

LAWDRAGON

Lawyer Limelight: Robert A. Clifford



Photo By Michelle Nolan

By Alison Preece

Robert A. Clifford, a renowned personal injury lawyer in Chicago, is a paragon of integrity with a work ethic and value system that brings a heightened standard to the practice of law. He cares deeply about his clients, who include such cultural idols as Rachel Barton Pine, the celebrated violinist who was struck by a Chicago commuter train, as well as victims of fires and other accidents who suffered serious injuries or even lost their lives due to faulty systems. His work has led to a fortified 911 response system in Chicago, new standards for college resident assistants, and much-needed updates to building codes in the city.

Clifford also has a long history of setting new standards in the aviation industry through his work on behalf of plane accident victims, including his current work as lead counsel in litigation surrounding the crash of the Boeing 737 Max8 jet in Ethiopia last year. His tireless efforts on behalf of his clients have resulted in verdicts and settlements totaling billions of dollars over the years. He is founder and senior partner at Clifford Law Offices.

Lawdragon: Will you please describe for our readers the work you do for injured plaintiffs?

Robert Clifford: My entire career has been working in the area of personal injury and wrongful death law on behalf of plaintiffs. My practice is varied, from commercial and general aviation and helicopter crash cases to medical malpractice, premises liability to product liability actions. I have been very privileged to have the opportunity to work on behalf of people in what may be their greatest time of need in their lives. Guiding them for what may be several years to achieve justice on behalf of them and their families has been a journey that I have enjoyed because I know that I have helped people and changed lives for the better along the way.

LD: What initially drew you to a personal injury practice?

RC: I was a first-year law student at DePaul University College of Law and we had a speaker in my torts class: Philip Corboy. He was then the dean of personal injury law in Chicago. His work, his work ethic, his passion – they all drove me to immediately make the decision that this was the area of law in which I wanted to concentrate. Following the class, I looked him up in the phone book (they existed in those days), and I then went to his downtown office where he said he was headed. Telling the receptionist that I had one more question for Mr. Corboy, she allowed me in and I asked him, “How does a guy like me get a job with a lawyer like you?” Mr. Corboy was so impressed with my boldness and my fortitude that he hired me as a law clerk after checking my credentials with the Dean of the Law School, and I’ve never turned back. I learned from the master and have gone on to form my own law firm and mentor others in the area of tort law.

LD: You’ve been practicing this type of law for quite some time now. What keeps you passionate about it?

RC: I come in to work every day for over 40 years as excited as I did my first day. I am very fortunate to view my work as a learning experience. Whether it be figuring out what went wrong with an airplane when it crashed or how a baby was brain damaged at birth, every day is different. I learn something every day. It is a profession where you are growing and learning. That may not be true of every profession and even of every lawyer. That is what makes it so exciting to represent personal injury and wrongful death clients. Righting a wrong is something that gives me great satisfaction.

LD: Looking back at all the work you’ve done in your career, is there one case that stands out as particularly memorable or interesting?

RC: Because I have had the privilege of handling many complex, high-profile cases, it is very difficult to decide exactly one case that was the most interesting. Certainly, trials are the favorite part of my work. One trial that stands out in my mind is that of Rachel Barton, an internationally acclaimed violinist whose instrument and other bags were trapped in the sliding doors as she exited a commuter train. The train took off, dragging her for some 300 feet until she finally freed herself, but was swept under the train. Her injuries were so severe that it was considered a miracle that she lived, and yet another miracle when she could still play the violin as a virtuoso. Of course, her career has been somewhat altered or compromised, but she has gone on to still have an incredible career, marry and have a daughter who also is a home-schooled musical prodigy.

Following a month-long trial that was front-page news in Chicago every day, we received a \$29.6 million verdict that - after appeals were exhausted - amounted to \$35 million. The trial was exhausting. The presentation of the case was systematic. The appeal to the jury was unique. In the

end, the verdict allowed our client to have the necessary care, surgeries, prosthetics and household accommodations to make her life bearable. She was able to resume her musical career, which has given her the strength to go on, providing beautiful music to thousands. The law was on her side. Justice was on her side. And she so appreciated our efforts on her behalf.

LD: That's a beautiful story, and an incredible result. One of many in your long career, I'm sure!

RC: My life has been filled with memorable cases: the scaffolding collapse of the John Hancock Center; the fire at the Cook County Administration Building; the fire that took the life of a young woman whom firemen were unable to locate that changed the 911 response system in Chicago; the young Northwestern student who died from an alcohol overdose when his RA failed to check on him that started a Red Watch Band program at other universities around the country to save lives of those who drink; the porch collapse of a Chicago residence that forced city officials to re-examine their ordinances and building codes; airline crashes that changed rules and regulations. The cases go on and on, cases that made a difference, not only in the lives of those we represented, but also to make the world safer for everyone else through their sacrifices.

