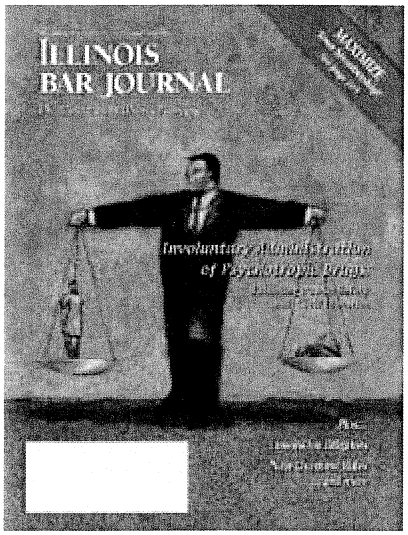
ILLINOIS BAR JOURNAL
THE MAGAZINE OF ILLINOIS LAWYERS

OCTOBER, 2003 VOLUME 91 NUMBER 10



COLUMNS

DEPARTMENTS

PRACTICE NEWS

ARTICLES

HEALTH LAW

CIVIL PRACTICE

COMMERCIAL/CONTRACT LAW

PRACTICE TIPS

LABOR AND EMPLOYMENT LAW

Trial Practice Update for General Practitioners: Lessons from Recent Cases

By Patrick M. Kinnally

A look at some leading practice and procedure rulings and the practical lessons they teach.

In the last year our courts have defined everything from what an affidavit is to whether our clients can still recover punitive damages. Here's a look at some leading supreme court civil practice and procedure rulings and the lessons they teach, chosen with general practitioners in mind.

I. Summary Judgments; Rule 191; Affidavit: *Robidoux v Oliphant*[1]

Although this opinion considers affidavits, it is also useful to view it as a case about timeliness in the summary judgment context. Harvey Robidoux was injured while riding his motorcycle. He was taken to a hospital in Urbana and treated by several physicians, including Dr. Oliphant. He died at the hospital. His surviving spouse filed a medical negligence claim against Oliphant.

Prior to trial, the defendant filed a motion for summary judgment, claiming he was not involved in Harvey's treatment. The plaintiff filed a late response and claimed that genuine issues of material fact precluded summary judgment based on whether Oliphant acted within the standard of care. Plaintiff attached an affidavit signed by Dr. Richards supporting this position. It was not under oath and was undated, and the materials upon which Richards relied for his opinion (i.e., deposition transcripts, etc.), were not attached to the affidavit.

The defendants moved to strike it for non-compliance with the oath requirement of Supreme Court Rule 191 and non-attachment of the supporting materials. The trial court struck Dr. Richards' affidavit and granted summary judgment to Oliphant. The plaintiff then moved to reconsider, attaching the supplemental affidavit of Dr. Richards, which ostensibly met the requirements of Rule 191.

A different judge presided over the motion to reconsider. He denied the motion. He found that the new affidavit met the requirements of Rule 191 and did create a genuine issue of material fact but that the plaintiff's submission was untimely. He therefore refused to disturb the order granting summary judgment to the defendant. The appellate court reversed, finding that it could review the affidavit under a de novo standard and holding the trial court's decision erroneous as a matter of law.

The supreme court reversed the appellate court. Justice McMorrow wrote that Rule 191 should be construed as written. The rule says affidavits must (1) be made on personal knowledge of the affiant, (2) be specific, not conclusory, and based on facts,

and (3) be made under oath as if a testifying witness, and that (4) supporting material, if submitted at all, must consist of sworn or certified copies attached to the affidavit. The court determined Dr. Richards' original affidavit failed to comply.

As to the motion to reconsider and the revised affidavit, the supreme court noted with concern that the trial court had found that the revised affidavit created a genuine issue of fact. However, the trial judge, citing *Gardner v Navistar*,[2] concluded that "[t]rial courts should not permit litigants to stand mute, lose a motion, and then frantically gather evidentiary material to show that a court erred in its ruling."

The supreme court found that the trial court had not abused its discretion and thus upheld this ruling. The supreme court's holding might also have been influenced by the fact that Richards' supplemental affidavit and the attachments were available when the affidavit was first presented.

Moral: Rules are not limitations, but devices that enable your client to achieve certain objectives. They only become restrictions when you do not read them and follow them.

