

[Subscribe to our Blog \(RSS feed\)](#)



# Clifford's Notes

A Newsletter from **Clifford Law Offices, P.C.** a Chicago Law Firm  
Summer, 2012 Volume 16 Number 1



Follow us on Twitter



Visit the Clifford Law Blog



ShareThis

## Clifford's Corner

*Best Lawyers* named **Robert A. Clifford** its 2012 Chicago Lawyer of the Year in Personal Injury Litigation for Plaintiffs. He received this award in 2009 as well.

Bob Clifford completed his term as the 136th President of the Chicago Bar Association. Please see below for a look back at his successful year.

*Crain's Chicago Business* recently named Bob Clifford once again as one of the "most influential people in Chicago."

Robert Clifford wrote an article for *Chicago Lawyer Magazine* entitled, "Mining for Patient Data," about the country's largest health exchange information consortium that was formed with Chicago-area hospitals earlier this year. This important column on the sharing of patients' electronic data was reprinted by *Leading Lawyers* that was distributed to more than 64,000 lawyers across the state of Illinois.

Bob Clifford has been invited to participate in the second annual Mason School of Business Leadership Forum at the College of William & Mary in October.



## Final Judgment

### \$180 Million Verdict



Press conference that was streamed live on the Internet:  
(left to right) Kevin Durkin, John

Robert Clifford, Kevin Durkin and Colin Dunn, partners at Clifford Law Offices, obtained a record \$112 million of a \$180 million verdict on June 1 on behalf of two men who were burned in a grain elevator explosion in downstate Illinois owned by ConAgra Foods. Also part of the trial team was Brad Badgley of Belleville, Illinois. The jury returned a verdict of \$41.5 million in compensatory damages and \$34.3 million in punitive damages for John W. Jentz. The jury also returned a verdict of \$2.9 million in compensatory damages and \$33.3 million in punitive damages for Robert Schmidt. The jury determined that a third man, who was represented by other counsel, would receive compensatory and punitive damages as well.

Following a one-month trial in federal court in St. Louis before Judge Michael J. Reagan, the jury returned a verdict in 10 hours on behalf of Jentz, 38, of St. Peter, Minnesota,

Jentz, Robert Clifford, Robert Schmidt and Colin Dunn.

and Schmidt, 35, of Hutchinson, Minnesota. The two men were among those working in the ConAgra grain facility in downstate Chester, Illinois, on April 27, 2010, when it exploded in flames, burning Jentz on 70-75 percent of his body. He was airlifted by helicopter from the scene and spent months recuperating in the hospital.

He suffered disabling injuries and has undergone numerous surgeries and skin grafts. Attorneys for the severely injured man contended that the grain bin had not been properly cleaned in nearly 20 years and that despite an unusual odor, smoke and unusually high temperatures in the bin, they did not take proper precautions for the workers.

“Mr. Jentz and the workers on the scene were not properly instructed as to what was going on in the hot bin,” Clifford said following the verdict. “Company officials knew the seriousness of what was happening and never conveyed that information to their workers or provided them with the proper precautions so that they would avoid injury. The jury’s verdict in compensatory and punitive damages speaks for itself.” The jury found Jentz one percent at fault and Schmidt was determined not to be at fault in the tragedy. Jentz was awarded \$1 million in additional punitives by the defendant Westside Salvage, Inc.

## *Chicago Lawyer, Clifford’s Notes column by Robert A. Clifford, July, 2012*

Wrapping up a monthlong trial in St. Louis for a catastrophically injured client leads me to reflect on my 30-plus years of representing people in personal-injury cases. In particular, I reflect on the clients who I have represented – the people behind the case titles.

Some have been high-profile figures, others have come from unfortunate backgrounds. All of them are decent, hard-working people. Tragedy doesn’t spare anyone – it strikes without pattern or reason. Whether discovery and trial preparation play out in the media or privately between one’s lawyer and the client, the same duty is owed to do one’s best.

So many times clients come to my firm lost, crushed, confused, hurt, needy. Trying to walk them through what is their darkest hour in a personal injury or wrongful death action is always a difficult task because you know the end result isn’t going to put the person or the family back together. No matter the number of zeroes in a verdict or settlement, at the end of the day, the person is left with the physical, mental and emotional scars, left to put his or her life back together as best he or she can with what a jury or settlement check allows.

