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Clifford's Corner

Robert Clifford was named in the inaugural 2010 *U.S. News-Best Lawyers* ranking in the area of commercial litigation, medical malpractice, personal injury and product liability law. Keith Hebeisen and Kevin Durkin also were named in personal injury litigation and Mr. Hebeisen was named in medical malpractice law as well.

Bob Clifford received a 2010 Award for Trial Lawyer Excellence. The Cook County Jury Verdict Reporter, marking its 50th anniversary, named the recipients at the inaugural awards ceremony in October.

Robert Clifford was named once again to Crain's Chicago Business' top civic, cultural and professional leaders in Chicago in 2010 as being among the city's most respected business individuals everyone "needs to know."

Mr. Clifford was invited to speak on "Air Crash Litigation: Key Issues in the Years Ahead" at the American Bar Association 2010 Annual Meeting of the Forum on Air and Space Law in Seattle, Washington.

Feature Article

Elephant may be doc's incompetence

By Robert Clifford, Chicago Sun-Times, June 30, 2010

When one hears doctors say "they must practice defensive medicine," doesn't it make you wonder just how good that doctor is? Aren't doctors trained to diagnose, to heal, to try to figure out what is wrong with someone and make them better?

When the Chicago Sun-Times ran a story with the headline, "The elephant in ER: malpractice lawsuit," (June 27), it leads one to ask, what did you go to medical school for?

Patients rely on doctors to figure things out. Sometimes they may get it wrong, and that is not always negligence. There is much leeway given to doctors and others who care for the sick to try to come to the right decision.

But when a patient has certain symptoms, when the standard of reasonable care simply isn't followed, why shouldn't doctors and others be held accountable for their negligent actions? If they had taken the proper steps and test for what a doctor would be led to assume is happening with a sick person, he or she is doing what they can to make that person better. And it's likely the illness will be diagnosed and the person has a chance to get better.

As a personal injury attorney who has represented many, many patients who have suffered or died as a result of negligence, the more common mistake is not that an unnecessary test was taken, but that the physician missed taking a test that reasonably should have been taken under those circumstances.

When a patient's symptoms or signs indicate to a medical professional that something was missed, that a test wasn't performed that was called for, that something should have been checked out, that is not defensive medicine.

That is negligence. Don't blame that on defensive medicine.

Robert Clifford is senior partner at Clifford Law Offices in Chicago.

Press Room

Clifford Law Offices was named a national top tier firm in the area of products liability litigation in the *U.S. News-Best Lawyers* polling. Mr. Clifford was asked to author an article on his reflections of practicing personal injury law over the past quarter of a century that was distributed nationwide.

Clifford Law Offices is sponsoring its fourth annual continuing legal education (CLE) Program entitled, "Ethical Applications of the New Illinois Rules of Evidence." The free webinar offers two hours of CLE credit for Illinois lawyers 2:30- 4:30 p.m. Thursday, Feb. 17. Please visit <http://www.CliffordLaw.com/cle> to register.

Robert Clifford and **Courtney Boho Marincsin** spoke at the American Bar Association's Smart Soloing School on "New Directions in Personal Injury Litigation" for a live teleconference that focused on the changes in personal injury litigation over the past decade.

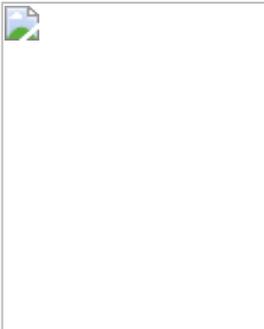
Brian Shallcross spoke at an ITLA webinar on "Implications of Social Networking Websites on Our Case," which examined the use of Facebook, Twitter, MySpace and other social networking sites that have given rise to many novel issues for the practice of law.

Colin Dunn was named a 2010 40 Under 40 Attorney by the Law Bulletin Publishing Company. Every year since its inception 11 years ago, Clifford Law Offices has had at least one attorney named to this prestigious honor recognizing young attorneys who have achieved an impressive career through their dedication to the profession and their hard work.

Pamela Sakowicz Menaker, Communications Partner at Clifford Law Offices, spoke at the Illinois Attorney Registration and Disciplinary Commission (ARDC) Board Meeting in October on "Marketing and Legal Ethics."

