



CLIFFORD'S notes

A Newsletter from Clifford Law Offices, P.C., a Chicago Law Firm • Winter, 2000 • Vol. 4 No. 2

Corner

Clifford's



The Center for Disability and Elder Law elected Robert Clifford as its recipient this year of the Leonard A. Ring Award in recognition of his sustained commitment to supporting legal services on behalf of people with disabilities.

"I am most humbled by the Center's honoring me for work that I feel is most important in this state and across the country," Mr. Clifford said. "Lawyers have to continue to work for the rights of the physically and mentally challenged to ensure they enjoy all of the rights of every American."

Mr. Clifford received the honor at the organization's Annual Awards Recognition Reception in Chicago Oct. 26.

• THE PRESSROOM •

Clifford Law Offices has been selected as a member of the Steering Committee involving the crash of Alaska Airlines Flight 261. Kevin Durkin has been designated as a member of the Administration Management Committee and will participate in all of the decision-making involving the lawsuits of some 83 families who lost loved ones aboard the plane that crashed into the Pacific Ocean earlier this year. Boeing Corporation of Seattle, Washington, also is a named defendant. The cases have been consolidated before a federal circuit court judge in San Francisco, California.

John Karnezis, a former Cook County Assistant State's Attorney, joins the firm as an associate. During his nine-year tenure there, he tried more than 65 jury trials and scores of bench trials.



John Karnezis, associate at the firm

Michael Krzak and Isobel Thomas have been named to the National Registry of Who's Who in 2001, noting their exemplary service to the community and the profession. They also have been invited to join the Million Dollar Advocates Forum, an organization formed to recognize trial attorneys around the country who have achieved a verdict or settlement of \$1 million plus. Mr. Krzak and Ms. Thomas have been recognized for their work in unrelated auto accident trials that resulted in \$2.6 and \$3.5 million verdicts, respectively.

Chicago Sun-Times

Letter to the Editor

August 14, 2000

Media Effort on Tires Will Save Lives

The Sun-Times is to be commended for its untiring efforts in pursuing the story of unsafe tires on sport-utility vehicles and light trucks, having even "scooped" many major newspapers in reporting first on the massive Firestone tire recall ("Firestone Recalls Millions of Tires," Aug. 9).

Watching the televised news conference of the Bridgestone/Firestone and Ford Motor Company's explanation for the voluntary recall, it was amazing to see the public relations wizardry at work. The rehearsed officials stopped just short of blaming the consumer for the tread separations. Instead, they talked of overinflation, poor maintenance, air pressure, inappropriate repair, overuse, extreme heat and unusually high traveling speeds.

Yet when asked why other drivers with the same habits had not experienced the same problems with other tires, company officials mumbled something about their confidence in the new replacement tires.

As a personal injury attorney, it is frustrating to see corporate executives continue to abdicate responsibility and even go so far as to blame the consumer.

The National Highway Traffic Safety Administration reportedly has received more than 270 complaints about failing Firestone tires, and it is finally conducting a safety probe.

These tires also are at the root of dozens of lawsuits involving deaths and serious injuries. Although some cases have settled, they all reportedly include mandatory confidentiality clauses so that the amounts and the cause of the accidents slip into anonymity. But eventually, through the litigation process, the knowledge of corporate decision makers may become known.

Don't think for a moment that safety is on the minds of the recall executives, despite their press conference rhetoric. Bridgestone/Firestone made some 48 million of these tires, and it simply became more cost effective to recall the dangerous product than to face the likelihood of hundreds or perhaps thousands of lawsuits.

And were it not for the personal injury attorneys pursuing these cases and the media—like the Sun-Times—reporting on the problems while the manufacturer refuses to accept responsibility for its actions, it is frightening to think just how many more deaths might have occurred.

Robert A. Clifford
Partner, Clifford Law Offices

Final Judgment

Robert Clifford and Keith Hebeisen received a \$5.5 million settlement on behalf of the widow and two daughters of a man who died after the improper placement and removal of an oxygen tube after surgery.



Ronald Friske, 50, underwent cervical spine surgery at Evanston Hospital in January, 1995. "This case is another reminder that medical negligence occurs even at the best hospitals in the Chicago area," Mr. Hebeisen said. This tragedy would have been easily prevented with better communication."

Drs. Hugh Gilbert and Robert Wegrzyn, employed by North Suburban Anesthesiologists, paid \$2.75 million. The hospital paid an additional \$2.75 million.

