



CLIFFORD'S notes

A Newsletter from Clifford Law Offices, P.C., a Chicago Law Firm • Summer, 2000 • Vol. 4 No. 1

Clifford's Corner

Clifford's



Robert Clifford Named One of Illinois' Most Influential Attorneys

Robert Clifford, powerhouse personal injury attorney, was recognized as one of the Top Ten Most Influential Illinois Lawyers by American Lawyer Media.

The prestigious list of the state's heaviest hitting lawyers includes former governor James Thompson, U.S. Attorney Scott Lassar and Dean of the University of Chicago Law School Daniel Fishel.

In naming Clifford to the multi-faceted group, the electronic publication based in

San Francisco with reporters, editors and correspondents in Illinois and New York, stated he has been most influential in his "quiet, but tireless way" that he has lobbied the state's business and political communities on issues of importance to the bar.

• THE NEWSROOM •

Kevin Durkin, partner, was named co-lead plaintiff's counsel in the mass transit disaster involving the Bourbonnais Amtrak crash in Illinois. Clifford Law Offices represents some two dozen passengers who were injured in that train-truck crash.

Keith Hebeisen, partner, participated in the victory for patients' privacy rights in Illinois. He was co-lead counsel in the successful fight to overturn parts of a law that allowed secret meetings with treating doctors and hospital personnel when a medical malpractice case was pending. That law was found unconstitutional by a Cook County Circuit Court judge in May.



New Partners—Robert Clifford (center, front row) congratulates four associates named partners at Clifford Law Offices earlier this year. They are clockwise from Bob Clifford: Jeffrey Kroll, Richard Burke, Robert Walsh and Susan Capra. Together, the four have combined litigation experience with Bob Clifford totalling nearly 50 years.

Chicago Tribune

Voice of the People

January 15, 2000

Judiciary's Place in Democracy

The explosive problems anticipated by Y2K certainly fizzled. Most people agree that the millions of dollars spent in preventive and cautionary measures were well worth averting what was once feared as a possible disaster.

One would think such computerized improvements were conducted out of a sense of corporate responsibility, out of a commitment to achieving excellence for thousands of service-oriented businesses, and perhaps even out of a sense of saving money in the long run.

Yet the Tribune somehow twists this grand achievement of the new millennium into a loathing-lawsuit mentality ("Litigation bug bites into democracy," Editorial, Jan. 10). To equate potential Y2K litigation with an erosion of democracy is more than trying to fit a square peg in a round hole. It is shortsighted and one-dimensional, ignoring a history rich in all that the courts and the civil justice system have accomplished in America these last two centuries.

Where would the civil rights movement be had it not been for some of the brave decisions made by judges in the face of a populace that was not ready to accept equality for all men? These decisions were particularly courageous as a cowardly Congress and small-minded state legislatures succumbed to social pressure.

More recently, look at the asbestos, breast implant and tobacco litigation today. In the face of ineffectual laws, it was the courts that brought a swift and just adjudication of rights while protecting the public from such health hazards. The claims against gun manufacturers, likewise, have led to some of those companies becoming more responsible in their marketing and designing something so inherently dangerous. It is unlikely that these products ever would have received such scientific or public attention without the intervention of the court system.

Democracy does not suffer at the hands of the courts, as the Tribune editorial espouses. Indeed the judiciary is one of the stalwarts of freedom in this country....

A more serious concern of the editorial, however, is the demeaning attitude toward the judicial system. The judicial system in this country is an equal branch of government. Judges have dedicated their lives to seeking that justice is done for those who seek such recourse. They do so, not as mercenaries for a paycheck but out of a commitment to being somehow the saviors, the protectors, the guardians of democracy. It is this country's judges whose decisions determine if it is a negligent defendant who failed to protect the public from harm.

These jurists are the very people who have devoted their lives to carrying out the proper administration of law, and the Tribune's attack is directed, ultimately, at the integrity of the judiciary. To suggest that what goes on in the courts is undermining democracy amounts to anarchy in its truest form.

Certainly democracy, as the Tribune acknowledges, operates "haltingly" at times and it "can be a messy system when it comes to resolving complex issues." But are the imperfections of the legislative and executive branches a reason to write off the third branch of government?