LD: I imagine you hold many professional recognitions, given your track record and the broad impact your cases have had.

RC: I really am not one to accept awards, despite my being privileged to be asked on a regular basis. I did, however, agree last year to receive the Distinguished Award for Excellence by the Illinois Bar Foundation, the charitable arm of the Illinois State Bar Association. The object of the evening is to raise money to help lawyers in need, those who might fall on hard times or the sudden death of a lawyer that dramatically and unexpectedly impacts a family. I was humbled by the hundreds of lawyers who poured their hearts and souls into the project. It was a record number of attendees and a record amount that was raised. I feel that if lending my name helps others, then I will do so because it isn't about collecting awards. It's about if you leave this world a better place.

LD: That's so true, and I think you can rest assured that you truly have. What would you say is a major or significant change in how you practice now compared to when you started?

RC: Technology has changed the practice of law over the years. Discovery has become more complex with the creation of more documents, and the ever-increasing need to learn how to search for Electronically Stored Information, ESI. The type of work we do generally involves multiple defendants or complex issues. This means multiple experts in search of information in documents that go far back in time to figure out how the problem or negligence occurred. That means perhaps even millions of pages of documents must be closely examined with technology-assisted review techniques to figure out exactly what is needed at trial, what a jury needs to know to come to the truth.

There are no easy answers and the lawyers at my firm know that they must be at the top of their game every minute. They must be creative in their approach to every case. They must look for every angle that will give our client full restitution. They must continue to educate themselves in the use of new methods and technologies. That certainly hasn't changed over the years, but the amount of work to get that same justice appears to have multiplied given the number of documents that appear to be created so easily with emails, texts, internal communications, posts on social media and other avenues that simply weren't there before.

The practice of law in general has become more complex with the advent of technology. That will only grow as we see everything from authenticating fake discovery to cloud-based storage to biometric identification. Keeping up with the high-tech world has had an impact on the law. It's important that every lawyer try to keep on top of it because, in the long run, it will help you and your client by knowing as much as you can about it. I try to be a sponge. The use of electronics in the courtroom for presentations is very important to a winning strategy.

LD: What are some of the recent cases you've handled, or are currently handling?

RC: Obtaining a \$101 million verdict on behalf of a baby born brain damaged was most heartwarming. And, just before that was a case we tried for a young woman who received \$35 million after a truck dragged her for blocks causing horrible injuries.

But being named lead counsel in the litigation involving the March 10, 2019, crash of a Boeing 737 Max 8 in Ethiopia has had the greatest impact on our firm in recent months. Of the 157 people aboard that ill-fated flight, hailing from 35 different countries, we represent 68 victims in a tragedy that has bound them together in a fight against a major corporation to keep that plane grounded until all safety issues have been fully vetted. Their dedication to not witnessing a third crash is a testament that their loved ones did not die in vain.

LD: I know the Boeing case is pending, but can you talk a bit about the challenges you face there?

RC: Being lead counsel for victims from 35 different countries in a consolidated matter in federal district court in Chicago has proven to be particularly challenging. Making sure that everyone stays up to date on what is happening in court. Keeping track of all the clients' needs whether that requires interpreters or not. Giving each client an individual voice in a tragedy that impacted so many – and really the flying public – is a huge responsibility. I accept these challenges and feel that I have worked my entire career to ready myself for being lead counsel in a case that could change the way planes are certified, the way airline manufacturers do business and the way that countries view the importance of safety in the world.

LD: This case has the potential to have a major impact on the aviation industry. Has that already started to happen?

RC: It is yet to be seen what the full impact of the case will be in this matter. So far, the 737 Max 8 has been grounded for nearly a year – the longest that any aircraft has ever been grounded – while various certification agencies around the world examine what went wrong with the plane. The flying public deserves that type of scrutiny before the plane is allowed to fly again.

LD: Absolutely. They need to be held accountable.

RC: Yes, accountability and transparency are owed to the 346 people who died in two crashes. It is owed to my clients and all of those who became victims of the Boeing crash in Ethiopia. To witness the pain and suffering of each of my clients from the loss of their loved ones is very difficult, but they are looking for their lawyers to fight for them in court every step of the way. And that is exactly what we will do until justice is achieved for everyone.

LD: It sounds like this case has really made an impact on you personally, as well.