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

Bill of Particulars

Pharmacy Has Duty to Warn



A patient can sue a pharmacy for negligence when she wasn't warned that she was likely to have an allergic reaction to a drug prescribed by her physician.

An Illinois Court of Appeals recently found that the pharmacy had recorded in its computer system that the plaintiff was allergic to aspirin, acetaminophen and ibuprofen and then filled a contraindicated prescription without a warning or an allergic reaction or of calling the doctor. The patient took the drug and went into an anaphylactic shock.

The court ruled that the pharmacy is not required to make a medical judgment but rather is "required to pass on the knowledge that, for [the patient], the prescribed drug is a possibly deadly poison."

Happel v. Wal-Mart Stores, Inc., 316 Ill.App.3d 621, 737 N.E.2d 650 (2d Dist., decided Sept. 29, 2000).(No. 2-99-1154).

Air Traffic Safety on the Ground

A growing concern about the safety of airlines on the ground is evidenced as congestion at airports increases and airlines are hiring less experienced pilots and ground workers.

Crowded runways, bigger planes, a surge in employee retirements and rapidly expanding operations are being examined in some of the recent ground collisions.

The Federal Aviation Administration reported in February a United Airline 747 in Los Angeles hit the boarding bridge with its nose while pushing back from the gate, forcing 369 crew and passengers to disembark. In April, a taxiing Delta 737 collided with a truck in Atlanta, and in May, a USAirways shuttle jet taxiing in Boston struck a stairway with its left wing and a belt loader with its right engine.

More recently, in October a Singapore Airlines jet in Taiwan taxied off a runway closed for construction and struck a crane and concrete barriers, causing the Boeing 747 to break apart and burst into flames. 82 of the 179 people aboard were killed.



Time to Act ASAP

President Clinton announced earlier this year a new safety agreement dubbed ASAP (Aviation Safety Action Project). It is meant to offer an inducement to airline workers to report safety lapses and errors that could lead to major accidents.

A demonstration program has already been implemented involving five airlines.

Under this program, employees can avoid disciplinary action if they report errors within 24 hours of the incident. The Federal Aviation Administration will still prosecute employees involved in drug or alcohol violations, intentional falsification of records or criminal behavior.

Cameras in the Court

Congress continues to work on allowing cameras to record proceedings in all federal courtrooms under certain circumstances.

Earlier this year, the House of Representatives approved a bill (H.R. 1281) which would allow individual judges to decide whether to allow cameras in their courtrooms, and all named parties in a case would have to consent to their use.

The measure faces an uncertain future in the U.S. Senate where a similar bill (S.721) was introduced by Senators Charles E. Schumer (D-N.Y.) And Charles E. Grassley (R-Iowa).

In state courts, 47 states allow some audio-visual coverage of court proceedings.



Crisis in Confidence

More than half of the experts hired to advise the government on the safety and effectiveness of medicine have financial relationships with the pharmaceutical companies that will be impacted by their own decisions, according to the USA Today (Sept. 25, 2000).

Experts are hired to advise the Food and Drug Administration (FDA) as to which medicines should be approved for sale, what the warning labels should say and how studies of drugs should be designed.

Federal laws generally prohibit the FDA from using experts with financial conflicts of interest, but the FDA reportedly has waived this restriction more than 800 times in the last two years.

At a National Institutes of Health conference earlier this year, concerns were raised about the credibility of science unless the impact of stock, consulting fees and other largess from drug and biotechnology companies is managed more carefully.

APPROACH THE BENCH

JEFFREY J. KROLL is a highly experienced trial attorney handling many high-profile cases at Clifford Law Offices. Currently, he is working on behalf of a 17-year-old high school football player who was paralyzed when he was tackled into an unpadded steel post less than five yards from the field. Rob Komosa of Rolling Meadows was rendered a quadriplegic, paralyzed from the neck down. Mr. Kroll also is involved in representing the estate of a fellow alumnus of Marist High School who was killed at Northern Illinois University when he was struck in the head by a cinder block dropped from the third floor of the Evans Scholars House. Mr. Kroll also represents more than a dozen families—from Chicago to Lombard, Gurnee to Lansing—who have been exposed to mercury as a result of Nicor gas company's negligent removal of meters.



Jeffrey Kroll, frequently asked to lecture, speaks at an Illinois Trial Lawyers Association conference. He has spoken before scores of legal groups in more than a dozen states in the last two years.

