

Clifford's Notes



Clifford's Corner

Robert Clifford has been listed in Crain's Who's Who in Chicago Business. He has continually been named on the list since its inception nearly a decade ago. According to Chicago Business, "This Crain's directory of Chicago's movers and shakers lists 605 people whose names you need to know, from Fortune 500 CEOs to civic leaders to philanthropists."

Robert Clifford was part of an all-star cast of lawyers who spoke at the Attorneys Information Exchange Group (AIEG) Trucking

Seminar. Clifford spoke on "Opening Statements."

Robert A. Clifford is a proud supporter of the Civil Justice Research Institute at the University of California, Irvine School of Law. Bob is one of the founders of the Institute.

Clifford Law Offices was a sponsor of the Illinois Bar Foundation's Annual Gala that raises money to enhance the availability of justice for those without attorneys and to support lawyers in financial need. The keynote speaker and honoree was U.S. Senator Dick Durbin (D-IL).

Bob Clifford was profiled in a special section of Crain's Chicago Business about trial law and how people can get fair treatment in the civil justice system.

The 24th Annual Clifford Symposium on Tort Law and Social Policy will be held at DePaul University April 19-20. "Patient Safety: How Might the Law Help?" will focus on new ways the law might encourage safer medical practice and reduce medical errors. Of the 18 speakers, about a third are doctors to discuss this important topic.

Reprint from the Chicago Lawyer, August, 2017

The \$750 Pill

By Robert A. Clifford

Bavencio, a new cancer drug approved earlier this year by the U.S. Food and Drug Administration, costs about \$156,000 a year per patient.

Late last year, a new muscular dystrophy drug was approved that costs about \$300,000 a year per patient. And a new bladder cancer treatment called Tecentriq costs \$150,000 a year per patient.

And who can forget the national public relations disaster of the makers of the EpiPen, a life-saving medication that has seen a price hike of 500 percent since 2007. The public outcry led to a lower cost generic variation to hit the market more quickly.

All that while, CEOs of pharmaceutical companies are able to earn record salaries — some more than \$35 million yearly. And annual earnings of some of the top companies like Johnson & Johnson, Amgen, Pfizer and Roche Holding are more than 25 percent, while the average S&P 500 company profit margin for 2016 was 10.4 percent.

With more than 18,000 approved prescription drugs available in the U.S. and pharmaceutical companies having the ability to make a profit when nearly half the population reports using at least one drug in the past 30 days, what is causing the drug price crisis?

One answer is certain — the pharmaceutical industry and its lobbyists have made baseless arguments in blaming lawsuits for the high cost of medications. Certainly, research into new therapies for serious illnesses is a necessity. This research can help so many sick people to live longer, healthier lives.

But it is no coincidence that there is little research work going to develop medicines like antibiotics because the illnesses they treat clear up in 10 days or so.

Pharmaceutical companies are focusing on long-term treatments for conditions like Alzheimer's, hepatitis and cancers. Price gouging is especially noticeable in niche markets, where a certain population requires the drug and it isn't affordable for a number of companies to be competing against each other for a finite number of buyers, like \$750 a pill for Daraprim, the only approved treatment for a rare, life-threatening parasitic infection.

The cost of a prescription drug in the U.S. is basically what the market will bear.

At least one would think that drugs would be safe, but it has been reported by researchers at the Yale School of Medicine that nearly a third of prescription drugs approved from 2001 to 2010 had major safety issues after these medications were made widely available to the public as companies rush to be the first on the market with groundbreaking medications.

And once they secure the patent, the corporations do everything they can to extend their monopoly beyond the roughly 12-year expiration date with slight variations or extended release formulations.

Of the 222 drugs approved in the first decade of the millennium, 71 required a "black box" warning on the side effects or warranted a safety announcement about new risks, according to a study reported in the Journal of the American Medical Association in May. The JAMA article reported that the majority of the FDA's pivotal trials in drug approvals involved fewer than 1,000 patients and lasted six months or less, yet it took a median of 4.2 years for these safety concerns to come to light after the drugs were approved. This is a severe health care crisis that needs to be addressed.

Certainly, companies are allowed to make profits in a capitalist society. ...

Illinois is among more than a dozen other states such as New York, California and Massachusetts that would require pharmaceutical companies to disclose their true expenses and justify price hikes. And in May, U.S. Rep. Jan Schakowsky, a Democrat from Illinois, and U.S. Sens. Tammy Baldwin (D-Wis.) and John McCain (R-Ariz.) introduced the FAIR Drug Pricing Act, a bipartisan and bicameral bill that takes the first step in addressing skyrocketing prescription drug prices by requiring transparency for pharmaceutical corporations that plan to increase drug prices.