Everyone I have known would gladly return that check if it were possible to turn the clock back before the negligent or reckless conduct occurred. Instead, I find more people asking for relief beyond what a civil court can decree.

. . .

Clients have evolved over the years. Where one time a judgment may have been more than sufficient to satisfy lawsuit expectations, clients now expect so much more from the system. They want laws changed. They want safety measures put in place. They want those who are accountable to understand the gravity of what they have done and be assured what happened to them will not happen again.

. . .

I would like to offer some tips on how to get and keep clients. First, treat them as individuals. Help them to know their goals and develop their unmet needs. Lawyers are problem-solvers, partly because we are also good at defining the problem. Some clients may need hand-holding every step of the way because they don’t understand the system. Remember, that’s part of the service.

Above all, communicate with your clients. Although the Internet makes it easy to dash off that email, phone calls are good, too. There is no substitute for personal contact. That means giving them the time they need. It is one of the most valued relationships you will have. You have to treat clients the same way you would like to be treated if the roles were reversed. That is a truism for success that will never change.

## Press Room



**Keith Hebeisen** became a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America. Keith, who sits on the Board of Governors of the American Association of Justice, is scheduled to speak at their Annual Conference in July.



**Kevin Durkin** was appointed to the Chicago Police Memorial Foundation Advisory Board. The Foundation, a not-for-profit organization dedicated to honoring the lives of fallen officers, provides support and assistance to the families of Chicago police officers who were killed or catastrophically injured in the line of duty.

**Timothy Tomasik** spoke at the American Bar Association's Sixth Annual Chemical and Industrial Products Workshop in Wilmington, Delaware. Tomasik also was invited to speak on WOWO, Fort Wayne, Indiana's popular morning news show on TSA screening procedures at airports. In March, he traveled to England to speak to the Spinal Cord Injury Association on evidence.

**Robert Strelecky**, partner at Clifford Law Offices, has been inducted to the American Board of Trial Advocates. Strelecky was inducted as an Advocate which means he has served as lead counsel in more than 50 trials.



**Colin Dunn** was named partner at Clifford Law Offices. He recently obtained a \$10 million verdict with **Brian Nash** on behalf of a woman who was killed in her apartment on Chicago's north side. Dunn recently spoke at two conferences on plaintiffs' personal injury and property damage litigation—in Tampa, Florida, and Chicago.

Two new associates have been hired at Clifford Law Offices. **Sarah King** and **Kristofer Riddle**, both graduates of DePaul University College of Law and former clerks at the firm, began work immediately as lawyers after being sworn in last November.

**Pamela Sakowicz Menaker** has been elected to the Board of Governors of the Catholic Lawyers Guild of Chicago. One of the highlights of the year is the Red Mass that is held in Holy Name Cathedral every year that is a blessing upon the legal community. This year it is scheduled for Sept. 30

## Bill of Particulars

### Too Many Painkillers?

Enough prescription painkillers were prescribed by doctors in 2010 to medicate every American adult around the clock for a month, according to Dr. Ileana Arias, principal deputy director at the federal Centers for Disease Control and Prevention.

Researchers are looking more closely at how much opiate-based painkillers are being prescribed these days and have found that retail pharmacy prescriptions rose from 76 million in 1991 to 219 million in 2011, a nearly 300 percent increase, according to the National Institute on Drug Abuse at the National Institutes of Health.



“Have we increased four times in terms of chronic pain? That’s clearly not the case,” said Dr. Nora Volkow, director of the National Institutes. The studies have found that dentists and emergency medicine physicians were the main prescribers of painkillers in patients aged 5 to 29 years old, a very vulnerable group.

Dr. Volkow said that alternatives should be considered as well as more education in medical schools on pain management. She pointed out that on average a medical school offers seven hours of teaching on the subject compared with 75 hours in U.S. veterinary schools.

Doctors have said they try to prescribe responsibly and drug companies have made statements that they have taken steps to curb abuse, but it is undeniable that opiate-based prescription painkillers are extremely addictive, Dr. Volkow told the press.