Timothy Tomasik spoke in Washington, D.C., at the American Bar Association Aviation and Space Law Litigation seminar on the plaintiff's perspective of conducting effective focus groups when handling this type of litigation.

Final Judgment



Robert Strelecky and Mary Sweeney obtained an \$11.5 million dollar verdict following a three-week trial in October on behalf of a young Bolingbrook woman who suffered the loss of her small intestine due to the negligence of Edward Hospital. The jury found that Sabine Miller, who was 30 years old and 14 weeks pregnant at the time, also lost her baby due to the Hospital's negligence. Taken by ambulance to Edward Hospital in Naperville in November, 2004, she was admitted to a post-partum unit where medical personnel failed to properly monitor her deteriorating condition as well as that of her unborn baby. Nurses also failed to contact a doctor, and Sabine lost consciousness due to septic shock and her small intestine had died necessitating its removal. Months later, Northwestern Hospital successfully performed a small intestine transplant from a deceased organ donor, but as a result Sabine still faces severe medical challenges the rest of her life. Nevertheless, she has managed to become an advocate supporting transplant recipients as well as advocating organ donation. She even participated in the 20th U.S. Transplant Games in July in Madison, Wisconsin, where she ran a 5K race and swam in four different events. She also serves on the Board of the Organ Transplant Support (OTS), a local transplant support group. In 2009, Sabine spoke in Washington, D.C., at the national conference of the American Federation for Medical Research about her amazing story.

The verdict represents the second largest award in DuPage County for an adult woman who was injured in a medical malpractice case. The largest verdict of \$12 million was obtained by Keith Hebeisen in October, 2007.

Bill of Particulars

Red Watch Band Program at Northwestern University Sees Results

The Daily Northwestern, the student newspaper for Northwestern University, reported that Wildcat Welcome Weekend 2010 passed without any alcohol-related hospital trips. A possible cause of this reduction in alcohol-related hospital trips is the Red Watch Band Program that the University instituted in the wake of the 2008 death of freshman Matthew Sunshine due to alcohol poisoning. Clifford Law Offices represented the family in a civil lawsuit that resulted in a monetary settlement as well as implementation of the program at the university.

The article goes on to make a connection between the Red Watch Band Program and the lack of alcohol emergencies.

“The decline in alcohol emergencies—four students were sent to the hospital during last year’s Wildcat Welcome Week and six were sent the year before— could be one of the first tangible results of the Red Watch Band program, an alcohol awareness program piloted at Stony Brook University by Suzanne Fields, mother of 19-year-old SESP freshman Matthew Sunshine, who died of alcohol poisoning in his dorm room June 2008.”

The program, which currently has more than 60 schools involved, is focused on giving campus community members increased knowledge, awareness and skills to prevent student toxic drinking deaths and to promote a student culture of kindness, responsibility, compassion and respect. The national movement is intended to train students on appropriate steps to take when a fellow student passes out from consuming too much alcohol. At Northwestern, more than 330 people reportedly began the training in April with peer advisors making up the bulk of participants.

Red Watch Band surveys report that 95 percent of students who participate in the program are more likely to call 9-1-1 for an intoxicated friend than they were before their training. Robert Clifford promoted the Red Watch Band program on CBS-TV in Chicago in November.

Roadway Safety

The U.S. Department of Transportation has announced that traffic deaths in the United States are at a 60-year low despite a slight uptick in the miles being driven.

The number of people who reportedly died on the roads in America fell by 3,615 or 9.7 percent from 2008 to 33,808 last year. That represents the lowest total since 1950 when 33,186 were killed in traffic accidents. Then there was one fifth the number of vehicles on the road compared to today.

The executive director of the Governors Highway Safety Association, Barbara Harsha called it “unprecedented, historic progress.” She attributed the decline in deaths to a number of safety-related factors including increased seat belt use, stronger enforcement of drunken driving laws and safety measures in vehicles.

Also, since Transportation Secretary Ray LaHood took over in December, 2008, he has focused on curtailing distracted driving, especially cell phone and handheld device use.