RC: Visiting the crash site outside of Addis Ababa, Ethiopia, was a memorable experience. Re-creating a plane crash for jurors is a difficult thing to do in court because you can never quite capture the horror of it all. We create three-dimensional videos for jurors to witness what we believe occurred, given information from experts, the black boxes and other evidence we accumulate. But nothing truly can capture the scene of the crash site itself. That has become the burial ground for 157 people who died when that plane was entombed in the earth at a high rate of speed. Certainly, jurors cannot visit the scene, but witnessing that crash scene and the sorrow of the families who must live with knowing that's how their loved ones' lives ended is a very memorable moment in my career.

LD: Let's switch gears, if we may, to your education and early work as a lawyer. Did you experience from your undergraduate work push you towards a career in the law?

RC: I attended DePaul University as an undergraduate and then, while always working, applied and was accepted directly into DePaul University College of Law. I always had an interest in history, political science and writing. I put all those interests to use in law school. As a young student, I was a precinct worker in Chicago handing out fliers to voters in my ward. I think deep down I always knew that I wanted to be a lawyer even though no one in my family had ever graduated from college. I was driven by a thirst for knowing more, learning more and making a mark in the area of law. I feel that as my career continues, I still intend to do that until there is no more breath left in me.

LD: What other jobs did you have as a young person? And did any of them have an impact on your legal career?

RC: My first job as a teenager was at a lumber yard where I learned the meaning of hard work. Physical work. Every day when I walked to work I passed a Great Lakes rope factory and above the employee entrance there was a sign that read, "He who weaves this rope weaves his conscience into every rope twine because so many lives depend thereon." I have used that statement in every closing argument of every trial so that jurors understand the importance of their duty. They need to know that if they weave their conscience into their decisions, they will get it right for the right reasons

LD: Is there a specific reason why you chose DePaul for law school?

RC: Because of my need to work my way through college and law school, I chose a local school in Chicago that allowed me to earn a living while attending higher education. I came to learn that DePaul is a wonderful, dedicated group of academics who are willing to help every student be successful, and I have tried to give back to the school for everything that it has given me. I applied to one undergraduate school, DePaul, and one law school, DePaul. Those were easy decisions to make because they allowed me to work part-time to fund my education.

LD: Were there any professors there who were particularly memorable or important in what practice you chose?

RC: I believe that Professor Terrence Kiley, who is now deceased, had an impact on me as my tort professor. He was kind, yet firm. He was intelligent and knew how to share that intelligence through the Socratic method. He made the class interesting. He affirmed my decision that tort law was the right place for me.

LD: What advice do you have now for current law school students?

RC: When my eldest daughter graduated law school, I wrote a column for the Chicago Lawyer offering her advice as a new lawyer.

- Don't forget that our judicial system is the best and fairest method for settling disputes.
- Always defend the jury process. It is at the heart of all that is just.
- Support the rule of law. It is what keeps our country stable and gives us our liberty.
- Know that your reputation is what is most important. Your integrity in the legal community is your calling card.
- Always do what is right.
- The ends do not always justify the means.
- You are the guardian of your morals as well as that of your clients.
- Return phone calls and emails promptly.
- Get involved in the local, state and national bar associations. You will learn a great deal, stay on top of what is happening and make friends for life.
- Never stop learning.
- Seek the truth. There are no stupid questions.
- Build relationships.
- Network. Get good at it.
- Read "To Kill a Mockingbird" again.
- Get to know and understand all of your clients' needs so that you can better represent them.
- Be proactive. Make your own opportunities.
- Nothing stays the same. View change as a vehicle for growth.
- Do pro bono work. Give back.
- Give as much as you get. Then give some more.
- Make your mother proud. Whatever you do, assume your mom knows all about it.
- Stay healthy so you can practice law for the rest of your life.
- Only time and commitment will determine your level of success.
- Be honest.
- Love what you do.
- Like the famous Apple saying goes, think different. Think out of the box for solutions. Ideas can be powerful.
- Be willing to share what you know. As you gain experience, the concept of mentoring will become clear.
- Don't forget about the importance of loyalty.
- Find your passion. Then share it.
- Learn to laugh. Have fun.
- Focus on what you can control. Don't worry about what you can't.
- Set the world on fire.
- The law will let your dreams come true.
- Always make time for your family and friends.
- And, above all, know that I will always love you. You always make me proud.

My daughter, Erin, is now a partner at my firm.

LD: That's wonderful that she's following in your footsteps! Can you share a lawyer you have come up against in a negotiation or case that you admire, and why?

