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WILLIAM J. ROGERS

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William J. Rogers for
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INTRODUCTION

Over the past 30 years, the Jury Verdict Reporter has evolved from a weekly one-page printed newsletter to a research tool with over 55,000 Illinois cases in Lawyerport and a digital eNewsletter that features verdicts and settlements from across the state and beyond. Leading this tremendous growth has been our experienced JVR editorial team. Their knowledge of verdicts and settlements as well as the respect they have earned with members of the trial bar have allowed them to evolve the JVR into an essential research tool that JVR founder Max Sonderby would never have imagined. Max would have appreciated and been proud of their efforts to significantly expand the information provided in JVR case reports.

Illinois attorneys and judges use Jury Verdict Reporter information to find comparable verdicts and settlements, identify and research expert witnesses, and to develop overall trial strategy. JVR reports have become a must-have case evaluation resource for civil litigators. As we grow and improve, our JVR writers continue Law Bulletin's standard of fair and accurate reporting.

On October 16, 2024, the Jury Verdict Reporter and Law Bulletin Media hosted their annual JVR Trial Lawyer Excellence Awards ceremony and reception in the RPM Events space in Chicago. The event, which was attended by over 375 trial lawyers and judges, recognized significant achievements by lawyers for both the plaintiff and defense. A highlight of the evening was the presentation of Lifetime Achievement awards to attorneys William J. Rogers and Bruce R. Pfaff. This magazine commemorates the ceremony and includes photographs of the lawyers who were honored for their trial work, as well as other notable guests.

On behalf of the Law Bulletin Media and the staff of the Jury Verdict Reporter, we extend our thanks to the plaintiff and defense attorneys for their contributions and cooperation throughout our investigative process. We acknowledge that, without your participation, the Jury Verdict Reporter would not be the valuable resource it has become.



A handwritten signature in black ink that reads "Peter Mierzwa". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Peter V. Mierzwa

President & Publisher



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in the 2024 JVR Annual Settlement Report

Congratulations

to our Partner

Sherri M. Arrigo

for receiving the

2024 Defense Attorney Achievement Award



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THE GO-TO RESOURCE FOR SUCCESSFUL TRIAL LAWYERS

The Jury Verdict Reporter is the second-oldest business of its kind in the United States. Trial lawyers have come to rely on its detailed and objective reports to accurately evaluate their cases. It was founded in 1959 by newspaper reporter Max Sonderby to collect and publish summaries detailing civil jury verdicts and negotiated settlements. Law Bulletin purchased the business in 1991, and soon began computerizing the information. We now have a fully-searchable database with over 55,000 cases available in our digital platform Lawyerport. These cases are linked to additional information on the lawyers, judges and experts involved in these cases to provide unique insights for trial lawyers, judges and mediators.

The Jury Verdict Reporter summarizes cases tried or settled, highlighting the factual situation that gave rise to the litigation. We provide details about the trial lawyers, judge, venue, case name and number, award amount, specific injuries, insurer that paid the verdict or settlement, and expert witnesses who testified. In addition, the Jury Verdict Reporter staff offers their expertise to provide a custom case research service in which they will analyze our database according to supplied factual scenarios and compile a package of comparable Illinois cases.

2024 was an exciting year for the Jury Verdict Reporter and its subscribers! Our annual JVR Settlement Report reached a record high \$2.38 billion in settlements and was published in the October issue of the Chicago Lawyer magazine. Law Bulletin Media's legal portal, Lawyerport, which facilitates access to all Law Bulletin Media content including the Jury Verdict Reporter, continues to be utilized by thousands of Illinois attorneys. And the Jury Verdict Reporter transitioned even more information to our weekly eNewsletter that features both verdicts and settlements.

Christine Davis, Associate Editor

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2024 Jury Verdict Reporter Trial Lawyer Excellence Awards



(Front Row L to R) Joseph A. Power Jr., Patrick A. Salvi, Kimberly D. Flanigan, Jenny O. Blake, Sheryl M. Arrigo, Bruce R. Pfaff, William J. Rogers, Shilpa A. Patel, Matthew L. Williams; **(Back Row L to R)** Larry R. Rogers Jr., Heidi L. Wickstrom, Michael A. Schlechtweg, Patrick A. Salvi II, Joseph J. Lombardo, Robert J. Napleton, Christopher M. Norem, James M. Roche, Christopher T. Theisen, Joshua L. Weisberg, James I. Power,

Reporter Excellence Awards



(Back Row Continued) Louis A. Berns, Christian D. Biswell, Daniel J. Wangler , Margaret Firnstein Gebhardt

Not pictured: Robert S. Baker, Michael F. Bonamarte IV, Seth L. Cardeli, Bradley M. Cosgrove, James P. Ginskey, Adam K. Hanna, Charles R. Haskins, Brian J. Hickey, Randall A. Mead, John J. Perconti, James I. Power, Mark D. Prince, David E. Rapoport, Larry R. Rogers, Jr., Cari F. Silverman, and Miranda L. Soucie

**Michael Gill and Matthew Ports
Congratulate
Our friend and former colleague
Bruce Pfaff**



**On receiving
the Plaintiff Attorney Lifetime Achievement Award
at the 2024 JVR Awards for Trial Lawyer Excellence.**



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AWARD DESCRIPTION AND METHODOLOGY

Jury Verdict Reporter Trial Lawyer Excellence Awards

In preparation for the 2024 award ceremony, the Jury Verdict Reporter team and President of Law Bulletin Media Peter Mierzwa reviewed hundreds of significant Illinois jury verdicts and negotiated settlements that had been investigated and summarized by the Jury Verdict Reporter staff. We identified several that resulted in record-setting awards for the plaintiffs or notable defense outcomes in cases with a high verdict potential.

It also became apparent during this research that a handful of attorneys had compiled such a significant body of successful outcomes for their clients that they merited awards for their achievement. The list of award winners includes not only some very recognizable attorney names, but also a few surprises. Photographs and biographies of the award winners are featured throughout this commemorative publication, along with the selected case summaries from the Jury Verdict Reporter.

We look forward to October of 2025, when we will again host our Annual Jury Verdict Reporter Awards Ceremony & Reception. We hope to see you there.



Highest Reported Williamson County Verdict or Settlement

\$8,500,000

Anesthesia Error Causes Death

**PLAINTIFF ASKED
\$12M**

**DEFENSE OFFER
\$2M - \$8M high/low**

**VERDICT
\$8.5M**



Plaintiff underwent elective shoulder surgery for arthritis pain. He was taking Losartan for high blood pressure and had taken his medication earlier that morning. No physician anesthesiologist was present for the procedure. A certified registered nurse and other hospital employees administered

a lethal dose of general anesthesia which caused plaintiff's blood pressure to drop. He became hypotensive and hypoxic and medical personnel were unable to revive him. He was declared brain dead and passed away seven days later. Liability was admitted and no experts were called.

CASE REPORT



(19 MR/1) MEDICAL MALPRACTICE--ANESTHESIA ERROR CAUSES DEATH--ADMITTED LIABILITY (12A)

Estate of Lowell Williamson, deceased v Marion Hospital Corp., d/b/a Heartland Regional Medical Center, Mary Bigongiari, C.R.N.A., Dr. Danuta Gwarnicka, Anesthesia Associates of Southern Illinois LLC, d/b/a Dr. Roodman & Associates 14L-86 Tried Mar. 15-20, 2019

VERDICT: \$8,500,000 v all defts (\$3,000,000 grief and sorrow; \$5,250,000 loss of society; \$250,000 loss of normal life).

JUDGE: Brad Bleyer (IL, Williamson 1st Jud Cir)

PLTF ATTY(S): Bradley M. Cosgrove, Charles R. Haskins of Clifford Law Offices (Chicago, IL), Mark D. Prince of Prince Law Firm (Marion, IL) **DEMAND:** \$12,000,000

DEFT ATTY(S): Richard J. Behr of Behr, McCarter & Potter (St. Louis, MO) for Marion Hospital Corp., Heartland Regional Medical Center (Self-Insured) **OFFER:** \$2,000,000 - \$8,000,000 total high/low; Jeffrey R. Glass, Madelyn J. Lamb of Hinshaw & Culbertson (Belleville, IL) for Mary Bigongiari, C.R.N.A. (Medical Protective); Adrian E. Harless of Heyl, Royster, Voelker & Allen (Springfield, IL) for Dr. Danuta Gwarnicka (Medical Protective); Ted W. Dennis of Freeark, Harvey & Mendillo (Belleville, IL) for Anesthesia Associates of Southern Illinois LLC, Dr. Roodman & Associates (Medical Protective)

PLTF MEDL: Dr. Medhat Elsherbini (Pulmonologist)

On August 12, 2013, Lowell Williamson went to Heartland Regional Medical Center for elective shoulder surgery due to arthritis pain. Lowell M-60, an I.T. consultant at Southern Illinois University, was considered high risk because he was on blood pressure medication (Losartan) at the time and had taken it earlier that morning. Despite this high risk, there was no physician anesthesiologist present at the time of the procedure. Deft Certified Registered Nurse Anesthetist Mary Bigongiari and other hospital employees administered a lethal dose of Sevoflurane gas (general anesthesia), which caused Lowell's blood pressure to severely drop. He became dangerously hypotensive and hypoxic. Personnel failed to revive him and he was declared brain dead. Lowell passed away on August 19, 2013, survived by his wife and two adult daughters. The on-call anesthesiologist (deft Dr. Gwarnicka) took 55 minutes to respond after multiple contact attempts from Bigongiari and the staff present during the surgery. Dr. Gwarnicka claimed to be attending to another emergency during that time, which hospital records refute. The estate argued that defts failed to properly monitor Lowell or examine his records both before and during surgery, defts should not have let him undergo the surgery because he took his blood pressure medication earlier that day, defts failed to respond to a clearly urgent situation, his doctors did not formulate a specific plan for anesthesia, and no doctors made themselves available during anesthesia - in violation of state law. The defense admitted liability at the start of the trial, which precluded the jury from hearing the full case facts. No experts were called at trial. The jury deliberated three hours. This award is the highest Williamson County verdict or settlement reported in JVR records. On May 20, 2019, the defts reached a settlement



Bradley M. Cosgrove

Bradley M. Cosgrove, partner at Clifford Law Offices, has been recognized as the "Lawyer of the Year" in Medical Malpractice in 2023 by Best Lawyers. In 2024, Lawdragon named him one of the 500 Leading Plaintiff Consumer Lawyers in the country. He is a member of the Inner Circle of Advocates that names the best 100 plaintiffs lawyers in the U.S. He is an Illinois Super Lawyer, Leading Lawyer and the National Trial Lawyers named him one of the Top 100 Lawyers in the country. Brad is an experienced trial attorney in the areas of medical malpractice, trucking accidents, automobile collisions, personal injury and wrongful death who believes that results speak for themselves. To date in 2024, Brad has achieved more than \$84 million in verdicts and reported settlements. He has received many record verdicts over the years in the state including a \$101 million record verdict on behalf of a baby who was brain damaged at birth, a \$40 million record verdict on behalf of a 37-year-old man who suffered from a hypertensive stroke as a result of a physician's failure to properly diagnose, manage and treat his high blood pressure, and a \$21.5 million record verdict for a 6-year-old boy who drowned while at a public pool during a summer day camp.

He gives back to the profession and to the community through his work as a leader of the Chicago Bar Association, the Illinois State Bar Association and the Illinois Trial Lawyers Association serving on its Board of Managers, as well as through the Wounded Warrior projects that helps veterans and their families.

Highest Reported Williamson County Verdict or Settlement



Charles R. Haskins

Charles R. Haskins, partner at Clifford Law Offices, concentrates his practice on medical malpractice, products liability and premises liability litigation. He has been on trial teams that have received record verdicts and settlements including a record \$101 million verdict on behalf of a baby who sustained brain damage at birth. The same year, Chuck obtained an \$8.5 million verdict on behalf of a Williamson County man who died when a certified registered nurse anesthetist and hospital employees allowed the patient to become dangerously hypotensive. Chuck works tirelessly with passion to achieve fair and just results.



Mark D. Prince

Mark concentrates his law practice on representing people who have been harmed by the wrongful conduct of other people or corporations. These types of cases include bicycle and motorcycle accidents, auto accidents, slips and falls, construction or work-site accidents, medical malpractice, products liability, railroad accidents, workers' compensation, and wrongful death.

Licensed in 1988, Mark practices across Illinois, primarily in southern and central regions, and has tried cases in most southern counties. He founded his own law firm, Prince Law Firm, in 2004. His main office is located in Marion, Williamson County, Illinois.

to pay the entire verdict without interest: Heartland Regional Medical Center paid \$5,500,000, while Medical Protective paid \$1,000,000 each for Gwarnicka, Bigongiari, and Anesthesia Associates (see JVR's SMMM k/74). This case was the subject of a Chicago Daily Law Bulletin article on March 22, 2019.



Clifford Law Offices Firm: Robert A. Clifford founded a personal injury law firm in his name in 1984 that has developed an international reputation. The lawyers at Clifford Law Offices represent hundreds of years of practice in personal injury and wrongful death law. Every member of the firm upholds the highest principles of the legal profession in placing the client first. The firm sets the standard in professional excellence utilizing state-of-the-art technology in the development of a case for trial. As a result of the litigation handled by the firm, many defective products and dangerous practices have been changed or abandoned altogether. Clifford Law Offices' commitment to excellence has proven that the power of a single lawsuit can eliminate dangers caused by unsafe products and practices. The firm is at the forefront of pursuing this philosophy on behalf of its clients.

At **Prince Law Firm**, we advocate for our clients, helping them to rebuild their lives after having been injured by the wrongful conduct of others. We are advocates for the injured person and are always ready, willing, and able to take on the insurance companies who stand in the way of our clients getting the justice they deserve.



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Outstanding Defense Verdict in a Premises Case

Not Guilty

Tenant Allegedly Hurt in Apartment Ceiling Collapse

PLAINTIFF ASKED
\$2.55M

DEFENSE OFFER
\$14K

VERDICT
For the Defense



Plaintiff was sitting in her apartment when the ceiling collapsed and fell onto her. She sustained injuries that aggravated her pre-existing lumbar disc disease. Plaintiff claimed that she had complained about water damage in the ceiling to the landlord several months

prior to the occurrence, but the condition was not repaired until afterwards. The defense argued that plaintiff failed to prove that she was struck by the collapsing ceiling and failed to prove her preexisting condition was aggravated as a result of the collapse.

CASE REPORT



(RRR 37/2) PREMISES LIABILITY--TENANT ALLEGEDLY HURT IN APARTMENT CEILING COLLAPSE (7)

*Candace Poland v Crater & Crater Enterprises LLC, James Dawson 20L-10133
Tried Jul. 28-Aug. 3, 2023*

VERDICT: Not Guilty

JUDGE: John P. Kirby (IL Cook-Law)

PLTF ATTY(S): Elise M. Blandin of Horwitz, Horwitz & Associates (Chicago, IL)

DEMAND: none **ASKED:** \$2,550,000

DEFT ATTY(S): Adam K. Hanna of Yvonne M. Kaminski & Associates (Chicago, IL) for both defts (State Farm) **OFFER:** \$14,000

PLTF MEDL: Dr. Chantal Tinfang (Family Practice)

DEFT EXPERT(S): Dr. Brian S. Clay (Rehab/Physical Medicine) for both defts

Pltf F-50 was a tenant at deft's' building located at 9678 S. Oglesby in Chicago. On October 31, 2018, the ceiling in her apartment collapsed and fell onto her, resulting in aggravation of her pre-existing lumbar disc disease. Pltf contended she had complained about water damage in the ceiling to deft landlord for several months prior to the occurrence, but the condition was not repaired until afterwards. The defense argued pltf failed to prove that she was struck by the collapsing ceiling and failed to prove her pre-existing condition was aggravated as a result of the collapse. resulting in aggravation of her pre-existing lumbar disc disease. Pltf contended she had complained about water damage in the ceiling to deft landlord for several months prior to the occurrence, but the condition was not repaired until afterwards. The defense argued pltf failed to prove that she was struck by the collapsing ceiling and failed to prove her pre-existing condition was aggravated as a result of the collapse.



Adam K. Hanna

Adam graduated from the University of Michigan in 1993 with a B.A. in Psychology. He graduated from the Indiana University School of Law in 1996 with a J.D. Adam worked for Taylor Miller LLC from 1997 to 2012 representing defendants in motor vehicle accident personal injury lawsuits. Adam began working for Bruce Farrel Dorn & Associates in 2012 (now Michael D. Gallo & Associates) where he continues to practice today. He primarily represents defendants in motor vehicle accident and premises liability personal injury lawsuits. Adam has tried over 100 jury trials, successfully argued before the Illinois Appellate Court, and is an Art of Litigation trial skills instructor.



Michael D. Gallo & Associates is a part of the Employees of the Law Department for State Farm Mutual Automobile Insurance Company.



Highest Reported DeKalb County Verdict or Settlement in a Wrongful Death Case

\$4,300,000

Death After Hernia Surgery

PLAINTIFF ASKED
\$7.62M

DEFENSE OFFER
\$1M

VERDICT
\$4.3M



Not pictured: David E. Rapoport

Plaintiff underwent hiatal hernia repair surgery at Kishwaukee Community Hospital. While recovering in the Post-Anesthesia Care Unit, her blood pressure dropped and she became unresponsive. She was taken back to surgery where a damaged gastric artery was repaired. But plaintiff had lost a massive amount of blood and she died the next day.

The estate argued that plaintiff's medical providers failed to properly monitor and assess plaintiff's condition in the PACU. The defense contended the doctors and nurses appropriately assessed and treated plaintiff and that the low blood pressure was due to an interaction between the plaintiff's hypertension medication and the anesthesia.

CASE REPORT



(14 S/1) MEDICAL MALPRACTICE--DEATH AFTER HERNIA SURGERY--DEKALB COUNTY HIGH (120)

Estate of Gloria J. Ormond, deceased v Kishwaukee Community Hospital, Anesthesia Associates Ltd., DeKalb Clinic Chartered 10L-113 Tried Sep. 8-19, 2014

VERDICT: \$4,300,000 v Kishwaukee Community Hospital and Anesthesia Associates Ltd. (\$3,000,000 loss of society and grief/sorrow; \$1,300,000 conscious pain & suffering); Not Guilty v DeKalb Clinic. Special Interrogatory: Was the sole proximate cause of Ms. Ormond's death something other than the conduct of the defendants? "No."