Robert A. Clifford

Partner, Clifford Law Offices

Vice Chairman, American Bar Association's Section of Litigation

Final Judgment

Robert Clifford, partner Richard Burke and Chicago-area attorney George Bellas have obtained a partial settlement of \$14 million on behalf of six occupants of a Ford Explorer sport utility vehicle that rolled over on the Eisenhower Expressway in Chicago in 1992.

A Ford dealership, a tire dealer and a tire manufacturer are contributing to these partial settlement funds. The case continues against Ford Motor Company of Detroit, Michigan, and is expected to proceed to trial in the early part of next year.

For more million-dollar-plus verdicts and settlements this year obtained by attorneys at Clifford Law Offices, turn to back page.

Bill of Particulars

Tobacco Company's Admissions



After years of disputing the findings of the United States Surgeon General and other medical authorities, cigarette maker Philip Morris has admitted that there is "an overwhelming medical and scientific consensus that cigarette smoking causes" diseases including lung cancer, emphysema and heart disease. It also stated that smoking "is addictive as

that term is most commonly used today." The move is part of an apparent trend among tobacco producers to try to put health-related issues behind them and to make it more difficult to sue for those who now start smoking.

Health Concerns Over Herbal Aids

A growing number of Americans appear to be falling seriously ill or even dying after taking dietary supplements that promise everything from extra energy to weight loss.

The latest diet craze marketed as all-natural or herbal-based actually contains the supplement ephedrine which has been known to cause shortness of breath, anxiety, even an erratic heart beat.

Under a 1994 federal law, supplement makers are exempt from almost all federal regulation, including the requirement that they file reports when the use of one of their products goes wrong.

In February, the Food and Drug Administration (FDA) allowed for the expansion of health claims that supplement makers can tout on their labels. For instance, they can say their products treat "natural" conditions: symptoms such as acne, heartburn or morning sickness. Until now, supplements could carry vague, pseudo-medical pitches such as "aids a healthy digestive system." The new labeling requires the substances to name the specific minor malady for which it is intended, such as indigestion or nausea.

Still, unlike pharmaceuticals or food additives, supplements do not have to be pre-screened by the FDA, nor do they have to demonstrate through peer-reviewed science that they are safe before they can be sold.

These products are not available in regular dosages since they are not purified to meet any standards. A recent study by the Good Housekeeping Institute showed that one herbal product can be sold by various companies in dosages that vary substantially.

The National Institute for Health opened two research centers late last year devoted to natural products and developing new regulations for ensuring the purity of supplements.

Herbal and Other Dietary Supplements	
Sales	Year
\$6.5 billion	1997

Exposing Medical Mistakes

In an effort to cut down on medical mistakes at the nation's hospitals, President Clinton has called for mandatory reporting of serious medical errors and for the creation of a federal headquarters to oversee patient safety.



The wide-ranging administration initiative mirrored the recommendations made last November by the Institute of Medicine. The proposal called for reports of serious errors to go to state authorities and the public, identifying the hospitals where patients were injured. That would flag the attention of regulators and potential patients. But the reporting program, while mandatory, would not disclose the names of individual physicians or patients.

The proposal also would allow doctors and hospitals to investigate mistakes without fear that the information would later be used in lawsuits.

The Institute of Medicine, a congressionally chartered research group, revealed that avoidable mistakes kill about 98,000 patients each year.

Mammograms' Reliability Under Question

Recent research has cast doubts on the reliability of mammograms as a method of diagnosing breast cancer, giving rise to concern among many women.

Mammograms are not 100 percent accurate, experiencing as high as a 20 percent error rate. This error rate is due, in part, to equipment that is improperly maintained or personnel who are inadequately trained.

Despite regulations, women who get regular mammograms to check for breast cancer still face an almost 50-50 chance of receiving one false alarm for every 10 tests, according to researchers. The New England Journal of Medicine published this finding which revealed the frequency of false-positive results to be twice the rate previously believed. Such false-positive results can lead to unnecessary surgeries, not to mention the negative psychological impact it can have on a woman.

One out of every eight women in the United States will develop breast cancer in her lifetime. That translates into breast cancer striking about 180,000 American women yearly, killing about 44,000, according to the American Cancer Society.