RC: I have had many formidable opponents. C. Barry Montgomery was a very savvy lawyer in the month-long trial of Rachel Barton, the violinist. Barry was among the best defense lawyers ever to hit the courtroom. He's very polished, smart, crafty and likeable. Another opponent who I have faced off against several times is Dan Boho of Hinshaw Culbertson in Chicago. What stands out to me about Dan is that he is always professional. He fights a good fight, but he is civil. He sets an example for all lawyers in the courtroom that, although we may be doing battle, this is still a courtroom and we aren't fighting to the death. He is a gentleman and is always prepared. Every lawyer can learn something from Barry Montgomery and Dan Boho.

LD: I'd love to talk a bit about your firm now, if we may. You hung your shingle in 1984, correct?

RC: Yes, and it was a bold decision at the time! I was a young lawyer with a young wife and two small children, but I have never looked back. It was the best move I ever made. The firm has grown to 25 lawyers and I have found that surrounding myself with intelligent, hard-working people is the key to success.

LD: What are some of the challenges you face as the founder and name partner of the firm?

RC: The greatest challenge in the future of personal injury litigation is technology, from the perspective of discovery to the requirement for lawyers to be tech-savvy in order to be deemed competent. Clients expect faster replies, courts require e-filing and researching online is now an everyday occurrence. Clients trying to represent themselves through online forms, fee-sharing with online non-lawyer client referrals and online research of voir dire are just some of the technology issues we face as information continues to grow exponentially.

LD: Can you share some strategic plans for your firm in the coming months or years?

RC: The greatest challenge in the year ahead is juggling being a trial lawyer, mentoring young lawyers and running a law business all at the same time. As the world moves faster, the ability to grow one's firm for the next generation of lawyers is a huge responsibility. It appears that finding one's niche, much like the specialties of medicine, is the best way to serve one's client and achieve justice. That allows the lawyer to be cost-conscious as well as honing one's skills in taking cases to verdict. It also is important to pass on what one has learned to younger lawyers. They need to know the necessary skills of being a trial lawyer while at the same time being a wise businessperson who knows how to develop relationships. I hope by setting an example of hard work and earning the respect of one's peers that I pass on the importance of the various responsibilities of being a successful trial lawyer for the next generation.

LD: Speaking of the next generation, how do you distinguish Clifford Law from other firms when it comes to potential new recruits?

RC: Clifford Law Offices prides itself on preparing every case for trial. We approach every case as if we are going to the very end. We may be particular in the cases we choose to accept, knowing that we can do justice for those involved in complex litigation, but we feel it is a privilege that we have the resources to find the very best expert, to create the very best demonstrative evidence and to undertake the most intense discovery that every case requires. That's how we stand apart from the rest.

LD: What do you do for fun when you're outside the office?

RC: One of my favorite outside passions is my wine collection, but I don't just do it for fun. My wife and I have served as co-chairs of the Naples Wine Festival, an annual event that raises money for the underprivileged children of Southwest Florida. The money raised provides hot lunches, schoolbooks, eyeglasses and other essential needs for those who simply can't afford it. The year that we chaired the event, the auction raised more than \$14 million in four hours. The total figure has now surpassed \$200 million over the years. In this 20th year of the organization we just raised over \$20 million for the kids of Southwest Florida Collier County. It is heartwarming to visit with these charities and see that our passion and our charity makes a difference in the lives of so many.

I also enjoy golfing, but who has time for that?

LD: Are you involved in any pro bono or public interest activities?

RC: My career and my family give me little time to do other outside interests than what I have mentioned, but I have been very active in bar associations. I have served as President of the Illinois Trial Lawyers Association, the Chicago Bar Association and the Chicago Inn of Court. I have been Chair of the American Bar Association Section of Litigation. I have served as Chair of the ABA Fund for Justice and Education. I also have been active in helping the Chicago Police Memorial Foundation. I have sponsored five students every year at Cristo Rey High School for decades, all of whom have gone on to college and several who have gone on to work on my staff at Clifford Law Offices.

LD: Do you have a favorite book or movie about the justice system?

RC: My favorite movie actually is "It's a Wonderful Life." Although it is not based on the law, it is based on solid moral values. I enjoy watching the movie every year at the holidays with my family as George Bailey is ready to end his life until his guardian angel tells him how his town would have been so very different if not for all of the good deeds that George had done over the years. That story, and his good deeds, never get old. It reminds me every year to try to do more for everyone I can.

I also just read a book entitled, "The Age of Surveillance Capitalism." What Google, Facebook and others are doing with our personal data is deeply troubling for us all.

LD: If you weren't a lawyer, what would you be doing now?

RC: I cannot imagine doing anything else other than being a lawyer. And I am very fortunate.

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