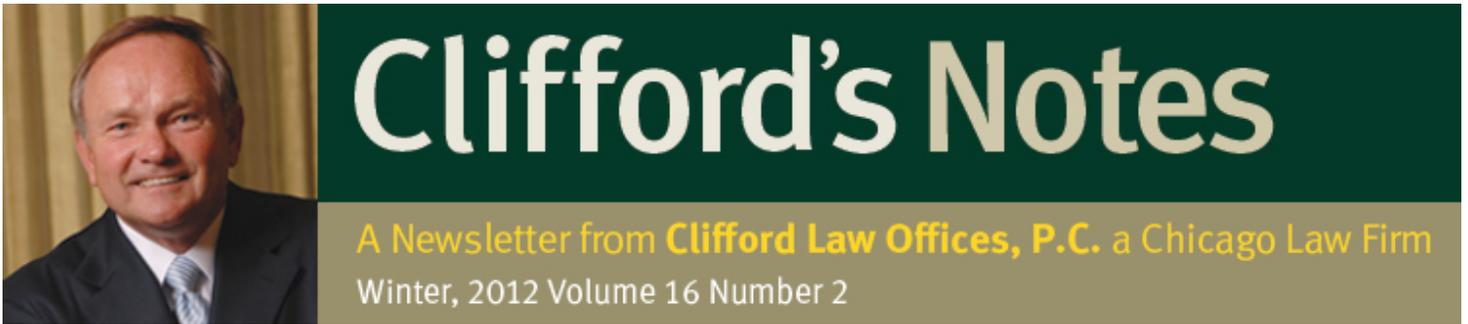


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Clifford's Corner

Robert Clifford was named 2012 Chicago Lawyer Person of the Year. Based upon his trial accomplishments, his contributions to the legal community as well as to the Chicago area, his colleagues nominated him for the prestigious honor given to one person each year.

Robert Clifford is the author of Illinois Tort Law and Practice, a Thomson West publication, that reviews new tort cases in the state. The previous author was the late Leonard Ring.

Bob Clifford underwrote a series of videos that were shown at The American Bar Association (ABA) National Jury Symposium on the American Jury in October for judges in Chicago. He also participated as a panelist in the program on the Optimal Jury Project that was recorded and will be shown to judges around the country.

Roe Conn and Richard Roeper interviewed Bob Clifford on WLS-AM during their popular afternoon radio show. The topic was the possibility of a civil lawsuit following the tragic movie theater massacre in Colorado. Bob Clifford pointed out some media outlets' erroneous early reporting of a case being filed.

The Young Lawyers Division of the ABA awarded Bob Clifford a special honor during the ABA Annual Meeting in Chicago in August for his help in recruiting more than 400 new law student members to the organization from law schools around the state.

Chicago Lawyer, Clifford's Notes column by Robert A. Clifford, December, 2012

Letter to a new lawyer — my daughter

Dearest Erin:

It seems like yesterday that I was reading you bedtime stories and taking you to pompom and cheerleading clinics. This spring, we proudly celebrated your graduation from DePaul University College of Law and now your family and friends beam with pride as you were sworn in as a member of the Illinois bar. How proud we all are of you that you passed that critical test, another milestone in your life.

This year, about 45,000 lawyers graduated from law schools around the country. Despite all that you hear about the dim job market, thousands still want to become lawyers and feel that it is worth the years of study, the expense and debt and the time spent learning the law. No one can ever take that away from you. You now carry the title of "lawyer" for the rest of your life. Carry it with the pride that I have for at least three decades. It is something that has made all of us a distinguished

group and we are so happy to have you join us.

Recently, I had the privilege of interviewing U.S. Supreme Court Justice Sonia Sotomayor and I was struck by the fact that the first thing she said was that we are indeed “a noble profession.” As I reflect on what is meant by the term “noble profession,” what comes to mind is that taking the oath of lawyer obligates all of us to act in the best interest of those we serve — our clients. You need to look no further than those who signed the Declaration of Independence — 24 were lawyers or jurists — to identify founding lawyers who acted nobly to create our great nation. It is in the memory of those who signed a document that would establish a nation for them and for our futures that you placed your hand on the Bible to take an oath to your country and profession. I know you will hold your head up high as you continue the tradition of leadership in upholding our nation of laws.

