

SUSAN CAPRA

Caring for Patients From the OR to the Courtroom

by John Flynn Rooney



While Susan A. Capra may remain in the background while working on a plaintiff's medical malpractice matter, she plays a vital role in successful outcomes of cases, colleagues say.

Capra, a partner with **Clifford Law Offices P.C.** in Chicago headed by Robert A. Clifford, has spent her entire 20-year legal career with the firm.

Capra does not act as the lead trial lawyer but provides a support and advisory role, especially on the substantive medicine at issue in the case, Clifford says. Capra says she has worked with fellow partners on about 20 jury trials that resulted in verdicts.

"My role is to primarily work up of the case with support at trial," Capra says, "In other words, I'm no big trial star."

But Edward J. Melia, who has opposed Capra in cases and known her for about 20 years, disputed her modesty.

"She's very good in front of a jury and at trial herself," says Melia, a name partner of Hickey, Melia & Associates Chtd. in Chicago.

"She knows what she's doing," says Rudolph G. Schade Jr., a Chicago defense attorney who has opposed Capra in cases.

"Susan Capra is undoubtedly one of the best medical malpractice lawyers not only have I worked with but also seen in action,"

Clifford says. "She is not only an inexhaustible examiner of witnesses, but she never loses her grace, demeanor and engaging attitude.

"She is just a delightful, extraordinarily competent person," Clifford says.

From Patients to Clients

Capra, 50, had another career before becoming an attorney.

After working at a nursing home while in high school, Capra decided to pursue a nursing career.

Capra graduated with highest honors and received a bachelor's of science degree in nursing from DePaul University in 1982. She then took a nursing job with Children's Memorial Hospital in Chicago. Initially, she worked on the neurology/neurosurgery floor and later worked in the operating room.

"Those patients are now my clients," Capra says. "It's still a role of helping people in crisis. The clients we see are also in crisis."

Clifford says when Capra began practicing law, few attorneys had medical backgrounds.

"She was extraordinarily unique because she had her nursing background, which she brought to the practice of medical malpractice law," Clifford says. "She was there long before anyone else."

Keith A. Hebeisen, another Clifford Law

Offices partner who works closely with Capra, says "she knows that medicine at least as well, if not better than, the medical witness she's deposing."

Capra "came to the practice of law already familiar with the practice of medicine," Hebeisen says. "And coupled with that, she is not intimidated by the medical profession."

In fact, the opposite can be true, says David R. "Chip" Barry Jr., who defended against two medical malpractice cases in which Capra represented plaintiffs.

"That can be intimidating to a medical professional who realizes the person sitting across the table knows the medicine as well as they does," says Barry, now a partner with Corboy & Demetrio P.C.

Capra is pleasant, even-keeled, and professional. Barry says.

"Everyone who practices law, particularly litigation, should be like that," Barry says.

Patricia C. Bobb, a Chicago plaintiff personal-injury attorney, says Capra has great expertise in the area of medical malpractice. "She's very smart and very capable in what I think is one of the toughest fields for lawyers."

Taught to Serve Others

Capra was born and raised on Chicago's Northwest Side. She is the older of Arthur and Dolores Capra's two children. Their son, Richard A. Capra, is an attorney for Metra Railroad.

Capra's father worked for Western Electric in a factory. Now 84 and retired, he continues volunteering at the Shriner's Children's Hospital.

Her mother, now 87, worked as a cook at a nursing home.

Capra says her middle class upbringing was very faith-based.

"One thing (my parents) taught me was service to others," Capra says.

Capra has worked since she was 14 years old. She worked at the same nursing home as her mother, scrubbing pots and pans.

While attending DePaul as an undergraduate, Capra worked as the cashier's and dean's office, while continuing to work weekends at the nursing home.

"I always wanted to help people," Capra says.

Working at Children's Memorial Hospital allowed her to learn "empathy and how to deal with people," Capra says. "It was a nurturing experience."

Capra says she continues receiving cards and letters from the families of former patients.

"It's nice to know that at a low point in their life, you helped them and made a difference," Capra says.

After working as a nurse for several years, Capra viewed attending law school as a logical next step. Capra's brother was attending DePaul University College of Law, so she decided to enroll there and attended evening classes.

"As a nurse, you're an advocate for the patient," Capra says. "As an attorney, you're an advocate for your clients. So, the roles are in my mind are very similar."

Capra says she enjoyed being a nurse and might eventually return to that job on a volunteer basis at a hospital after she retires from practicing law.

"Nursing is a really important and rewarding career," Capra says. "Nurses work so hard and make such a difference."

An Inspiration

While Capra was attending DePaul, Clifford spoke at a career day and inspired her.

Capra approached Clifford after his remarks and told him she wanted to work for him.

Clifford called her two weeks later and offered her a job as a law clerk, Capra says.

"I am so grateful to Bob for giving me a chance," Capra says.

Clifford says Capra "took a page out of my own book, because that's how I got my job with (Philip H.) Corboy."

Clifford says, "Good nurses and health care providers are very diligent and precise. Susan is certainly all of that."

