Palwaukee Airport
- defective steering mechanism of a snowmobile causes vehicle to go out of control in Upper Michigan, severely injuring its 40-year-old driver
- dozens injured in July 11 fire when CTA Blue Line derailed in underground tunnel in Chicago's mass transit system
- 16-year-old soccer player suffers permanent leg injuries when soccer coach forces players to carry others in practice as a punishment
- Salt Lake City mother suffers catastrophic injuries from streptococcus infection commonly known as flesh-eating bacteria that was not timely diagnosed and treated by her health care providers; 44-year-old woman suffers loss of both legs above the knee, her right arm above the elbow

Trial Superstars



Robert A. Clifford was one of the featured trial attorneys at the Chicago Bar Association's day-long seminar, "Trial Superstars on Presenting Your Case: Winning Over the Court, the Jury and the Media." Morning panelists included Fred H. Bartlit Jr. of Bartlit, Beck, Herman, Palenchar & Scott; Dan K. Webb of Winston & Strawn, Clifford and **Kevin P. Durkin**, CBA President and partner at Clifford Law Offices.



The Illinois State Delegation to the American Bar Association House of Delegates and **Bob Clifford**, its Chair, hosted a reception for the new Executive Director of the ABA, Henry White, Jr., at the Chicago Club. Laurel Bellows, the newly-inducted Chair of the ABA House of Delegates, was on hand to greet White, a retired Rear Admiral in the U.S. Navy Reserve.