It is this sense of nobility that drew me and countless others to the legal profession, to be lawyers who instinctively desire to help others who cannot help themselves. And although you have seen the strain the profession can put on a young family, I am proud that you were able to see through the sacrifice and decide for yourself that going into this profession is still a good and right thing to do.

As you now prepare for a life different from what you have known before, I have some tips to offer, as many fathers do:

- Don't forget that our judicial system is the best and fairest method for settling disputes;
- Always defend the right to trial by jury. Citizen fact-finders are at the heart of the justice system;
- Support the Rule of Law. It is what keeps our country stable and free of tyranny and insures liberty for all;
- Vigorously defend our free and independent judiciary from political encroachment;
- Know that your reputation is what is most important. Your integrity in the legal community is your calling card;
- Always do what is right. The cliché “do the right thing” has meaning; the end does not always justify the means;
- You are the guardian of your morals as well as the gatekeeper of those of your clients;
- Return phone calls and e-mails promptly. Communication with your clients and community is essential to success;
- Get involved in the bar associations. That will make you a better lawyer. You will learn a great deal, stay on top of what is happening and make friends for life;
- Never stop learning. Always be inquisitive;
- Seek the truth. There are no stupid questions and discussing issues with your colleagues is one of the best ways to grow;
- Build relationships and learn to network with other people. Be especially good at this;
- Read “To Kill a Mockingbird” again;
- Get to know and understand your clients' needs and goals so you can better represent them;
- Be proactive. Make your own opportunities;
- Nothing stays the same. View change as a vehicle for growth;
- Do pro bono work. Give back. Give as much as you get. Then give some more;
- Make your mother proud. Whatever you do, assume your mom knows all about it;
- Stay healthy so you can practice law for the rest of your life;
- Only time and commitment will determine your level of success;
- Be honest;
- Love what you do. Your life's work will not be a “job” if you do;
- Like the famous Apple computer saying goes, “think different.” Think out of the box for solutions. Ideas can be powerful;
- Be willing to share what you know. As you gain experience, the concept of mentoring will become clear;

- Don't forget about the importance of loyalty;
- Learn to laugh. Have fun;
- Focus on what you can control. Don't worry about what you can't; and
- While the law will let your dreams come true, always make time for family and friends.

Above all else, know that mom and I will always love you. You have always made us so very proud!

Love, Dad

Press Room

Clifford Law Offices sponsors its fifth annual continuing legal education program. The free two-hour webinar will be held at DePaul University College of Law Feb. 21 on "Ethics of Witness Preparation for Deposition and Trial." The panel includes Cook County Circuit Court Judge Kathy Flanagan, George Washington University Law School Professor Stephen Salzborg and moderator Bob Clifford. To register, visit www.CliffordLaw.com. Last year, more than 2,000 people attended.



Tim Tomasik has been invited to speak at the SEAK 22nd Annual National Expert Witness Conference on "How to Use Technology in the Courtroom to Support Your Expert Opinion." He also spoke at the Illinois Trial Lawyers Association Annual Update and Review Seminar on "Mock Juries, Focus Groups and Surveys." Tomasik and partner **Mike Krzak** traveled to London earlier this year to speak to barristers and solicitors about catastrophic injuries and the differing approaches in America and England.

Pamela Menaker has been appointed by ABA President Laurel Bellows as a member of the Task Force on Human Trafficking. Its mission is to combat human trafficking through public awareness, advocacy, training and education. Pam also has been appointed as a member of the ABA Strategic Communications Committee. (see inside)

Kim Halvorsen was named a top 40 Under 40 Lawyer by the Law Bulletin Publishing Company.



Bob Clifford, Kevin Durkin (left) and **Colin Dunn** received a Trial Excellence Award by the Jury Verdict Reporter for the highest reported verdict or settlement of the year in Illinois. In May they received \$112 million of a \$180 million verdict in federal court in St. Louis on behalf of two grain bin workers who were burned when it exploded.