JUDGE: William P. Brady (IL, De Kalb 23rd Jud Cir)

PLTF ATTY(S): David E. Rapoport, Joshua L. Weisberg of Rapoport Law Offices (Chicago, IL) **DEMAND:** \$1,250,000 withdrawn **ASKED:** \$7,620,000

DEFT ATTY(S): Kevin J. Vedrine, Barbara M. Prohaska of Cunningham, Meyer & Vedrine (Chicago, IL) for Kishwaukee Community Hospital (Self-Insured); Robert H. Smith, Stuart L. Berman of Lowis & Gellen (Chicago, IL) for Anesthesia Associates Ltd. (Doctor's Company) ; Jerrod L. Barenbaum, Kelly J. Epperson of Hinshaw & Culbertson (Rockford, IL) for DeKalb Clinic Chartered (ISMIE) **OFFER:** \$1,000,000 total

PLTF EXPERT(S): Dr. Robert L. Bell of Summit Medical Group, One Diamond Hill Road, Bensley Pavilion, 4th floor, Berkeley Heights, NJ (908-277-8950) (General Surgeon) Dr. Lars Helgeson of Yale University, 789 Howard Ave., New Haven, CT (203-785-2802) (Anesthesiologist) Janet Robol, R.N., 133 Jefferson St., Wood Ridge, NJ (201-707-4261) (Nursing) Dr. Ronald Sacher (Hematologist)

DEFT EXPERT(S): Catherine Stull, R.N. of Hines VA Hospital, 5000 S. 5th Ave., Hines, IL (708-202-8387) (Nursing) for Kishwaukee Community Hospital Dr. William G. Soden (Anesthesiologist) for Anesthesia Associates Ltd. Dr. Michael Ujiki of North Shore Medical Group, 1000 Central St., #800, Evanston, IL (847-570-1700) (General Surgeon) for DeKalb Clinic Chartered

On October 18, 2010, Gloria Ormond underwent surgery to repair a hiatal hernia at Kishwaukee Community Hospital. The surgery appeared to be successful and she was transferred to the Post-Anesthesia Care Unit (PACU) recovery room, where her blood pressure dropped and she became unresponsive approximately 2.5 hours later. A code blue was called, Gloria was resuscitated, and she was then taken back to surgery. An exploratory laparotomy revealed a massive amount of intra-abdominal blood had accumulated due to bleeding from a damaged gastric artery, which was repaired. However, Gloria F-57 never regained consciousness, and was pronounced dead at 1:29 a.m. on October 19, 2010. She was survived by two adult children. The estate argued the depts, including the hospital's nurses, the anesthesiologist employed by deft Anesthesia Associates, and the surgeon employed by deft DeKalb Clinic, all failed to properly monitor and assess Gloria's postop condition in the recovery room, and the surgeon negligently left the hospital one hour after the hernia repair surgery, causing a delay in the diagnosis and treatment of her internal bleeding



David E. Rapoport

David Rapoport is the President and Founding Shareholder of Rapoport Weisberg Sims & VanOverloop, PC. He has 43 years of plaintiffs' personal injury and wrongful death trial experience. David is board certified* in Civil Trial Advocacy by the National Board of Trial Advocacy and Medical Malpractice by the American Board of Professional Liability Attorneys. A long-time ABOTA member, David is recognized by Best Lawyers® and Martindale Hubbell rates him AV Preeminent®. David has been named an Illinois Super Lawyer® every year since the inception of Illinois' Super Lawyers program.

Besides handling medical malpractice and other types of personal injury trials and appeals, David has 35 years of commercial air disaster and general aviation litigation and trial experience. In this part of his practice David has represented airline passengers, pilots, flight attendants, and their families in the courts of 14 states and served on court appointed Plaintiffs' Steering Committees in five major air disaster lawsuits.

** Board certification is not required to practice law in Illinois, and the Illinois Supreme Court does not recognize specialties in the practice of law.*

Highest Reported DeKalb County Wrongful Death Verdict or Settlement



Joshua L. Weisberg

Joshua L. Weisberg is a Shareholder and Rapoport Weisberg Sims & VanOverloop, PC. Mr. Weisberg has been a full time trial lawyer representing plaintiffs in personal injury and wrongful death cases since 2005. During Mr. Weisberg's career, he has obtained over \$100 million for his clients in verdicts and settlements, including numerous record setting verdicts and settlements. Mr. Weisberg has won multi-million dollar verdicts for his clients in cases involving medical malpractice, product liability, construction negligence, and auto accidents.

Mr. Weisberg is board certified* in Civil Trial Advocacy by the National Board of Trial Advocacy. He has been selected as an Illinois Super Lawyer® every year since 2014. In addition to his practice as a trial lawyer, Mr. Weisberg has also had tremendous success in the state and federal appellate courts on behalf of victims of negligence.

** Board certification is not required to practice law in Illinois, and the Illinois Supreme Court does not recognize specialties in the practice of law.*

which led to massive blood loss, hemorrhagic shock, disseminated intravascular coagulation (DIC), conscious pain and suffering, and eventual death. The defense contended the doctors and nurses appropriately assessed, diagnosed, and treated the patient, and her low blood pressure following the surgery was caused by an interaction between the anesthesia and her hypertension medication. The defense for DeKalb asserted that based on the patient's condition when the surgeon saw her in the recovery room, he was not required to stay at the hospital because her low blood pressure was being addressed by the anesthesiologist and recovery room nurse. COMPARISON: The previous highest DeKalb County wrongful death verdict in JVR records was \$2,750,000 in 2008 for a stillbirth (see 08 My/1).



Rapoport Weisberg Sims & VanOverloop, PC. represents plaintiffs in catastrophic personal injury and wrongful death cases arising out of aviation accidents, medical malpractice, auto and trucking accidents, product liability, lead poisoning, and workplace accidents. Our firm has recovered over \$500 million for its clients, which includes numerous record setting verdicts and settlements. Our firm concentrates on maximizing the value of each case and providing exceptional personal service to each of our clients.



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Outstanding Defense Verdict in a Medical Malpractice Case

Not Guilty

Ankle Fracture Treatment Blamed for Amputation

PLAINTIFF ASKED
\$18.5M

DEFENSE OFFER
None

VERDICT
For the Defense



Not pictured: Randall A. Mead

Plaintiff sustained serious injuries in a one-car accident including a closed left ankle fracture and complete talar dislocation involving all three main ankle joints. The on-call orthopedic surgeon and another orthopedist unsuccessfully made multiple attempts at a closed reduction procedure. Post-op plaintiff's talus bone was still significantly out of position and he underwent another open procedure, which also failed. He subsequently developed both a MRSA and bone infection, which lead

to a Syme amputation of his foot. He continues to experience nerve pain, phantom limb pain, and other problems with his leg and prosthesis. The defense asserted that circulation to the foot remained intact after the initial surgery, there was no evidence of infection while plaintiff was under defendant's care, the amputation was necessary because of the MRSA bone infection, and the crash injury was so severe that there was always the potential for loss of the foot.

CASE REPORT



(23 JA/2) MEDICAL MALPRACTICE--ANKLE FRACTURE TREATMENT BLAMED FOR AMPUTATION (12M)

*Brandon Wall, Abby Wall v Dr. Luke Leutkemeyer, Midwest Orthopaedic Center S.C.
19L-19 Tried Jan. 9-18, 2023*

VERDICT: Not Guilty v both defts.

JUDGE: Paul E. Bauer (IL, Tazewell 10th Jud Cir)

PLTF ATTY(S): Michael T. Gill, Matthew D. Ports of Pfaff, Gill & Ports (Chicago, IL) for both pltfs **DEMAND:** \$4,000,000 policies **ASKED:** \$18,524,100 total

DEFT ATTY(S): Christian D. Biswell, Randall A. Mead of Drake, Narup & Mead (Springfield, IL) for both defts (ISMIE) **OFFER:** none

PLTF MEDL: Dr. Evan A. Dougherty (Orthopedist), Dr. Benjamin J. Friedman (Rehab/Physical Medicine), Dr. Kimberlee Overdeck (Radiologist) for Brandon Wall

DEFT MEDL: Dr. Jeffrey W. Akeson (Orthopedist), Dr. Nirain D'Souza (Orthopedist) for both defts

PLTF EXPERT(S): Dr. Craig R. Lareau of New England Orthopedic Surgeons, 300 Birnie Ave., Springfield, MA (413-233-1124) (Orthopedist); John W. Michael (Prosthetist) for Brandon Wall

DEFT EXPERT(S): Dr. Mark Hutchinson (Orthopedist); Dr. John P. Flaherty (Infectious Disease) for both defts

Pltf M-35 was injured in a serious one-car accident and transported to OSF St. Francis Hospital in Peoria on March 20, 2017, where he was diagnosed with a closed left ankle fracture/dislocation, traumatic brain injury, and pneumothorax. Deft Dr. Leutkemeyer was the on-call orthopedic surgeon that day who initially treated the ankle injury, which included complete talar dislocation involving all three main ankle joints. Pltf was taken to surgery due to the severe nature of the pan-talar fracture and poor circulation to the left foot from the injury. Dr. Leutkemeyer attempted a closed reduction procedure to minimize the risk of infection, but he could not achieve good alignment because soft tissue was in the way. One of his partners from Midwest Ortho was also at the hospital, Dr. Jeffrey Akeson, so he was called in to assist with the surgery. Their attempt at closed reduction still failed, so they decided to perform an open reduction. Fluoroscopy showed good realignment of the bones was attained, and circulation was restored to the forefoot. Dr. Leutkemeyer also ordered a postop CT scan of the left foot/ankle which was done about five hours later. Leutkemeyer was not an ankle specialist, and he ordered the scan for follow-up care from ankle specialist Nirain D'Souza who was on vacation. However, the CT scan showed the talus bone was again significantly out of position. Dr. Leutkemeyer decided to stabilize the ankle with a bulky Jones splint until D'Souza returned instead of using K-wires or an external fixator, again to minimize the risk of infection. Pltf remained at the hospital in the ICU under the care of other specialists for his other injuries, primarily the TBI. Dr. D'Souza returned from vacation, was told the ankle was not urgent, first saw pltf on March 27, and performed open



Christian D. Biswell

Christian D. Biswell is a shareholder and president of Drake, Narup & Mead. His main focus is professional liability defense. His practice focuses almost exclusively on defending physicians, medical providers, hospitals and medical practices in professional malpractice litigation.

Chris has extensive litigation and trial experience, having tried several medical malpractice cases to verdict over recent years. He has represented many specialists, including internal medicine, infectious disease, cardiology, orthopedics, pediatrics, obstetrics, general surgery, and gastroenterology. Chris has a calm, confident style that clients and insurance representatives appreciate, and to which juries respond favorably. Chris joined Drake, Narup & Mead in 2001. He was admitted to the bar in 2001, Illinois; 2002 U.S. District Court, Central District of Illinois.

Chris's practice areas include civil litigation, insurance defense, professional liability defense, personal injury, and subrogation and products liability.

Chris attended Southern Illinois University, where he received his B.A. in 1995, his M.A., 1997, and his J.D. in 2001.

Outstanding Defense Verdict in a Medical Malpractice Case



Randall A. Mead

Randall A. Mead has practiced exclusively in the realm of tort litigation for the last 43 years, from his first job with Jerry Mirza through his founding of Drake, Narup & Mead, P.C., in 1989, to the present as he enjoys semi-retirement.. Randy earned his J.D. from Southern Illinois University School of Law in 1981. His practice emphasized professional negligence defense; insurance coverage litigation, including federal motor carrier insurance disputes; construction litigation and tort litigation in general.. Randy is a member of the Illinois State Bar Association and he also currently serves as an adjunct associate professor of Medical Humanities at the SIU School of Medicine. He is an affiliate attorney for the Alliance Defending Freedom. He served the Illinois Supreme Court Committee on Jury Instructions, Civil from 1995-2004) and was a member of the Board of Directors of the Lawyers' Trust Fund of Illinois (1987-1993).

reduction external fixation surgery on March 31. Pltf subsequently developed a MRSA infection and osteomyelitis in his left foot and decided to seek a second opinion elsewhere, ultimately leading to a Syme amputation of the foot on September 13, 2017. Pltf continues to experience nerve pain, phantom limb pain, and other problems with his leg and prosthesis; he will likely need future revision surgery for a transtibial amputation (\$2,635,000 future medical/prosthetics expenses). Pltfs contended Dr. Leutkemeyer breached the standard of care by failing to immediately re-operate after the CT scan, the re-dislocation was an orthopedic emergency which required immediate surgery for reduction and fixation of the ankle joint, deft negligently informed D'Souza that the ankle was subluxed - not dislocated, Dr. Leutkemeyer never saw pltf again after March 20, and pltf was never told about the postop CT scan until he sought the second opinion. Dr. D'Souza was voluntarily dismissed with leave to refile shortly before trial. The defense argued Dr. Leutkemeyer complied with the standard of care at all times, it was not the role of a trauma surgeon to personally follow an ICU patient daily, defts did follow his case through Leutkemeyer's physician assistant and remotely accessible medical records, and it was not unusual to wait for an ankle surgery in order to allow swelling to decrease. The defense further asserted that circulation to the foot remained intact after the initial surgery, there was no evidence of infection while pltf was under defts' care, the MRSA osteomyelitis was the cause of the amputation, and the crash injury was so severe that there was always the potential for loss of the foot. The jury deliberated approximately 13 hours over two days. Pltfs filed a post-trial motion for a new trial.



Drake, Narup & Mead, P.C. Founded in 1989, Drake, Narup & Mead's physical office is located at 107 East Allen Street, Springfield, Illinois. Our lawyers include founding member Randall Mead, Chris Biswell, Jeff Cocagne and Jason Schutte, who is also licensed in Missouri. We practice throughout the State of Illinois, Missouri, and all of the Illinois federal district courts and the Seventh Circuit. Our areas of work include large-loss claims in professional negligence, both medical and legal; defense and plaintiff's personal injury claims; insurance coverage disputes, including motor carrier insurance disputes; subrogation; construction litigation and family law.



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Highest Reported LaSalle County Verdict or Settlement

\$23,737,234

Kidney Stone Removal
Led to Cardiac Arrest
Confinement to Wheelchair

PLAINTIFF ASKED
\$15M - \$20M

DEFENSE OFFER
\$600K - \$1M high/low

VERDICT
\$23,737,234



Plaintiff was hospitalized for a kidney stone. In preparation for a cystoscopy, the anesthesiologist began inducing anesthesia. Plaintiff suddenly exhibited cardiac arrhythmias and the procedure was cancelled. A cardiologist reviewed the telemetry strips, interpreted the arrhythmias as "benign," and plaintiff was returned to surgery. The anesthesiologist was no longer available and so a

nurse anesthetist administered anesthesia. Arrhythmias recurred but the procedure continued. Plaintiff went into cardiac arrest, and he is now confined to a wheelchair and suffers double vision and speech disorders. The defense contended the cause of the anoxia was respiratory arrest, cardiac arrhythmia was not indicated, and that the nurse anesthetist was the sole proximate cause of the event.

(08 MR/1) MED. MAL.--KIDNEY STONE REMOVAL, CARDIAC ARREST, RECORD LA SALLE VERDICT (12A)

Adam Porter v Dr. John Podzamsky, D.O., Patricia Duffield, Dr. Ephraim Batambuze, Prairie Cardiovascular Consultants Ltd., Patricia Blair, C.R.N.A., A.T. Associates Anesthesiologists 03L-83 Tried Jan. 28-Feb. 14, 2008

VERDICT: \$23,737,234 v Podzamsky and Duffield (\$597,836 past medl. expenses; \$5,300,000 future medl. expenses; \$2,339,398 past and future wage loss; \$5,500,000 past and future pain & suffering; \$10,000,000 past and future loss of normal life) after their co-defts settled out during trial for a total of \$2,000,000. Co-deft Dr. Michael Ihlenfeldt settled pre-trial for \$750,000 (see Settlements by Category, SYG g/40).

JUDGE: James A. Lanuti (IL, La Salle 13th Jud Cir)

PLTF ATTY(S): James P. Ginzkey, Ginzkey & Molchin, LLC **DEMAND:** \$4,000,000 total **ASKED:** \$15,000,000 - \$20,000,000

DEFT ATTY(S): Jeffry S. Spears of Hinshaw & Culbertson (Rockford) for Podzamsky, Duffield (PIC-Wisconsin, PIC-Wisconsin; Fireman's Fund) **OFFER:** JP, PD \$250,000 ; David L. Drake of Drake, Narup & Mead (Springfield) for Batambuze, Prairie Cardiovascular Consultants Ltd. (ISMIE) **OFFER:** none ; Gregory A. Cerulo of Quinn, Johnston, Henderson & Pretorius (Peoria, IL) for Blair, A.T. Associates Anesthesiologists (ISMIE) **OFFER:** PB \$600,000 - \$1,000,000 high/low

PLTF MEDL: Dr. Muhammad Malik (Cardiologist), Dr. Joseph Sarmiento (Internist)

PLTF EXPERT(S): Dr. David Stein (Cardiologist); Dr. William Peruzzi (Anesthesiologist); Barbara A. Weintraub, C.N.P. of Northwest Community Hospital, 800 W. Central, Arlington Heights, IL (847-618-5432) (Nurse Practitioner); Margaret Faut-Callahan, C.R.N.A. of Rush University Medical Center, 600 S. Paulina, Chicago, IL (312-942-2308) (Anesthetist); Dr. Gregory Grubb, D.O., 1985 DeKalb Rd., Suite 300, Sycamore, IL (815-754-1122) (Family Practice); Charles Linke, Ph.D. (Economist); Dr. Alan Kadish (Cardiologist)

DEFT EXPERT(S): Dr. Steven J. Eisenstein (Family Practice) for Podzamsky, Duffield Dr. Scott M. Miller (Cardiac Electro-Physiologist) for Batambuze, Prairie Cardiovascular Consultants Ltd. Dr. Bruce S. Kleinman (Anesthesiologist) for Blair, A.T. Associates Anesthesiologists

November 15, 2001, pltf M-28 was hospitalized by his family physician deft Dr. Podzamsky at St. Mary's Hospital, Streator, for treatment of a kidney stone. A cystoscopy was scheduled, but when anesthesiologist Dr. Ihlenfeldt began inducing anesthesia, the patient experienced cardiac arrhythmias and the procedure was cancelled pending a cardiac workup. Dr. Podzamsky (who had the day off) was notified of the problem; he sent his nurse practitioner Duffield to the hospital in his place. She gave pltf's telemetry strips to cardiologist Dr. Batambuze who interpreted the arrhythmias as "benign" and pltf returned to surgery. As Dr. Ihlenfeldt was then involved in another surgery, deft Blair, a nurse anesthetist, began inducing anesthesia. The arrhythmias recurred but the



James P. Ginzkey

Jim Ginzkey is a personal injury attorney in Bloomington, Illinois. Mr. Ginzkey has been practicing for over 40 years and for the last two decades has primarily represented patients in medical malpractice cases. In addition to his trial practice Mr. Ginzkey has extensive appellate court experience, having argued dozens of appeals in the appellate courts of Illinois, as well as in the 7th Circuit and U.S. Supreme Court. He is a past chair of the Illinois State Bar Association's Tort Law Section Counsel and served in the ISBA's General Assembly for a number of years. Mr. Ginzkey continues to do volunteer work with Prairie State Legal Services and with the local YMCA. He continues to be supported by his wife of 48 years and has two married daughters living in Chicago.