II. Affidavits; Petitions for Leave to Appeal: *Roth v Illinois Farmers Insurance Company*[3]

In a declaratory judgment action, Brenda Roth sued Farmers Insurance Company and recovered on behalf of her daughter in the trial court. The appellate court affirmed. Farmers filed a petition for leave to appeal with the supreme court,[4] which stated as follows:

> Comes now Defendant/Appellant, Illinois Farmers Insurance Company, and hereby states it intends to file a Petition for Leave to Appeal with the Illinois Supreme Court pursuant to Supreme Court Rule 315.
>
> Respectfully Submitted,
> Law Offices of Morgan & Associates[5]

This document was signed by one of the law firm's attorneys with a certificate of service. Leave to appeal was granted on December 5, 2001.

On appeal, Ms. Roth argued the petition for leave to appeal should not have been granted because Farmers failed to comply with Supreme Court Rule 315(b). Specifically, she argued that Farmers had not followed the rule because it had not filed an affidavit of intent to file a petition for leave to appeal within 21 days of the appellate court's decision.

The supreme court agreed with the plaintiff and dismissed Farmers leave to appeal as improvidently granted. Justice Freeman, writing for the court, cited century-old precedent for the proposition that an affidavit is a "declaration, on oath, in writing, sworn to by a party before some person who has authority under law to administer

oaths.[6] Farmers argued that the purpose of Rule 315 is to give the other party "notice" of the intent to appeal, and that it had substantially complied with the rule since the plaintiff knew it intended to file a petition for leave to appeal. The supreme court disagreed, observing that supreme court rules are not mere suggestions but should be enforced as written. The court; sending a strong message by dismissing the defendant's appeal in its entirety; stated that the purpose of the affidavit is not only to provide notice but to stay the mandate of the appellate court from issuing.

The court went on to distinguish *Robidoux*, noting that Supreme Court Rule 191(a) does not require notarization of an affidavit. It states only that the affidavit in that context be signed under oath. However, because there is no definition of an "affidavit" under Supreme Court Rule 315(b), the court looked to common law and required that a 315(b) affidavit be notarized under oath. Because Farmers' affidavit of intent was improper, the court opined, its petition for leave to appeal was not timely filed.

This decision seems inconsistent with *Robidoux*. Most practitioners would have looked to Rule 191 to determine what constitutes an "affidavit."

Lesson: When preparing any type of affidavit, either for summary judgment, for purposes of Supreme Court Rule 191, or otherwise, have it executed under oath before a person authorized to administer oaths.

III. Bad News on Costs: *Vicencio v Lincoln-Way Builders, Inc.*[7]

In *Vicencio*, the Illinois Supreme Court rendered a long-awaited opinion about costs incurred by civil litigants. The plaintiff, Nicholas Vicencio, prevailed in a personal injury action against the defendant, Lincoln-Way Builders, Inc., and was awarded damages in excess of $100,000. Thereafter, he sought reimbursement of costs totaling $5,341.80 pursuant to section 5-108 of the Code of Civil Procedure[8] and Supreme Court Rule 208. The defendant appealed, and the appellate court affirmed in part and reversed in part. The Supreme Court took the case, resolving a split among the appellate districts over whether a trial court may assess as costs the fees charged by a plaintiff's treating physician for his participation in an evidence deposition that was presented to the jury. This is an important opinion, since the costs incurred by trial practitioners have increased since the last time the supreme court addressed this issue.[9]

Basically, the defendant agreed that it was responsible for $283.80 of the plaintiff's costs, which included the filing fee, the service of summons, and the trial subpoena fees paid to two of the plaintiff's witnesses. The defendant disputed the trial subpoena fee of a third witness who failed to appear at trial, but whose evidence deposition was subsequently read to the jury.

In addition, the defendant denied that the plaintiff was entitled to recover costs associated with the videotaping of the evidence deposition of the plaintiff's treating physician, Dr. Wolin. The expenses included fees charged by Dr. Wolin and the videographer). The defendant also denied it had to pay extra costs associated with the

production of the expedited transcript of Dr. Wolin's deposition, alleging that the plaintiff failed to take the deposition in a timely manner. Other challenged expenses included the fee paid to the technician who operated the video equipment at trial and the individual who interpreted for the plaintiff during his testimony at trial.

The trial court entered an order which awarded the plaintiff $5,381.80. The appellate court affirmed the trial court, as to the taxing of costs with respect to the fees charged by Dr. Wolin. The appellate court affirmed the awarding of costs in connection with the fees of the court reporter and videographer because the deposition was necessarily used at trial. As to the interpreter's fee and the subpoena fee paid to the plaintiff's witness who failed to appear, the appellate court reversed, finding these items were not authorized by any rule or statute.

