

[Return to Newsletters](#)

[Subscribe to our Blog \(RSS feed\)](#)

Clifford's Notes



A Newsletter from **Clifford Law Offices, P.C.**
a Chicago Law Firm

Winter, 2008 Volume 12 Number 2

Clifford's Corner

Robert Clifford was appointed Chair of the American Bar Association Annual Meeting that will be held in August in Chicago.

Bob Clifford will be feted at a 25th Anniversary Event in Atlanta, Georgia, in April honoring 250 lawyers from across the country who have been listed in Best Lawyers, the oldest peer-review publication in the profession. Bob Clifford was invited to participate in a program entitled "Changes in the Profession" at the event.

Clifford Law Offices is a co-sponsor of the All Bar Association Holiday Party at the Navy Pier Winter WonderFest. Proceeds from the December event will benefit the Abraham Lincoln Marovitz Lend-a-Hand Program which strives to help young people from disadvantaged Chicago communities succeed in school and reach their full potential through attorney mentors/volunteers.

Ten partners at the firm were named Super Lawyers and six others "Rising Stars" by the Minneapolis-based company that recognizes top lawyers in the profession.

Feature Article

Insurers could become medical gods and deny what is due their customers

By Robert Clifford, Chicago Tribune, Voice of the People, Aug. 15, 2008

In "Mistakes to cost hospitals: To boost quality and cut costs, insurer won't pay for medical errors called 'never events'" (Page 1, Aug. 7), Tribune reporter Bruce Japsen tells the story about the state's largest health insurer suddenly refusing to pay for so-called "never events" committed by health care providers – medical errors that should never happen.

But the Chicago Tribune's naive spin on the story tells it strictly from the insurers' side with the insurers admitting they are implementing this new policy without even knowing how much money would be saved.

"The idea is that forcing hospitals to absorb those costs will create an incentive to improve quality of care in a business where money typically rolls in regardless of patient outcomes," Japsen writes.

Wrong.

What will really happen is that it will put the injured patient in the uncomfortable position of still being forced to pay the bill. After being tragically injured or killed in events such as mixing up a patient's medication, the patients or their families then will become embroiled in a war with their insurers and medical providers. What will certainly

come of that is forcing the patient to collection lawyers or personal injury attorneys to try to figure it all out and just how the injury occurred.

That is not consumer activism. It is a selfish attempt by greedy companies looking to save a buck by sticking the little guy with the bill, the guy who has been paying those huge premiums all those years for the comfort of knowing that her medical bills will be paid at the end of the day. That, heaven forbid, even if something goes wrong, the injured patient can try to get her life together while the insurer and medical provider figure out the financial end of it.

But that is no more, according to the latest Tribune report.

Under the guise of “accountability,” the employees of Blue Cross and Blue Shield of Illinois will become the new medical gods determining when they won’t pay anything at all if they don’t like the result. The real “accountability” issue is with the insurers that are using their muscle to deny what is due their customers instead of standing up for them just when they need help the most.

Press Room

Craig Squillace was named one of the Top 40 Under 40 Lawyers this year by the Law Bulletin Publishing Company. Craig moderated a discussion on experts for the Young Lawyers Section of the Chicago Bar Association in October.

Michael Krzak was invited to speak at the American Bar Association Aviation and Space Law Litigation National Program held in Washington, D.C. Krzak was part of a panel from around the country discussing “Electronic Data Discovery – What Can I Expect to Happen in My Case?” from the perspective of a plaintiff’s case. The ABA Aviation and Space Law Committee of the Tort Trial and Insurance Practice Section hosted the event.

Keith Hebeisen spoke on “Past and Future Medical Damages” at the Medical Malpractice Seminar this month in Chicago sponsored by the Illinois Trial Lawyers Association. Keith was featured in a lengthy profile of the Consumer Edition of Illinois Leading Lawyers for his outstanding work for consumers in the personal injury field.

Kevin Durkin and **Colin Dunn** authored a chapter of a book on aviation entitled “Use of Expert Witnesses in Aviation Cases” published by the ABA.

Courtney Boho Marincsin, graduate of Loyola University School of Law, is a new associate at the firm.