## **Illinois Supreme Court Adopts New Rule on Disaster Relief for Legal Services**



The Illinois Supreme Court announced on April 4 a new rule to facilitate the delivery of legal services in an emergency resulting from a major disaster.

The state’s top court ruled that Supreme Court Rule 718 would allow attorneys who are licensed in another state to provide pro bono public legal services to residents of Illinois in the case of an Illinois disaster. The rule has become known as the “Katrina Rule” which was developed by the American Bar Association in response to the 2005 hurricane that wreaked tragedy across New Orleans. The rule, though, is intended to address both natural and man-made disasters such as floods, earthquakes, tornadoes, public health emergencies and acts of terrorism or war.

Application of the rule would be triggered by the Illinois Supreme Court’s determination that an emergency or other major disaster affecting the justice system had occurred. Pro bono legal services under the rule must be provided without compensation or the expectation of compensation and be assigned or supervised through an established not-for-profit legal services organization, bar association or pro bono program. The rule took effect immediately and was recommended by the Illinois Supreme Court Committee on Professional Responsibility.

Robert Clifford, senior partner at the firm, wrote about the need for disaster relief in this state in a December column for the Chicago Lawyer, “Creating a Disaster Plan.” <http://www.cliffordlaw.com/news/attorneys-articles/creating-a-disaster-plan>

## **Aviation Consulting Firm Says 2011 was Safest Year on Record for Airlines**

2011 may end up as the safest year on record for aviation travelers. That’s according to Ascend, an aviation industry consulting firm based in London, which reports one fatality for every 7.1 million passengers traveling on a commercial or charter flight somewhere around the world.

Paul Hayes, Ascend Director of Safety, told USA Today that, “Fortunately, the airlines are

getting safer, quicker than they're expanding." The report did not count deaths that resulted from terrorism or other acts of violence.

The previous record was one passenger death per 6.4 million fliers in 2004.

The most recent tragic crash of a commercial airliner was that of a Colgan Air turboprop that crashed near Buffalo, New York, in 2009, killing 50 people. Clifford Law Offices represents a number of families who lost loved ones on that tragic flight.

Travel experts report that better technology and improved training of crews have helped make flying less hazardous as well as sharing information across the airline industry. "With the increased amount of data and sharing of data, we can now anticipate potential risk areas better than we ever had before," Steve Lott, Airlines for America spokesman said. He went on to say, that "it doesn't mean we can take a break or rest on that strong record."

## Injuries for Children Increase Even While Recalls Decrease



A recent report revealed that children's products recalls dropped 24 percent last year but injuries and other incidents associated with those recalls grew 7 percent, the USA Today reported on March 26, 2012.

Kids in Danger, which put together the report, theorized that the decline in the recalls is likely due to companies' adherence to a new children's product safety law, the paper reported. The consumer advocacy group, though, criticized product makers because of the secrecy surrounding recalls.

In June, 2010, the Consumer Product Safety Commission (CPSC) required makers of 22 children's products to include registration cards. The report found that about 40 percent of all recalls in 2011, or 121 of the 310 recalls by the CPSC, involved children's products, with two of them – bunk beds and infant video monitors – involving deaths. The report urged the CPSC to require "more aggressive" recall outreach and has asked for Congress to require annual reporting by children's products' manufacturers to the CPSC on recall effectiveness.

Although some stores track consumers' purchases through credit card use, consumers can sign up for recall notices on the CPSC's website: [www.cpsc.gov](http://www.cpsc.gov).

## Approach the Bench Kimberly M. Halvorsen



Kimberly Halvorsen has worn many hats for someone so young – experienced trial attorney, assistant in Illinois House Speaker Michael Madigan's office, pro bono attorney, top student at DePaul Law School, and now mother to seven-month-old Jackson Martin Halvorsen, Kim's greatest achievement.

"I love working at Clifford Law Offices. I have great cases and great clients," Kim said as she sat behind her desk adorned with new baby photos. "And I love my family. Who knows? Maybe one more, if I survive." Living close in the city with excellent child care allows Kim to be in the office from morning till night, which makes her time with her husband, Matt, and Jackson even more valuable.