The supreme court concluded that court costs are effectively incidental damages awarded by law to reimburse the prevailing party, at least for the expenses necessarily incurred in asserting rights in court. The court further stated that neither the Code of Civil Procedure nor the supreme court rules provide a working definition of what constitutes "costs."

Referring to the Depression-era case *Wintersteen v National Cooperage & Woodenware Co.,*[10] the court determined that the assessment of costs is not inherent in the judicial power but a job for the legislature. The court relied on *Galowich* for the principle that the cost of a deposition necessarily used at trial may be assessed at the trial court's discretion pursuant to Supreme Court Rule 208. The majority concluded that the trial court is neither required by section 5-108 of the Code of Civil Procedure nor permitted by other statute or rule to tax as costs to the losing party the professional fee charged by the prevailing party's treating physician for attending an evidence deposition.

The supreme court thus reversed the affirmance by the appellate court of the trial court's taxing as costs the professional fee of Dr. Wolin. The high court also concluded that the videographer and the court reporter are not taxable as costs under Rule 208, unless the deposition was necessarily used at trial.

This opinion, which relies on nearly 70-year-old precedent, fails to recognize the growing costs associated with modern-day litigation. The job of determining what constitutes litigation costs is more suited to the judiciary than the legislature. If, however, the power to assess costs is a legislative function, then the General Assembly must recognize that costs associated with prosecuting a case are not incidental damages but instead necessary expenses.

Lesson: If you want to recover court costs incurred at trial, make sure it was for a necessary item or service actually used at trial. Then at least you have an argument.

IV. Discovery/Rule 213 Witnesses/Mental Health Records: *Reda v Advocate Health Care*[11]

Discovery of mental health records often poses problems for litigators. In *Reda v Advocate Health Care*, the supreme court more clearly defined the boundaries of the mental-health-records privilege.

Emilio Reda filed a medical negligence case against Advocate. A knee arthroplasty was performed on his right leg. Complications resulted which Reda said were the hospital or treating physician's fault. Nowhere in his three-count complaint did he make a claim for damages relating to his mental condition, although he and his wife claimed damages for pain and suffering and for loss of society, companionship and affection.

During the course of his deposition, Emilio indicated he experienced headaches after his hospitalization. At one point, the questioning was as follows:

> Q: And then, you told us a little bit about your headaches. I want to ask you just a few more questions about that. How frequently do you have headaches, nowadays, in general? Is it like every day, every couple of days?
>
> A: Sir, them headaches have not gone away. I had Dr.; the shrink; I kept accusing him;
>
> Ms. Capra: We're not going to talk about him.
>
> Witness: Okay. I am sorry.[12]

Thereafter, the defendants moved to compel production of Emilio's psychiatric records. Based on the above testimony and other materials, the court ordered that the records be turned over to the defendants. Plaintiff's counsel refused and was held in contempt. The appellate court affirmed.

The supreme court reversed the contempt order. The court, in interpreting the Mental Health and Developmental Disabilities Confidentiality Act,[13] stated that the Act should be given its plain, ordinary meaning and that the first goal of the Act is to keep such records confidential. Only where a recipient of services under the Act introduces his mental condition into a civil proceeding do the records relating to such treatment become potentially discoverable. Merely because Emilio made a claim for pain and suffering does not introduce his mental condition as a claim. And, where the recipient has introduced his mental health condition, the court, before it turns over such records to the party requesting such materials, must conduct an in camera inspection of the records to determine if they are relevant, probative, and not unduly prejudicial.

Moreover, the court held that Emilio's changes in personality, memory loss, and inability to perform routine personal tasks were not psychological traumas as the appellate court believed them to be. The supreme court, relying on the Act, determined that a neurological injury is not the same as psychological damage.

Finally, the court stated the defendants cannot obtain the records by asserting the plaintiff's "mental condition" as a defense. To permit that would make the privilege meaningless in every case.

Lesson: Explain this privilege succinctly to your client and, if necessary, his therapist. Do not disclose mental health records on a pain and suffering claim before an in camera inspection is concluded if your client's medical condition is an issue.

V. Admissibility of Expert Opinions: *Donaldson v Central Illinois Public Service Co.*[14]

In formulating rules governing the admissibility of opinions by expert witnesses, the supreme court adheres to the principle that Illinois is still a *Frye* rather than a *Daubert* jurisdiction. In *Donaldson*, the court considered whether physician-experts could testify about studies supporting their opinions that environmental contamination at the defendant's coal gasification plant affected the plaintiffs' health.