Safety Rules Questionable at Amusement Parks

Injury reports and laws in all 50 states show that, for the most part, the \$9.6-billion-a-year amusement park industry is not as safe as it could be, according to a recent analysis published by USA Today.

No oversight of amusement parks is in place at the federal level and there is only limited regulation of smaller, traveling carnival shows.

The Consumer Product Safety Commission has the authority to investigate accidents on carnival rides, but generally doesn't inspect the ones that are taken up and down every few days. That responsibility falls to the state and local authorities.



APPROACH THE BENCH

There's a reason why Mack is so protective of Susan Capra.

Because he loves her so much. Mack is Susan's four-year-old German Shepherd. And can you blame him? Susan is, perhaps, the most beloved attorney in the office.

Soft-spoken, dedicated, loyal, intelligent, sensitive, yet determined. Susan is perfectly fitted in her role as a medical malpractice attorney, defending patients' rights.

Susan graduated from Robert Clifford's alma maters — DePaul University and DePaul College of Law. She studied nursing as an undergraduate and worked for many years in between degrees at Children's Memorial Hospital in Chicago. She was plucked from the ranks of third-year law students as one of the most promising attorneys in her class.

"I wanted to help people in a different way. As a nurse, I was the patient's advocate. As a medical malpractice attorney, I am still the patient's advocate but in a different arena and profession," Ms. Capra said.

When asked if it's difficult to go up against doctors, nurses, hospitals and health insurance companies in court, her response is quick: "People make mistakes, even doctors. If someone has been injured by someone else's negligence, it's only fair and the right thing to try to help the injured victim recover for someone else's wrongdoing, be it a doctor, a nurse or hospital staff member," Susan says. "It's not a vendetta, it's not seeking revenge. I have learned from Bob Clifford that doctors and hospitals are to be treated with respect, but yet held accountable for their actions."

And she has developed quite a reputation in medical malpractice circles for her tireless behind-the-scenes work in developing sound negligence cases. Putting in 18-hour days is not uncommon, using her medical background to get into the necessary details of what occurred during a patient's treatment.

In fact, at last year's office Christmas party, Susan was the only attorney unable to attend, attending a deposition in Quincy, Illinois, too far to return in time for the holiday festivities. It was that type

of dedication to one's clients that Bob Clifford cited in naming her a partner at the firm.

"Susan Capra consistently demonstrates unwavering loyalty to her clients,



Susan Capra with her German Shepherd, Mack.

colleagues and friends," Mr. Clifford said. "It's a privilege to have her as my partner and all of our lives are enriched by her."

Susan approaches her whole life with such discipline and enthusiasm—whether it be her commitment to her alma mater ("I'm a season ticket holder for the DePaul Blue Demons and a die-hard fan"), to her family ("My parents were very involved and supportive"), her two nieces, Lauren and Courtney ("They're my pride and joy; I'm the doting aunt who spoils them") or her dog, Mack.

But it's clear that Susan's job largely defines her life. Through her experience, she's able to keep things in perspective when dealing with such tragic crises in people's lives. "It's very sad," Susan says, turning serious. "The most horrible and unimaginable tragedies have happened to our clients. It helps you realize how precious life is and to focus on the important things in life."

So committed is Susan to her profession, she proudly states, "It is an honor to

be at Clifford Law Offices and I do not ever want to do any other type of law." But she does see herself one day retiring to indulge in her love for travel, gardening, the opera, ballet and theater, and, of course, dogs.

She recalls her childhood days on Chicago's Northwest side when she would bring home every lost or injured animal—from birds and squirrels, to cats and dogs. "Every time I came home with another animal, I promised my parents I would never do it again, until the next time, that is. We would keep them long enough until they got better or we could find homes for them."

And, apparently, her love of taking care of animals in need continues. Just last month she found a stray shepherd-collie mix and took him home. Unable to keep him herself because of Mack, she took him to an animal hospital and was prepared to board the dog until a new owner would come along. But, as luck would have it, a family was sadly bringing in their old dog who had to be put to sleep. They fell in love with Susan's stray and took him home the next day.

That's Susan. Always helping. Always putting others first.

It makes you want to embrace her the moment you get to know her. It's lucky Mack is around to protect her for all of us.