Kim learned how to juggle her time from her father who is a criminal defense attorney in Cook County. He started as an Assistant State's Attorney and then went into private practice. Often finding himself in federal court, Kim recalls trials that would go for two to

three months. "It takes a special kind of person and talented trial lawyer to handle those types of cases," Kim said of her dad. "He's one of the hardest working guys I know, and an outstanding mentor to me." Her mother was an elementary school teacher when Kim and her sister grew up in west suburban Downers Grove.

Kim's work ethic runs in the family. After graduating from the University of Illinois in Champaign, Kim began working in Springfield for Illinois House Speaker Michael J. Madigan. Kim worked on the House floor with state representatives to develop and implement their legislative agendas and staffed committees considering legislation affecting the state's budget, judiciary and public safety. She went on to attend DePaul University College of Law and graduated magna cum laude in the top five per cent of her class and Order of the Coif. She also was a member of the DePaul Law Review and received the CALI Award for Excellence in Trial Advocacy, Civil Procedure and Products Liability Litigation, achieving the highest grade in each of those classes.

Kim clerked at Clifford Law Offices for two years while at DePaul. It was shortly before then that she met her future husband while both were working at Emmitt's Irish Pub in Chicago. He proposed the day after she took the bar exam. Kim describes Matt, now a real estate market manager for Walgreens, as "a wonderful husband and an amazing dad. He keeps me grounded and laughing every day. I can work long hours because of the support system I have at home."

Immediately upon passing the bar exam, the firm couldn't wait to have Kim begin practicing law. Justice Anne Burke swore her in early in her chambers so Kim could immediately begin work on high profile, complex litigation. The first case she worked on with senior partner Robert Clifford resulted in a \$15.6 million verdict for a young girl who was hit by a YMCA van which resulted in permanent physical and cognitive injuries. "It was baptism by fire," Kim said looking back.

From there, she immediately began working on the property damage claims of the Twin Towers in New York that collapsed on 9/11 following the terrorist attack on America. For years, she pored over highly secure, sensitive documents locked away in secret areas that required special clearance. She was part of the team that took 188 depositions over seven years including the Directors of Security for American Airlines and United Airlines and the FAA Director of Security Intelligence. She researched and wrote countless substantive motions and successfully contested the admissibility of the 9/11 Commission Report, a significant evidentiary ruling in favor of her clients. The complex litigation resulted in a \$1.2 billion settlement.

In the meantime, she has worked on numerous other cases including one that resulted in a \$2.91 million verdict on behalf of a woman who died following a routine outpatient procedure at a surgery center. She helped to obtain a \$5 million settlement on behalf of a mother of two when medical personnel failed to timely diagnose and treat her cancer. Kim's achievements have resulted in her being named one of the Chicago Daily Law Bulletin's 2012 "40 Under 40 Attorneys to Watch" at age 33.

Somehow, Kim finds time to also give back to the community and her pro bono work on behalf of the needy led to her being named a "Pro Bono Star of the Year" in 2009. Last year, she served as Chair of the Junior Board of Directors for the Chicago Volunteer Legal Services (CVLS) and remains an active volunteer guardian ad litem attorney with CVLS. "Bob Clifford taught me early on the importance of giving back to your legal community. Being an advocate for people who are in need of help but intimidated by the legal system is very rewarding," Kim said. "I enjoy navigating the court system and legal documents for those who need guardians in court."

Most of all, though, she loves her work at Clifford Law Offices because of the variety of cases and the difference she can make in her clients' lives. "One day I'm working on a medical malpractice case and the next a scaffolding collapse or a CTA accident case,"

Kim said. "It is such an honor to work at Clifford Law Offices. I'm proud of the work we do to level the playing field for those victims of faulty products, medical negligence, and unsafe conditions. I can see myself working here in 10 years, continuing to help those who need me."

## Trial Notebook

Please visit [our website](#) for some of the recent new cases in the last year.

## Clifford Law Scrapbook



### Naples Winter Wine Festival

Naples Winter Wine Festival co-chairs Bob and Joan Clifford present Prince Robert of Luxembourg with the festival's Honored Vintner award during the 2012 festival, which raised \$12.2 million during a live auction. One hundred percent of proceeds raised under the auction tent go to underprivileged and at-risk children through the Naples Children & Education Foundation, the festival's founding organization. The festival has raised \$106.7 million over 12 years and is the world's most successful charity wine auction.