The supreme court concluded that in Illinois, the sole test for the admission of expert opinion witness testimony is the general-acceptance test. What this denotes is that scientific evidence is admissible at trial only if the methodology or scientific principle upon which it rests is, as the *Frye* Court put it, "sufficiently established to have gained general acceptance in the particular field in which it belongs."[15]

This is not a conclusion-based analysis, according to the court. In other words, if other experts in the field would rely on the methodology in question, then the conclusion itself is irrelevant for purposes of admissibility. It may have some bearing as to credibility, if a majority of experts reach a different, similar conclusion, but it does not mean the opinion's conclusion is inadmissible.

Nor does the trial court have to find that the technique is universally accepted to be admissible. Experts might disagree about the reliability of even a generally accepted technique. The trial court's charge is to determine whether a consensus exists about the reliability of the methodology. The supreme court went on to conclude that the methodologies used by the plaintiff's experts were admissible and that the plaintiff had shown causation based on the expert witness' opinions.

An interesting issue that remains unresolved by *Donaldson*; because the parties did not raise the issue; is to what extent if any the *Daubert v Merrell Dow Pharmaceuticals, Inc.*[16] approach applies in Illinois courts. In *Daubert*, the U.S. Supreme Court rejected the continuing vitality of the *Frye* test. Citing Federal Rule of Evidence 702, the court held that a trial judge has an obligation to screen expert evidence for relevance and reliability before admitting it. To be deemed reliable, expert testimony must assist the trier of fact to understand the evidence or determine a fact in issue.

The test for admissibility in FRE 702, which was amended in 2000 in response to *Daubert* and its progeny, is three-fold. To be admitted, "(1) the testimony [must be]

based upon sufficient facts or data[and be] (2)...the product of reliable principles and methods, and (3) the witness [must have] applied the principles and methods reliably to the facts of the case." The principles of *Daubert* apply to all expert witness opinions in federal court, not just scientific ones.[17]

Lesson: We must wait and see whether our supreme court will adopt the more restrictive *Daubert* standard.

VI. Concurrent Negligence/Indivisible Injury: *Saichek v Lupa*[18]

Barbara Saichek was a passenger in a cab operated by Valentin Zdunkevich ("Valentin"), which was insured by American Country Insurance. His vehicle was stopped at an intersection waiting to make a turn when it was rear-ended by a sedan operated by Malgorzata Lupa. Barbara was injured and lost personal property due to the wreck.

Barbara sued Lupa in count one of her complaint for negligence and, in the alternative, sued Valentin for negligence in count two. Lupa appeared and answered, and otherwise participated in the litigation. Valentin did nothing. Barbara moved for a default judgment against Valentin, which was granted. Later, she presented evidence on that count of the complaint and a judgment was entered against Valentin for $40,792. Valentin was duly notified of the default as is required by statute.[19] Barbara instituted wage garnishment proceedings. Valentin's insurer appeared and agreed to pay the judgment and costs entered against Valentin. The plaintiff then signed a satisfaction of judgment, which only applied to American Country and Valentin, and not to Lupa.

Thereafter, Lupa moved to dismiss count one of the complaint, saying Barbara had obtained recovery against Valentin and thus could not seek to recover from her. The trial court agreed and dismissed the case.[20] The appellate court reversed, noting that the release and satisfaction indicated it was not the parties' intent to release the claim against Lupa. The supreme court reversed the appellate court.

The issue presented was this: may a plaintiff who has sued two defendants for a single, indivisible set of injuries arising from concurrent but independent acts of negligence continue with her claim against the first defendant after being awarded the full amount of her damages against the second defendant.

The supreme court answered this question in the negative. Whatever the agreement between Valentin and Barbara, the court said, it could not bind Lupa, who was a non-party to that accord. The court reinforced the concept that a party in litigation is entitled to a single recovery, not multiple ones. The court stated that once the amount of the loss has been judicially determined and a valid and final judgment entered, a plaintiff may not re-litigate the question of her damages in a subsequent proceeding.

Lesson: Do not take a judgment against fewer than all defendants if you think your client is entitled to additional damages not covered by that judgment.

VII. Punitive Damages: *State Farm Insurance Company v Campbell*[21]

This U.S. Supreme Court case involved a bad faith action by a plaintiff who was involved in a car wreck. Curtis Campbell and his wife, a passenger in the car, were attempting to pass six cars on a Cache County, Utah road in 1981. Todd Ospital was killed when Campbell's car collided with his vehicle while passing the six automobiles. Robert Slusher, who was also operating a vehicle, was permanently disabled.