Clifford Law Offices is supporting STATIC (Stop Texting and Talking in Cars), a program initiated by a Chicago area high school senior who is working to help stop teens from texting and driving. The law firm generously donated through the Lawrence Hall Youth Services two virtual driving simulators that will be available to high schools in Illinois. The simulators will allow students to experience firsthand the difficulties and dangers of texting while driving. (See below for STATIC Day profile.)

Concern Over Concussions in Youth Sports

High school athletes suffered 400,000 concussions in the 2005-2008 school years, and studies show many sports-related concussions go unreported.

A number of jurisdictions across the country do not have laws specifically in place to deal with concussions in youth sports. However, some states, including Washington, are leaders in the effort to protect young athletes. Washington’s law, according to *The New York Times*, “requires education for coaches and parents, the immediate removal of any athlete suspected of having sustained a concussion, and written authorization from a licensed health care provider trained in the evaluation and management of concussion before an athlete can return.”

The New York Times further reports that this legislation has functioned as a model for more than 12 states that have enacted or are considering similar laws. The U.S. House of Representatives passed the Concussion Treatment and Care Tools (ConTACT) Act Sept. 30 of this year. It was termed landmark legislation aimed at prevention, diagnosis and treatment of sports-related concussions by implementing concussion management guidelines for student athletes through the U.S. Department of Health and Human Services. A similar bill has been introduced in the U.S. Senate.

Concussions are a concern for other athletes besides football players. According to research by Nationwide Children's Hospital in Columbus, Ohio, girls' basketball is second to football as the sport with the highest rate of brain injuries. In Columbus, Ohio, girls' basketball is second to football as the sport with the highest rate of brain injuries.

Airport Delays

A number of recent articles have detailed the delay rankings of Chicago's airports. The focus of those articles was mainly on Midway Airport. According to the U.S. Department of Transportation, a higher rate of airline flights left late from Midway Airport than at any other major U.S. airport for the first eight months of 2010.

The department's Bureau of Transportation Statistics revealed that 3 in 10 flights left Midway at least 15 minutes after their scheduled departure time. Arrival times were also an issue with reports indicating that 83 percent of flights arrived on time at Midway in August. This number is a small improvement from the reported 80 percent on-time arrival rate for the period from January through August.

The on-time performance of Southwest Airlines at Midway, its largest hub, mirrors the data. Southwest came in at seventh place among nationwide carriers, including regional and discount airlines, with 83.2 percent of flights on time in August, according to the government.

Train Collisions in Illinois



At the Chicago Tribune's request, the Illinois Commerce Commission compiled data detailing rail crossing collisions in the six-county Chicago region over the past five years.

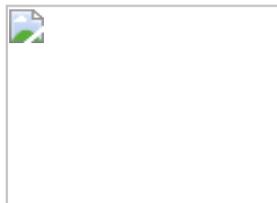
According to the article, the crossing at Nagle and Avondale Avenues is at the top of the list with five collision incidents. Since 2005, the Chicago metropolitan area has seen more than 50 accidents between trains and vehicles or pedestrians, according to the article.

Throughout Illinois, 78 collisions at public railroad crossings reportedly took place last year. According to the Federal Railroad Administration, since 2006 Illinois has experienced 588 grade-crossing accidents, resulting in 98 deaths, involving trains, vehicles and/or pedestrians. Further, the federal government has included Illinois in a list of the 10 worst states that have experienced the most accidents involving trains, vehicles and pedestrians.

Static Day



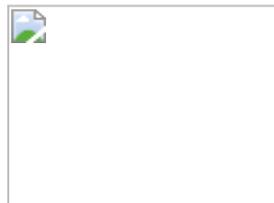
Governor Pat Quinn declared Oct. 12, 2010, as STATIC Day in Illinois – Stop Talking and Texting in Cars. It's because high school student Karina Kedo came to Bob Clifford with an idea. State officials, including Secretary of State Jesse White, gathered at Regina Dominican High School in Wilmette to make young people more aware of the dangers.



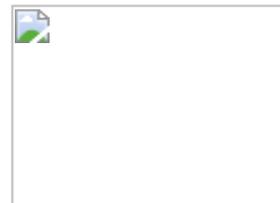
Robert Clifford speaks at STATIC Day on the law firm's sponsorship.



