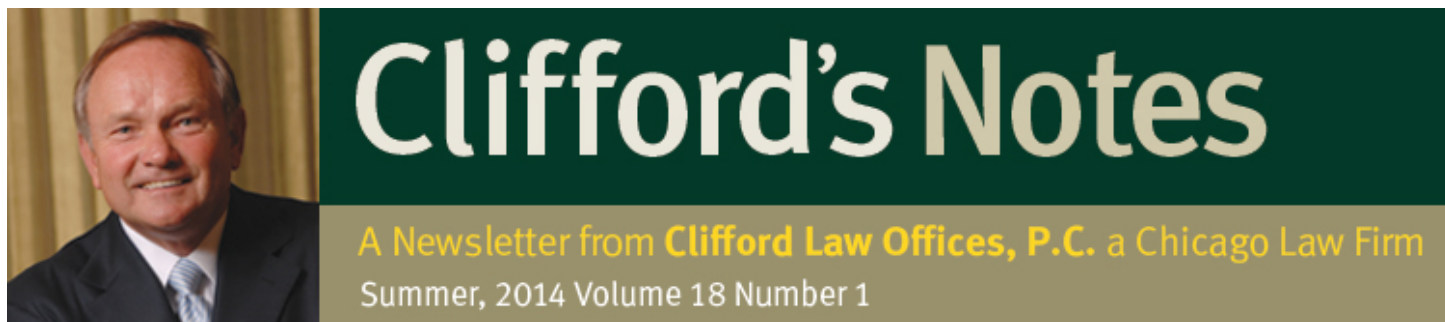


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## Clifford's Corner

**Robert Clifford** received the 2014 Professionalism Award from the American Inns of Court for the Seventh Circuit. The award is given to a lawyer whose life and practice has demonstrated “sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law.” Clifford will be recognized at the American Inns of Court annual Celebration of Excellence at the Supreme Court of the United States Oct. 25 with Justice Ruth Bader Ginsburg serving as host.

Martindale-Hubbell announced that Bob Clifford is among Chicago's Top Rated Lawyers of 2014, achieving an AV Preeminent perfect “5” rating, the highest given by the peer review group that looks at a lawyer's high ethical standards and professional ability in five areas: legal knowledge, analytical capabilities, judgment, communication ability and legal experience. Keith Hebeisen, Kevin Durkin, Tom Prindable, Susan Capra and Richard Burke also received that rating.

Bob also was named the #1 Super Lawyer in Illinois in 2014 by his peers, marking the sixth consecutive year he has received the top honor in the state.

Chicago Magazine produces an annual list of 100 people with the most influence and power in the city, and once again Robert Clifford is on that list for 2014. Moving up a spot from last year to 76th place on this prestigious list that includes a U.S. Senator, venture capitalist billionaires and, of course, Rahm Emanuel, Chicago's mayor.

## Press Room

**Clifford Law Offices** was inducted into The National Law Journal's Hot List Hall of Fame for its continued success. Keith Hebeisen accepted the award in Washington, D.C.

**Clifford Law Offices** also was selected by The Trial Lawyer magazine as a 2014 member of The Forum: America's 30 Most Influential Law Firms. The honor placed the firm among the top 30 civil plaintiff firms in the United States.

**Keith Hebeisen** was invited to speak at the Illinois State Bar Association (ISBA) Medical Malpractice conference March 14 in Chicago.



**Kevin Durkin** spoke at the Illinois Trial Lawyers Association (ITLA) on “Ethics in Client Communications”

**Craig Squillace** spoke at the ITLA all-day seminar on Settlements, Liens and Technology. Squillace talked about the Prompt Pay Statute, a law in which **Robert Clifford** took the lead in informing state legislators about the issue of the delay in clients getting paid by insurance companies.

**Pamela Sakowicz Menaker** participated in the 33rd ISBA Ask A Lawyer Day where she Skyped with people who called from around the state asking for free legal advice. This year, for the first time, Skyping was made available.

**Bob Clifford** and **Mike Krzak** authored an article for the Law Day issue of the Chicago Daily Law Bulletin that was distributed to 65,000 attorneys across Illinois. The piece dealt with the lessons learned from various airplane crashes in which the firm has represented a number of families who lost loved ones or victims who were injured in the crashes.

**Dr. Kenneth C. Chessick** was selected as the 21st Annual Francis X. Riley Lecturer on Professionalism at Northern Illinois University College of Law.

**Colin Dunn** spoke at the ITLA Damages Seminar on “Pain and Suffering.”



**Sarah King** was interviewed by CBS-TV investigative reporter Dave Savini on a case involving a 29-year-old attendee who was attacked at a Live Nation concert in Tinley Park. Savini reported on the April 10 late news about a client at Clifford Law Offices who is suing for lack of security at the event.

## Two essential tools would prevent repeat of Malaysian mystery

*Published Thursday, March 20, 2014, in the San Francisco Chronicle,  
By Robert A. Clifford*

While the cause of the disappearance of Malaysia Airlines Flight 370 remains unknown, we can take steps to help prevent future events like this by employing two existing technologies on every airliner in the world – deployable recorders and asset trackers.