Pharmaceutical companies and their lobbyists have a tendency to blame lawsuits for a lack of new medicines on the market or for not earning enough money to research new therapies. The facts instead show that lawsuits are a necessity when negligence occurs. Corporate America must constantly be reminded that patient safety comes first, and it must be held accountable for hiking the price of life-saving medications, including when they cause harm.

Press Room

Shannon McNulty spoke to *USA Today* about retailers' liability on Black Friday, the day that shoppers rush for holiday bargains. Shannon,



head of the firm's class action practice, sat down recently with a delegation from the Czech Republic. She also spoke on a panel with U.S. District Court Judge Virginia Kendall on the subject "Facing the Ransomware Menace: Cyber Blackmail Conference" dealing with the numerous national and international data breaches to consumers.

Kim Halvorsen joined the Board of Directors of The Chicago Bar Foundation (CBF). As the charitable arm of the Chicago Bar Association, the CBF improves access to justice for people in need and makes the legal system more fair and efficient for everyone.

Robert Clifford, Kevin Durkin and Robert Walsh have been named to the 2017 list of Irish Legal 100, a group of "the most distinguished legal professionals in the United States who share one common bond: pride in their Irish roots," according to the organization.

Tracy Brammeier participated in the CBA Young Lawyers Section in a Women in the Law Style Clinic at an event that featured designer Maria Pinto who has outfitted Oprah Winfrey and Michelle Obama. To learn more about Tracy, turn the page.



Pamela Sakowicz Menaker, a member of the Illinois State Bar Association Board of Governors, was elected to its Standing Committee on Scope and Correlation. The Committee's mission is to study the structure, function and work of all of the various standing and special committees of the ISBA as well as of the sections and other agencies of the Association.

Bradley Cosgrove is a sponsor of the Chicago Chiefs Softball Association, a non-profit girls travel softball group that promotes teaching young student-athletes responsibility, accountability, hard work and perseverance. Sponsors, like Brad, allow the organization to buy uniforms, equipment, pay for indoor facility practice fees as well as college exposure tournament fees.

Charles R. Haskins, Chair of the Chicago Bar Association Young Lawyers Tort Litigation Committee, moderated a program on Trial Preparation and Presentation at the CBA.

Kristofer Riddle was named a top 40 Under 40 Attorney in 2017 by the Law Bulletin Publishing Company.

Final Judgment

Clifford Law Obtains Record \$4.5 Million Verdict in DuPage County Against Wells Fargo

Bradley Cosgrove (right), obtained a record verdict on behalf of a 42-year-old woman who suffered permanent and debilitating injuries when a metal door closer at a Wells Fargo branch office became detached and struck her in the head. The verdict is a record in DuPage County for a single plaintiff in non-medical malpractice cases.



Amy Skinger (center) of Aurora was entering the Wells Fargo mortgage lender retail office on Fox Valley Road in Aurora on May 14, 2012, when without warning a metal door-closer unit detached, swung and struck her in the head, knocking her to her knees, and severely aggravated her pre-existing spondylosis. A six-man-five-woman jury returned the verdict in two hours in DuPage County before Judge Kenneth L. Popejoy in Wheaton following a two-week trial. The jury found Wells Fargo, who was responsible for the maintenance of the door per the terms of a lease, 80 percent at fault, and Cannella NY Square, LLC, the owner of the property, 20 percent at fault.

Charles R. Haskins assisted at trial.

Cosgrove and Haskins also received a \$3 million verdict Nov. 20 on behalf of an Elmhurst family when a 52-year-old husband and father died following medical professionals' failure to diagnose a pulmonary embolism that occurred about six weeks following surgery on a tendon in his leg. **Susan Capra** worked up the case.

Bill of Particulars

These interesting news items have been taken from the blog that appear on the website of Clifford Law Offices, www.CliffordLaw.com/blog

Clifford Law Offices Ranked Among 2018 U.S. News/Best Lawyers® National “Best Law Firms”



Clifford Law Offices has been ranked in the 2018 national U.S. News/Best Lawyers® “Best Law Firms” list in the area of plaintiffs’ mass tort/class action litigation and regionally in five practice areas. Firms included in the 2018 “Best Law Firms” list are recognized for professional excellence with persistently impressive ratings from clients and peers. Achieving a tiered ranking signals a unique combination of quality law practice and breadth of legal experience, which Clifford Law Offices received in the Chicago metropolitan area in Commercial Litigation, Plaintiffs’ Mass Tort Litigation/Class Actions, Medical Malpractice Law, Personal Injury and Product Liability Litigation.