Bill of Particulars

Caffeine in Energy Drinks Target of FDA Probe

Following the reports of 13 deaths and 33 hospitalizations reportedly linked over the past four years to a highly caffeinated energy shot sold in most convenience stores, the Food and Drug Administration (FDA) has stepped in to investigate.



Currently, the FDA does not regulate caffeine in energy drinks, which can be marketed as dietary supplements. Soft drinks, which are regulated, can have no more than 71.5 milligrams of caffeine per 12 ounces. The drink in question, 5-Hour Energy, does not state how much caffeine is in the 1.93-ounce shot, but its website states it has about as much caffeine as in a 12-ounce cup of coffee.

Consumer Reports has stated that the drink has 212 milligrams of caffeine, according to a recent USA Today story. An 8-ounce cup of coffee typically has about 100 milligrams of caffeine.

Experts and epidemiologists have expressed concerns of the concentration of the caffeine in the liquid shots that could arise to toxicity as well as the risk for people with undiagnosed heart conditions. They also are asking if energy drinks should be put in their own regulatory category.

“Once in a Generation” Plane Crash



A dramatic documentary following an international team of experts as they re-created a plane crash was shown Oct. 14 in a feature-length film on the Discovery Channel.

Elite pilots deliberately crash landed a 170-seat Boeing 727 jet in a remote Mexican desert to provide what they call a once-in-a-generation chance to study the mechanics of a plane crash in real time. The purpose was to study the crashworthiness of the aircraft’s airframe and cabin, the new technologies of black boxes as well as examine the impact of crashes on the human body to try to increase passenger survivability.

Fed Ex Captain James “JimBob” Slocum, who has survived three plane crashes, pilots the passenger jet on its last flight. He had the aircraft take off and aligned it for the runway for landing before bailing. Instead of real passengers, the aircraft had state-of-the-art research equipment including three crash test dummies. Dozens of cameras recorded the crash from the inside, on the ground, in chase planes following it and on the pilot’s helmet. Sandbag dummies also were seated throughout the aircraft.

“We crash cars all the time, we don’t do that with planes to see if we can make them safer, which is what makes this such a unique opportunity,” said Dr. Cynthia Bir a bio-mechanist at Wayne State University.

Although each plane crash is different, the results of this experiment concluded the following:

- the crew in the front and the passengers in the front few rows of the plane would almost certainly not have survived the crash
- passengers in the center of the plane would have survived with minor injuries
- passengers in the rear would have been mostly unharmed with the force being no greater than being hit in a fairground bumper car
- the under-wing landing gear of the plane snapped off, as they should, so that fuel tanks in the wings don’t rupture and cause an explosion
- the wings stayed attached and the mainframe of the aircraft remained largely intact
- passengers not wearing seat belts would have slid under the seat in front of them, potentially causing serious injuries
- overhead lockers remained intact but debris in the cabin could have injured passengers as well as overhead ceiling panels and wiring that collapsed that could have impeded passengers’ attempting to exit the plane.

Robert Clifford Writes Column on Need for Civics in the Classroom



According to U.S. Supreme Court Justice Sandra Day O’Connor (retired), only one-third of Americans can name the three branches of government but two-thirds can name an American Idol judge. It led her to start www.iCivics.org, a website that includes a number of lesson plans for teachers interested in their students learning more about our

government and how it works.

Robert Clifford wrote about this important issue in a column for the Chicago Lawyer magazine. He wrote of Justice O'Connor's efforts as well as that of the American Bar Association (ABA), and encouraged readers to test their own civics knowledge with a 10-question quiz that can be found on the ABA website: www.americanbar.org/civics.

Try it yourself!