JEFFREY KROLL HAS BEEN INVOLVED IN A NUMBER OF MULTI-MILLION DOLLAR VERDICTS AND SETTLEMENTS THROUGHOUT THE COUNTRY, INCLUDING:

THE GREENVILLE NEWS Woman awarded \$3.5 million in husband's death

Upstate doctor allegedly missed colon cancer diagnosis in Greenwood man

Thirty-eight-year-old James Burroughs went to his Simpsonville doctor six times during almost two years complaining of severe stomach cramps.

Burroughs family lawyer **Jeff Kroll** said Burroughs' cancer wasn't detected until November 1997 when he went into the emergency room at a Chicago hospital. By then it was too late, Kroll said, and immediate surgery and treatment couldn't save his client's life. Burroughs, who lived in Greenwood County from 1995 to 1997 and worked at the Greenville Hyatt, died May 23, 1999.

THE NATIONAL LAW JOURNAL

CASE TYPE: *personal injury*

CASE: *Conger v. Texas Utilities Electric Co., 97 07370 B (Dist. Ct., Dallas Co., Texas)*

TEXAS UTILITIES ELECTRIC CO. June 30 agreed to pay \$9 million, and Jerry's Chevrolet-Buick Inc. \$6 million, to a Dallas insurance adjuster who sustained severe burns while investigating property damage claims at the auto dealership. Jace Conger came into contact with a 7,200-volt wire while investigating damage to the roof of Jerry's, said plaintiffs' attorney **Jeffrey Kroll**, of Chicago's Clifford Law Offices. "The wire had been sagging for a year and a complaint had been lodged" with Texas Utilities, said Mr. Kroll. No one at the dealership told Mr. Conger about the wire, he said.

Chicago Daily Law Bulletin

\$5.25 million accord in crash of taxi, car

Attorneys with Clifford Law Offices have negotiated a \$5.25 million settlement with Yellow Cab Co. for a taxi/car collision in 1995 that left a Lake County woman severely injured.

"What this tells cab companies throughout the city is that they're responsible for the conduct of their drivers," said **Jeffrey J. Kroll**, an associate in personal-injury attorney Robert A. Clifford's office.

Around the State

A record \$2.6 million verdict was handed down Thursday in Adams County in a medical malpractice suit.

Attorneys **Jeffrey J. Kroll** and Susan A. Capra of Clifford Law Offices represented the family of 44-year-old Jerry Allensworth of Payson, Ill., against Blessing Hospital of Quincy.

Woman awarded \$1 million for stress after seeing best friend die in car crash

Lupe Bryand had been driving northbound with Catarina Alba on I-90 on Oct. 25, 1997, when her car was struck by John Robb of Chicago's North Side, according to Bryand's attorney, **Jeffrey J. Kroll** of Clifford Law Offices.

In filing the negligence and wrongful-death suit on behalf of Alba's estate and Bryand, Kroll argued that Bryand was so traumatized by witnessing Alba's death, "that she was rendered incapable of engaging in a normal, active lifestyle as a result of her injuries."

JEFFREY KROLL HAS BEEN RECOGNIZED BY THE LEGAL PROFESSION FOR HIS ACCOMPLISHMENTS AND PROFESSIONAL ACTIVITIES:

AWARDS/HONORS

Recipient—Illinois "40 Under 40 Years Old to Watch"
(Law Bulletin Publishing Company, 2000)

Leading Attorneys in Illinois (1998)

Who's Who in American Law (1996)

Who's Who in the Midwest (1996)

Who's Who in America (1995)

Million Dollar Advocates Forum (1995)

Who's Who in America (1993)

Men of Achievement (1992)

Who's Who of Rising Young Americans (1991)

PROFESSIONAL ASSOCIATIONS

American Bar Association

- Co-Chair, Tips From The Trenches Publication, Section of Litigation, 1999–2000
- Vice-Chair, Trial Techniques Committee, Tort and Insurance Practice Section, 1999–2001

Illinois Trial Lawyers Association

- Co-Chair, Seminar Planning, 1999–2001
- Elected Member, Board of Managers, 2000–present

Illinois State Bar Association

- Member, Assembly, 1998–present
- Member, Tort Law, Section Council, 1996–2000
- Chair, Admiralty and Maritime Section, 1995–1996



Jeffrey Kroll appeared earlier this year on a Chicago radio station to answer listeners' questions on various personal injury issues.