CLIFFORD LAW OFFICES

Partners:

Robert A. Clifford
Keith A. Hebeisen Kevin P. Durkin
Robert P. Walsh, Jr. Susan A. Capra
Jeffrey J. Kroll Richard F. Burke, Jr.

Managing Partner:

Thomas K. Prindable

Associates:

Matthew I. Baker Isobel S. Thomas
Timothy P. Rhatigan Michael S. Krzak
Timothy S. Tomasik Brian T. Nash
Sheri L. Tarr Kimberly A. Braband

Counsel to the Firm:

Robert P. Sheridan

ON THE DOCKET

Clifford Law Offices has been recognized as one of the leading personal injury firms garnering multi-million dollar awards. Some of the verdicts and settlements attained this year include:

Amount	Attorneys	Courthouse	Case
\$14 million (partial)	Robert Clifford & Richard Burke	Chicago, IL	Sport utility vehicle rolls over, injuring 6 passengers
\$6.5 million	Robert Clifford & Jeffrey Kroll	Chicago, IL	55-year-old woman's legs were crushed by a CTA bus making too tight a turn in the crosswalk
\$3.5 million (verdict)	Jeffrey Kroll & Isobel Thomas	Greenville, SC	Failure to detect colon cancer in 40-year-old anemic man
\$2.95 million	Kevin Durkin & Timothy Tomasik	Chicago, IL	Construction worker fell through unsupported roof at Navy Pier project, fracturing pelvis and wrist
\$2.6 million (verdict)	Jeffrey Kroll & Susan Capra	Quincy, IL	44-year-old man died after back surgery from blood clot to lungs

Recent case filings by Clifford Law Offices

- * a wrongful death action on behalf of the widow of Bob Collins, popular WGN radio personality who was killed when a student pilots plane collided with his small plane at a Chicago-area airport.
- * a wrongful death action on behalf of the family of the husband of Marilyn Melin, Chicago socialite and entrepreneur; he died during surgery at a Chicago suburban hospital.
- * wrongful death actions on behalf of several families of passengers killed in the crash of Alaska Airlines Flight 261 which plunged into the Pacific Ocean killing all 88 aboard upon its return from Puerto Vallarta to San Francisco, California.
- * a product liability action against a gun manufacturer as well as a negligence action against the person who shot and killed a Chicago woman while he celebrated with a gun at a New Years Eve party.
- * a 14-year-old boy is found dead in the bottom of a pool of a major hotel chain while on a school field trip.
- * a Chicago woman who had several eggs removed at an invitro fertilization facility which were negligently fertilized with sperm from a man other than her husband.
- * a negligence lawsuit against an Elk Grove Village electrical company for an explosion at Nieman Marcus which killed an assistant fire chief and an electrical worker, and severely burned a department store employee.
- * a construction worker at Fermilab, a nuclear research facility in Batavia, Illinois, died of leukemia due to exposure to radiation.
- * a trucker died at a tire plant while unloading a highly flammable chemical as a result of tire company employee who improperly connected pipe to storage tank.

TRIAL NOTEBOOK



Protector of the People—Robert A. Clifford will receive the Illinois State Crime Commission's "Protector of the Working People Award" in late June for his championing the rights of individuals. He has been at the forefront in the fight against massive reform of the state's court systems.



Robert Clifford Speaks on Alaska Airlines Crash—During a recent trip to Seattle, Washington, for an American Bar Association meeting, Robert Clifford was invited to speak on the Dave Ross Show, the #1 rated radio show in the Pacific Northwest. For an hour, Mr. Clifford fielded callers in the Seattle area regarding aviation safety in the wake of the Alaska Airlines crash of Flight 261. Mr. Clifford represents several families of passengers killed on that aircraft and filed the first lawsuit nationwide on behalf of a Chicago-area family who lost a loved one on the plane. Mr. Clifford is headed to Cambridge, England, this summer as part of a Section of Litigation program comparing American and English trial litigation tactics. He will also be making presentations at the ABA Annual Meeting in New York and London on topics ranging from examining witnesses to negotiating settlements.

Clifford Law Offices has prepared this newsletter for its many friends, clients and colleagues worldwide. 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

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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,

Thomas K. Prindable

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