1. What did the Declaration of Independence do?
 - a. Freed the slaves
 - b. Gave women the right to vote
 - c. Declared our independence from Canada
 - d. Declared our independence from Great Britain

2. When was the United States Constitution originally written?
 - a. 1776
 - b. 1787
 - c. 1789
 - d. 1791

3. The idea of self-government is in the first three words of the U.S. Constitution. What are these words?
 - a. I Pledge Allegiance
 - b. We the People
 - c. Might Makes Right
 - d. E Pluribus Unum

4. Who is one of the writers of The Federalist Papers, which supported ratification of the U.S. Constitution?
 - a. George Washington
 - b. John Adams
 - c. James Madison
 - d. Thomas Jefferson

5. What do we call the first ten amendments to the U.S. Constitution?
 - a. Magna Carta
 - b. Bill of Rights
 - c. Preamble
 - d. Contract with America

6. What is the highest court in the United States?
 - a. United States Supreme Court
 - b. International Court of Justice
 - c. Federal District Court
 - d. United States Court of Appeals

7. Who is currently the Chief Justice of the United States?
 - a. Stephen Breyer
 - b. Sandra Day O'Connor
 - c. Elena Kagan
 - d. John Roberts

8. Why do some states have more Representatives in Congress than other states?
 - a. Geographical size of the state
 - b. State's location
 - c. State's population

d. Date of statehood

9. Who is the Commander in Chief of the military?

- a. Chairman, Joint Chiefs of Staff
- b. U.S. Secretary of Defense
- c. President of the United States
- d. U.S. Attorney General

10. What is one responsibility that is only for United States citizens?

- a. Serve on a jury
- b. Obey the law
- c. Pay taxes
- d. Be respectful of others

Answers: 1. d, 2. b, 3. b, 4. c, 5. b, 6. a, 7. d, 8. c, 9. c, 10. a

Approach the Bench Pamela Sakowicz Menaker



Pamela Sakowicz Menaker is an accomplished journalist, attorney and educator but ask her of what she is most proud and she will say her three children.

As a single mother, Pam has taken great pride in juggling her career with motherhood. Her three adult children are well on their way to success: Michelle is Showbiz Shelly in the morning on B96 radio in Chicago (WBBM, 96.3 FM) for the past seven years, Elise is launching her career as a sports journalist having just completed her master's degree at Northwestern University's Medill School of Journalism, and her son Mark works for the White Sox while earning his master's degree in Sports Administration at Northwestern.

Pam is herself a "double" graduate of Northwestern's Medill School of Journalism (bachelor's and master's degrees), priding herself on earning both of them in less than four years. "I believe education is very important. My mother taught me that."

Her mom, Dee Sakowicz, turns 90 this month. "I'm very fortunate to have her in my life. She's my best friend."

She graduated from Medill and immediately started work as a reporter for the Chicago Tribune. After two years, she decided to move to television and began work at ABC-TV in Chicago where she worked for six years as a writer/producer.

When she spotted the small type in ABC's benefits booklet that offered to pay all education, she realized her dream of becoming a lawyer was a reality. With no strings attached, she had a full scholarship, including books, to night law school at Loyola University School of Law while working full-time at the pressure-cooker job at ABC. Taking the bar exam six months pregnant with her first child, she was sworn in by Justice Seymour Simon in his chambers because of the November birth of Michelle.

Her first job was with legal legend Bill Harte. Toiling over trial records and writing briefs, Pam thought she had the perfect job that combined her writing and legal skills. But that was the days before computerized research. "I remember writing a brief with such a tight deadline that I was running up and down the aisles of the law library, conducting the research and composing arguments from the books off the shelves on a legal pad."

After working as a freelance appellate lawyer for several years, including arguing before the Seventh Circuit Court of Appeals, she decided to call a lawyer who had taught her Advanced Trial Advocacy as an adjunct professor at Loyola, Robert Clifford.

He initially hired her to write a complex brief on the choice of venue for the crash of the United Airlines Flight 232 in Sioux City, Iowa, in 1989. She also worked on a complex case involving a helicopter crash on the East Coast that killed an entrepreneur and his wife. Her journalism skills, though, have put her in the unique position of being able to handle calls from the press because of Bob Clifford's high-profile practice.