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Robert P. Sheridan

ON THE DOCKET

Amount	Date	Attorney(s)	Facts
\$5.5 million	Sept. 5	Robert Clifford and Keith Hebeisen	man dies after being improperly intubated after surgery
\$2.1 (partial)	Sept. 11	Keith Hebeisen and Susan Capra	26-year-old man dies from failure to diagnose and treat sickle-cell anemia crisis after surgery
\$1.1 million	June 30	Keith Hebeisen and Susan Capra	56-year-old woman dies from complications involving undiagnosed legionnaire's disease
\$1 million	July 19	Susan Capra	6-month-old infant with ignored flu-like symptoms dies of meningitis
\$1 million	June 15	Kevin Durkin	tow truck strikes wooden tie; malfunctioning door opens; 26-year-old passenger falls out, hits head on pavement, and dies
\$1 million	June 30	Richard Burke	64-year-old woman dies after surgeon fails to relieve pressure on brain during cranial surgery

Personal Injury | Transportation | Aviation | Medical Malpractice | Product Liability | Wrongful Death

Recent case filings by Clifford Law Offices

- * Several individual lawsuits filed against the Nicor gas company on behalf of homeowners from Gurnee to Lansing, Chicago to Lombard, whose homes have been contaminated by mercury from leaking gas meters that were improperly removed
- * 20-year-old student at Northern Illinois University and an Evans Scholar was killed when a fellow student dropped a cinder block off fire escape on his head
- * 39-year-old man attempting to protect two women dies at brawl at wedding reception in Chicago's western suburbs
- * Arlington Heights police officer is hit in his squad car while on routine patrol by a speeding off-duty hearse that runs a red light
- * Wife riding with toddler and husband in car; boat unhitched from another car and crashed into their vehicle, killing the mom in front of her family
- * Illinois woman killed when tire blows out on 1998 Ford Explorer and vehicle rolls over 3-4 times
- * 47-year-old man is killed on I-94 near Deerfield Road when a tire from a limousine flies across the median and lands on his car
- * Violinist with the Chicago Symphony is battered and restrained at a major Chicago department store when she is wrongfully accused of shoplifting
- * 36-year-old father of two from Ogden, Utah, is killed when Singapore Airlines jet taxis onto wrong runway at Taiwan airport and rams crane and concrete barriers, bursting into flames and killing 82 people aboard

The Seventh Annual Clifford Tort Law and Social Policy Symposium entitled "Smoke Signals: The Changing Landscape of the Practice, Financing and Ethics of Civil Litigation in the Wake of the Tobacco Wars" will be held April 5-6 in Chicago.

Academics include law professors from Cornell, Columbia, University of Chicago, Duke, Stanford, Northwestern and UCLA. They are scheduled to participate along with key lawyers who have been involved in tobacco cases around the country. Panels have been organized that will answer questions regarding the ethical, legal and financial implications of the highly-charged tobacco litigation.

The Symposium is part of a generous grant provided by Robert Clifford to DePaul University College of Law, sponsors of the two-day seminar that is free and open to the public.



Robert Clifford with DePaul Professor Stephan Landsman

At the American Bar Association's Annual Meeting in New York

Robert Clifford met Digna Ochoa, (2nd from left) a prominent Mexican attorney and staunch defender of human rights in that country. She was presented with the ABA Section of Litigation's International Human Rights Award by NBC Nightly News Anchor and Managing Editor Tom Brokaw. The Section of Litigation annually recognizes lawyers and judges who have made extraordinary contributions in foreign countries to the cause of human rights and the promotion of access to justice. Mr. Clifford is Vice Chair of the Section of Litigation, the largest in the ABA numbering nearly 60,000 attorneys nationwide. He will become Chair in August, 2001, when the ABA meets in Chicago. H. Thomas Wells, Jr. (2nd from right) is the immediate past Chair.



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.

The owner of this newsletter is a law firm licensed to practice only in Illinois. In preparing and disseminating this newsletter, Clifford Law Offices have made a good faith effort to comply with all laws and ethical rules of every state into which may be sent. In the event, however, that it is found not to comply with the requirements of any state, Clifford Law Offices disclaim any wish to represent anyone desiring representation based upon viewing this newsletter in such state.

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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Wishing You Holiday Greetings

F. Clifford



CLIFFORD LAW OFFICES