Highest Reported LaSalle County Wrongful Death Verdict or Settlement

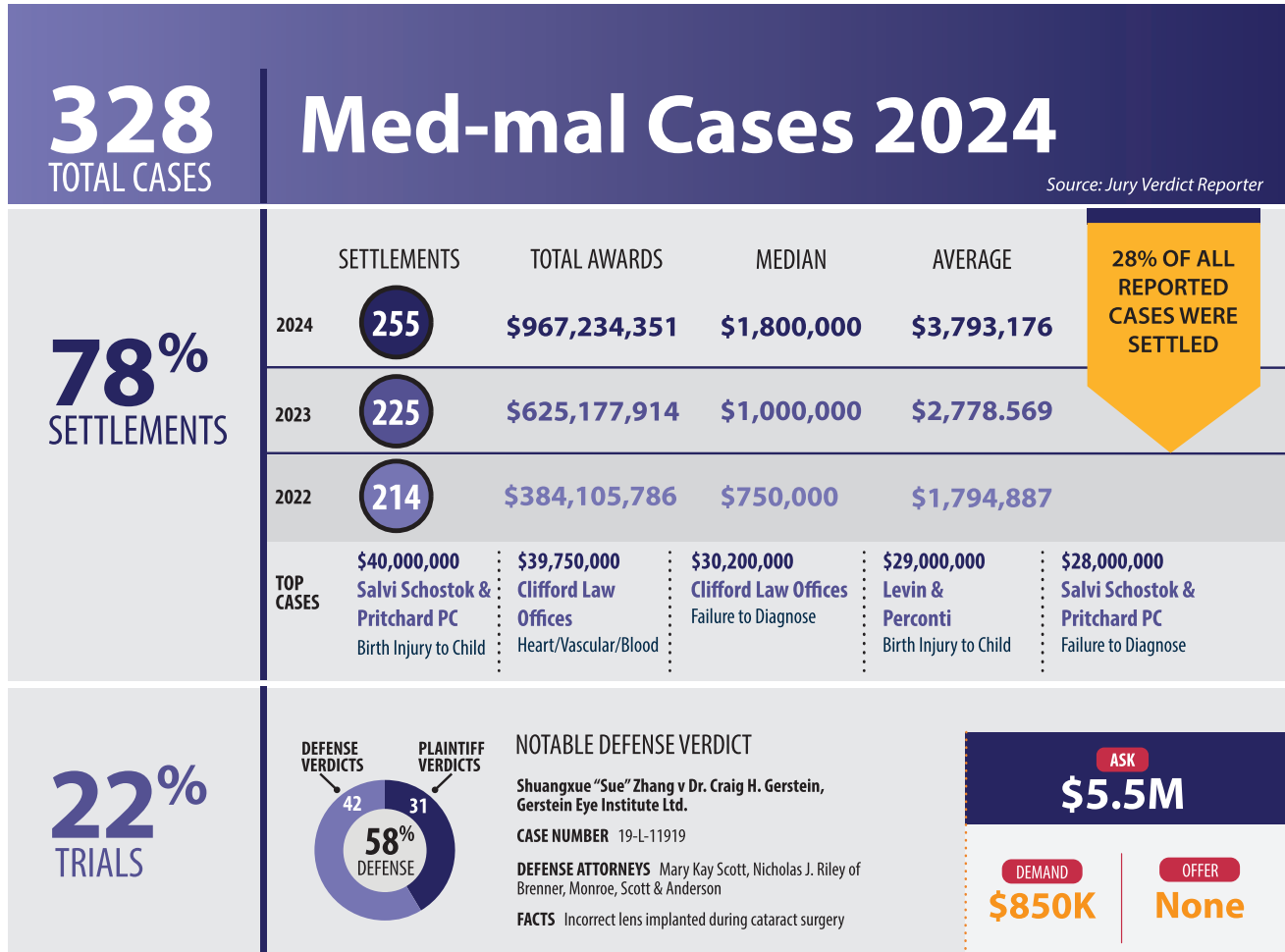


cystoscopy proceeded; pltf went into cardiac arrest, suffering anoxic encephalopathy with permanent spastic quadriparesis, double vision and dysarthria (slurred speech). He is confined to a wheelchair (\$597,000 medl., \$3,000,000 lifetime LT as telephone technician). Duffield, Podzamsky, and Batambuze contended the cause of the anoxia was respiratory arrest, cardiac arrhythmia was not indicated, and deft Blair was the sole proximate cause of the event. Blair argued pltf's problem was cardiac, namely, ventricular tachycardia. Toward the end of pltf's case, after viewing a video of a day in his life, one of the jurors suffered a seizure. Deft Duffield leaped into the jury box to administer emergency aid while 911 was called. When the trial resumed, counsel for Batambuze and Blair moved for mistrial; this being denied by the Court, they settled their cases (\$1,000,000 policy each). Podzamsky and Duffield then moved for directed verdict (denied) and for mistrial (also denied). Duffield's Firemen's Fund policy had a \$1,000,000 limit (offered pre-trial and withdrawn). Attorney David C. Burtker of Cunningham, Meyer & Vedrine entered his appearance on their behalf but did not participate in the trial and, shortly before it ended, pltf and Firemen's agreed to a high/low of \$1,000,000/\$750,000. Podzamsky's and Duffield's PIC-Wisconsin policy limits were each \$1,000,000. This is the largest La Salle County verdict reported by Jury Verdict Reporter. The previous high was \$10,876,668 in 1984 (see Illinois Jury Verdict Reporter 84 N/1). The defense has indicated it will file post-trial motions.



Ginzkey & Molchin, LLC is a boutique personal injury law firm in Bloomington. Although occasionally handling cases in Cook County and the collar counties, the firm's focus is in Central Illinois. Ginzkey & Molchin, LLC is not a high volume law firm and for that reason prides itself on close personal attention being given to all of its clients.

Med-mal Settlement Amounts Reach All Time High



There were 255 medical malpractice settlements in the 2024 JVR Settlements Report with a total value of more than \$967 million. The total medical malpractice amounts were 55% higher than the 2023 total of \$625 million. Med-mal cases represented 41% of all cases reported for the 2024 report.

The average medical malpractice settlement increased 37% from \$2.8 million in 2023 to \$3.8 million in 2024.

The top medical malpractice settlement involved the birth of a child that involved alleged errors in the cesarean section procedure resulting in catastrophic injuries and cerebral palsy and requiring constant medical care for the rest of the child's life. The \$35 million settlement was handled by Romanucci & Blandin LLC.

Cook County continued to be the jurisdiction for most medical malpractice settlements with 79% of the cases and 83% of the revenue. Settling a medical malpractice case in Cook continues to bring a premium with the average amount of \$4 million exceeding non-Cook cases by 35% or \$1 million. However, non-Cook cases in the report saw the largest total amount of \$160 million was the highest since pre-pandemic numbers.

The report saw a resurgence in medical malpractice trials during the reporting period with 73, which is on par with the 2019 number. Of the reported medical malpractice trials during the current reporting period, the defense win rate was 58%, similar to the 59% in 2023.

juryverdictreporter@lawbulletinmedia.com

Highest Verdict or Settlement

\$75.8 Million Medical Malpractice Jury Verdict



Patrick A. Salvi II

Matthew L. Williams

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*Congratulations to Matthew L. Williams, Patrick A. Salvi II,
and Heidi L. Wickstrom for winning the "Highest Reported
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Outstanding Defense Verdict in a Work Injury Case

Not Guilty

Ankle Broken in Fall at Suburban House Construction Site

PLAINTIFF ASKED
\$3.6M

DEFENSE OFFER
\$30K

VERDICT
For the Defense



Plaintiff was a 26-year-old drywaller working at a residential home construction project in New Lenox when he tripped and fell on angle irons. He sustained a fracture of his left ankle, requiring

three surgeries. The defense argued the angle irons were stored in a staging area outside the house when the crew left the jobsite and that Plaintiff was contributorily at fault for failing to see the angle irons.

CASE REPORT



(TTT 4/3) WORK INJURY--ANKLE BROKEN IN FALL AT SUBURBAN HOUSE CONSTRUCTION SITE (6)

Jose Arteaga Contreras v M & F Masonry Inc. 20L-998 Tried Oct. 24-27, 2023

VERDICT: Not Guilty

JUDGE: Preston Jones, Jr. (IL Cook-Law)

PLTF ATTY(S): Adam T. Karchmar of Karchmar & Stone (Des Plaines, IL)
DEMAND: \$1,000,000 **ASKED:** \$3,600,000

DEFT ATTY(S): Michael A. Schlechtweg, Margaret Firnstein Gebhardt of Amundsen Davis (Chicago, IL) **OFFER:** \$30,000

PLTF MEDL: Dr. David Garras (Orthopedist), Dr. Simon Lee (Orthopedist)

Pltf M-26 drywaller was working at a residential home construction project in New Lenox when he tripped and fell on deft masonry company's construction materials on September 27, 2019. Pltf contended deft's employees left some angle irons (20-foot long pieces of iron used to install brickwork) inside the garage, causing him to trip on them while he was carrying a piece of drywall to install on a wall. He sustained a trimalleolar fracture of his left ankle, requiring three surgeries (\$239,813 medical expenses and \$175,330 past LT both withdrawn prior to trial). The defense argued all of the angle irons were stored in a staging area outside the house when deft's crew left the jobsite the day before the occurrence, pltf had no evidence that deft's workers had placed the angle irons in the garage, and pltf was contributorily at fault for his fall because he knowingly worked with drywall near the angle irons when he was unable to see them.



Amundsen Davis LLC is a law firm comprised of more than 240 attorneys practicing from offices in Chicago, St. Charles, Rockford, and Crystal Lake, IL; Indianapolis, IN; St. Louis, MO; Milwaukee, Brookfield, Green Bay, Appleton, and Madison, WI; and Columbus, OH. The firm handles the transactional, labor and employment, and litigation needs of companies across the U.S. For more information, visit www.amundsendavislaw.com.



Michael A. Schlechtweg

Michael became a lawyer because he wanted to stand up for businesses and the individuals behind them. As a member of our Construction Service Group, Michael represents clients from pre-suit matters through trial. He has tried many cases to verdict before Cook County juries. Michael's practice focuses on the defense of employers and general contractors sued for personal injuries.

Clients appreciate Michael's meticulous preparation and case knowledge. He is also an Eagle Scout.



Margaret Firnstein Gebhardt

For over 15 years, Margaret has been protecting business owners' interests in and out of court.

Margaret is a litigator who often defends construction firms and property owners or managers against various claims. Margaret recently defeated citations issued against a building by the Illinois Office of the State Fire Marshal following a fire that resulted in the death of a young woman. She also achieved summary judgment on behalf of a church alleged to have employed a reverend who previously engaged in a sexual relationship with a minor. She has tried numerous jury trials and has authored appellate briefs.



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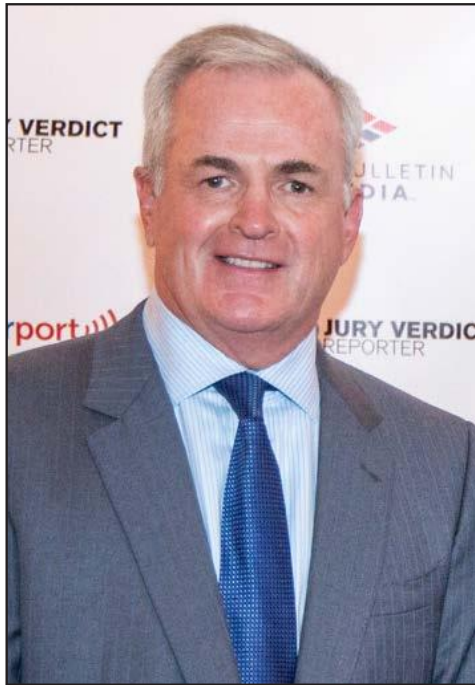


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\$75,859,000

Improper Delivery Blamed for Newborn's Brain Damage

PLAINTIFF ASKED
\$147M - \$153M

DEFENSE OFFER
N/A

VERDICT
\$75,859,000



Plaintiff newborn and her twin brother were born at University of Chicago Medical Center. Deft Ob/Gyn delivered her brother first, with no complications. Plaintiff was born 13 minutes after her twin. During delivery plaintiff sustained extensive brain

bleeding, hypoxia, severe shoulder injuries, nerve damage, and a fractured arm. Now 6 years old, plaintiff has mild cerebral palsy, cognitive dysfunction, intellectual disability and other difficulties. She requires braces to ambulate and her left arm is non-functional.

CASE REPORT



(TTT 14/1) MEDICAL MALPRACTICE--IMPROPER DELIVERY BLAMED FOR NEWBORN'S BRAIN DAMAGE (12B)

Hannah Housen, minor v University of Chicago Hospitals & Health System, d/b/a University of Chicago Medical Center, Dr. Perpetua T. Goodall, Dr. Elizabeth Banks 19L-1132 Tried Feb. 6-26, 2024

VERDICT: \$75,859,000 v all defts (\$1,500,000 past loss of normal life; \$20,000,000 future loss of normal life; \$1,500,000 past pain & suffering; \$7,500,000 future pain & suffering; \$500,000 past emotional distress; \$10,000,000 future emotional distress; \$15,000,000 disfigurement; \$3,000,000 future loss of earnings; \$1,859,000 past medical expenses; \$15,000,000 future medical expenses).

JUDGE: Brendan A. O'Brien (IL Cook-Law)

PLTF ATTY(S): Matthew L. Williams, Patrick A. Salvi, II, Heidi L. Wickstrom of Salvi, Schostok & Pritchard (Chicago, IL) **ASKED:** \$147,448,000 - \$152,507,000

DEFT ATTY(S): Marilee Clausing, Katherine L. Dzik, Matthew J. Kaminski of Hall, Prangle & Schoonveld (Chicago, IL) for all defts (Self-Insured)

PLTF MEDL: Dr. Kevin Little (Pediatric Orthopedist)

DEFT MEDL: Dr. Peter Warnke (Neurosurgeon) for all defts

PLTF EXPERT(S): Dr. James Green of University of Missouri Health, Columbia, MO (573-884-6851) (Ob/Gyn); Dr. Leslie Kerzner of Massachusetts General Hospital, 55 Fruit St., Boston, MA (617-724-4310) (Neonatologist); Dr. Guy A. Young (Pediatric Hematology); Dr. Stephen Nelson (Pediatric Neurology); Dr. Anna Golja of Brigham & Women's Hospital, 75 Francis St., Boston, MA (617-732-5000) (Pediatric Neuroradiologist); Dr. Gary Yarkony (Rehab/Physical Medicine); Dr. Laurie Philipps, Ph.D. (Pediatric Neuropsychologist); David Gibson (Vocational Economics Analyst)

DEFT EXPERT(S): Dr. Michael G. Ross (Maternal & Fetal Medicine); Dr. Brian K. Locker (Ob/Gyn); Dr. Jonathan M. Davis (Neonatologist); Dr. Mortimer Poncz (Pediatric Hematology); Dr. David J. Callahan of Washington University School of Medicine, One Children's Place, #2130, St. Louis, MO (314-454-6120) (Pediatric Neurology); Dr. Jacobus Donders, Ph.D., 235 Wealthy St. NE, Grand Rapids, MI (616-242-9201) (Pediatric Neuropsychologist); Carol Hadley Fricks, R.N. (Life Care Planner) for all defts

Hannah Housen and her twin brother were born at University of Chicago Medical Center on February 13, 2018. Deft obgyn Perpetua Goodall delivered her brother first, with no complications. Dr. Goodall decided to have Hannah delivered feet first since her head was not engaged with the pelvis, and instructed a fourth-year resident (deft Elizabeth Banks) to rotate the fetus to a breech position via an internal podalic version. When abnormal vital signs occurred during Dr. Banks' rotation attempt, Dr. Goodall took over the delivery and determined Banks had been pulling on the baby's hand instead of her foot. Hannah was delivered 13 minutes after her twin. She was born with respiratory depression and a low heart rate, requiring extensive resuscitation and intubation. Hannah



Matthew L. Williams

Matthew L. Williams joined Salvi, Schostok & Pritchard P.C. in 2003 and became a partner in 2009. He focuses on medical malpractice, catastrophic injury, wrongful death, and premises liability, recovering over \$330 million for clients, including two medical malpractice verdicts exceeding \$50 million.

In recognition of his accomplishments, Williams has been recognized by Super Lawyers as one of the Top 100 Super Lawyers in the State of Illinois every year since 2019. He has also been honored by "Best Lawyers" in the areas of Personal Injury and Medical Malpractice.



Heidi L. Wickstrom

Heidi L. Wickstrom joined Salvi, Schostok & Pritchard P.C. in 2018 and was promoted to Partner in 2023. She concentrates her legal practice on catastrophic personal injury, medical malpractice, product liability, and mass torts. She has obtained a number of noteworthy verdicts and settlements in her time with the firm, including a recent record-\$20 million settlement with the Chicago Transit Authority. In her time with the firm, she has recovered more than \$200 million on behalf of her clients

Highest Reported Illinois Verdict or Settlement Since the 2023 TLE Awards



Patrick A. Salvi II

Patrick A. Salvi II is the managing partner of Salvi, Schostok & Pritchard's Chicago office, where he concentrates his legal practice on cases concerning personal injury, medical malpractice, mass torts, and product liability. Throughout his time with the firm, Mr. Salvi has recovered over \$1 billion on behalf of his deserving clients.

Notably, Mr. Salvi was the lead attorney on a trial team that won a \$363 million jury verdict for a woman who developed breast cancer from breathing toxic emissions from a Willowbrook medical device sterilization plant. The verdict was the largest jury verdict ever awarded to an individual plaintiff in Illinois history at the time of the trial.

In recognition of his outstanding legal work, Mr. Salvi was named Chicago Lawyer Magazine's 2023 "Person of the Year," an honor given to the newsmaker, trendsetter or legal leader of the year. In 2024, Mr. Salvi was selected to join the Inner Circle of Advocates, a prestigious invitation-only organization comprised of 100 trial lawyers from across the country.

Mr. Salvi served as the 2022 – 2023 President of the Illinois Trial Lawyers Association, where he is also a co-chair of the publications committee and a co-author of the Medical Malpractice Trial Notebook chapter on Informed Consent. Mr. Salvi is an active member of the American Association for Justice (AAJ), where he sits on the Board of Governors and serves on the AAJ PAC Board of Trustees. He also is on the 2024 Law 360 advisory board for Illinois and a board member of Legal Aid Chicago, an organization that provides free legal services to people living in poverty.

sustained extensive brain bleeding (surgery required), hypoxia, severe shoulder injuries, nerve damage, and a fractured arm during the delivery. Hannah, now 6 years old, has permanent brain damage, global developmental delay, mild cerebral palsy, cognitive dysfunction, intellectual disability, motor dysfunction, speech/language deficits, and brachial plexus nerve damage. She requires braces to ambulate and her left arm is non-functional. Hannah's parents asserted that defendants negligently provided obstetrical care and their negligence was the cause of Hannah's injuries. This case was the subject of an article in the Chicago Daily Law Bulletin on February 28, 2024.



The personal injury and medical malpractice law firm of **Salvi, Schostok & Pritchard, P.C.** was founded by attorney Patrick A. Salvi in Lake County, Illinois in 1982. Today, the firm has 21 lawyers and is supported by more than 35 staff members in their Chicago and Waukegan locations. Over the past 40 years, the firm has obtained more than \$2.5 billion in verdicts and settlements on behalf of their injured clients, including more than 350 cases with recoveries of \$1 million or more.



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Sheryl M. Arrigo

Sheryl M. Arrigo has broad litigation experience with a primary focus in the defense of professional negligence and pharmaceutical actions. She has successfully tried dozens of medical and legal malpractice cases to verdict, saving her clients millions of dollars in requested damages.

Sherri joined Donohue Brown in 1999 and became a partner in 2004. She previously practiced at a large Chicago law firm. In 1996, she graduated summa cum laude from DePaul University College of Law where she was a member of the Law Review and Order of The Coif, as well as the recipient of seven American Jurisprudence/CALI awards for academic excellence.

Sherri has been recognized by her peers as one of the Top Ten Women Civil Defense Lawyers in Illinois. She has been elected as an Illinois Leading Lawyer and Illinois Super Lawyer for each of the past several years. In 2018, Ms. Arrigo received an award for Outstanding Defense Verdict in a Medical Malpractice Case from the Jury Verdict Reporter. She also has been honored as The Doctors Company Attorney of the Year.



Established in 1995, **DBMS** quickly earned a reputation for excellence in trial and appellate practice, handling hundreds of cases in state and federal courts. Initially focused on medical malpractice, professional liability, and insurance defense, the firm expanded to include a nationally renowned product liability practice and other areas like institutional liability, mass torts, class actions, commercial litigation, insurance coverage, and appeals. DBMS is noted for its success in complex, high-exposure cases and has received numerous prestigious honors and recognitions.



Robert S. Baker

Bob was the first member of his family from rural Kendall County to attend college. Since obtaining his J.D. in 1981 from Valparaiso University, Bob has been a fierce advocate of medical care providers and their employers. He started his own firm in Chicago in 1985 with his practice of law concentrated in high value medical malpractice and hospital liability defense litigation. A seasoned and formidable trial attorney, he has tried over 45 cases to verdict in Cook, DuPage, Kane and Lake counties—many involving catastrophic injury—the vast majority culminating in “not guilty” verdicts for his clients. In several other trials, Bob obtained significant minimization of damages, with verdicts drastically lower than the amount asked. In addition to his outstanding results at trial, Bob has obtained dismissal without payment in countless other lawsuits and negotiated advantageous settlement resolutions in many matters. Bob was previously recognized with a JVR Trial Excellence award in 2013 and his track record is a testament to the zealous and skillful advocacy he leverages on behalf of his clients.