From the case of the Southwest jet that skidded off the runway killing a small boy in the back seat of the family car to little Diamond Brownridge who was killed by negligently administered anaesthesia by her dentist, from the scaffolding collapse off the John Hancock Center that killed two young women in their car to the fatal fire in the Cook County Administration Building, Pam has comfortably handled the reporters, knowing many of them personally from her days as a journalist.

The case that garnered the most attention was the trial of internationally-acclaimed violinist Rachel Barton. During the month-long trial, she accompanied Rachel to court every day. When partners Bob Clifford and Kevin Durkin obtained the \$29.6 million verdict that would help to assure Rachel would receive the life-long medical care she required, Pam also was there, as she has been for many of the firm's clients during their times of need.

In cases where the media gets involved, people just don't know what to do. Certainly the press has a First Amendment right to report on a tragedy that has occurred, but people value their privacy more than ever during a time of suffering. I help achieve a balance of the public's right to know with the family's need for privacy.

There also is something to be said about the importance of getting the word out to others when tragedy may strike again. Whether it be aviation safety, the safety involving the products people use every day or medical personnel that have been negligent, people have to know when something is unsafe so they can take precautions in the future," Pam said.

Pam also communicates much of this information through the law firm's websites, which she writes and directs. She has found it challenging to be on top of this ever-changing aspect of the law that requires constant work.

She still finds ways to give back to the profession and the community. She serves on the Assembly of the Illinois State Bar Association (ISBA) as well as on the Editorial Board of the ISBA Journal, its monthly publication. She is on the Judicial Evaluation Committee of the Chicago Bar Association (CBA) as well as serves on the Editorial Board of the CBA Record that is disseminated to its nearly 25,000 members. She also was appointed to serve a three-year term on the American Bar Association Standing Committee on Strategic Communications as well as its Task Force on Human Trafficking. And she sits on the Editorial Board of the ABA Litigation Magazine that goes out to more than 60,000 members.

She also was recently appointed to serve on the Board of Governors of the Catholic Lawyers of Chicago and somehow also finds time to serve on the Board of the Advocates Society. She has taught Consumer Law and Ethics of Marketing at her alma mater, Northwestern.

I like to be involved only if I can truly contribute," Pam said of her many commitments, often utilizing her writing skills and legal knowledge. "I like to multi-task and that allows me to get a lot more done. The computer age has allowed me to exponentially increase my output."

When does she relax? "My idea of a vacation is to take my reading work with me and sit for a week or two in a warm place. My children and I go out to eat, ride bikes and catch a movie. Those are the best times I remember and hope to have many more of these memories to come."

Trial Notebook

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

Clifford Law Offices' Giving Back



Bob Clifford has generously hired students from Cristo Rey High School for years. Every semester, five students work one day a week at the firm. Many of them have gone on to college and have successful careers including Rafael Pelayo (right), Clifford Law Offices' assistant office services manager, and Ana Ortega, accounts payable. Currently, five students from Cristo Rey work at Clifford Law Offices on a daily rotational basis including Ashley Ocampo (left) who has been with the firm for four years.



Carolyn Farrell, legal assistant, along with her two daughters and their Girl Scout troops have run the Book Drive for the New Lenox Share Fest for the past three years. They proudly have collected 12,907 books with 35 of them being donated to the New Lenox Historical Society, 5,507 going back into the community free of charge, and 7,365 donated to Reading Tree and Discovery Books that puts books back into other communities or properly recycles them. Here, Cassidy (left), 10, a Junior Girl Scout member, was working on earning her Bronze Award through the project. Shannon, 13, a Cadette Girl Scout, was working on earning her Silver Award.



Michelle Menaker, daughter of Pam Menaker, rang the bell on Michigan Avenue for Salvation Army's annual fundraising efforts for the needy at the holiday season.



Amy Theodorakos, legal assistant at Clifford Law Offices, ran in the Half Marathon in Chicago and raised more than \$1,000 for the American Cancer Society.