Further, it should be noted that six attorneys at Clifford Law Offices have been named to the 2018 U.S. News/Best Lawyers® list in various practice areas:

Robert Clifford, Kevin Durkin, Keith Hebeisen, Shannon McNulty, Richard F. Burke and Colin Dunn.

Top Clifford Law Offices Verdicts



Kevin Durkin Colin Dunn

Clifford Law Offices was listed five times in TopVerdict.com’s 2016 Top Verdicts lists. According to TopVerdict.com, the organization “[recognizes] U.S. law firms and attorneys who have obtained one of the highest jury verdicts, court awards, or settlements, in the Nation or an individual State, in a particular area of law, and year.”

The national list indicated the following:

#89	Kevin Durkin Colin Dunn	\$22.7 million verdict	\$22.7 million – 31-year-old man killed when speeding driver with drugs in his system rear-ended him in a construction zone
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Among the top 100 Verdicts in Illinois in 2016, Clifford Law Offices obtained:

#4	Kevin Durkin Colin Dunn	\$22.7 million verdict	(see above)
#18	Keith Hebeisen Bradley Cosgrove Susan Capra	\$7.75 million	Neurosurgeon fails to recognize 56-year-old man’s previous heart issues and is cleared for spinal surgery; man dies from cardiac issues
#32	Keith Hebeisen Sarah King	\$3.3 million	52-year-old man dies from negligent overdose of medication while in hospital
#80	Colin Dunn	\$450,000	14-year-old develops permanent, daily headaches when she’s given prescription with incorrect dosage by Walgreen’s pharmacist

Congratulations to these attorneys for their dedication and hard work over the past 40 years and to all the attorneys at the firm that has led to well over \$2 billion on behalf of our clients.

Leading Lawyers at Clifford Law Offices

Lawyers from Clifford Law Offices have been named to Leading Lawyers “Leading Personal Injury Plaintiff’s Lawyers” list. These lawyers have been recommended by their peers to be among the top lawyers in Illinois:

Robert A. Clifford

Kevin P. Durkin	Keith A. Hebeisen
Susan A. Capra	Richard F. Burke, Jr.
Robert P. Walsh, Jr.	Michael S. Krzak
Colin H. Dunn	Shannon M. McNulty

Seven attorneys from Clifford Law Offices have been named 2017 Emerging Lawyers by the Leading Lawyers organization. The have been identified by their peers as being among the top lawyers in Illinois who are age 40 or younger or who have been practicing law for 10 years or fewer. The attorneys recognized are:

Bradley M. Cosgrove

Sean P. Driscoll	Kimberly M. Halvorsen
Sarah F. King	Kristofer S. Riddle
Marta M. Davidson	Tracy A. Brammeier

CLIFFORD LAW OFFICES CONTINUING LEGAL EDUCATION PROGRAM



Clifford Law Offices is presenting its 11th Annual Continuing Legal Education Program, “The Changing Ethical Landscape of Litigation” Feb. 15 at DePaul University and on the web. The landscape of litigation certainly is changing, and dealing with new and evolving ethical issues along with it. “Fighting fair” is imperative, but why does it seem to be getting more difficult and complicated to do so?

Join us with speakers Jayne Reardon, Executive Director of the Illinois Supreme Court Commission on Professionalism; Lawrence J. Fox, Professor of professional responsibility at Yale Law School and author of several books and treatises on ethics; and the Hon. Deborah Mary Dooling (ret.) who sat on the Cook County Circuit Court bench for 23 years and taught Professional Negligence for the Illinois Judicial Conference. Robert Clifford will moderate the two-hour program.

To register visit <http://www.cliffordlaw.com/CLE2018>

Clifford Law files class action lawsuits against Equifax for consumers subject to data breach

Clifford Law Offices has filed five class action lawsuits on behalf of Equifax consumers who have been subject to the massive data breach announced a few months ago. One class action lawsuit alleges that Equifax knew that the consumers’ information (names, full Social Security numbers, birth dates, addresses and possibly driver’s license numbers and credit card information) were compromised by a third party hacker as early as July 29.

Equifax informed its customers on September 7 that potentially as many as 143 million Americans may have been subject to this data breach.

“Even regulators are suggesting that Equifax customers freeze their credit reports, which for many it may be too late,” said Robert Clifford.

“People can only protect themselves when they are informed and where there is a failure to monitor consumers’ most sensitive information, and then a lack of full disclosure for a prolonged period of time, companies have to know that’s not right and consumers won’t stand by with no recourse. Equifax, of all companies, should understand the importance of the privacy of this information,” Clifford said.