Capra graduated with honors from DePaul's Law School in 1990. She was admitted to the Illinois bar on November 8, 1990. She then became an associate with Clifford Law Offices and was made a partner in 2000.

As a law clerk, Capra was assigned to work with Hebeisen.

"He's been the most wonderful mentor over the years. I owe them both so much," she says of Clifford and Hebeisen.

Hebeisen says Capra is "particularly adept at taking mountains of medical (information) and determining what's important and what's not."

From the time she attended law school, she had planned to practice some type of personal-injury law due to her background as a nurse.

Capra has worked on dozens of cases that resulted in multi-million dollar verdicts and settlements. Among those matters was a \$2.6 million jury verdict in 2000 awarded to the family of a 44-year-old man who died from blood clots in his lungs following back surgery. That verdict was the largest in the history of downstate Adams County.

Capra also worked on a case with Clifford that resulted in a \$10 million settlement in 2002 stemming from a lawsuit filed on behalf of a young child who suffered from brain damage after doctors failed to perform a cesarean section on his mother in a timely manner.

In 2007, Hebeisen and Capra handled a case leading to a \$4.3 million settlement after medical personnel negligently handled the labor and delivery of a mother's first child, which led the girl to suffer from permanent brain damage.

In 2008, Hebeisen and Capra obtained a \$4.3 million settlement arising from failure to diagnose and treat a monochorionic twin pregnancy, which led to severe brain damage in one girl and the wrongful death of her twin sister.

Earlier this year, Capra, Hebeisen and Robert A. Strelecky, another Clifford Law Offices partner, secured a \$2.4 million settlement resulting from the failure to timely diagnose breast cancer, which led to the death



Capra in her nursing uniform in 1982, right before she started working at Children's Memorial Hospital.

of a 55-year-old single mother.

Capra says she has worked on a couple of cases involving separate sets of triplets who suffered brain damage due to problems during delivery.

"Those cases were unique and challenging obviously because we had multiple clients,"

Capra says. "Those stand out."

Some cases Capra has worked on have resulted in hospital procedures changing for the better, she says.

One hospital decided to have an obstetrician on duty 24 hours a day in house to handle emergencies, Capra says. Another hospital changed the type of beds used in the intensive care unit.

"In small little ways, I think we make a difference and make it safer for patients in the hospital," Capra says. "I'd like to think every time we file a lawsuit it makes the medical profession stop and think, 'How can I make it



Capra poses with her German shepherd, Mack, a beloved family companion for 12 years before he passed away three years ago.

safer? How can I make it better?"

"Not that they don't do that on their own, but maybe it's a wake-up call," Capra says.

Capra believes there have been fewer filings of medical malpractice lawsuits in recent years.

"I'd like to think it's because medical care has improved," Capra says. "These cases from a legal perspective are not easy. They are very time consuming and very costly to prosecute."

"I think only the truly meritorious cases get filed and go forward," Capra says.

Capra currently actively works on about 35 to 40 medical malpractice cases.

She works up cases, and usually Hebeisen or other firm partners try the case before a jury.

"I'll be in the background; whether it be prepping witnesses or working on exhibits, I'll be involved," Capra says, adding that multiple firm employees are involved in trials, including paralegals, legal assistants and office runners.

"It's a team effort."

Capra finds the current obstetrical

negligence cases involving brain damages minor clients that she's handling interesting and rewarding.

"They have the same complex medical problems as the patients I used to take care of as a nurse at Children's Memorial Hospital," Capra says. "I feel a special bond with these children."

'There's No Quit in Her'

Capra and other partners start their days early, typically arriving in the office between 6:30 a.m. and 7 a.m.

"We're an early-rising firm," Capra says. "I try to get in early and push some paper before the day takes off."

Typically, Capra attends court sessions in the morning and usually takes at least one deposition a day.

"It's busy from the time you get in until you leave," Capra says.

Capra tries to leave the office between 5 p.m. and 6 p.m., but she frequently brings work home with her because she's preparing for depositions the following day.

Capra estimates that she works about 60 hours a week, including on weekends.

Her sole focus is medical malpractice matters.

"That's all I've ever done," Capra says. "That's all I know how to do."

"It's what I enjoy. I think I'd feel pretty uncomfortable at this point doing anything else."

Chicago plaintiff personal-injury attorney Margaret M. Power has known Capra for nearly two decades. Her friend has a large caseload that varies enormously, says Power, an associate with Corboy & Demetrio P.C.

"Susan understands the most complicated medical issues that even physicians agree are incredibly complex, like the human immune system," Power says. "But what's even more important: She is able to take these complicated issues and reduce them to simple concepts, which is essential when presenting a plaintiff's case to the jury."

Capra can "combine her knowledge with incredible computer skills enabling her to find recent case law, literature, and medical experts to support her cases," Power says.

"She has wonderful skills as a medical negligence attorney that's manifested itself in her ability to find medical experts and conduct formidable depositions," Power says.

Capra tenaciously seeks out the opinions of expert witnesses, Clifford says. In several cases, potential expert witnesses will decline to get involved, but Capra will continue talking to other possible expert witnesses, he says.