### More than 2,000 Attend Clifford Law CLE Program

Clifford Law Offices sponsored its fifth annual continuing legal education (CLE) program entitled "Ethical Issues in Mediation." The free webinar offers two hours of professional responsibility credit for Illinois lawyers. More than 2,000 lawyers and judges attended the webinar which also was offered at DePaul University College of Law. Robert Clifford moderated the program and served as a panelist along with retired Cook County Circuit Court Judge Stuart Nudelman, a certified mediator of ADR Systems, and Professor Katheryn Dutenhaver, Director of DePaul Center for Dispute Resolution. Look for the February, 2013 program on the "Ethics of Preparing a Witness."



### Robert Clifford was on a panel at the Harold Washington College in Chicago on "Winning at Life and Career."

Also on the panel were Chief Judge Timothy Evans of the Cook County Circuit Court (pictured above), Cheryl L. Hyman, Chancellor of Chicago City Colleges, and moderator Laura S. Washington, columnist for the Chicago Sun-Times. They discussed the art of balancing life and career. The event was free to all Chicago City College students.

# *Robert A. Clifford, President, Chicago Bar Association, 2011-12*

## **A Year in Review**

And so it comes to an end. A look back at a tremendous year for the CBA and its members as we reflect on the wonderful programs, guests and awards.



Outgoing 2010-2011 CBA President Terri L. Mascherin, Jenner & Block, passes the ceremonial Lincoln Gavel to President Robert A. Clifford at the CBA annual luncheon meeting, June 16, 2011, at the Standard Club, Chicago.



Bob Clifford with David Gregory, moderator of Meet the Press (center), and Larry Wert, President, NBC Local. Gregory was a guest speaker at a CBA luncheon on April 25, 2012, at the Standard Club.



Left to right: Bob Clifford with Justice Anne Burke, III, Supreme Court; Gary Johnson, President, Chicago History Museum; Paula Holderman, President-Elect, Illinois State Bar Association; Hon. James F. Holderman, Chief Judge, U.S. District Court for the Northern District of Illinois, Eastern Division.



Bob in action as host of "Justice and Law Weekly," broadcast Sunday afternoons on WYCC TV 20 (PBS). Here he is joined by Ald. Brendan Reilly of the 42nd ward of Chicago, which includes the Loop, who discussed various legal and business issues on the program.



At the John Paul Stevens Award luncheon, Nov. 15, 2011, Bob is standing with (left to right): Chicago Bar Foundation President Kaarina Salovaara and honorees David C. Hilliard, retired from Pattishall, McAuliffe, Newbury, Hilliard and Geraldson LLP and a past President of the CBA; Ellen E. Douglass, Law Offices of Ellen E. Douglass; and Patrick J. Fitzgerald, recently retired U.S. Attorney for the Northern District of Illinois.

Erin Clifford (far left), daughter of Bob and Joan (second from left) with actress Aasne Vigessaa (in costume) at the Sept. 23, 2011 mock retrial of Lincoln assassination "conspirator" Mary Suratt at Harold Washington Library, Chicago. The historic presentation was sponsored in part by the Lincoln Presidential Library and Museum in Springfield and the Illinois Supreme Court Historical Society.



The 2012 Vanguard Awards held April 24 at the Standard Club. The honorees were (from left) Beatriz Santiago, Office of the Public Defender, Circuit Court of Cook County, Puerto Rican Bar Association Honoree; Hon. Young B. Kim, U.S. District Court, Northern District of Illinois, Asian American Bar Association of Chicago Honoree; Hon. Thomas L. Hogan, Circuit Court of Cook County, Chicago Bar Association Honoree; Bob Clifford; Hon. Arnette Hubbard, Circuit Court of Cook County, Cook County Bar Association Honoree; William W. Greaves, former Liaison to the LGBT Communities, City of Chicago Lesbian and Gay Bar Association of Chicago Honoree; Hon. Ruben Castillo, U.S. District Court, Northern District of Illinois, Hispanic Lawyers Association Honoree.

Bob with The Right Honourable Beverley McLachlin, Chief Justice of Canada, and Illinois Supreme Court Chief Justice Thomas Kilbride at a luncheon October 26 at the Standard Club. Justice McLachlin spoke about terrorism and its effect on the justice system.