For over 35 years the partners of **Baker & Enright** have successfully defended medical institutions and providers and remain committed advocates on their behalf. The firm enjoys solid, long-standing and collaborative working relationships with its clients, who recognize and appreciate our strong grasp of the complex medical issues and legal intricacies involved in defending malpractice claims. We are sensitive to the unique challenges litigation presents to health care providers and ably guide them through the process. Our attorneys and their outstanding results have been previously recognized with Jury Verdict Reporter Trial Excellence Awards on multiple occasions. Baker & Enright is a close group of attorneys with a wide variety of experiences to draw upon and direct toward the primary goal of favorable and effective defense of our clients in high value medical malpractice litigation.

**Cassiday Schade LLP
Congratulates
our Partners**



Brian Hickey and Joseph Lombardo

**For receiving 2024 Trial Lawyer Excellence Award
For Medical Malpractice Defense Verdict**

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CONGRATULATIONS



David E. Rapoport



Joshua L. Weisberg

2024 JVR Award

**Highest Reported DeKalb County
Wrongful Death Verdict or Settlement**

rapoportlaw.com



Plaintiff Attorney Achievement Awards

On the plaintiff's side, we recognize trial lawyers who have first-chaired five Illinois jury verdicts of \$5 million or more. Securing just one \$5 million jury verdict is notable—but five—exceptional. Along the way, the trial lawyers that have received this honor have achieved many record verdicts, some of which have stood for more than 20 years. Now we recognize two more members of this select group of plaintiff's attorneys.



Not pictured: John J. Perconti

Christopher M. Norem

Christopher M. Norem is a highly accomplished personal injury attorney with an impressive track record of securing over \$350 million in settlements and verdicts. He specializes in handling complex cases stemming from transportation accidents, construction site mishaps, medical malpractice, hazardous property conditions, product defects, and more. As a dedicated legal professional, he is a member of several prominent organizations, including the Academy of Rail Labor Attorneys, American Association for Justice, and the Illinois Trial Lawyers Association, to name a few.

Norem's notable accomplishments include securing substantial jury verdicts, such as \$18.6 million in a wrongful death/trucking case against C.H. Robinson Worldwide and \$12.95 million in a case involving derailment burns and death against Canadian National Railway. With a background in biology and chemistry, he fearlessly challenges medical experts to establish the seriousness and causation of injuries in personal injury lawsuits. Norem's legal work has even prompted policy changes in the national rail system and acted as a deterrent against negligence. His commitment to serving and supporting his clients extends well beyond the courtroom, earning him a reputation for forming lasting relationships with the injured and bereaved individuals he represents.



The Law Offices of Parente & Norem, P.C., is a high end Chicago plaintiff's personal injury firm with thirty years of established success in fighting for the rights of the injured. Parente & Norem serves the Greater Chicago area with a concentration in personal injury, construction site injuries, wrongful death claims resulting from auto accidents and transportation negligence, railroad injuries, FELA, work-related occurrences, and trucking accidents.



John J. Perconti

John J. Perconti is a nationally recognized attorney and leading medical malpractice expert, with extensive experience in federal and state courts. John's excellent record of success representing clients in injury, elder abuse and wrongful death cases can be attributed to both his acclaimed skill as a lawyer and to his acute understanding of family loss.

Initially interested in medicine, John spent two summers as a Page in the U.S. House of Representatives and two more as a tour guide of the U.S. Capitol. It was there he discovered his love for the law. He changed his major at the University of Illinois from pre-med to pre-law and continued to John Marshall Law School for his law degree.

John still found a way to put his interest in medicine to good use. His in-depth knowledge of complex medical issues has allowed him to achieve record-setting multimillion-dollar verdicts and settlements for his clients. In 1992, he merged his practice with Steven Levin, establishing Levin & Perconti. Today, the firm has obtained over a billion dollars in verdicts and settlements for their clients.

Levin & Perconti is a nationally renowned law firm committed to protecting and vindicating the rights of people who have been injured due to systemic flaws and corporations choosing profits over people. The firm concentrates on all types of serious injury, medical malpractice, birth injury, nursing home, and wrongful death litigation, with the goal to achieve the best possible results for each of our clients. Since 1992, our personal injury team has recovered more than a billion dollars in verdicts and settlements for our clients, including a number of record results.



Highest Illinois Verdict or Settlement in a Premises Case

\$91,000,000

Plaintiff Suffered Bilateral
Above-the-Knee Amputations After
Vehicle Crushed Him in Front of Store

PLAINTIFF ASKED
N/A

DEFENSE OFFER
N/A

SETTLEMENT
\$91M



Not pictured: Larry R. Rogers, Jr., and James I. Power

Plaintiff was standing outside of a Bensenville 7-Eleven waiting for his ride to work. A patron pulled his vehicle into one of the store's forward facing parking spaces. Instead of braking, the patron accidentally pressed the vehicle's accelerator. The vehicle lurched forward and pinned plaintiff against the 7-Eleven storefront. Plaintiff sustained severe crushing injuries result-

ing in bilateral above-the-knee amputations. Plaintiff alleged that 7-Eleven acted with utter indifference and or conscious disregard for the safety of others by failing to install bollards in front of its stores and by not creating angled parking. There were records indicating that 7-Eleven was aware of the danger, including an incident at this 7-Eleven store sixteen months prior.

CASE REPORT

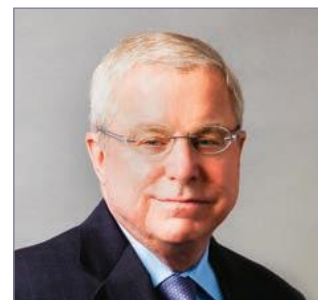


(SRRR I/17) (8) 17M4-5980

SETTLEMENT: \$91,000,000 (IL Cook-Law)

PLTF ATTY(S): Joseph A. Power, Jr., Larry R. Rogers, Jr., James I. Power of Power Rogers LLP (Chicago, IL), Louis A. Berns of Favil David Berns & Associates (Northlake, IL)

On September 20, 2017, Carlos (52) was waiting for his ride to work while standing outside of a Village of Bensenville 7-Eleven. A patron was attempting to park his vehicle in one of the store's forward facing perpendicular parking spaces in front of where Carlos was standing. As the patron attempted to bring his vehicle to a complete stop inside the parking space, his foot accidentally pressed on the vehicle's accelerator, causing it to quickly accelerate over the curb and across the sidewalk, pinning Carlos against the 7-Eleven storefront. He sustained severe crushing injuries resulting in bilateral above-the-knee amputations. Carlos alleges that 7-Eleven acted with utter indifference and/or conscious front of its stores and by not creating angled parking. There have been 7,525 storefront crashes at 7-Eleven stores and one at that particular 7-Eleven sixteen months prior. ACE, Mitsui Sumitomo, QBE, and Liberty paid for 7-Eleven Inc., Edgebrook Management Inc. and Rudy Lopez. This is the highest premises liability settlement and the highest settlement for an amputee in the Jury Verdict Reporter records. This matter was the subject of a story in the February 10, 2023 edition of the Chicago Daily Law Bulletin.



Joseph A. Power, Jr.

Joe has been fighting for the underdog for more than a quarter of a century. At 28, Joe was the nation's youngest injury attorney as the sole trial attorney to win a million-dollar verdict on behalf of a plaintiff. He tried the case alone after the offer to settle for \$75,000 was declined. Joe has obtained more than 200 jury verdicts and settlements in excess of \$1 Million, including the largest jury verdict in Illinois history to go to judgment (no high-low settlement) in a medical malpractice case of \$55.4 Million.



Larry R. Rogers, Jr.

Larry R. Rogers, Jr. is a trial lawyer with over 30 years of experience advocating for victims. As an attorney and partner at Power Rogers, Larry has successfully settled and tried to verdict many multi-million dollar results for his clients in medical negligence, trucking, product liability and civil rights litigation.

Larry has been involved in several significant high-profile matters, including the investigation of the death of Sandra Bland, a Chicago resident who was found dead in a Texas jail after an unlawful traffic stop. He frequently appears on local and national radio and TV to discuss issues impacting Chicago and the country.



James I. Power

Since joining the Power Rogers in 2016, James has successfully secured or assisted in securing over \$500 million on behalf of the firm's clients. These successes include a \$95.4 million verdict obtained on behalf of a truck driver who suffered bi-lateral above the knee amputation following a crushing injury in premises/products liability case, a \$91 million dollar recovery on behalf of an undocumented worker who suffered bi-lateral amputations in a premises liability case, a \$50 million dollar recovery on behalf of a man who suffered multiple amputations from burns suffered while performing yard work in his own backyard, and many others.



Louis A. Berns

Louis Berns is a partner in the law firm of Favil David Berns & Associates. He graduated law school in 1984 with Distinction from John Marshall. Louis is the former Prosecutor for the City of Northlake.

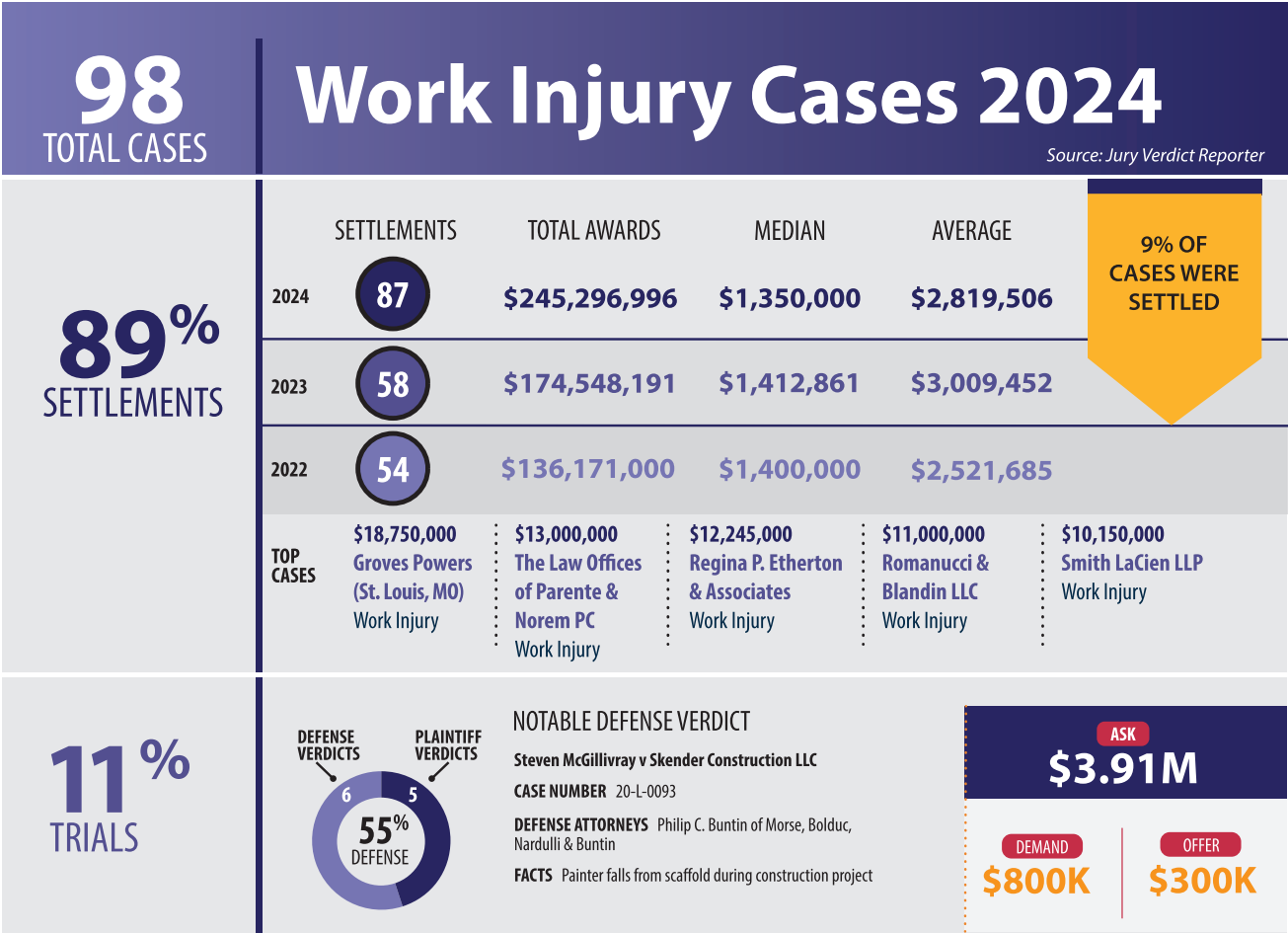
He concentrates on Plaintiff's personal injury cases with an emphasis on motor vehicle and premises cases. Aside from the record \$91,000,000 premise case last year, Louis has also obtained record settlements of \$3,500,000 (STTT 1/7) for a TMJ injury and \$2,000,070 for a Lisfranc fracture (SRR d/14).



Power Rogers, LLP takes great pride and responsibility in representing seriously injured people and their families in all types of personal injury actions. We work hard to honor the trust and commitment of our clients, our referring attorneys, and the outstanding legal community in Chicago and throughout our State. Thank you to Law Bulletin Media for highlighting our achievements and those of other deserving litigators on both sides of the bar.

The law firm of **Favil David Berns & Associates** was founded in 1961. The firm concentrates on serving the western suburbs of Cook and the surrounding counties.

Work Injury Settlements Reach All Time High



The total settlements for work injuries in the 2024 JVR Settlements Report was the highest number in the history of the report with more than \$245 million in total amounts and 87 cases. This was a 40% increase of cases over 2023, which had the previous high.

Work injury settlements represented 9% of the cases and 10% of the overall settlement amounts in the 2024 report.

Both the number of work injury cases and total settlement amounts increased from last year's report with amounts increasing 41% and cases growing by 50%.

However, the average and median settlement amounts decreased. The average amount decreased 6% to \$2.8 million. The median also decreased 4% to \$1.35 million.

Cook County work injury settlements made up 88% of the total amounts with \$217 million compared to the non-Cook total amounts of \$28.5 million.

The non-Cook County average settlement amounts exceeded Cook amounts by 12%. The non-Cook average was \$3.17 million in 2024 and the average for Cook cases of \$2.78 million.

juryverdictreporter@lawbulletinmedia.com



Outstanding Defense Verdict in a Street Hazard Case

Not Guilty

Motorcyclist Blames Poor Pothole Repair for Loss of Leg

PLAINTIFF ASKED
\$5M

DEFENSE OFFER
N/A

VERDICT
For the Defense



Plaintiff was riding a motorcycle on South Lake Shore Drive. A poorly patched pothole caused a nearby motorcyclist to lose control and fall. Plaintiff swerved to avoid colliding with the fallen motorcyclist. After he pulled to the side of the road, he was struck by yet

another motorcyclist. He sustained a traumatic amputation of his left leg and blamed the City of Chicago's negligent patch work. The defense argued plaintiff could not identify which patched pothole caused the accident and the City denied there were any negligent patches in the area.

CASE REPORT



(QQQ 11/3) STREET HAZARDS--MOTORCYCLIST BLAMES POOR POTHOLE REPAIR FOR LOSS OF LEG (9)

Hollis Barnes v City of Chicago 17L-5806 Tried Aug. 9-12, 2021

VERDICT): Not Guilty

JUDGE: Israel A. Desierto (IL Cook-Law)

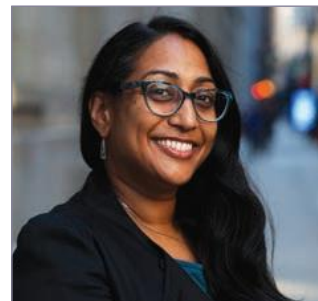
PLTF ATTY(S): David H. Latarski, Bryan J. O'Connor, Jr. of Whiteside & Goldberg (Chicago, IL) **ASKED:** \$5,000,000

DEFT ATTY(S): Shilpa A. Patel, Daniel J. Wangler of Chicago Corporation Counsel (Chicago, IL) (Self-Insured)

Pltf was operating a motorcycle on South Lake Shore Drive on June 11, 2016. A nearby motorcyclist, Cory Parish, contended he rode over a poorly patched pothole near 53rd St. which caused his bike to spill. To avoid colliding with Parish, pltf drove to the side of the road and stopped about a block away, where he was struck by another motorcyclist (Gregory Wright). As a result, pltf sustained a traumatic amputation of his left leg (\$153,956 medical expenses). Parish and Wright were sued in this case, but they settled with pltf prior to trial, leaving the allegation of negligent patch work against the City of Chicago as the sole issue at trial. The defense argued pltf could not identify which patch triggered the accident and the City denied there were any negligent patches in the area. Jurors reportedly believed the majority of liability was attributable to Wright.



The Department of Law serves the **City of Chicago** by providing legal representation to the City, its officials, employees, and agencies. The Department of Law employs approximately 280 lawyers who manage litigation, transactional, and legislative projects covering a wide range of practice areas such as torts, federal civil rights, constitutional, and public finance, in addition to the enforcement of the Municipal Code. Our attorneys also serve as legal counsel for more than 40 City departments as well as the Mayor, Boards, Commissioners, and members of the City Council.



Shilpa A. Patel

Shilpa A. Patel is a Chief Assistant Corporation with the City of Chicago Department of Law. She is a member of the management team for the Torts Division which handles the City's personal injury defense practice. She has tried in excess of fifty trials to verdict including numerous wrongful death, roadway design, and police pursuit cases. She is a proud career long public servant having defended multiple 7, 8, and 9 figure exposure cases while representing the City. Patel obtained her law degree from The University of Illinois at Champaign-Urbana and obtained her undergraduate degree from Northwestern University.



Daniel J. Wangler

Daniel J. Wangler is an Assistant Corporation Counsel Supervisor in the Torts Division of the Chicago Law Department which he has been employed for almost twenty-one years. Since 2005, he has participated in 63 jury trials on behalf of the City in the Cook County Law Division as the 1st Chair attorney, achieved a career jury trial record of 50 Wins; 3 Directed Verdicts; 7 Losses and 3 Mistrials. He was also the co-recipient of the 2015 Jury Verdict Reporter for Outstanding Defense Verdict in a Pedestrian Case.

2024 JVR Trial Lawyer Excellence Awards





LIFETIME ACHIEVEMENT AWARD



BRUCE R. PFAFF

By Dan Rafter
Special to Law Bulletin Media

Bruce R. Pfaff

Every case is special

“So I left with my seven personal cases and started my own law firm. I bet on myself and on the way I liked to handle cases. It was a good bet.”



It was a case that wasn't attractive to many Chicago attorneys: A 19-year-old man's leg was crushed in a work accident, resulting in the victim losing his leg below the knee.

The problem with the case? It was in Pekin, Illinois, in Tazewell County. Up until this case, a jury had never awarded a personal injury verdict of more than \$900,000 in this county. Chicago attorneys were used to much higher verdicts for successful cases, and were not eager to represent clients in this part of the state.

That didn't dissuade Bruce Pfaff, a trial lawyer who by this stage of his career had already earned a long string of successful verdicts for the Chicago law firm he founded, Pfaff, Gill & Ports. Pfaff didn't hesitate to represent the victim.

"The thought was, it didn't matter how good you were, there's never been a big verdict in this county," Pfaff said. "My attitude was that if you were a good lawyer and you have a good case, it shouldn't matter where you try it."