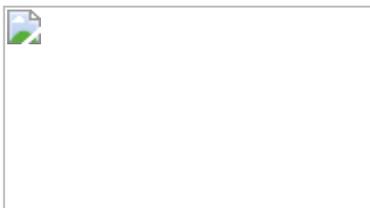
Karina Kedo explains how she was struck on her bicycle by a driver on her cell phone.



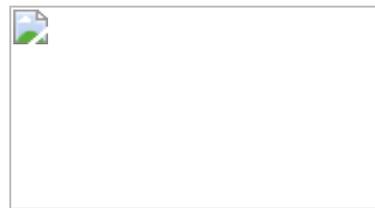
Secretary of State Jesse White speaks of his office's commitment to safer driving.



Rep. John D'Amico, sponsor of no texting legislation in Illinois, addresses the group.

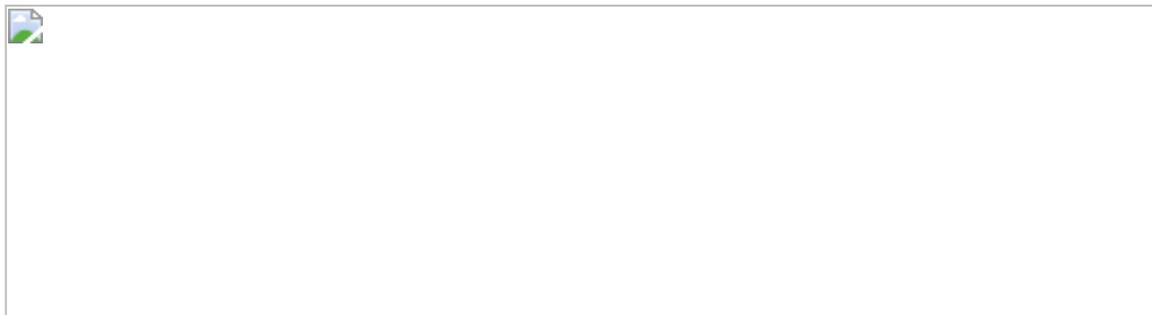


Bob Clifford, Karina Kedo and Secretary of State Jesse White show the media the Governor's Proclamation.



Karina Kedo addresses the media on Clifford Law Offices' purchasing simulators for the STATIC cause.

A Regina Dominican student demonstrates the simulator that was projected on a large screen at the press conference.

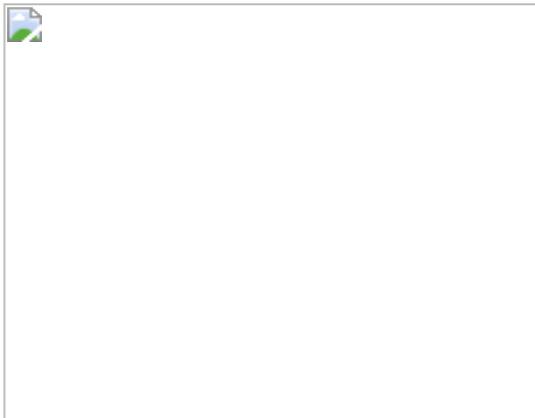


Bob Clifford has pledged to purchase STATIC t-shirts for every student who successfully completes simulator testing. For more information, please visit www.STATICNowIllinois.webs.com.

Trial Notebook

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

Clifford Law Scrapbook



Justice John Paul Stevens took a moment to speak with Chicago Bar Association (CBA) President Terri Mascherin and First Vice President Robert Clifford at the luncheon honoring the retired Justice of the Supreme Court of the United States.

Bob Clifford hosted a gathering for the newly appointed Executive Director of the American Bar Association, Jack Rives.

Robert Clifford hosted a dinner for lawyers from the Paris Bar Association who visited Chicago this fall.

Keith A. Hebeisen was invited to speak at the annual Update and Review Seminar sponsored by the Illinois Trial Lawyers Association (ITLA) focusing on what is developing in tort and trial practice.

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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.

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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.

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