Timothy Tomasik has been invited to speak at the 12th Annual Aviation Law and Insurance Symposium sponsored by the Embry-Riddle Aeronautical University. Some of the country’s top aviation lawyers, insurance professionals, consultants and representatives from the airline industry and airline manufacturers will gather in Orlando, Florida, for this important event. Tomasik will speak to the group on “Subrogating in the Aftermath of 9/11 – An Update on the 9/11 Litigation.”

Final Judgment

The consolidated cases in the Cook County Administration Building fire was against numerous defendants. Settled just prior to jury selection, Judge William Maddux’s courtroom (right) had a jury box built as well as numerous tables and computers installed to accommodate a host of lawyers on both sides of the aisle set to try the case. Nearly two dozen people were injured or killed in a smokey stairwell at 69 West Washington.



Clifford Law Offices was the leading law firm in the Chicago Lawyer's Annual Settlement Survey that was released in October. With a total of \$121.82 million, **Robert Clifford** and Clifford Law Offices obtained 14 settlements of \$2 million or more in the past year in Cook and neighboring counties of Chicago.

Mr. Clifford himself represented an individual total of nearly \$100 million which included 12 of the 22 victims of the tragic fire at the Cook County Administration Building.

This year's settlement totals "dwarfed all previous years," according to the editors of the publication.

Bill of Particulars

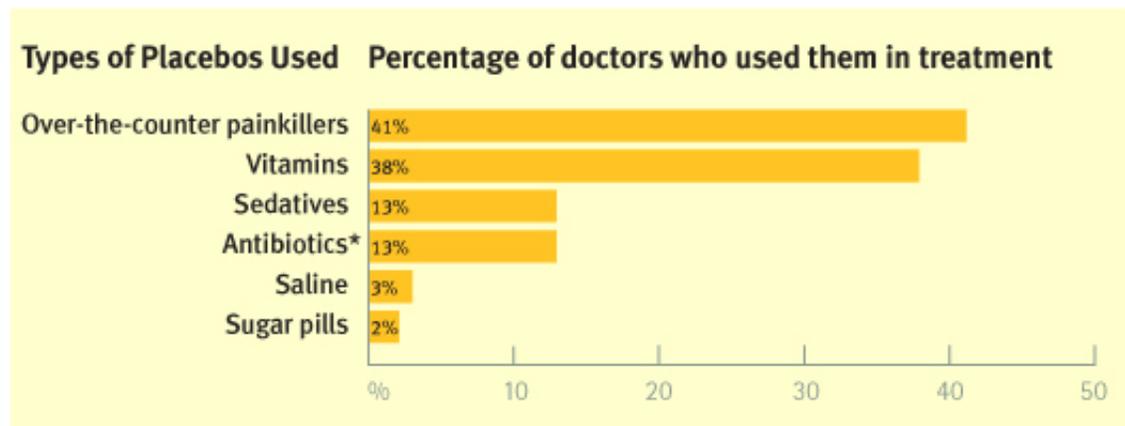
Doctors Often Prescribe Placebos as Treatment

In a surprising study, it was recently revealed that 55 percent of doctors said they had treated at least one patient in the last year with a placebo, and almost two-thirds of those surveyed said they believed the practice to be ethically permissible.

Two years ago the American Medical Association stated that it was wrong to use placebos without a person's knowledge.

A placebo effect is considered to be a benefit produced by assuring the patient that whatever is being given will benefit the problem.

Doctors in the British Medical Journal study often prescribed sugar pills or vitamins with the hope that the unproven therapy would help improve the patient's condition.



NTSB to hold hearings on medical helicopter accidents

The National Transportation Safety Board (NTSB) will hold a three-day public hearing on the safety of helicopter emergency medical services (EMS) operations starting Feb. 3 in Washington, D.C.

The NTSB reported what it terms "an alarming rise in the number of EMS accidents" and that "some of these accidents could have been prevented if our recommendations were implemented," according to NTSB member Robert Sumwalt and chairman of the hearing. The NTSB makes recommendations to the Federal Aviation Administration (FAA) that implements ways to make public transportation safer in this country.

It has been reported that 55 accidents involving medical helicopters and airplanes occurred between 2002 and 2005, killing 54 people and seriously injuring 10 others. One of the recent crashes occurred in Aurora, Illinois, where an infant and three others were killed as they tried to transport the ailing baby.