Pfaff's approach paid off. The jury returned a verdict of \$13.5 million, giving Pfaff and his client every penny they asked for. The defense fought the case on appeal but lost. When the case ended in 2014, that \$13.5 million verdict ranked as the highest ever returned in a personal-injury case in Tazewell County.

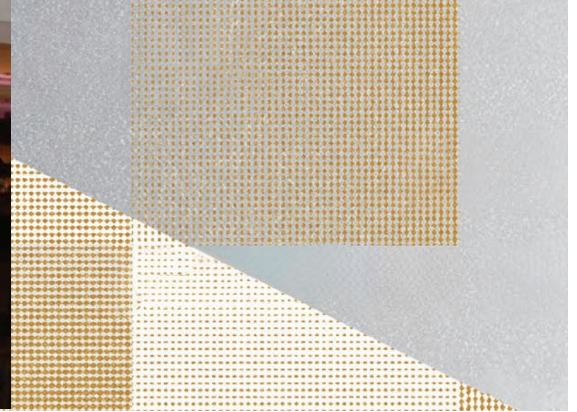
For Pfaff? It was another victory earned for his clients, the latest success in a career filled with important legal wins. It also serves as an example of the body of work that helped Pfaff earn a lifetime achievement award from Jury Verdict Reporter.

Today, Pfaff still practices law even though his last day with the firm he founded was April 30, 2024. Pfaff doesn't consider himself retired. He continues to work with the Illinois Trial Lawyers Association and on projects for the Illinois State Bar Association. Any cases he takes on now will be pro bono.

He and his wife also own a large tract of land complete with a barn and horses. Tending to these animals is something that Pfaff says takes up a good chunk of his time every day.

"I don't consider myself retired," Pfaff said. "When you say you are retired, people stop listening to you. They think that you are no longer part of the legal community. But I want to continue to work in law. I love it. But even without taking on new cases, I remain active in the legal community."

How did Pfaff begin the career that he is so reluctant to leave? His father worked in the business, which inspired him to enter law school. Pfaff didn't know that law was the ideal career for him, though, until his early days practicing with a law firm in San Francisco.



Shortly after Pfaff arrived at Bostwick & Peterson in San Francisco, one of the firm's attorneys brought him to every court hearing and deposition in a case involving a young boy who was injured at birth. The lawyers at Bostwick & Peterson represented the boy and his parents, who claimed that medical negligence caused the injuries.

The case ended successfully for the firm's clients. And Pfaff saw the difference that lawyers could make in the lives of their clients.

"I saw the hard work and the good results for that child," Pfaff said. "It was a fantastic experience. When you meet with a client and go from start to finish in a case and succeed for that client and make a positive change, that is rewarding. It's what has kept me going all these years."

As Pfaff says, the positive results make the hard work and sacrifice and the risks of prosecuting a case worthwhile.

"It's a risky venture," Pfaff said. "It is stressful. You need to make sure that you balance the stresses you put yourself through. Knowing that your clients are going to be OK is a great reward."

Pfaff was asked once if he wanted to move to the defense side of trial law. He declined. As he says, he prefers working for people instead of corporations.

"Why would I ever work on the defense side?" Pfaff asked. "I like working for human beings. When you work for individuals, and usually individuals who have been injured, they rely on you to prosecute the case. Corporate clients don't always do that. You might have a way of practicing law that is compromised by your corporate client's strategies. With individuals, you can shape your legal strategy."



Peter Mierzwa, Deborah Pfaff (wife of Bruce), and Bruce Pfaff at the 2024 JVR TLE Awards.

“

We were both lucky to be hired by Bruce right out of our respective law schools in 1997 and 2000. Over the years, Bruce was a tireless advocate for his clients, many of whom he stayed in touch with years after their cases ended. We witnessed Bruce's dogged pursuit of justice for victims who had been wronged by others in every facet of each case: pleadings, discovery, depositions and trial. That relentless pursuit led to numerous incredible results in counties throughout the State of Illinois – results that often brought accolades from entities such as the JVR, who recognized and honored his verdict in Tazewell County in Stone v. Mitek, et al, in 2015. We were fortunate to watch Bruce put that same effort and intensity to work for the plaintiffs' bar and profession as a whole for groups like ITLA, ABOTA and the IPI committee, not to mention countless amicus filings and pro bono hours. There is no one more deserving of this award and recognition than Bruce Pfaff, and we could not be happier for him. Congrats Bruce!!!"

Michael T. Gill and Matthew D. Ports, former associates of, and then partners and shareholders with, Bruce for a combined total of almost 50 years



“

I have known Bruce Pfaff for many years and have had a front-row seat to his exceptional commitment to justice, his unwavering integrity throughout his career and an unparalleled dedication to his clients. Recognizing Bruce is recognizing excellence in every aspect of the profession.

Perhaps one of his most remarkable qualities is his dedication to the Illinois Trial Lawyers Association. His countless contributions to appellate writings that advance the Rule of Law and the 7th Amendment Right to Trial by Jury are remarkable and make the justice system in Illinois one of the best in the nation. His dedication and expertise have earned him a reputation as one of the most respected legal professionals in Chicago and beyond. His commitment to pro bono work does not go unnoticed. He believes in using his legal acumen to support individuals to further justice, and he makes a positive impact on the lives of innocent victims of wrongful conduct. It is a privilege to call Bruce Pfaff my colleague and my friend.”

Robert A. Clifford,
Founder and Senior
Partner, Clifford
Law Offices



“

If I think I can't win at trial, I don't represent that person.”

Pfaff points to his case in Tazewell County. The reason behind the successful verdict? Pfaff said that he had tried about 40 cases before taking on this one, giving him the experience needed to develop the best case for his client.

Pfaff also credited his expert witness, who spoke eloquently and factually about the design defect of the machine that crushed the leg of Pfaff's client. This expert, Pfaff said, was brilliant but also knew how to speak like a regular person.

Pfaff did his own legwork, too. When a local lawyer called him about the accident, Pfaff drove to the hospital room in Tazewell County to speak with the victim. He also drove to the factory where the victim worked and spoke to the foreman there about the accident. The foreman allowed Pfaff to take photos on the factory floor.

"In the space of a 12-hour day, I met with two witnesses and investigated the site of the accident," Pfaff said. "I immediately hired my experts. When I sent one of them my photos and video, he told me I was on the right path. Then we just worked on the case until we got the verdict we wanted. It's rare to get everything you ask for, but that's what happened here. Some lawyers take cases with the hope of extracting a settlement and are afraid to go to trial. That's not what I do. If I think I can't win at trial, I don't represent that person."

The Tazewell County case is far from Pfaff's only significant victory. Pfaff, though, says that he has a difficult time singling out any cases as being especially impactful. As he says, his trials are like his children: They are all equal and they all matter.



Speakers for The Illinois Chapter of American Board of Trial Advocates (ABOTA), welcoming 180 Chicago public high school students and teachers to Chicago-Kent College of Law for civics education — from left, Jill M. Webb, Honorable Lorna Propes (ret.), Justice P. Scott Neville Jr., Bruce R. Pfaff and Christopher M. Norem. Photo courtesy of ABOTA



Bruce Pfaff accepting the Pursuit of Justice Award at a Cultural Center event hosted the American Bar Association Tort Trial and Insurance Practice Section. Photo courtesy of Ben Speckmann

He did cite his most recent trial, though, as an example of the work that goes into earning a successful verdict.

In February, Pfaff tried a case for a 62-year-old man who suffered from severe back pain on his right side. He woke up on election day of 2020 and could not get out of bed. After he was transported to the emergency room, medical professionals discovered a tumor on his spine that needed to be removed.

The surgeon did not want to operate, though, until hospital staffers could take an MRI of the spine. The surgeon expected the nurses caring for the man to monitor him for any signs of deterioration as he awaited his MRI and eventual surgery. If the man could no longer control his urine or lost control of his toes or fingers, the nurses were instructed to notify the man's doctors immediately. If they failed to do so, the man could become paralyzed.



Bruce Pfaff with his favorite president, visiting the Lincoln Memorial in Washington, D.C.

“

Bruce Pfaff is an outstanding Trial Lawyer as well as a gentleman and legal scholar. He served as a chair of the ITLA Amicus Curiae Committee for over 30 years. He also coordinated and appeared in every case as additional counsel when the Prejudgment Interest Statute was challenged. He has authored more than 40 Amicus Briefs, ensuring justice in many precedent setting cases. As chair of the Illinois Supreme Court e-business Policy Advisory Board, he helped modernize the entire court system leading to electronic filing and electronic case management in Illinois.

Bruce has obtained numerous million and multimillion dollar verdicts and settlements on behalf of his well-deserved clients. As one of the best trial

lawyers in Illinois, he has consistently polled amongst his peers as one of the top trial lawyers of his generation. He is a trial lawyer who has devoted his life representing the catastrophically injured and wrongfully killed. He was recently awarded the prestigious Jury Verdict Reporter Lifetime Achievement award which recognizes the honoree for his tremendous contribution to the legal community, trial work, leadership, and mentoring.

This year Bruce was also awarded the Leonard Ring Award, ITLA's highest honor which describes the awardee as someone who has devoted, as Leonard did, a substantial part of their life and their practice to ITLA, has done more than is called for, has the standards of

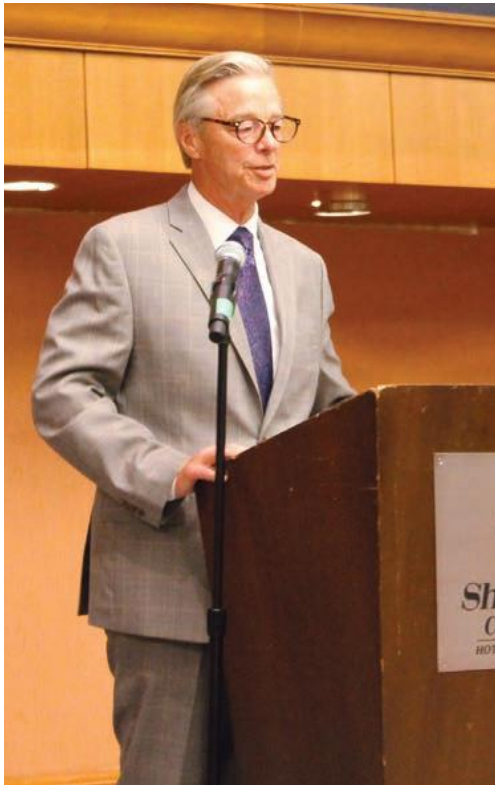
Leonard, the work ethics of Leonard and the commitment to ITLA that Leonard Ring had.

In addition, in recognition for his talents as a trial lawyer and person, Bruce was elected by the plaintiff and defense bar to be ABOTA Illinois president. Bruce is also a Fellow of the American Academy of Trial Lawyers and the International Academy of Trial Lawyers.

All that being said, Bruce Pfaff would not be where he is today without his lovely and supportive wife, Deborah.”

Joseph A. Power Jr., Partner, Power Rogers LLP





Bruce Pfaff receiving the ITLA 2024 Leonard Ring Award.

Unfortunately, even though the man displayed key signs of neurological deterioration while waiting for the MRI, no one told the neurosurgeons. This led to the man suffering paralysis.

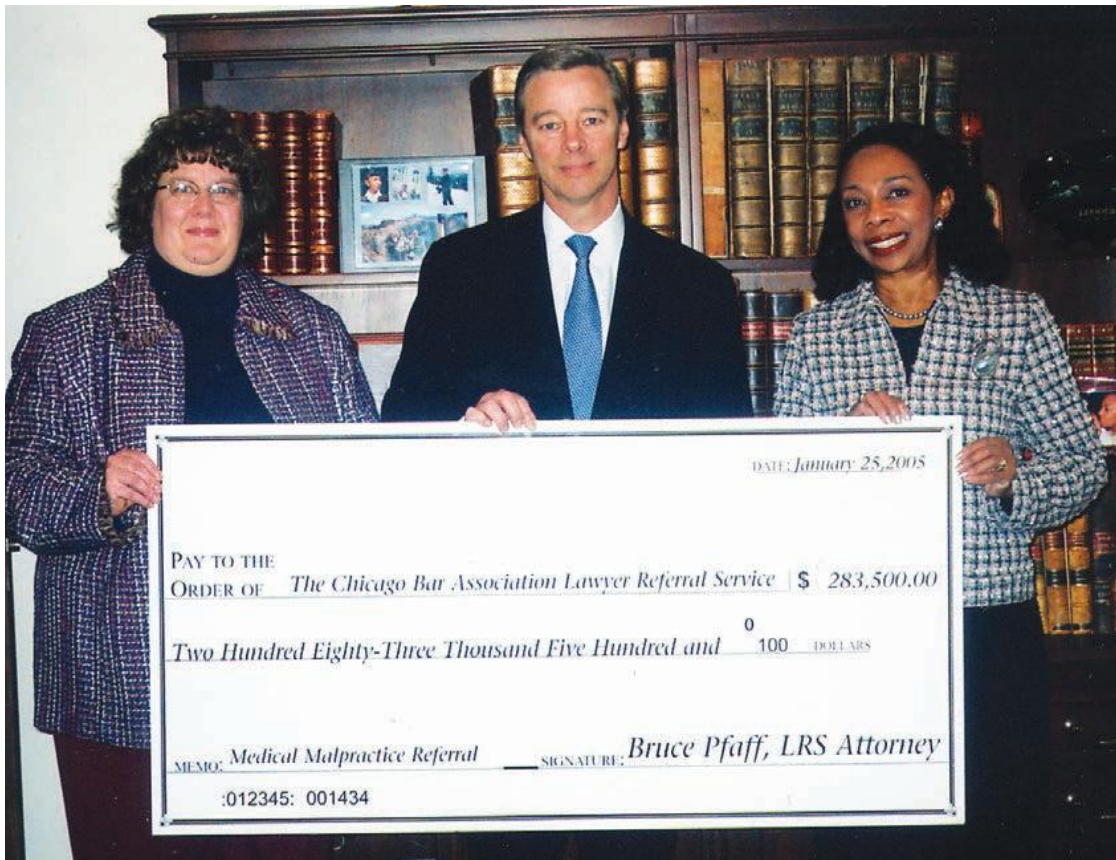
The defense waited until one week before trial to make its settlement offer, in which the hospital would admit fault and that its negligence caused the paralysis suffered by Pfaff's client. The defense offered \$7 million.

Pfaff recommended against taking the settlement, and his advice proved sound. The case went to trial, and Pfaff and his legal team earned a jury verdict of \$10 million for his client. With interest, the client collected about \$11.5 million.

"This was a big deal," Pfaff said "He and his wife both worked hard their entire lives. They were solid citizens. It took a lot of courage for him to turn down \$7 million. I appreciated his confidence in my ability to get the job done."

That was Pfaff's last case for the firm that he founded. As Pfaff says, when he works on a trial, that case becomes all-consuming. It doesn't matter the day: He'll work 12 to 16 hours on the case. Pfaff said that it was time to step away from those long days.

This isn't the first time that Pfaff made a key decision about the direction of his career. He was working with a big plaintiff's law firm in the early 1990s in Chicago and was doing well. The problem? He had too many clients. The work level was unsustainable. He had 100 clients, all of whom were relying on him to provide them with the best representation.



Bruce Pfaff (center) wrote a check for \$283,500 for The Chicago Bar Association Lawyer Referral Service, the largest percentage fee in CBA history, after winning a \$9.3 million jury award in a medical malpractice case. Pictured with Pfaff are Brenda Ott (left), director of the CBA service that referred the case to him, and CBA President Joy V. Cunningham.



Bruce Pfaff with Sara Salger at the ITLA 2024 Annual Dinner.

“

I have known Bruce for almost 40 years. I am very familiar with his reputation and traits. Bruce is smart, thorough, ethical, compassionate, diligent and persuasive.

Bruce always conducts a thorough investigation before accepting a case and filing a lawsuit.

He then engages in the most thorough and detailed discovery to prepare for trial. When his client is not offered a fair settlement, Bruce takes the case to trial and presents his case to the jury in the most compelling way. He has rarely lost at trial.

Bruce is also one of the finest appellate advocates I have known, including countless hours of pro bono work on amicus matters for the Illinois Trial Lawyers Association.”

Keith A. Hebeisen,
Partner, Clifford
Law Offices



“I hated that,” Pfaff said. “I told the people at the firm that I couldn’t work at that level of volume. They came up with a proposal, but I realized that the workload would still be too heavy. So I left with my seven personal cases and started my own law firm. I bet on myself and on the way I liked to handle cases. It was a good bet.”

In 1991, Pfaff founded Pfaff, Gill & Ports, a law firm that thrived during the rest of Pfaff’s career.

There are plenty of reasons for the success that Pfaff enjoyed during his career. He points to his willingness to put in the work as one of the most important.

As Pfaff says, he is not much of a delegator. He researches his cases, prepares his arguments, digs up medical records, interviews experts and does all the detailed work necessary to craft a winning case.

“When you have done this work for 45 years, you should know what you are looking for,” Pfaff said. “I’ve always been good with computers. I know what they can do to save me time and effort. I understand medical records and how they work. It’s just a matter of doing the work myself.”

When not working on legal matters, Pfaff said that he spends much of his time looking over his 10 acres of land. When he looks out his window, he sees a never-ending list of things that need to be done.

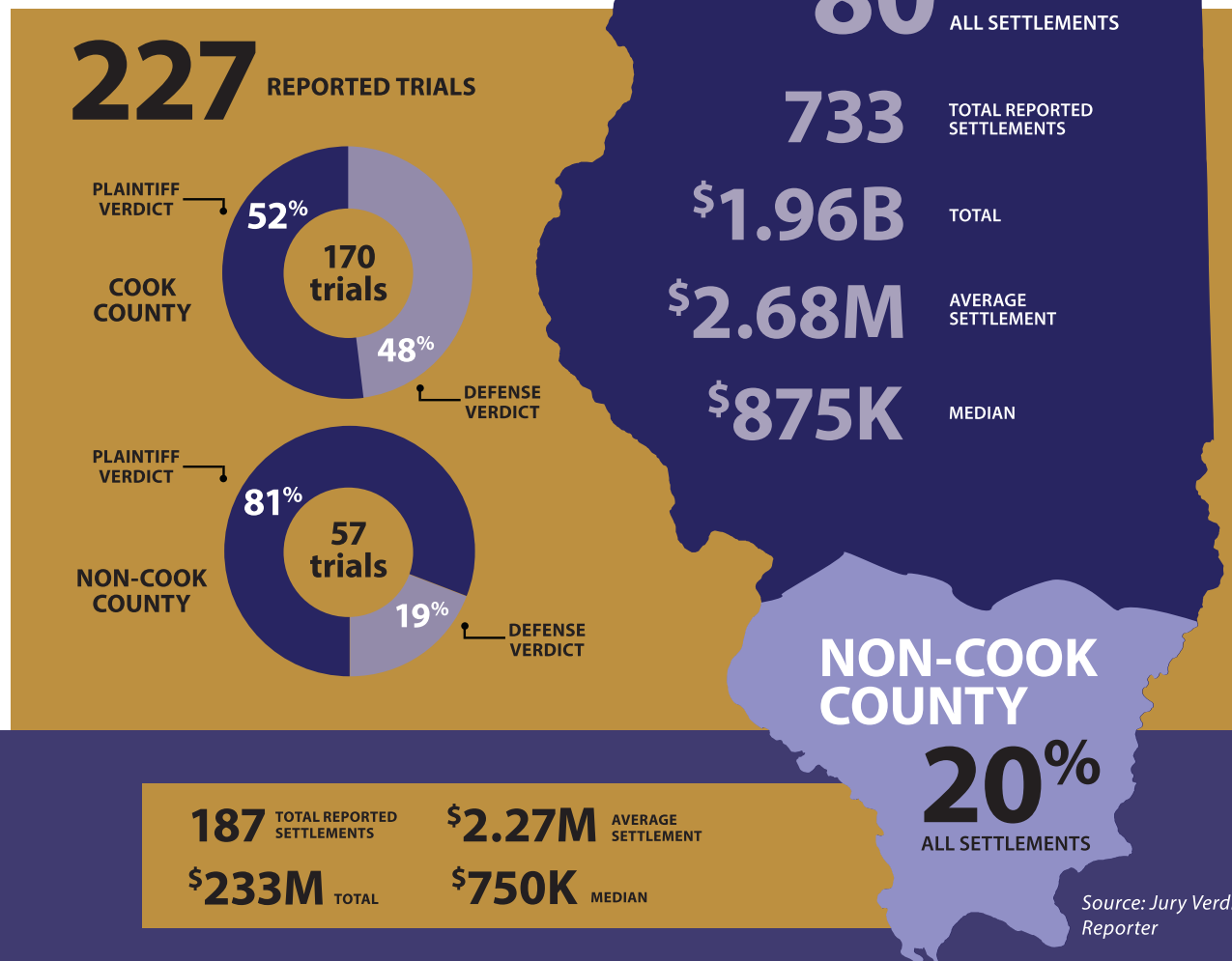
But Pfaff doesn’t see himself stepping away from the law entirely anytime soon.