"She will then come back with some gold

star expert witness who she convinced to meet with her and hear her theory of the case and the expert endorsed her theory of liability," Clifford says. "There's just no quit in her."

Capra says obtaining expert witnesses can pose challenges.

"Many physicians are reluctant to testify in a plaintiff's case regardless of its merit," Capra says. "The conspiracy of silence in the medical profession is real."

Preparation Prevails

Capra says Clifford stresses the importance of trial preparation.

Clifford views Capra's preparation of cases as one of her strengths.

"She turns over every pebble and makes sure that she understands the full picture before charting a course of action," Clifford says, adding that it shows in her depositions.

depositions," Melia says. "She lists all the right points and is very thorough," he adds.

Capra also adeptly assists witnesses getting ready for depositions and trial, Meila says.

"They stand up to cross-examination because she prepared them so well," Melia says.

Capra also has "treated her opponents (in cases), very professionally, (and was) very courteous and straightforward," Melia says. "You can trust her."

When deposing witnesses, Capra is meticulous and not repetitive, says Schade, a name partner of Cassidy, Schade LLP in Chicago. "She does a very thorough job because she's so well prepared."

Capra is the "go-to person, not only within the Clifford law firm when issues in a particular case are encountered, but (also) within the plaintiff bar for those who know her," Power



Capra and Bob Clifford celebrate her promotion to partnership in 2000.

"She's one of the most skillful lawyers at depositions that I've ever seen," Clifford says. "I think that happens because she interweaves her medical training with some very sharp cross-examination skills."

The outcomes of depositions can have a key impact on the resolution of cases, Clifford says.

"If you are successful in your depositions, it forces people to the bargaining table," Clifford says.

Hebeisen says Capra "has a full grasp of the medical issues involved and thoroughly questions the witness to get as much helpful testimony out of that witness, no matter how unwilling that witness is to give it to her."

Barry says Capra uses a measured approach when taking depositions and knows exactly what she's discussing.

Capra "takes very good and direct

says, "She amazingly always helps, and graciously gives of her time, knowledge, and expertise to all who seek her assistance."

Power says that a medical expert she encountered recently told her Capra is "a great lady. He could not have stated it better, but for me she's one of the most intelligent, sincere, and decent persons I've ever encountered. Clifford Law Offices has a treasure."

Capra says that when she joined Clifford's office, "I made a conscious decision I wasn't going to ask for special treatment because I was a woman and I never got any."

Clifford "always says you have to go toe-to-toe with anybody, and I have," Capra says.

"I never felt that I wasn't given opportunities because I was a woman," Capra says. "I always felt that I was treated the same as everybody else."

Of the 11 partners with Clifford Law Offices, Capra and Pamela Sakowicz Menaker, the firm's communications partner, are the two female partners. There are four women associates at the 20-attorney firm.

Clients Come First

Capra says the best part of her job is dealing with clients.

"That's something Bob has instilled in every attorney here: You put the client first," Capra says. "It's good to be at a place where that's the culture and philosophy.

"I don't think the focus should be on us. The focus should be on the clients; we're here to serve them."

Clifford says Capra's "clients love her. The problem is she falls in love with all of them.

"So, she never wants to say, 'no.' She always has a hard time giving them the tough answers because she's too nice."

But Clifford adds, "It's a great privilege to work with someone who is so devoted to her clients. She's the consummate professional."

Capra believes her strengths include

organization and being prepared determination and empathy for clients, "because that truly is the motivation."

Hebeisen calls Capra "a phenomenal listener, (it's) very important to listen to the clients to make sure to get information from them that's valuable in working up the case. And in particular, on the damages aspect of the case, she's very good at identifying and maximizing the elements of damages in any case."

While maintaining her professionalism, Capra gets close and attached to all her clients, Hebeisen says. She understands how the clients feel and what they are enduring, he adds.

"She is the epitome of empathy," Hebeisen says.

Capra will "go more than the extra mile to help (clients) with things that aren't necessarily part of her 'job' as a lawyer," Hebeisen says. The added touches can include things such as buying and sending a condolence card or baking cookies, he says.

Schade says Capra "is very devoted to her family, the (Catholic) church, and extraordinarily devoted to clients.

"She becomes a part of them in a way," says Schade. "She gets very involved with her clients but she retains her objectivity as a lawyer."

Bobb calls Capra "one of those worker bees...who does an excellent job for her clients."

In her free time, Cara enjoys gardening, specifically growing antique roses. She calls cooking a passion and says her signature dish is lasagna based on a family recipe.

"People tell me I make the best lasagna," Capra says.

Capra also can be adventurous. In the past, she has taken flying lessons, karate lessons, and screenwriting courses.

She also loves music, from myriad artists such as Frank Sinatra and the Rolling Stones.

"No one but my family knows that I collect rock and roll memorabilia and have over 25 original items in my collection owned by such entertainers as Elvis Presley and the Beatles," Capra says.

But Capra takes particular pride in her work.

"I love what I do and I love doing it here," Capra says. "How many people can say that?"

"I hope to end my legal career here." ■

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