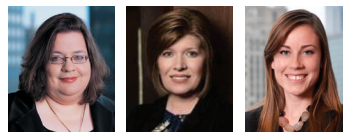
Clifford’s Offices Supports Mexican/Puerto Rican Relief



Clifford Law Offices was a proud sponsor of the Mexican/Puerto Rican Relief Fund effort that raised thousands of dollars for the victims of the earthquake in Mexico and the devastating hurricane that struck Puerto Rico. Special guest speakers included U.S. Congressman Luis Guterres (pictured left), the Hon. Ruben Castillo, Chief Judge of the Northern

District of Illinois; Illinois Appellate Court Justice Jesse Reyes; and Pedro Soler of Pedro Soler Law Offices in Puerto Rico. Clifford also sponsored a Puerto Rican relief event at the Chicago Bar Association that raised thousands of dollars.

Three lawyers at Clifford Law Offices have been named the Most Influential Women Lawyers in Chicago



Susan Capra (left) and Shannon McNulty, (center) partners, as well as Sarah F. King, (right) associate, all have been named the Most Influential Women Lawyers in Chicago and appeared in the August issue of Crain’s Chicago Business. Capra, also a registered

nurse, has been recognized throughout the Chicago area for her expertise in the medical malpractice field. McNulty concentrates her practice in the area of class actions and consumer litigation, working on complex cases involving Pella Windows, the Volkswagen diesel engine fraud, concussion injuries to college students governed by NCAA rules and talcum powder usage causing ovarian cancer to unsuspecting consumers. King has substantial trial experience, particularly in the area of medical malpractice. In 2015 she was named one of the Top 40 Attorneys Under 40 by the Law Bulletin Publishing Company. Sarah is involved in Women Everywhere: Partners in Service Project, a collaborative effort coordinating volunteer activities to help women and children throughout Chicago.

Approach the Bench

Tracy A. Brammeier

Helping other people in times of need. Volunteering in one's spare time. Juggling a house and family life.

That is the life of Tracy Brammeier, an associate at Clifford Law Offices for the past three years. She joined the firm as a law clerk as a 1L student at Loyola University School of Law and has been with the firm since 2011.

Her father was a lawyer, having practiced criminal defense work in Chicago for more than 30 years before retiring earlier this year. The oldest of four, her siblings all became engineers, but Tracy decided to follow in her father's footsteps. Helping others is something that she grew up with and has become a part of Tracy's DNA – her dad and her mom who passed away 10 years ago taught their children the necessity to give back to one's community. "Both of my parents instilled in us the importance of community involvement and helping people who are underserved."

It's evident that these life-long lessons have stuck. Tracy is a Director of the Chicago Bar Association's Young Lawyers Section where she organizes panels of speakers for lawyers who have passed the bar examination in the past 10 years. She also is part of a Wills for Heroes program helping in basic estate planning that serves first responders and current or former military members at the Chicago Police Department headquarters on Saturday mornings. "Participating in this program seemed like a perfect way for me to give back and show my appreciation for these dedicated service members," Tracy said.

And recently she joined the team of volunteers of the 100 Club – a 50-year-old organization that provides 24-hour support to families of first responders in Cook County and Lake County. "Recently, I received a call from a widow who was in tears because she was worried that she might lose her home after her firefighter husband died in the line of duty. Her husband didn't have a will and she was not on the deed to the home. I was able to assure her that it would all work out."

She says over the years she has had a number of mentors: "My dad, Bob Clifford, Kevin Durkin and the other amazing lawyers I work with – they have all taught me in different ways and have been a big part of developing my professional career and they continue to do so."

But it was another lawyer that had a significant impact on her life seven years ago when he introduced her to the man she would one day marry, Brian, head of an IT services company in the Chicago area. They dated as Tracy wound her way through law school for three years and even as she studied for the bar exam. "He thinks he's a lawyer," she said in jest. They recently moved to Bucktown where they love being able to support local shops and restaurants. "I love that Chicago's neighborhoods are so welcoming and community-oriented."



Tracy Brammeier speaks to Loyola University School of Law students about law as a career and the importance of bar involvement.

They honeymooned in Hawaii and have found time to travel a bit, but one of her more memorable trips was when she studied in Rome, Italy, as a college student and took a week to go to Tunisia and stayed in the Sahara Desert with the group. "I knew it was a once-in-a-lifetime experience, and it was so different from everything I ever knew growing up. I'm glad I had that opportunity," she said.