“I feel very fortunate to have done the job that I love for 45 years,” Pfaff said. “I am fortunate that I get to keep doing it but on a different scale. After I left my firm, I took out an ad stating that I am not retired. I am no longer practicing with the firm, but I am available for special projects. I am still active in the field.”



Bruce Pfaff at Castle Stuart Golf Club.

Settlements reach record highs in both Cook and non-Cook counties



Of the 920 Illinois settlements considered for the 2024 JVR Settlements Report — including those below the \$500,000 threshold for inclusion in the report's rankings of top firms — both the number of cases and total amounts set records for settlements in Cook County and outside Cook.

The 2024 report also shows back-to-back record-breaking years for cases outside Cook. The 187 non-Cook settlements totaled more than \$425 million, which was 82% higher than last year's record of \$233 million. Cook cases set records with 733 settlements that totaled \$1.96 billion and increased 63% over last year.

The ratio of Cook to non-Cook settlements remained relatively constant with Cook cases far exceeding cases in other Illinois counties with 80% of the cases and over 82% of the total settlement amounts.

While average settlement amounts increased overall, averages for cases outside of Cook saw the biggest rise. The average settlement amount for cases outside of Cook was \$2.27 million, which was a 78% increase over the 2023 average. Cook settlement averages rose just 2% to \$2.68 million.

Comparing the 2024 report with pre-pandemic numbers for 2019, the number of reported settlements across the state increased 17%. The largest

increases came in settlements outside of Cook where the total amount rose 70% and the average increased 45%. Cook settlement amounts increased 44% and the average settlement rose 12% over 2019 levels.

Reported trials were up over 2023 but remain 30% below pre-pandemic levels of 2019. Of the 227 trials during the 2024 reporting period, 170 were in Cook and of those cases 52% were verdicts for the plaintiff and 48% resulted in defense verdicts. Results were different outside of Cook where of the 57 trials just 19% resulted in a defense verdict.

juryverdictreporter@lawbulletinmedia.com

2024 JVR Trial Lawyer Excellence Awards



2024 JVR Trial Lawyer Excellence Awards





LIFETIME ACHIEVEMENT AWARD



WILLIAM J. ROGERS

By Dan Rafter
Special to Law Bulletin Media

William R. Rogers

**Motto to live by: ‘Win with humility
and lose with dignity’**

“He’s a fierce advocate for his clients who isn’t afraid to log the long hours necessary to win a case.



During a legal career that’s lasted nearly five decades, Bill Rogers has earned a long string of victories for his medical, aviation, dental, construction and commercial clients.

Those victories have kept his clients coming back, which helps explain how Rogers has been able to thrive for so long in such a competitive industry.

But what led to all these victories? Rogers points to his experience, competitive nature and commitment to providing his clients with the best possible representation.

“I think my life experiences have played an important role in my success,” Rogers said. “I am also competitive. I have a desire to win. But I play within the rules, and I listen to people. I also don’t read my press clippings. It’s important to realize that you are not going to win all the time. As a coach once said, ‘Win with humility and lose with dignity.’”

Rogers grew up in a working-class neighborhood of Philadelphia, living in a small rowhouse with his family. During college, he worked in a steel mill. He held a job at a McDonald’s to help pay the bills. He delivered mail for the post office, and performed volunteer work in the Appalachian community.

“I had exposure to a lot of different people and life experiences,” Rogers said. “That carries over to knowing how to represent people and work with them and against opponents. It helps give you the experience you need to try a case. That experience all adds up.”

What else has helped Rogers succeed? He’s a fierce advocate for his clients who isn’t afraid to log the long hours necessary to win a case.

He’s realistic, too, knowing how to limit the damage in a case. As he says, if you are representing the defendant, the goal is often to “keep the ball within the ballpark,” to limit the plaintiff’s side to a single or double instead of a homerun.

It’s important, too, to pick your battles, Rogers said.

“You can’t be fighting every issue with every opposing lawyer and opposing judge,” he said. “Read the room. Appreciate what is going on. And sometimes, just shut up or move on. Some lawyers must win every single argument and every single point. That is exhausting and it often doesn’t get you anywhere.”

Rogers’ dignity and humility have served him well throughout his career of more than 49 years. Today, he is a partner with the Chicago office of Swanson, Martin & Bell, LLP. As a trial lawyer, he has tried jury cases in federal, state and municipal courts. He has also written and argued appeals in the Seventh Circuit, Illinois Supreme and Illinois Appellate courts.



Rogers has represented a variety of clients, trying cases dealing with the auto, auction, aviation, commercial, dental, construction, legal and medical industries. He's taken on cases involving the Structural Work Act, Chicago Transit Authority and rental car matters.

But what led Rogers to this career in which he's been so successful? He said that he began noticing that lawyers were not only in courtrooms but also working in boardrooms, banks and education.

"A law degree seemed like something that could lead you to a lot of different areas," Rogers said. "It looked like a worthwhile degree to obtain."

Though he recognized the value of a law degree, Rogers said that he had no burning passion to work in law while a young man. He didn't watch Perry Mason while growing up. The first lawyer he ever spoke with was the one who called on him in his first-year property law class.

It was in his second year of law school that Rogers discovered just how interesting trial work could be. It was then that he decided that this was the career for him.

One of his professors recommended that Rogers apply for an internship at well-known law firm Wildman Harrold Allen & Dixon. Rogers landed that internship, working for the firm in the summer between his second and third year in law school.



Bill Rogers and Bruce Pfaff at the 2024 TLE Awards.

“

I was lucky enough to meet Bill within a day or two of my start at the Wildman firm in 1981. At that time I would receive assignments that typically asked me to find the answer to a specific legal question. Very quickly I came to realize that I could spend several hours in the library trying to find the answer, or I could walk down to Bill's office and just ask him. He always seemed to know the answer and could direct me to where I could find it.

Thus began a pattern that continued for several years. There were days when I would seek Bill's counsel four or five times. Never once did he make me feel that I was imposing on him or his time. And there was an added bonus. Bill was an incredibly good lawyer. He shared deposition outlines and research he kept

in a trial binder so I had the benefit of his wisdom and experience.

I was fortunate to have some success as a trial lawyer during my forty year career, but I am certain that much of it would not have blessed me were it not for Bill's guidance and friendship.

He is the best lawyer I have ever known.

Having said that, I would be remiss if I did not share one anecdote that sums up Bill.

When I was 27, my 24 year old girlfriend of several years was diagnosed with a rare form of cancer. Nine months later, she died. Her family was originally from Hyde Park New York, so I traveled out there with her mom for the burial service. As I stood in the churchyard with

a small group of family members and bowed my head as prayers were being recited, I looked up, and across from me in the circle stood Bill. He stayed for the post burial reception and then drove the two of us to Albany to fly back to Chicago. As we sat in the bar waiting for our flight, I asked him, for the first time, why he was there.

He said, simply, "I thought you could use some company."

Bill is the best lawyer I have ever known, but he is a better person.

David "Chip" R. Barry Jr., Of Counsel, Corboy & Demetrio PC LLC



“

I have known of Bill Rogers as a younger medical malpractice defense lawyer. I did not know him well then, but I knew his reputation among his opponents and the attorneys who worked with and for him. I have never heard a bad word about him and his associates from Bollinger and Swanson loved working for him. What a gift they had.

As a Judge, Bill was before me via Zoom on the motion call on a complex medical case. Bill was great and is far more handsome in person than on Zoom. I then had the privilege of having Bill on trial in the Rounds Medical malpractice case that went to verdict. What an honor for me to have him on trial. He was a gentleman and a scholar, although I disagreed with him on time limits for Jury questioning where there are multiple defendants. He was excellent and had a calming demeanor which Judges and Jurys appreciate. After the trial, Bill and I became friends, and he would stop by regularly on my trials with a book about baseball and other interesting facts. He has a wealth of knowledge on the Law and is a Good Guy. I am privileged to now know him as a Friend. Your Award is well deserved.”

Hon. Brendan A. O'Brien, Judge, Circuit Court of Cook County, Law Division, Trial Section



“I saw what the firm did, and I knew that it was what I wanted to do, too,” Rogers said. “The trial lawyers there handled a variety of cases. Some were personal injury cases. Some were product liability. Others were medical, transportation or commercial. They needed a knowledge of so many areas of the law. They needed to know how to try a case and put it all together. That was fascinating to me.”

Rogers describes trial lawyers as being the equivalent to producers, directors and actors, all in the same trial.

The producing part? That’s when lawyers work through the discovery process. Directing? That’s when lawyers pick their witnesses and decide upon which facts to focus. The acting part of the equation comes out during the trial, when lawyers work to pick the best possible jury members, recite their opening and closing statements and examine and cross-examine witnesses and experts.

“You take on a variety of difference challenges and roles,” Rogers said. “It’s not like being on the assembly line and doing the same thing day after day.”

As Rogers says, consider the TV shows that focus on lawyers. You don’t see hourlong dramas or movies focusing on real estate law, bankruptcy attorneys or mergers-and-acquisitions specialists. No. Hollywood makes stories about trial lawyers.



From left — Illinois Chapter of the American Board of Trial Advocates President-elect Jill M. Webb of the Law Offices of Jill M. Webb, and President Bill Rogers of Swanson, Martin & Bell, LLP — presenting Cook County Circuit Court Judge Elizabeth M. Budzinski with a framed War of 1812 American flag. Budzinski for ABOTA’s 2022 Judge of the Year award. Photo courtesy of ABOTA

“

Bill Rogers is a consummate professional. I have known him professionally and socially for almost fifty years. Not only is Bill an outstanding and very well-respected trial lawyer, his skill and moral fiber are well-known and acknowledged by his peers on both sides of the bar. Bill can be a dogged and relentless opponent but his honesty and ethical conduct are hallmarks of his entire career. While Bill has handled many complex civil litigation cases, his expertise and skill in defending medical professionals

and institutions are unmatched. He has handled multiple high-profile cases with both diligence and compassion, and for several of those cases I had the privilege of representing a co-defendant. His overall success rate may be unmatched in the Cook County defense bar. In addition to his stellar legal career, Bill has a wonderful family and continues to thrive as a doting grandfather. Bill has been a valued friend for many years and gone out of his way to help me and several family members. Bill remains a

leading member of the defense trial bar and a highly respected colleague and opponent. I am hardly surprised and very happy that he is being honored with the JVR Trial Lawyer Excellence Lifetime Achievement Award, a well-earned and deserved commendation.”

Richard H. Donohue, Of Counsel, Donohue Brown Mathewson & Smyth LLC





As president of ABOTA Illinois, Bill Rogers spoke at The Illinois Chapter of the American Board of Trial Advocates' inaugural James Otis Lecture Series, welcoming 150 Chicago public high school students and teachers to Chicago-Kent College of Law for civics education. Other speakers included from left, the Hon. Sanjay Tailor; Professor Carolyn Shapiro; Webb, and the Hon. Jesse G. Reyes. Photo courtesy of ABOTA

And Rogers understands why: "Trial work is interesting," he said. "It's interesting to the lawyers and to the general public."

This isn't to say that Rogers, while admittedly working his dream job, hasn't faced challenges. As he says, every case is different, dealing with different facts and witnesses. Trial lawyers must routinely deal with different opposing counsel and judges.

Because of this, each case is a challenge, Rogers said.

"There is no cookie-cutter injection mold," he said. "That's a challenge. You might have argued before a judge before, but the facts this time are different."

Like all experienced and successful lawyers, Rogers considers all his cases to be important. But there are some that stand out as particularly meaningful. That includes the first jury verdict that he earned in his career.

“

I have had the pleasure of presiding over several jury trials with Bill Rogers and his firm. He is most experienced and knowledgeable in every aspect of medical malpractice defense. I was especially impressed with his positive and professional attitude. Bill remains calm and focused even when faced with difficult facts and adverse rulings. Bill has the enviable skill of explaining legal theories to a jury in a straightforward and easy manner resulting in favorable verdicts for his clients. Civility and professional mentorship are a significant part of his professional career. This is a wonderful trait and model and speaks to his very good character and faithfulness in our profession.”

Hon. Bridget J. Hughes,
Judge, Circuit Court
of Cook County, Law
Division, Trial
Section



American Board of Trial Advocates' annual Law Day observance (From left to right) John W. Bell of Johnson & Bell Ltd.; Justice Mary Jane Theis; and William J. Rogers of Swanson, Martin & Bell LLP. Photo courtesy of Paul McGrath

“

I met Bill Rogers over 50 years ago when we began Law School at Northwestern. Little did we realize our careers would take similar paths over the next 50 years. Bill began his career with a spin-off from Kirkland, Wildman Harrold and I began with another Kirkland spin-off, Maddux & Associates. We both wound up principally doing medical malpractice defense. I know Bill felt lucky to have received mentorship from the likes of Maury Garvey. I know Bill learned about being a Trial Lawyer from these mentors and he absorbed the lessons of professionalism, integrity, character and civility in handing his files and in his interactions with co-counsel and opposing counsel.

One of Bill's greatest contributions has been his mentorship of younger lawyers by passing along those same lessons.

We started out attending depositions together as co-defendants until we finally moved up to trying cases together, it has always been a pleasure, and fun, to have Bill as a co-defendant. No one worked harder than Bill in trying a case, but you always waited for that comment, usually off the record, that would give everyone a laugh, including the Judge.

The defense practice can be very competitive when it comes to getting business. Bill and I had many mutual clients. Never did I hear Bill disparage any

defense attorney in effort to get business. His humility is one of his greatest assets. The case is never about Bill, but always about his client. Over the many years of his practice, Bill has seen many changes in the Law Division. Through those changes one thing has remained constant with Bill, his commitment to professionalism, integrity and civility. Bill deserves this reward, and I am lucky to have been a friend for these many years.”

Brian C. Fetzer,
Associate,
Napleton &
Partners



“

When I think of a lawyer with the utmost integrity, extensive experience in the courtroom, and unparalleled knowledge of the law, I think of Bill Rogers. And along with those attributes, Bill is a true pleasure to work with. Rarely do we start or end a conference call talking about a case. Rather, we hear something pertinent to the issues of the day, which Bill always has witty insights on. Bill has handled a number of cases for us to a successful conclusion, and always gains the respect and appreciation from opposing counsel. He is a true gentleman. While Bill was trying a case for our company recently, I told him how much we appreciated his long hours both in and out of the courtroom during the trial. Bill replied, 'Chris, this is what I love to do.' And it shows!"

Christopher B. Harmon,
Senior Vice President
and General Counsel,
Altec, Inc.



“

Over the years, I have had the privilege of presiding over many complicated, emotional cases involving incredibly gifted trial lawyers. I can say, without hesitation, Bill Rogers is one of the best I have seen on trial. He was prepared, effective, and professional. He is the definition of civility. Bill's preparation, as demonstrated by his command of the facts and the applicable law, was readily apparent to everyone in the courtroom. He synthesized complicated medical issues and equally challenging jury instructions in a manner that was well received by the jurors. Bill Rogers is an amazing attorney and, more importantly, a leader in our profession. Thank you Bill for all that you have done, and continue to do, to enhance our profession."

Hon. Edward S.
Harmening (Ret),
Senior Mediator
and Arbitrator, ADR
Systems of
America LLC



“ If you are representing the defendant, the goal is often to “keep the ball within the ballpark,” to limit the plaintiff’s side to a single or double instead of a homerun.

In that case, a dentist filed a suit to collect unpaid bills from a patient. The patient filed a counterclaim for malpractice. It wasn't the biggest case, and few of the more senior lawyers in Rogers' firm wanted to try it. Rogers, though, was eager for the experience and volunteered to take on the case.

This was 1978, so the dollar amounts weren't great by today's standards. The dentist's claim against the patient for unpaid bills? It only came to \$700. The jury eventually awarded the dentist \$587 for the unpaid bills. More importantly, the jury found Rogers' client not guilty on the counterclaim, meaning that the dentist won the case as both a plaintiff and defendant.

Rogers also holds fond memories of what he calls his first big case in 1984. This was a seven-week trial involving a birth injury. Rogers' client offered a settlement of \$4 million. The plaintiff did not accept. After the case, the jury awarded the plaintiff a verdict of \$3.6 million, \$400,000 less than the original settlement.

"Some might say that we lost that case," Rogers said. "But we earned a verdict that was less than the original offer and one that was significantly less than it could have been. That case was my first big verdict."

Another big case came in 2000. In this case, Rogers' client, a doctor, performed a laminectomy, a surgical procedure to remove the bony arch that protects the spinal cord. The surgery, though, left the patient paraplegic.

Rogers said that his client was mystified by this result. The doctor consulted other specialists. He wrote about the case in a medical journal, all in an effort to solicit answers from the medical community as to what might have happened. In the article, Rogers' client emphasized again that he did not know why the surgery was not effective.

"He didn't know why it happened," Rogers said. "At trial, we had to go with that. He had written an article saying that he didn't know what happened. Our defense was that he did everything right, but didn't know why this had happened."



Rogers Family – Jackson Hole, Wyoming, January, 1999. Top row: Bill Rogers, Kevin (son), Colin (son); Bottom row: Mary (wife), Brian (son).

Despite the challenging nature of the case, the jury came back with a verdict in favor of Rogers' client. The defense that Rogers mounted proved effective.

"That was a difficult hurdle to get over," Rogers said. "We had to say that we did not know the reason. We had to put our faith in the jury system."

And one more personal case? In 1986, Rogers' wife was pregnant with what turned out to be their third son. Rogers' wife had a scheduled cesarean section on April 2 of that year. Rogers was assigned to a trial that was scheduled to overlap that date. Fortunately, the judge did have an off day scheduled for April 2. Rogers attended the birth of his son and returned to the courtroom the next day. On that next day, the jury came back with a verdict in his client's favor.

"The judge said congratulations on both the case and the birth of my son," Rogers said. "I will always remember that trial."

Rogers has also focused on pro bono work during his career. As he says, he has a great job that he loves. He says that he also has a responsibility to give back to the community, whether that means pro bono work, teaching or serving on industry associations and councils.

"It's important for lawyers to give back to the community," Rogers said. "I was taught that and I believe it. At different times, I've done different things. I worked in the legal clinic when I was in law school. After law school, I handled pro bono cases for Northwestern University's legal clinic. I've worked with the Settlement Assistance Program for pro se litigants. Lawyers should do something for the community. There is so much that we can do."



Rogers Family – Nantucket, August, 2024. Bottom row sitting: Cody, Keir, Mary, Milly, Bill, Emmy, Caden, Ryan, Connor, Grant; Top row kneeling: Brian, Annie, Kevin, Jenna, Colin, Sarah.