In Napa, California, at the annual Continuing Legal Education conference are (left to right): Richard H. Donohue, Donohue Brown Mathewson & Smyth; William B. Bower, Northwestern Memorial Hospital; Bob Clifford; David C. Hall, Hall Prangle & Schoonveld, LLC; Hon. Henry R. Simmons, Jr., Circuit Court of Cook County. They were panelists presenting the Medical Malpractice Liability session.

CBA Executive Director Terry Murphy; Bob Clifford; Judge E. Kenneth Wright, Jr., Presiding Judge of the 1st Municipal District of the Circuit Court of Cook County and a past president of the CBA; Loyola University School of Law professor Joseph L. Stone, who is also Of Counsel at Seyfarth Shaw and a past president of the CBA; and Michael Demetrio, past President of the CBA, 2003-04



Bob Clifford presents Patrick Fitzgerald, recently retired U.S. Attorney for the Northern District of Illinois, with the Justice John Paul Stevens Award 2011 at the annual luncheon at the Standard Club.

With former Illinois Supreme Court Chief Justice Mary Ann G. McMorrow, first woman to serve on the Illinois Supreme Court.



With Judge E. Kenneth Wright, Jr., Presiding Judge of the 1st Municipal District of the Cook County Circuit Court and 2009-2010 President of the Chicago Bar Association.



The CBA and Hispanic Lawyers Association of Illinois hosted a reception and lunch for Justice Jose Fernando Franco Gonzalez Salas, one of 11 jurists on the Supreme Court of Justice of the Nation, the highest federal court of Mexico.



Left to right: CBA First Vice President J. Timothy Eaton, Shefsky & Froelich; Bob Clifford; Robert Graves, Chicago Bar Foundation Executive Director; and William B. Oberts, Director, Tribler Orpett & Meyer P.C.



Bob Clifford with Leonard J. Schrage, former Dean of John Marshall Law School, retired partner at Sachnoff & Weaver, and past President of the CBA, and Judge William J. Bauer, U.S. Court of Appeals, 7th Circuit (center).



At the CBA's prayer breakfast in remembrance of the victims



Bob Clifford with Young Lawyers Section Chair Justin L.

of the terrorist attacks with keynote speaker Gov. Pat Quinn and Kareem Irfan, Chairman of the Council of Religious Leaders of Metropolitan Chicago, who delivered the invocation.

Heather on stage with the cast of Christmas Spirits to sing "The Junior Partners," the traditional finale of the show.



Bob hosting the Vanguard Awards for those who have made significant contributions to increase inclusion and diversity in the legal profession. The awards luncheon was held on April 24, 2012.

Bob Clifford passes the gavel to Aurora Abella-Austriaco, 2012-13 CBA President.

PHOTOS BY BILL RICHERT

## Advertising Material Only

Clifford Law Offices has prepared this newsletter for its many friends, clients and colleagues world-wide. It is purely a public resource of general information. Although it is not intended to be a source of either solicitation or legal advice, it must be regarded as an advertising or promotional communication in the terms of the lawyers' professional responsibility law. Accordingly, it is necessary that certain information be supplied to and noted by the reader.

This newsletter should not be considered as an offer to represent in any legal matter, nor should it be the basis of legal hiring decisions. Thus, the reader should not consider this information to be an invitation for an attorney-client relationship, should not rely on information provided herein, and should always seek advice of competent counsel.

All lawsuits are different, and Clifford Law Offices makes no representation or promises that it can obtain the same results as reported in this newsletter in other legal matters. Nothing in this newsletter constitutes a guarantee, warranty or prediction regarding the outcome of any future legal matter. Further, it should be noted that even where the fee arrangements are on a contingency basis, clients will still be responsible for payment or reimbursement of the costs and expenses of litigation.

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

Finally, this newsletter is disseminated to our many friends around the world. We hope you find the information here useful and informative. Anyone, however, who does not wish to receive future newsletters can contact us at the numbers or locations listed here, and the matter will be promptly attended to.

Very Sincerely Yours,

Thomas K. Prindable, Managing Partner, Clifford Law Offices, P.C.

**[Return to Newsletters](#)**