Deployable recorders – also known as ejectable black boxes, which jettison from the planes upon impact, float and transmit their positions to satellites – would give us the airliner’s location, flight data and cockpit voice recordings within hours of a crash anywhere in the world, even in the middle of an ocean. Future versions will work in hijackings or when transponders go dead. These devices have been put on military airplanes, including versions of commercial aircraft such as the Boeing 707 and 737, for more than 50 years. Since 9/11, Congress has been funding studies and demonstrations that show deployable recorders are ready to go for commercial airlines.

The good news is that the aviation industry and the government agencies that must approve using this much-needed technology already have completed drawing up their required technical standards. The Federal Aviation Administration is making some final changes to the regulatory language. Now we just need the National Transportation Safety Board to recommend the use of deployable recorders to the FAA, and the FAA to require them on all U.S. airliners. There is a need for them on other airliners as well, so it

is just as important for the International Civil Aviation Organization to make the deployable recorders a recommended practice for its 191 member nations.

Asset trackers – units that cost less than \$100 to buy and less than \$150 a year in tracking fees to operate – would allow authorities to follow airplanes anywhere on Google maps from a smartphone, laptop or desktop computer. Trackers, such as the Spot Trace from Globalstar, can be concealed inside jets, operate off batteries for weeks after losing airliner power, and work everywhere. In fact, they've been used for many years to track boats, cars, private airplanes and even people.

For example, if a \$100 Spot Trace tracker had been installed on Malaysia Flight 370, we would have known the airliner's flight path from takeoff to wherever it is now in almost real time.

While the FAA's process of certifying and developing standards will add some cost to these technologies, the need for them warrants the expense.

*Robert A. Clifford, a senior partner at Clifford Law Offices in Chicago, has handled and led litigation on behalf of aviation crash victims nationally and internationally for three decades.*



## Final Judgment

### Record-Setting \$16 Million Verdict in Carroll County Obtained by Clifford Law Offices



Sean Driscoll delivers his successful closing argument in the Mt. Carroll courtroom.

Photo: Carroll County Mirror-Democrat/Mount Carroll, Ill. Medial Pool Photo/Jennifer Delgado/Chicago Tribune.

Kevin Durkin and Sean Driscoll obtained a record \$16 million verdict on behalf of two families whose sons were killed in a grain bin entrapment incident in northwestern Illinois. Following a two-and-a-half-week trial, the Carroll County jury deliberated just eight hours before granting \$8 million to each of the two plaintiffs' families who were working at a Consolidated Grain and Barge Company grain elevator. The previous record in Carroll County was a \$220,000 verdict in 1989 and a \$1.1 million settlement in 2005, according to John Kirkton of the Jury Verdict Reporter. The verdict was the largest for the wrongful death of a minor outside of Cook County.

The incident involved the July, 2010 deaths of Wyatt Whitebread, 14, and Alejandro Pacas, 19, who were standing on the grain in the bin, pushing the grain down to go to a conveyor. According to a third worker, Will Piper, he and Pacas jumped in to save Whitebread who was crying for help as he was being buried like in quicksand. Pacas jumped into what became a sinkhole trying to pull out Whitebread and they both suffocated. Piper was partially engulfed to his neck for approximately six hours before rescuers were able to save him. The jury awarded him \$875,000. He was represented by Loren Golden of Golden Law Office in Elgin. The trial was presided over by Judge Val Gunnarsson of the 15th Judicial Circuit before the nine-men-three-women jury.

### Approach the Bench

#### Bradley M. Cosgrove

Brad Cosgrove, Clifford Law Offices' newest partner, decided to help victims of personal injury through a very tragic personal story that hit his home when he was just 10 years old.

In 1991, his father, a Chicago firefighter, was driving the family van with Brad's mother when a semi-trailer truck jackknifed on the Stevenson Expressway and crushed the vehicle into the median. His father was ejected through the front windshield, cutting off a portion of his left ear and breaking his back in three places. By just a millimeter, his dad was miraculously saved from permanent paralysis. He was hospitalized for several weeks and ultimately underwent a radical state-of-the-art 20-hour surgery where several titanium rods were implanted into his spine. His mother was severely injured as well with a closed head injury. The effects of the head injury were so severe that it took a significant period of time before she could recognize her family members. Adding insult to injury, the trucking company that caused the crash failed to take responsibility for the careless actions of its driver.



L to R: Sarah King, Associate, Clifford Law Offices; Mariola Zapalski, plaintiff; Bradley M. Cosgrove, Partner, Clifford Law Offices; Rafal Zapalski, husband of Mariola and plaintiff in the \$14 million verdict address the media.

As a young child, Brad watched his parents navigate through the legal system fighting the large trucking company. His earliest memory of a courtroom dates back to his mother and father's jury trial in federal court in Chicago. After a jury returned a verdict for Brad's family, he decided that he wanted to be a lawyer to help families who were innocent victims of careless actions of others. Brad, the youngest of six children, said that "I know firsthand how lawyers fight for those who were at the worst point in their lives," with a strength that only can be built from a child who has seen it all. "I've been in their shoes. I know that injured people and their families have enough on their plate with the continued focus on getting healthier and striving to return their lives back to normal as best they can."