“

Our legal community has been strengthened and lifted with the efforts of Bill Rogers for 49 years. He is respected by our bench and both sides of the bar. Attorneys are analyzed as “minders, grinders and finders,” Bill Rogers is the rare “triple threat” who does it all. Bill is renowned for his integrity, honesty and ethical practice, and is a force to be reckoned with in and out of the courtroom. Yet he is the ultimate extrovert who develops fast and lasting friendships. I have worked with Bill Rogers for 50 years. His commitment to excellence is part of his life outside of the practice. Well into his fifth decade of marriage with his lovely wife, Mary, their clan of three sons, their wives and eight grandchildren is his ultimate joy in life.

The competitive spirit of Bill Rogers developed with his love of team sports as a young athlete and blended with a superb intellect to develop a modern knight who could represent those who could not defend themselves. With over one hundred jury verdicts and hundreds more trials he gives back to the profession with his leadership in organizations such as, The Illinois Society of Trial Lawyers, The American Board of Trial Advocates and the American College of Trial Lawyers to name a few.

Having worked with him for fifty years and having watched our families grow alongside each other, I can say with confidence that the world is a better place because of Bill Rogers. This honor is most richly deserved.”

Francis R. Petrek Jr.,
Senior Counsel,
Swanson Martin
& Bell LLP



“

As a young lawyer, I knew Bill by reputation to be an outstanding trial lawyer. His peers like Dick Donohue would say that there was no one smarter about the medicine than Bill.

When I moved in-house and was managing professional liability claims, I knew I had to take the opportunity to work with him. In several cases, Bill successfully defended our physicians and nurses.

Bill is a natural born teacher and generously gave me his time and advice, despite how busy he was. At one point he encouraged me to get back in the game and be his second chair at a trial for one of our physicians, which I did. I learned a ton, and he led us to a not guilty. You could tell the judge and jury enjoyed him, and in his own “regular guy” way, he commanded the courtroom and got us a great result.

I am proud to know Bill and am delighted that he has been selected to receive this honor, because in addition to being an excellent lawyer, he is also a great person.”

Julia Kelleher Lynch,
Senior Associate
General Counsel,
Northwestern
Memorial
HealthCare





Highest Reported Illinois Verdict or Settlement for Auto Rear End

\$54,155,900

Hit by Semi While Braking for Wrong-Way Driver – Nine Surgeries

PLAINTIFF ASKED
\$19M

DEFENSE OFFER
\$1M

VERDICT
\$54,155,900



Plaintiff was driving his jeep on Interstate 65 near Rensselaer, IN. A wrong-way driver caused a sudden slow down of all traffic. As plaintiff slowed, he was rear-ended at 40 mph by a semi-tractor-trailer. Plaintiff sustained multiple injuries for which he underwent a total of nine surgeries to his cervical and lumbar spine and left knee. Plaintiff settled with the wrong-way driver and sued the truck driver's employers claiming they were

grossly negligent and/or willful/wanton for hiring and retaining the truck driver due to his checkered driving record that included moving violations, "at fault" accidents, three suspensions of his CDL, and a prior felony conviction stemming from a road rage incident. The defense maintained defendants were not liable under the Indiana "emergency doctrine - hindsight bias" instruction because the wrong-way driver was 100% at fault for the collision.

CASE REPORT



(LLL 4/1) REAR END--HIT BY SEMI WHILE BRAKING FOR WRONG-WAY DRIVER--NINE SURGERIES (1D)

James Denton, Theresa Denton v Universal Am-Can Ltd., David Lee Johnson, Louis Broadwell LLC 15L-1727 (refiled from 12L-3085) Tried Sep. 21-Oct. 16, 2017

VERDICT: \$54,155,900: \$16,095,900 compensatory damages to James (\$6,000,000 past and future pain & suffering; \$6,000,000 past and future disability; \$1,178,900 past and future medical expenses; \$2,917,000 past and future loss of earnings; \$0 disfigurement); \$3,060,000 to Theresa (\$3,000,000 loss of consortium; \$60,000 loss of services); \$35,000,000 punitive damages to James v Universal only. The jury apportioned liability 40% v Johnson individually and as agent of Universal and Broadwell, 60% v Universal for negligent hiring and/or retention, 0% v George Kallis (non-party, under Indiana several liability).

JUDGE: Lorna E. Propes (IL Cook-Law)

PLTF ATTY(S): Robert J. Napleton of Motherway & Napleton (Chicago, IL), Christopher T. Theisen, James M. Roche of Theisen & Roche (Wheaton, IL) for both pltfs **DEMAND:** none **ASKED:** \$19,126,173 + punitive

DEFT ATTY(S): Carlton D. Fisher, Michael J. Cunningham of Hinshaw & Culbertson (Chicago, IL) for all defts (Cherokee Insurance) **OFFER:** \$1,000,000 policy

PLTF MEDL: Dr. Richard Lim (Orthopedist), Dr. George Branovacki (Orthopedist), Dr. Nicholas Angelopoulos (Pain Management), Dr. Peter B. gisic (Family Practice), Dr. George Sreckovic (Urologist), William Holley, L.C.S.W. (Counselor) for James Denton

DEFT MEDL: Dr. Sean Salehi (Neurosurgeon) for all defts

PLTF EXPERT(S): Shawn Gyorke (Accident Reconstruction); Michael Napier, Sr. (Trucking Safety); Barbara King, R.N. (Medical Billing); David Gibson (Vocational Economics Analyst) for James Denton

DEFT EXPERT(S): Andrew Sievers (Trucking Safety); John Goebelbecker (Accident Reconstruction); Christine Kraft (Medical Billing); James J. Radke (Vocational Rehabilitation) for all defts

Pltf was driving southbound on Interstate 65 near Rensselaer, IN, when his Jeep was rear-ended at 40 mph by defts' semi-tractor-trailer on Feb. 8, 2011. Deft truck driver Johnson was an employee of defts Universal and Broadwell. Southbound traffic was abruptly braking at the time because a wrong-way driver was traveling north in the southbound lanes. That motorist, M-88 George Kallis, went several miles the wrong way without hitting any vehicles; he died a few weeks later from unrelated causes. Pltf M-53 sustained neck and back injuries which required multiple epidural steroid injections, three cervical spine surgeries including anterior discectomy/fusion at C4-5, and three lumbar spine surgeries including L5-S1 laminectomy and fusion. He also suffered left knee injuries requiring three surgeries including total knee replacement, ongoing chronic pain syndrome, occasional urinary incontinence, post-traumatic stress disorder, depression, and anxiety (\$678,900 past medical, \$2,918,000 lifetime LT as vice president for flooring conglomerate Mohawk Industries).



Robert J. Napleton

On June 1, 1987, Bob started his career at Motherway & Glenn as a law clerk for Nick Motherway and Bob Glenn. In November 1988, he began working at the firm as an associate attorney with a practice centered on personal injury, wrongful death, and medical negligence cases.

Bob has obtained numerous multi-million-dollar verdicts and settlements, including a \$54.15 million jury verdict (record high verdict for Illinois auto personal injury), a \$27.67 million jury verdict (truck crash on Interstate 80 causing paralysis), and a \$15 million settlement (record high for a medical malpractice case against Cook County Hospital).



Christopher T. Theisen

Chris Theisen was born and raised in the Chicago area and attended Colorado State University where he obtained a business administration degree in 1986. He attended DePaul University's College of Law graduating in 1989. He began his legal career working for CNA Insurance in Chicago, for several years after graduation from DePaul University. He began his solo legal practice in 1994 and joined with James Roche to form Theisen and Roche, LTD., in 2004, representing injured clients all across Illinois. He is an active member of the Dupage County Bar Association, Illinois State Bar Association, and American Association for Justice.

Highest Reported Illinois Verdict or Settlement for Auto Rear End



James M. Roche

James Roche was born and raised in the Chicagoland area. He graduated from Marquette University in 1984 with a Bachelor of Science degree. He graduated from Loyola University Chicago School of Law in 1987. During law school he worked as a law clerk for the Honorable James Bailey at 26th and California. He began his legal career as a defense attorney in 1987 with an underlying passion for personal injury law. In 1998 he began his work as a personal injury attorney. In 2004 he joined forces with Christopher Theisen and formed Theisen & Roche, LTD. He is a member of the Illinois Trial Lawyers Association; American Association of Justice; AAJ's Trucking Litigation Group and the Academy of Truck Accident Attorneys.

Pltf contended Johnson failed to keep a proper lookout, failed to slow in time to avoid a collision, his employers were responsible for his negligence, and the companies were grossly negligent and/or willful/wanton for hiring and retaining Johnson due to his checkered driving record and prior felony conviction stemming from a road rage incident. Johnson's history included multiple moving violations, two "at fault" accidents, terminations by previous employers, and three suspensions of his CDL (commercial driver's license) in the previous five years. Pltf sought punitive damages of one to ten times the compensatory award. The defense conceded Johnson was employed by Universal and Broadwell, but denied negligence and maintained debts were not liable under the Indiana "emergency doctrine - hindsight bias" instruction because Kallis was 100% at fault for the collision. The defense further denied any willful/wanton conduct in hiring/retaining Johnson, contested injury causation and nature/extent, and claimed pltf had the classic signs of seeking secondary gain. This case involved an interlocutory appeal in which the First District ruled that Indiana law applied to the issues of liability, damages, and punitive damages for negligent hiring/supervision/retention. Prior to trial, pltf's received \$285,000 in settlements from several former co-defts including Kallis. The jury deliberated 2.5 hours. Pltf's counsel notes debts made no offer until offering \$500,000 midtrial, and the offer listed above came 15 minutes before the verdict. The defense filed post-trial motions regarding Judge Propes' decision to apply Illinois law to questions of damages, as well as a subsequent Indiana Supreme Court decision that independent causes of action for negligent hiring/supervision/retention are not allowed when a principal/employer admits agency and scope of employment (Sedam v 2JR Pizza, Oct. 31, 2017).



Napleton & Partners handle injury and wrongful death cases of almost every kind, and have achieved significant results in car, truck, bus and motorcycle crashes, medical malpractice, products liability, construction accidents, police misconduct, and premises liability cases. The firm was founded on the belief that victims of negligence should have access to highly ethical, compassionate lawyers who will aggressively fight for justice on their behalf. The firm remains committed to that philosophy. Napleton & Partners has risen to become one of the most respected and recognizable plaintiffs' personal injury law firms in Illinois.

The law firm of **Theisen & Roche, LTD.**, was established in 2004. 100 percent of the firm's practice is devoted to representing individuals or their loved ones who have been harmed due to the negligence of others. The firm places an emphasis on representing individuals or their loved ones who have been harmed in trucking crashes.

DRAKE
NARUP
MEAD
ATTORNEYS

Drake Narup & Mead PC



Congratulations
**CHRISTIAN D. BISWELL
& RANDALL A. MEAD**

For receiving a 2024 JVR Award for
Outstanding Defense Verdict
in a Medical Malpractice Case



Outstanding Defense Verdict in a Medical Malpractice Case

Not Guilty

Failure to Properly Treat Subdural
Hematoma Leads to Death

PLAINTIFF ASKED
\$21.5M - \$23.5M

DEFENSE OFFER
None

VERDICT
For the Defense



Plaintiff fell down 20 cement stairs and injured his head and neck. He was taken to the hospital where no brain bleed was identified on a CT scan and he was released. He returned four days later and a new CT scan revealed an acute subdural hematoma. Plaintiff was transferred to the ICU where he remained for three days and was discharged. His symptoms deteriorated and he returned the next day. A CT scan revealed a massive brain bleed, and he underwent

an emergency craniotomy. Afterwards, plaintiff remained in a nursing home until his death four years later. His estate claimed the hospital was negligent in discharging him. The defense argued that his deterioration was not foreseeable at the time of discharge, his condition changed due to either a new subdural hemorrhage or expansion of his existing hemorrhage, and his injuries and death were the result of his failing to seek immediate care when his condition deteriorated.

CASE REPORT



(QQQ 39/1) MEDICAL MALPRACTICE--FAILURE TO PROPERLY TREAT SUBDURAL HEMATOMA--DEATH (12F)

Estate of Saul Garcia, deceased v Advocate Health & Hospitals Corp., d/b/a Advocate Good Samaritan Hospital, Advocate Medical Group 17L-11848 Tried Jun. 16-Jul. 1, 2022

VERDICT: Not Guilty

JUDGE: Elizabeth M. Budzinski (IL Cook-Law)

PLTF ATTY(S): Peter D. Tarpey, Eric D. Jones of Tarpey, Jones & Schroeder (Chicago, IL) **DEMAND:** \$21,500,000 **ASKED:** \$21,502,146 - \$23,502,146

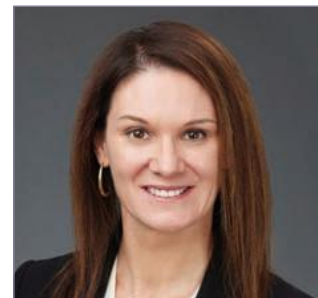
DEFT ATTY(S): Jenny O. Blake, Kimberly D. Flanigan of Smith, Blake & Hill (Chicago, IL) for both defts (Self-Insured) **OFFER:** none

DEFT MEDL: Dr. Raed Abusuwwa (Neurosurgeon), Dr. Grace H. Chang (Trauma Surgeon), Jeanne Barkley, A.P.N. (Nurse, Neurosurgery) for both defts

PLTF EXPERT(S): Dr. Jonathan Gates of Hartford Hospital, 85 Seymour St., #415, Hartford, CT (860-548-7336) (Trauma Surgeon); Dr. James Holsapple of Boston Medical Center, 725 Albany St., #7C, Boston, MA (617-638-8992) (Neurosurgeon); Dr. Joel Meyer (Neuroradiologist)

DEFT EXPERT(S): Dr. Michael B. Shapiro (Trauma Surgeon); Dr. Lorenzo Munoz (Neurosurgeon); Dr. Gordon Sze (Neuroradiologist) for both defts

Saul Garcia presented to Presence Mercy Medical Center after falling down twenty cement stairs on November 14, 2016. He struck his head in the fall and had injuries to his neck, shoulder and wrist. A CT scan of his head/brain was reported as negative and he was released from the hospital the same day with pain medication. Saul M-42 returned to Mercy on November 18 with a worsening headache and vomiting. A new CT scan revealed an acute subdural hematoma (8 mm) with a 4 mm midline shift. Saul was transferred to deft Advocate Good Samaritan Hospital and admitted into the intensive care unit under the primary care of the trauma service. Four CT scans through November 21 continued to show a subdural hematoma with midline shift (and other related findings), and Saul continued to complain of headaches, photophobia and occasional nausea. After a neurosurgeon (Dr. Abusuwwa) deemed Saul relatively stable from a neurosurgical perspective and signed off on his care on November 21, trauma surgeon Dr. Chang discharged him from the hospital around 3 pm. Saul woke up around 3 am on November 22 with complaints of the worst headache he had ever experienced and feeling like a dog was biting his head. Over the next several hours, he paced, screamed out in pain, and vomited. His family called paramedics at 3:20 pm and Saul was transported back to Mercy, where he became obtunded. An emergency intubation was performed and he was transferred via helicopter to Good Samaritan. A CT scan revealed a massive brain bleed with a 20 mm midline shift and herniation. Saul required an emergency craniotomy, followed by a second surgery the next day (partial temporal lobectomy and frontal lobectomy), and he was unresponsive and mostly comatose after several subsequent surgeries. Saul remained in a nursing home with poor neurological function for the rest of his life; he died four years later at



Jenny O. Blake

Jenny Blake is a trial lawyer that concentrates her practice in the defense of complex medical malpractice matters. She represents hospitals, physicians, nurses, and other healthcare providers in all aspects of medical malpractice litigation and that has been the focus of her 24+ year career. Ms. Blake was born in the Ukraine, is bilingual, and immigrated to the United States as a child. She has proven herself to be an aggressive, compassionate, and creative advocate for her clients. She has been successful in prevailing in numerous jury verdicts, significant motions for dismissal as well as otherwise reaching favorable resolutions on behalf of her clients.

Ms. Blake has been recognized as an Illinois Super Lawyer since 2020 by Thompson Reuters as well as a Leading Lawyer by the Law Bulletin Publishing Company. These distinctions are earned by fewer than 5% of all lawyers licensed to practice law in Illinois.

Outstanding Defense Verdict in a Medical Malpractice Case



Kimberly D. Flanigan

Kimberly ("Kim") Flanigan is a highly regarded litigation attorney specializing in the defense of healthcare providers against claims of medical negligence. With nearly a decade of experience, Kim has successfully represented not only healthcare professionals and institutions but also various business clients in sophisticated civil litigation, including personal injury, premises liability, and products liability cases. She provides strategic, results-oriented legal counsel, consistently safeguarding her clients' interests and reputations. As an esteemed member of the defense bar, Kim's skill and extensive experience contribute to her strong track record of achieving favorable outcomes.

Kim is known for her deep industry knowledge, meticulous approach to case preparation, and thorough understanding of both medical and legal intricacies. She collaborates closely with physicians, hospitals, and healthcare entities to build formidable defenses, grounded in sound medical evidence and legal strategy, while maintaining a client-centric focus at every stage of litigation.

age 46 on March 6, 2021 (\$3,502,146 medical expenses). He was survived by one child (a minor) as well as his parents and siblings. The estate contended defts' negligence caused him to sustain a massive subdural hemorrhage which left him completely disabled and dependent on 24-hour care until his death. The defense argued Dr. Abusuwwa appropriately signed off on the patient's neurosurgical care because Saul was radiographically and clinically stable, Dr. Chang agreed he was stable and properly discharged him with instructions for family supervision and a follow-up CT in two weeks, his deterioration was not foreseeable or predictable at the time of discharge, his condition changed 12 hours later due to either a new subdural hemorrhage or expansion of his existing hemorrhage, and his injuries and death were not caused by defts' care but rather were the result of his failing to seek immediate care when his condition deteriorated. The jury reportedly deliberated less than two hours.



Smith Blake Hill was started in 2015 by founding partners Jenny Blake, Mark Smith and Tom Hill. Since then, SBH has grown into a leading trial firm in Chicago, working at the forefront of innovation, creativity, and skill in courtrooms throughout the state of Illinois. SBH is regularly named amount the best regional law firms, including a Tier 1 ranking for medical malpractice and professional malpractice by Best Lawyers in America in 2024.



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Highest Reported Coles County Verdict or Settlement

\$40,000,000

Baby's Delivery Delayed Despite Placental Abruption

PLAINTIFF ASKED
\$35M - \$37M

DEFENSE OFFER
\$3M

VERDICT
\$40M



Not pictured: Michael F. Bonamarte IV

Plaintiff's mother was 40 weeks into her pregnancy when she experienced sudden bleeding, clotting, and significant pain. She was admitted to Sarah Bush Lincoln Health Center with a suspected placental abruption. The nurse contacted the on-call obgyn physician at home, who instructed her to call back with updates. Soon after, fetal monitoring showed signs of distress. The obgyn came to the hospital and performed an

emergency C-section. Plaintiff newborn was delivered with an initial Apgar score of 1. Her score improved, but hours later, she suffered hypoxic ischemic encephalopathy. Plaintiff has mild cerebral palsy, speech and developmental delays, and a seizure disorder. Plaintiffs claim the obgyn should have performed a C-section sooner. The defense argued the baby's injuries occurred at home before the mother came to the hospital.