Tracy knew she wanted to be a lawyer early on when growing up in Palos Park. "I just wanted to help

people get answers for what happened," she said of her interest in the law. "Some people need the financial support, but almost all of those who have been victimized by wrongful conduct want answers as to why such a horrible thing could have happened to them or their families."

After graduating from Loyola University as an undergraduate student majoring in English and communications, she went to work at a large corporation. After a year, she said it became clear to her that anything she would do in a corporate environment helps the company thrive but not individual people. That's where she wanted to make a difference.

She recalls several important cases that she's worked on including a \$1.4 million settlement of a case that settled during jury selection. It was a very sad case of a man who was sitting in the back of a police car waiting for a tow truck when a drunk driver slammed into the vehicle, killing him. She is working with Kevin Durkin on behalf of a young woman who was severely injured when a driver struck her as she walked on the sidewalk at a Chicago intersection. Currently, she's also working on cases involving bicyclists who have been struck by a truck and died as well as a boat that sank in Lake Michigan, resulting in three people drowning.

Tracy also has worked on train accident cases as well as medical malpractice cases, including one that settled for \$1.5 million involving a woman who underwent a routine colonoscopy and because of a lack of oxygen during anesthesia was left with a permanent brain injury. She also does a great deal of probate work on behalf of clients at the firm, which is required in all cases involving a minor, an incapacitated person or a deceased person.

"I enjoy getting to make a difference in people's lives when they need it," Tracy said. "If you are involved in a terrible accident or are the victim of negligence, you usually have your family and friends to help you through for emotional support. We at Clifford Law Offices are the ones who do the legal work necessary to hold the party or parties accountable for the wrongdoing that occurred. We work hard so that people who face life-altering circumstances may have the financial assurance they are owed so they can handle the new challenges in their lives."



CLIFFORD LAW OFFICES

Partners: Robert A. Clifford

Keith A. Hebeisen
Susan A. Capra
Robert P. Walsh, Jr.
Colin H. Dunn
Bradley M. Cosgrove

Kevin P. Durkin
Richard F. Burke, Jr.
Michael S. Krzak
Shannon M. McNulty
Sean P. Driscoll

James C. Pullos

Communications Partner:

Pamela Sakowicz Menaker
Of Counsel:
Robert P. Sheridan
Kenneth C. Chessick, M.D.

Managing Partner:

Hon. Henry R. Simmons (Ret.)
Associates:
Craig J. Squillace
Kimberly M. Halvorsen
Sarah F. King

Address:

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

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www.CliffordLaw.com

Clifford's Notes

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

Clifford Law Offices
120 North LaSalle Street
31st Floor
Chicago, Illinois 60602

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Clifford Law Offices serves clients nationally and internationally with 21 personal injury attorneys. Our personal injury law firm concentrates in:

Personal Injury	Transportation	Consumer and
Wrongful Death	Aviation	Health Care Fraud
Medical Malpractice	Premises Liability Law	Whistleblower Litigation
Product Liability	Commercial Litigation	Mass Torts/Class Actions

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.

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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,
Hon. Henry R. Simmons (Ret.),
Managing Partner, Clifford Law Offices, P.C.

Clifford Law Scrapbook



Bob Clifford receives the Unity Award at its Annual Dinner and Swearing In of Bar Presidents Ceremony. The Hon. Jesse Reyes of the Illinois Appellate Court and President of the Diversity Scholarship Foundation awards law student scholarships, presented the award as co-sponsor with the John Marshall Law School.



Bob Clifford was a recipient of the 2017 Justice John Paul Stevens Award. According to the Chicago Bar Foundation, "The Stevens Award is The Association's highest and most prestigious award and is presented annually to lawyers and judges whose career best exemplifies the distinguished career of Justice John Paul Stevens."



Robert A. Clifford moderated a panel of judges offering a courtroom perspective on various issues entitled "Tales from the Bench: Judges Reflect on Attorney Behavior." The Hon. Elizabeth Budzinski, Hon. Thomas More Donnelly and Hon. James Varga participated on the panel to a packed room.



Keith Hebeisen spoke at the Illinois State Bar Association's "Anatomy of a Medical Negligence Trial." Keith also spoke at the Illinois Trial Lawyers Association Annual Medical Malpractice Seminar.



Bob Clifford received the L. Sanford Blustin Award, the highest award from the North Suburban Bar Association, at its Annual Installation Dinner. President Richard L. Pullano (left) presented the award.



Shannon McNulty testified before the Chicago City Council Committee on Finance chaired by Ald. Ed Burke. An ordinance was proposed concerning curtailing rising prescription drug costs.