It became clear early in the investigation that State Farm knew the wreck was Campbell's fault. Campbell was a State Farm insured. At that time, Campbell had a $50,000 policy, which was demanded by Ospital and Slusher prior to trial. State Farm decided to make no offer. A verdict was rendered against Campbell for $205,000 after a trial, and the jury found that Campbell was 100 percent at fault.

State Farm originally declined to cover any excess liability over their policy limit. In fact, during the pendency of the appeal of the underlying judgment, State Farm's attorney told Campbell to put his house up for sale. Apparently, State Farm would not post a bond to cover excess liability. Campbell had to use his own lawyer to appeal the verdict and lost the appeal in 1989. State Farm then paid the excess judgment.

During the pendency of that appeal, Campbell struck a deal that he would agree to bring a bad faith action against State Farm using Ospital and Slusher's attorney. Under the terms of this agreement, Slusher and Ospital would get 90 percent of any recovery even though State Farm paid the excess verdict above its $50,000 policy limit. Campbell filed a bad faith claim. The case was tried and a verdict was rendered in Campbell's favor for $2.6 million in compensatory damages and $205 million in punitive damages. The trial court reduced the compensatory and punitive damages to $1 million and $25 million respectively. Upon appeal by both parties, the Utah Supreme Court reinstated the original award based on the jury's verdict.

The Supreme Court, in an opinion authored by Justice Anthony Kennedy, clearly stated that in determining whether a punitive damage claim violated the substantive due process laws of the Fourteenth Amendment, a trial court must look at the following three factors.[22]

Degree of reprehensibility of defendant's misconduct. In determining whether the conduct is reprehensible, the court must focus on physical rather than economic harm; i.e., whether the tortfeasor was indifferent or had a reckless disregard for the health and safety of others, whether the tortfeasor targeted a financially vulnerable individual, whether the alleged acts were repeated or isolated, and whether they resulted from deceit or trickery.

Disparity between the harm and the award. While there is no bright-line test for this factor, a single-digit ratio should suffice in most cases, the Court said. The majority directed appellate courts to look at not only the nature of the conduct but also at the size of the compensatory-damage awarded, because compensatory damages should make the plaintiff whole.

Difference between punitive and civil penalties. In this case, the Court determined that the defendant would probably have been subject to a $10,000 civil fine. Basically, the Supreme Court said that the award was unfair to State Farm. Also, it observed that the due process clause prohibits grossly excessive or arbitrary punishments and that a grossly excessive award furthers no legitimate state interest, and is a deprivation of property that violates the 14th Amendment. Finally, the Court concluded that appellate courts must conduct *de novo* review of the appropriateness of punitive damages awards returned by juries using this three-part test.

Lesson: Do not try to overstate your client's position by referring to irrelevant evidence. Hitting home runs doesn't always win the Series.

VIII. Post Judgment Motions Need Not Be Detailed in Nonjury Cases: *Kingbrook, Inc. v Pupurs*[23]

Kingbrook, Inc. filed a complaint against John Pupurs and Rockford Manufacturing, Inc. and R&D Thiel, Inc. for unjust enrichment. Upon motion, the complaint was dismissed. This order was reversed on appeal and remanded to the trial court. Upon remand, the trial court entered judgment for the defendants. Kingbrook then filed a motion to reconsider, which stated: N[ow comes] the plaintiff, K[ingbrook, Inc.], an Illinois corporation, by and through its attorneys, B[arrick], S[witzer], L[ong], B [alsey] & V[an Evera], and hereby moves the Court to reconsider its decision granting severing [sic] judgment in favor of the Defendants."[24]

That's it. Nothing else. The motion was filed within 30 days of the judgment and noticed up consistent with circuit court rules. The trial court denied the motion and Kingbrook appealed. The defendants argued Kingbrook's notice of appeal was late because its post-judgment motion was not proper.[25] The appellate court agreed and dismissed the appeal.

The supreme court reversed. The court observed that 735 ILCS 5/2-1203(a), which governs post-judgment motions in bench trials, does not state what the contents of such a motion should be, as does its counterpart for jury trials.[26] Therefore, the court concluded that there is no basis for making a specificity requirement in post trial judgments in nonjury cases. The defendant argued that the unspecific post judgment motion was merely a delaying tactic to toll the time for appeal. The court disagreed and determined that it had jurisdiction.