CASE REPORT



(23 MR/1) MEDICAL MALPRACTICE--BABY'S DELIVERY DELAYED DESPITE PLACENTAL ABRUPTION (12B)

Kiera Campbell, disabled v Sarah Bush Lincoln Health Center, Allison M. Masse, R.N., f/k/a Allison M. Allen, R.N., Dr. Michael Benson, D.O. 08L-50 Tried Mar. 6-23, 2023

VERDICT: \$40,000,000 v Sarah Bush Lincoln Health Center and Allison Masse R.N. (\$5,000,000 past disability; \$20,000,000 future disability; \$750,000 past emotional distress; \$4,750,000 future emotional distress; \$500,000 past pain & suffering; \$5,000,000 future caretaking and medical expenses; \$4,000,000 future loss of earnings/benefits); Not Guilty v Dr. Michael Benson.

JUDGE: Mark E. Bovard (IL, Coles 5th Jud Cir)

PLTF ATTY(S): Michael F. Bonamarte, IV, Seth L. Cardeli, Cari F. Silverman of Levin & Perconti (Chicago, IL), Miranda L. Soucie of Spiros Law (Danville, IL)
DEMAND: \$8,750,000 **ASKED:** \$35,000,000 - \$37,000,000

DEFT ATTY(S): John F. Watson, R. Sean Hocking of Craig & Craig (Mattoon, IL) for Sarah Bush Lincoln Health Center, Masse (Pro Assurance) **OFFER:** \$3,000,000 total ; Michael A. Barry, Sommer R. Luzynczyk of Pretzel & Stouffer (Chicago, IL) for Dr. Michael Benson, D.O.

PLTF MEDL: Diane Wildrick, A.P.N. (Nursing), Dr. Glen Alward, Ph.D. (Psychologist)

PLTF EXPERT(S): Charlotte Daniels, R.N. (Nurse, Obstetric); Dr. Stephen Jones, Tulsa, OK (918-502-4636) (Ob/Gyn); Dr. Craig H. Lichtblau (Rehab/Physical Medicine); Dr. Orlando Carter Snead (Pediatric Neurology); Ronald Missun, Ph.D. (Vocational Economics Analyst); Chris Reyes, C.R.C. of Vocational Economics Inc., 201 E. Kennedy Blvd., #1609, Tampa, FL (813-532-3111) (Vocational Rehabilitation)

DEFT EXPERT(S): Dr. Mark Neerhof, D.O. (Maternal & Fetal Medicine); Suzanne Baird, R.N. of Clinical Concepts in Obstetrics, 7904 E. Chaparral Road, Scottsdale, AZ (Nurse, Obstetric); Dr. Mark S. Scher (Pediatric Neurology); Dr. Joel Meyer (Neuroradiologist); Jeffrey W. Lucas, Ph.D. (Vocational Rehabilitation) for all defts

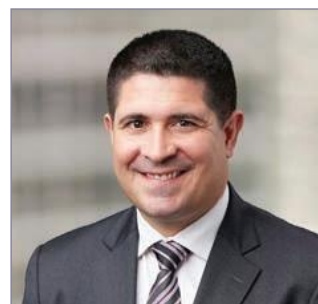
Jaime Campbell was 40 weeks into her pregnancy when she woke up around 1:15 a.m. on May 20, 2003, with a pool of blood and a large clot. She was five days past her expected delivery date and had been scheduled to undergo induction of labor later that day. She was transported by ambulance to the Labor & Delivery department at Sarah Bush Lincoln Health Center and arrived at around 1:50 a.m. The triage nurse, deft Allison Masse (f/k/a Allen), documented a large amount of bleeding and clots, cramping, pain level 6/10, and a suspected placental abruption. Initial fetal heart rate monitor strips were reassuring. The on-call obgyn physician, deft Dr. Benson, was at home, so Nurse Masse called him at 2:04 a.m. to report the mother and unborn baby's condition. Dr. Benson decided to stay home after concluding it was most likely "bloody show" and instructed Masse to clean the patient and call back with updates. From 2:20 to 2:30 a.m., there were no fetal heart tracings. At 2:30 a.m., the fetal monitor strips



Michael F. Bonamarte IV

Michael F. Bonamarte IV is a skilled and passionate attorney who has achieved outstanding results in a number of high-profile nursing home, wrongful death, medical malpractice and personal injury cases. His commitment to his clients is rooted in a family legacy of love of the law and meaningful service to those in need, with a special respect and admiration for the elders that our society so often fails to honor.

He joined Levin & Perconti as an associate attorney in August 2005. In March 2014, he was named Partner, and in 2021, Managing Partner.



Seth L. Cardeli

Seth L. Cardeli is a skilled trial attorney representing families nationwide who have suffered from medical negligence and malpractice, including children injured during labor and delivery. Seth is well-versed in the many complex legal and medical issues surrounding birth injury claims. He regularly conducts educational seminars for attorneys on the critical aspects of litigation, such as taking depositions and dealing with obstacles to the discovery process.

This wealth of knowledge informs Seth's advocacy and has helped him secure millions of dollars for families all over the country whose loved ones have been seriously or fatally injured in preventable tragedies.

Highest Reported Coles County Verdict or Settlement



Cari F. Silverman

Cari F. Silverman joined Levin & Perconti in 2011, as an attorney, and was named partner in 2020. Cari works on many types of personal injury and wrongful death cases, including nursing home abuse and neglect, medical malpractice, car and trucking accidents, and product and premises liability matters.

At Levin & Perconti, Cari has played a key role in important victories for her clients, including a \$20 million verdict on behalf of a child who suffered preventable HIE and asphyxia injuries at birth, resulting in permanent cognitive and developmental impairments, as well as a \$12M medical malpractice settlement.



Miranda L. Soucie

Miranda L. Soucie is a leading Trial Attorney who fiercely advocates on behalf of her clients who have suffered serious personal injuries. Her cases range from medical malpractice, catastrophic spinal cord injuries, automobile and trucking crashes, birth injuries, and nursing home abuse and neglect. She serves as 2nd Vice Chair of the AAJ Women Trial Lawyers Caucus Executive Committee, the Board National College of Advocacy (AAJ's Education Board), and as an Elected Manager of the Illinois Trial Lawyers Association Board of Managers. In 2019, she was recognized as the Illinois State Bar Association's Young Lawyer of the Year.

showed signs of fetal distress, so Masse called Dr. Benson at 2:35. Dr. Benson arrived at the hospital at 2:48 a.m. and ordered an emergency Cesarean section at 2:49. The delivery team was then called in from home to begin the process of preparing for a C-section. Baby Kiera was delivered via emergency C-section at 3:17 a.m. with an initial Apgar score of 1. Five minutes after birth, the Apgar score was 5, and then improved to 9. However, nine hours later, the newborn suffered a significant seizure and hypoxic ischemic encephalopathy, resulting in damage to the basal ganglia, thalamus, and cerebral cortex. Pltf's counsel asserted that defts' negligence and the delayed delivery caused Kiera to sustain mild cerebral palsy, speech and developmental delays, and a seizure disorder, requiring extensive physical therapy, occupational therapy, and speech therapy, leading to some improvement of her condition. After years of medication, her seizure disorder eventually went into remission. Kiera still has permanent cognitive and intellectual disabilities, significant executive function disorder, and memory deficits. However, she was able to play team sports in high school, graduate from high school in 2022, and obtain a driver's license. Kiera currently works part-time stocking shelves at a hardware store. The defense denied negligence and claimed the baby's injuries occurred at home before the mother came to the hospital. This is the highest Illinois medical malpractice verdict outside Cook County reported by JVR. The case was the subject of an article in the Chicago Daily Law Bulletin on March 27, 2023.



Levin & Perconti is a nationally renowned law firm committed to protecting and vindicating the rights of people who have been injured due to systemic flaws and profit-driven corporations. The firm concentrates on all types of serious injury, medical malpractice, birth injury, nursing home, and wrongful death litigation. Since 1992, our personal injury team has recovered over a billion dollars in verdicts and settlements for our clients, including a number of record results.

Spiros Law, PC was founded in 2005 and is known for their fierce representation and dedication to fighting for the rights of their injured clients. Spiros Law focuses on representing clients in personal injury cases, including those involving car accidents, truck accidents, workers' compensation, medical malpractice, and nursing home neglect and understands their devastating impact on clients and families. Spiros Law serves Illinois with office locations in Champaign, Danville, and Kankakee.



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Outstanding Defense Verdict in a Medical Malpractice Case

Not Guilty

Untreated Pain During Radiation Blamed for Leg Loss

PLAINTIFF ASKED
\$15M

DEFENSE OFFER
None

VERDICT
For the Defense



Plaintiff underwent chemotherapy and radiation treatment for Stage 3 vulvar cancer. During the treatment, she was immobilized in a custom mold device. She complained of severe pain in her right foot during several therapy sessions, which were alleviated when she was repositioned. When she next returned to the hospital, she had a cold blue foot and was diagnosed with

complete occlusion of her right superficial femoral artery with irreversible loss of blood flow into the forefoot. This required a below-the-knee amputation of her right leg. She claimed the injury should have been addressed immediately. But the defense argued that the arterial occlusion was caused by atherosclerosis and her lifetime smoking habit, and not from radiation therapy.

CASE REPORT



(RRR 23/2) MEDICAL MALPRACTICE--UNTREATED PAIN DURING RADIATION BLAMED FOR LEG LOSS (12R)

Cindy Stringham, John Stringham v Dr. Sean Chen, Copley Memorial Hospital 18L-7333 Tried Jan. 23-31, 2023

VERDICT: Not Guilty v both defts. The case was subsequently settled pursuant to a pre-verdict high/low agreement between the parties.

JUDGE: John P. Kirby (IL Cook-Law)

PLTF ATTY(S): Terrence M. Quinn, Stephen J. Phillips of Phillips Law Offices (Chicago, IL) for both pltf's **DEMAND:** \$15,000,000 **ASKED:** \$15,000,000

DEFT ATTY(S): Brian J. Hickey, Joseph J. Lombardo of Cassiday Schade (Chicago, IL) for both defts (Self-Insured) **OFFER:** none

DEFT MEDL: Dr. Suzanne Bergen (Gynecologic Oncology) for both defts

PLTF EXPERT(S): Dr. Perry Grigsby (Radiation Oncologist) for Cindy Stringham

DEFT EXPERT(S): Dr. William Small (Radiation Oncologist); Dr. Martin Borhani (Vascular Surgeon) for both defts

After pltf F-57 was diagnosed with Stage 3 vulvar cancer with lymph node metastasis in May 2016, she began concurrent chemotherapy and radiation treatment at Copley Memorial Hospital on June 28, 2016. She underwent radiation therapy every day under the direction of deft Dr. Chen. On August 2, 2016, pltf complained of severe pain in her right foot while lying in a custom mold device used to immobilize her during the radiation treatment. Medical records indicate she reported her pain was resolved by repositioning. Pltf again complained of right foot pain during radiation therapy on August 5, which also reportedly resolved after repositioning. On August 8, pltf went to an emergency room with a cold blue foot which was unable to bear weight. Testing revealed complete occlusion of her right superficial femoral artery with irreversible loss of blood flow into the forefoot. As a result, pltf required amputation of her right leg below the knee. Pltf contended her foot pain complaints were caused by vascular insufficiency into her foot, Dr. Chen should have suspected a vascular source of the foot pain, and he should have either investigated or referred her to an emergency room for a workup – either of which would have led to timely diagnosis of severe vascular disease in the leg and treatment to prevent the subsequent arterial occlusion. The defense denied pltf had a cold blue foot or other signs of arterial occlusion from August 2 through August 5, asserted she only had positional foot pain on those two dates which on both occasions resolved with repositioning, and maintained that these facts as well as the lack of complaints on August 3 or 4 all were incompatible with pain from vascular insufficiency to the foot. The defense further argued arterial occlusions do not occur from radiation therapy, none of the radiation oncologists who testified at trial had ever seen an arterial occlusion in their radiation therapy patients (12,000-15,000 combined), pltf's superficial femoral artery occlusion was due to undiagnosed atherosclerosis and her lifetime smoking habit, the occlusion likely developed within hours before she went to the ER on August 8, and even



Brian J. Hickey

Mr. Hickey has over 35 years of trial experience and has spent his entire legal career at Cassiday Schade LLP. He currently focuses his practice on the defense of physicians and hospitals in malpractice litigation. He has tried more than 40 cases to verdict in over 8 Illinois counties. In addition to his trial experience, he has vast appellate experience and argued matters in several of the appellate courts as well as the Illinois Supreme Court.

His representations in the area of medical malpractice include the defense of a number of hospitals and physicians. The types of medical specialists he has represented include: internal medicine, emergency medicine, orthopedics, cardiology, nephrology, gastroenterology, radiology, anesthesiology, obstetrics, gynecology, urology, family practice, general surgery and neurosurgery. Brian has made presentations before hospital associations, nursing staffs and other medical personnel to further medical professionals' understanding of key issues in defense and avoidance of malpractice claims.

Brian is a frequent speaker and regularly counsels clients through educational programs, lectures and seminars. He is a member of the Chicago Bar Association and DuPage County Bar Association.

Outstanding Defense Verdict in a Medical Malpractice Case



Joseph J. Lombardo

Joe Lombardo is a partner in the firm's Chicago office. He concentrates his practice on medical malpractice, civil rights, construction negligence, transportation, and premises liability. Joe has successfully represented clients in numerous jury trials in the Federal District Court for the Northern District of Illinois, as well as the following counties: Cook, Lake, Kane, and McHenry.

While in law school, Joe was awarded CALI Awards for Excellence in Insurance Law, Remedies, Conflicts of Law, and Family Law at the John Marshall Law School.

Joe is a member of several professional organizations including the Chicago Bar Association, American Bar Association and Justinian Society of Lawyers

if Dr. Chen had referred her to an ER, no emergency condition existed to justify postponing life-saving radiation therapy (which ultimately cured her vulvar cancer). Pltf admitted she had continued to smoke during the time period she was undergoing the radiation treatments.



Cassiday Schade is a litigation law firm headquartered in Chicago, with a presence throughout the Midwest. We focus on providing our clients with exceptional and efficient representation and act as national or regional counsel for clients facing nationwide exposures.

With experience in virtually all areas of civil litigation, we have a diverse client base and our attorneys provide companies of various sizes with extensive trial experience and case preparation acumen. Throughout our history, we have represented individuals and companies in a variety of industries, including long-term care, insurance, financial services, manufacturing, construction, professional services and transportation. In addition to trial and appellate work, we provide both organizations and individuals with the tools to analyze and prevent risk before litigation arises.



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The October issue includes the 2024 JVR Settlements Report, which summarizes significant settlements achieved during the past year. The Jury Verdict Reporter team verified and tallied these settlements and then ranked the

113 law firms who achieved those extraordinary results. The Report shows that from July 1, 2023 through June 30, 2024, the firm of Salvi Schostok & Pritchard earned the top spot by securing settlements totaling over \$367 million.



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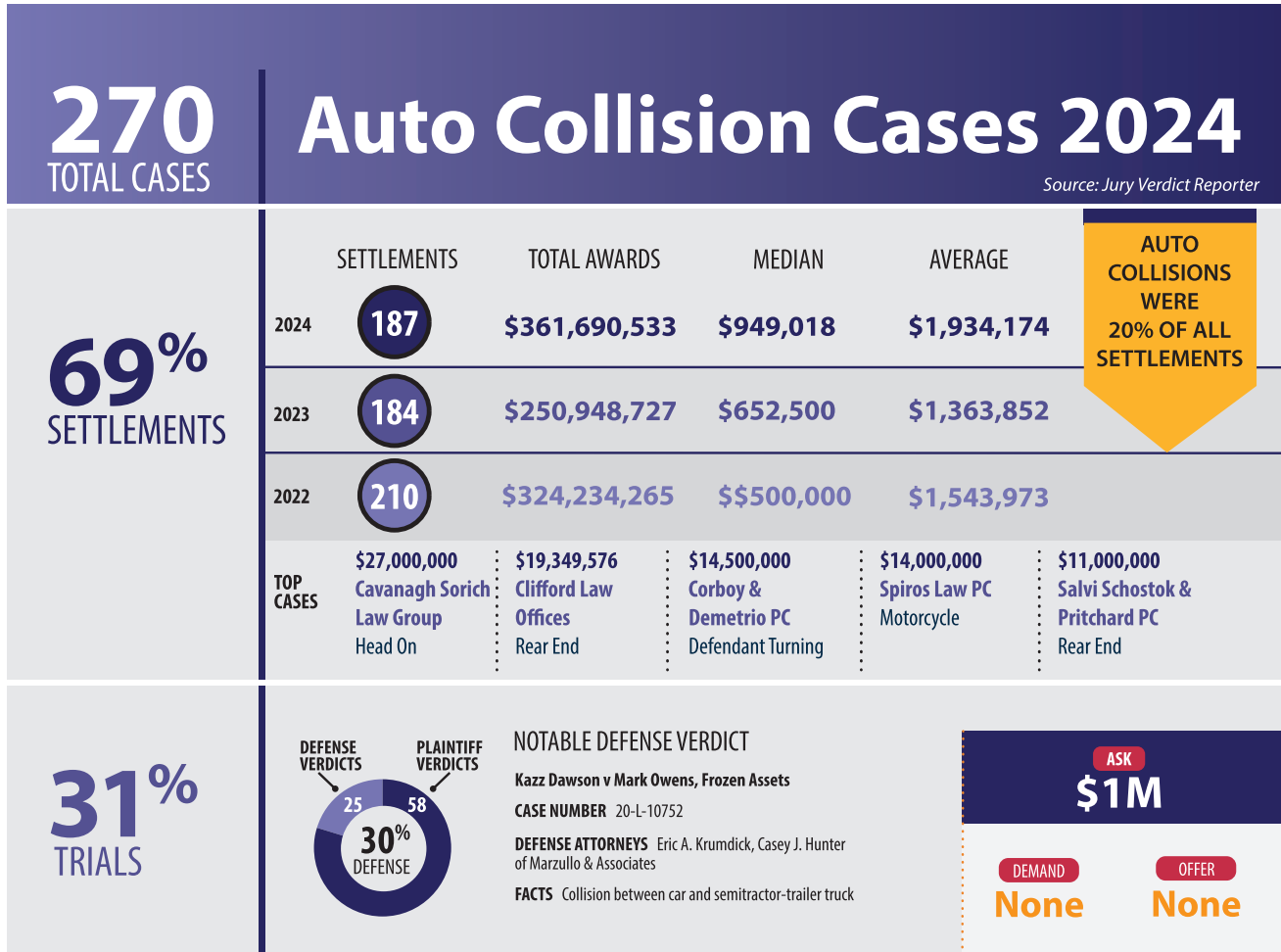
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2024 JVR Trial Lawyer Excellence Awards



Auto Collision Settlements Reach All Time High



Auto collision settlement totals reached a record of \$362 million, despite just a 2% increase in cases. The total amount was a 44% increase over 2023's report.

Auto collision made up 16% of all settlements and the total amount was 20% of all reported this year's JVR Settlement Report amount.

Both the average and median auto settlement amounts increased — with the average increasing 42% from 2023 to \$1.9 million and the median was up 45% to \$949,000.

The top auto collision settlement involved a semi-tractor-trailer that crossed the center line and collided into plaintiffs' vehicle head on, killing them both. The case was handled by Cavanagh Sorich Law Group.

Settling an auto case outside Cook County saw significantly higher values in 2024 with the average non-Cook settlement at \$2.56 million and Cook settlements averaging just \$1.59 million — a 38% difference.

The ratio of settlements to trials for auto collision cases remained constant at 69% settlements to 31% trials.

The percentage of defense verdicts at trial from the last year has dropped again to 30%. This has moved closer to pre-pandemic averages of 25% of verdicts for the defense.

juryverdictreporter@lawbulletinmedia.com



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INCLUDED IN THIS ISSUE

\$91 Million – Record Premises Recovery

in a lawsuit on behalf of a man who lost both legs in a 7-eleven storefront crash, marking it as the highest premises verdict or settlement in Illinois history. The case uncovered similar crashes nationwide, exposing 7-Eleven's failure to protect its customers.