Robert Clifford wrote about helicopter safety in his monthly column for the Chicago Lawyer, "**Safety in the Air.**"

Crackdown on Distracted Drivers

Illinois may be cracking down on drivers who are distracted by tasks other than driving. Those who cause deaths while putting on make-up, eating or knotting a necktie while behind the wheel may face up to three years in prison, a \$25,000 fine and revocation of their driver's license for at least one year upon conviction.

That is one of the recommendations of a task force headed by Secretary of State Jesse White that was convened earlier this year. The Distracted Driving Task Force also recommended a ban on texting while driving and prohibiting the use of cell phones while driving through a construction zone or school zone in Illinois.

Chicago already bans the use of cell phones and more than 25,000 violations have been issued since the ordinance was passed.

Illinois lawmakers are expected to be asked in January to consider various measures to help cut down multi-tasking by drivers to make the roads safer. [View the Final Report of the Task Force.](#)

Crib recalls

In the last two years, 3.6 million baby cribs have been recalled, leading manufacturers and safety experts to closely examine this seemingly harmless item. Babies had been seriously injured or killed in their beds due to flaws in the design and manufacture of various models and designs of this highly used item.

It has been reported that in the last year alone, the Consumer Product Safety Commission (CPSC) staff has investigated hundreds of problems with cribs which are subject to voluntary standards. The CPSC has argued that those standards "are inadequate to prevent entrapment deaths and injuries of young children," and instead is urging federally mandated safety rules for cribs.

In Illinois, Attorney General Lisa Madigan has called on the CPSC to implement a refund-only recall policy and has released a new, comprehensive guide outlining recalled cribs, bassinets and play yards to help parents identify whether they have these dangerous products in their homes. Consumers can obtain a copy of the free guide by visiting www.illinoisattorneygeneral.gov or by calling the Product Recall Hotline at 1-888-414-7678.

Trial Notebook

Please visit [our website](#) for some of the recent [successful cases](#) in the last year.

Community News



Clifford Law Offices' CLE Program

Clifford Law Offices, an accredited provider of continuing legal education in Illinois, will be hosting a program on "[The Ethics of Lincoln the Lawyer](#)" on Feb. 10, 2009, the bicentennial celebration of the country's 16th President of the United States. The webinar is free upon [registration](#) on the Clifford Law Offices' website. Lawyers can attend in person in the state capital at the Lincoln Library, 112 N. Sixth St., Springfield, or via the web.

The program will feature [Professor Mark Steiner](#) of the South Texas College of Law and Professor [Roger Billings](#) of the Chase College of Law, Northern Kentucky University. Moderating the discussion is ethics professor emeritus from DePaul University College of Law, [Vincent Vitullo](#).



Robert Clifford, Illinois State Delegate to the American Bar Association House of Delegates, congratulates Laurel Bellows, Chicago lawyer, on her serving as the Chair of the House. Pictured at left is the Illinois delegation at the Annual Meeting that was held in New York City.



The Illinois Institute for Continuing Legal Education (IICLE) sponsored a day-long seminar on "Managing the Media in High Profile Cases." Among the participants were (left to right); Mara Georges, Corporation Counsel, City of Chicago Law Department; Zachary Fardon, Latham & Watkins; and Robert Clifford, Clifford Law Offices. Joel Daly, former WLS-TV anchor and Office of Information, U.S. District Court, Northern District of Illinois, was the Program Chair. U.S. Attorney Patrick Fitzgerald was the luncheon speaker.

On The Web



Clifford Law Offices sponsors the Weather on WGN radio and its website, www.wgnradio.com. The firm also initiated sponsorship of a WGN radio blast email alert to help Chicagoans keep informed of daily weather forecasts. To sign up, visit its website at www.wgnradio.com

New Blog from Clifford Law Offices

Clifford Law Offices tries to keep abreast of news stories that occur in Chicago and around the country. In an effort to keep those who visit the firm's website on top of important news events that affect consumers, Clifford Law Offices offers a **blog**. ([Subscribe via our RSS Feed.](#)) We hope that you find the entries of interest. We also hope that the information is of value in your daily lives.

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.

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.

[Return to Newsletters](#)