Lesson: Follow the advice of Justice Garman in her special concurrence:[27] provide specific, detailed post-trial motions in both jury and nonjury cases, even though it isn't required by statute. The trial judge and reviewing courts will thank you.

IX. Jury Instructions and Risk of Future Injury: *Dillon v Evanston Hospital*[28]

Diane Dillon in her medical malpractice case offered the following instruction at trial:

> If you decide for the plaintiff on the question of liability, you must then

> fix the amount of money which will reasonably and fairly compensate her for any of the following elements of damages proved by the evidence to have resulted from the negligence of one or more of the defendants, taking into consideration the nature, extent, and duration of the injury: The increased risk of future injuries....[29]

The jury awarded Dillon $500,000 for the increased risk of future injuries. She sought recovery for this injury because one of her physicians failed to remove a catheter that was implanted in her chest and part of the catheter migrated to her heart.

The supreme court reversed the lower court's finding that the instruction was not specific enough and sent it back for a new trial on damages. The court observed that the weight of authority permits allowing compensation for increased risk of future injury as long as it can be shown to a reasonable degree of certainty that the defendant's wrongdoing was the basis for the heightened risk. Again endorsing the single recovery principle, the court stated that all damages, future as well as past, must be presented at trial.

In determining what instruction should be given, the court concluded that, since no pattern instruction existed, a brief, simple, impartial, and nonargumentative one should suffice.[30] The justices looked to a Connecticut Civil Jury Instruction for guidance[31] and endorsed the following concept as a general principle:

The plaintiff is entitled to compensation to the extent that the future harm is likely to occur as measured by multiplying the total compensation to which the plaintiff would be entitled if the harm in question were certain to occur by the proven probability that the harm in question will, in fact, occur.[32]

This opinion is one of the most important opinions on jury instructions in the last 20 years.

Lesson: Add another line to your verdict form in cases where risk of future injury is based on the evidence, not conjecture.

X. Conclusion

This article has highlighted just a few of the important civil-practice cases from the last year or two. Inevitably, some of these rulings raise as many questions as they answer. But we owe it to ourselves to read the cases carefully and try to use the principles they espouse to our clients' advantage.

---

1. 201 Ill 2d 324, 344, 775 NE2d 987, 998 (2002).

2. 213 Ill App 3d 242, 248, 571 NE2d 1107, 1111 (4th D 1991).

3. 202 Ill 2d 490, 782 NE2d 212 (2002).

4. S Ct Rule 315(b).
5. *Roth*, 202 Ill 2d at 493.
6. Id. At 495.
7. 204 Ill 2d 295, 789 NE2d 290 (2003).
8. 735 ILCS 5/5-108.
9. *Galowich v Beech Aircraft Corp.*, 92 Ill 2d 157, 162 (1982).
10. 361 Ill 95, 108, 197 NE 578 (1935).
11. 199 Ill 2d 47, 765 NE2d 1002 (2002).
12. Id. At 1005.
13. 740 ILCS 110, et seq.
14. 199 Ill 2d 63, 767 NE2d 314 (2002)
15. Id at 77, 324.
16. 509 US 579 (1993).
17. *Kumho Tire Co. v Carmichael*, 526 US 137 (1999).
18. 204 Ill 2d 127, 787 NE2d 827 (2003).
19. 735 ILCS 5/2-1302.
20. *Saichek*, 787 NE2d at 830.
21. _____ US _____, 123 S Ct 1513 (April 7, 2003).
22. Id at 1520.
23. 202 Ill. 2d 24, 779 NE2d 867 (2002).
24. Id. At 27, 870.
25. 735 ILCS 5/2-1203(a)
26. 735 ILCS 5/2-1202(b)
27. 202 Ill 2d at 35, 874.

28. 199 Ill 2d 483, 771 NE2d 357 (2002).

29. Id. At 497, 366.

30. S Ct Rule 239(a).

31. No 2-40(c)

32. 199 Ill 2d at 506, 372.

ABOUT THE AUTHOR

Patrick M. Kinnally is a partner in the Aurora firm of Kinnally, Krentz, Loran, Hodge & Herman, P.C., where he practices in the areas of civil litigation, local government, and immigration law. He is the 2003 winner of ISBA's General Practice Tradition of Excellence Award. A graduate of The John Marshall Law School, he clerked for Justice James D. Heiple in the Illinois Appellate Court and is an adjunct professor of law at Northern Illinois University.