



Crash Expert

Kevin Durkin cushions the blow for accident victims and their families

By the time the sun rises over Lake Michigan, Kevin Durkin has been up for hours, at his desk since 6.

The Chicago personal injury attorney has been involved in handling some of the most publicized cases in transportation law, including nearly every major commercial airline accident case in the last two decades. He represented victims of Alaska Airlines Flight 261, which fell into the Pacific Ocean off the coast of California in 2000, and American Airlines Flight 587, which crashed in Queens, N.Y., in November 2001. He also represents victims in other types of transportation-related accidents.

Durkin, with Clifford Law Offices, attended DePaul University College of Law, and while there did a stint at the state attorney's office in Cook County. After graduation, he spent eight years working for Cook County as an assistant state's attorney in criminal law. "In college, I was interested in criminal justice, even though I majored in accounting," Durkin says. "At some point, though, I hit burnout. I got tired of hearing about all those horrible things people did."

He liked trying cases, though, so when he was offered a position by Robert Clifford in 1988, he jumped. Clifford had founded a law firm four years earlier to represent plaintiffs in personal injury and wrongful death cases. Durkin says it takes a good deal of balance to handle extreme human tragedy. "You can't put your heart to the side. But you do have to make logical decisions about things." That can be challenging—for instance, in a case involving a catastrophic multi-car pileup on a snowy Interstate 90 in 1999 that killed a 4-year-old girl and left her 2-year-old brother with severe brain damage. Their mother endured more than 30 surgeries. Durkin says a trucking company whose driver was involved offered a settlement that was nowhere near what he felt the accident merited, so he took the case to trial.

"The defense felt they could win, but we did a good job," Durkin recalls. "We used an expert who could tell a story as our first witness. Most

lawyers put an eyewitness first, but I believe in the maxim, 'Educate before you litigate.'" His clients were eventually awarded a \$38.3 million verdict, the largest in the country for 2004 in cases involving a motor vehicle crash.

Durkin's involvement with clients often continues after the professional association is over. "Some people want to go on and forget it; they want to stay out of the past, but there are quite a few I keep in touch with," he says. "I will call them from time to time."

Though Durkin has become a highly sought-after attorney in airline crashes, the field was not a conscious choice. "It was really happenstance. After I started with Bob Clifford, I just seemed to be doing a lot of crashes," he says.

Aviation cases are unique, Durkin says, because they almost never see the courtroom. "Airplane crashes are everyone's nightmare. That enhances the damages—because of the way people perish." For that reason, he says, airline carriers generally don't want to go to trial. But that pattern hasn't generalized to other accident litigation. "Over the last several years, it is harder and harder to get [cases] settled early," he says. "Insurance companies want to know you are ready to go to trial."

Four of Durkin's seven brothers are also lawyers in Chicago. "Our parents pushed us into education, but we all have different areas of practice. The other three [brothers] are in government work, insurance and banking." And his own family is central to his life. "I am really a family guy—I have three kids; I coach girls softball," Durkin says. "The reason I get up so early is so I can be done by 3:30. That way, I can have time with my family."

Reflecting on the progression of his career—from assistant prosecutor to personal injury lawyer—Durkin says, "There are a lot of similarities with being a prosecutor. In those state cases, you're still trying to help someone who's been hurt." However, he notes one big difference: "There's no burnout. I love this."

—Bob Geballe

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