Isabelle Beaver, daughter of Kelly Clifford-Beaver, legal assistant at the firm, had 10 inches of her beautiful blonde hair cut for Locks for Love at Hair Concepts in Orland Park. The organization is a non-profit organization that provides hair pieces for financially disadvantaged children under the age of 21 who suffer from long-term medical hair loss. The hair prosthetics help to restore the children's self-esteem and confidence. Visit www.locksoflove.org.



Jodie Diegel, legal nurse consultant at Clifford Law Offices, founded Mane in Heaven, a non-profit organization that provides animal assisted therapy and activity visits with miniature horses. The all-volunteer staff will take the "minis" to nursing homes, schools, hospitals, veteran facilities, libraries and other places in need. The interactive sessions include petting, brushing, hugging and loving these beautiful little horses. Studies have shown that animal-assisted activity and therapy visits provide physical, mental and emotional fulfillment as a source of joy and unconditional love. Visit www.maneinheaven.org.



Bob Walsh, partner (third from right kneeling in front row) is a founder of the Fenwick High School rugby team. In its first season last year, the team captured third place in Illinois statewide competition.



Tim Tomasik, partner, (fourth from left) serves as a governing Board member of the Chicago Sun-Times Judge Abraham Lincoln Marovitz Lawyers Lend-A-Hand to Youth Program. Founded in 1995, Lend-A-Hand has awarded more than \$1.2 million in grants and has positively affected the lives of tens of thousands of youth throughout the Chicago area through tutoring and mentoring programs.



The children of Pamela Sakowicz Menaker, Elise (left), Michelle and Mark, help out Thanksgiving morning in preparing and delivering meals to the poor and homebound on the holiday. The project is part of a ministry at St. Mary's Church in Evanston where their uncle, Father Greg Sakowicz, is pastor.



Clifford Law Offices marks 10 years of sponsoring WTTW closed captioning for the hearing impaired for all locally produced shows on Chicago's public television station. Bob Clifford sits on the Board of Directors of WTTW.



Emma's Eight Cycle for Survival Team will be "spinning their wheels" again for four hours Feb. 9 in honor of Emma Krzak, daughter of partner Michael Krzak. Emma, now 5, was born with a rare form of eye cancer and last year her team raised \$37,000 for rare cancer research. To find out more or donate to this important cause, visit <http://mskcc.convio.net/goto/emmaseight>

Clifford Law Scrapbook



CBS Channel 2's investigative reporter Pam Zekman interviewed Bob Clifford about taxi safety for a story that aired on the 10 p.m. news. The firm represents the family of a woman who was killed by a cab driver as she crossed the street in the crosswalk. The story led to hearings held by Illinois Secretary of State Jesse White's Advisory Council on Traffic Safety that unanimously recommended the state legislature pass more strict laws regarding drivers who kill pedestrians.



Robert Clifford, lead attorney for the family of a couple who was killed in the derailment of a Union Pacific (UP) train in the northern suburbs, answered media questions when UP held a public hearing on safety issues.



Robert Clifford moderated a panel of judges at the 2012 Symposium of Judges sponsored by the Law Bulletin Publishing Company. As part of the faculty, he was the discussion leader regarding the benefits and challenges of discovery under the Cook County Circuit Court Rules. The panel also included Presiding Judge of the Law Division William Maddux.

A Conversation with Justice Sonia Sotomayor

Bob Clifford was part of a Conversation with Justice Sonia Sotomayor at The University Club of Chicago in September along with Chicago



Bar Association President Aurora Austriaco (left). The Just the Beginning Foundation sponsored the event as part of its 10th Biennial Conference at Kennedy-King College on Chicago's South side.



As head of the Illinois Delegation to the American Bar Association (ABA) House of Delegates, Bob Clifford served as Chair of the ABA Annual Meeting in Chicago. A kick-off reception in August was held at Sidley & Austin attended by dozens of lawyers and judges. Chicago Mayor Rahm Emanuel (left of Bob) also welcomed the group to the Windy City.



Bob Clifford was the keynote speaker at the McGlothlin Leadership Forum at the William & Mary School of Business in Virginia. He spoke at the second annual forum on the nobility of law as a profession and the fallacies of "tort reform."

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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.

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

Very Sincerely Yours,

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

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