Brad's family has a long tradition in the Chicago Fire Department that includes his grandfather, two of his uncles, his father and older brother. Brad gives back to those who dedicate their lives through his help in the Wounded Warrior project that helps to raise funds for the families of those injured or fallen in the line of duty. "It is a very honorable profession – putting your life on the line for others every day not knowing the dangers you will face on a daily basis," Brad said. "My dad instilled in me the need to help others."

At the young age of 34, Brad already boasts a trial record of someone much older than his years. He loves being on trial. His success began within a few months after being licensed as a lawyer where he is believed to be the youngest lawyer in Illinois history to have secured a seven-figure verdict at the age of 26. He obtained his first million-dollar medical malpractice verdict at the age of 27. At the age of 33, Brad obtained his first eight-figure verdict while at Clifford Law Offices where he procured a \$14 million verdict for a Polish woman who suffered a severe disabling stroke after taking Yasmin for 13 days. In his first year alone at Clifford Law Offices, he has obtained nearly \$30 million in verdicts and settlements for his clients.

Ask him his most memorable trial, and he says they all have special meaning in their own way – no matter how big or small. In the upcoming year, he has seven trials scheduled, most of them involving a range of complex medical malpractice issues – from a man who suffered permanent paralysis because of delay in giving a stroke victim proper medication, to a tragic death from an undetected cancerous lesion in a patient's bones, to a patient who died when medical personnel failed to recognize that a patient developed a post-operative complication. Brad views all of these cases as a challenge and he strives to prove that his clients deserve justice in court with top-notch professionalism and experts.

"Everyone deserves their day in court. It can take years, but I enjoy working with my clients and helping them through the difficult process," Brad said. "It is always very rewarding when the result is positive for them. Although it can't put their lives entirely back together, as I learned from my own family's tragedy, the civil justice system works."

Brad grew up in Chicago in the Mt. Greenwood area. He went on to Grand Valley State University in Grand Rapids, Michigan, where he met his wife, Becca, and they now have

two children, a daughter, Hannah, age 4, destined to be a lawyer, he said, and a son, Jack, 11 months old.

## Bill of Particulars

### Senators Request Department of Transportation to Force GM's Hand

Democratic Senators Edward Markey (MA) and Richard Blumenthal (CT) urged the Department of Transportation to take action to ensure that owners of the estimated 2.6 million recalled GM models to cease driving them until they are repaired, according to Reuters. The National Highway Traffic Safety Administration, who has been investigating the failure of GM to take action to combat the defects, has authority to pursue recalls of vehicles deemed as unsafe, but they cannot force GM to demand their owners to stop driving, according to The Detroit News.

The U.S. Senators' concern stems from an indication from GM that it may take until October of this year to complete all the necessary repairs, opening the possibility that more injuries or deaths could follow from continued use, Reuters reported. Of particular concern are the vehicles' faulty ignition switches that result in complete shut downs or malfunctions in power steering, power breaks and airbag deployment, which to date have been attributed to 13 deaths, according to The New York Times.

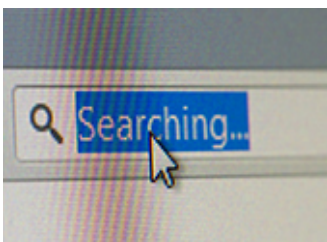
On April 17, a federal judge refused a request to force GM to order their customers to stop driving the recalled vehicles until the proper repairs could be made, according to Reuters. GM maintains that this notification is not necessary because the cars are safe to operate so long as there are no additional keys or fobs on their keychain, which jostle the ignition switch and may cause the vehicle to shut down, Reuters reported.

However, the company has acknowledged that there are significant risks involved in driving on rough roads and had also admitted that it has been aware of the possible defects for nearly a decade, according to Reuters.

#### **Clifford Law Offices Files Class Action in GM Recalls**

If you think you are a potential class action member, please contact Clifford Law Offices at 312-899-9090 or go online and fill out a form at [www.CliffordLaw.com](http://www.CliffordLaw.com)

### Online Research Common Among Both Medical Patients and Professionals



According to recent survey data published by IMS Institute for Healthcare Informatics, about half of medical professionals have consulted Wikipedia, an online reference material that is sourced and edited by users without any formal credential checking. With more and more millennials reportedly consulting online information before actually consulting a physical medical professional, the importance of accuracy and availability of information has never been more critical. But should it also be a little troubling that educated, paid medical professionals also consult online works of questionable veracity and accuracy when making suggestions to patients? The responses to the information in the study have been mixed, but at least one medical school in California has taken an embracing and proactive approach by having fourth year medical students monitor and



edit information available through Wikipedia and other online sources.

## Possible Dangers and Complications with Testosterone-Boosting Drugs



The Food and Drug Administration (FDA), a federal agency tasked with keeping the American public aware of potential health risks like e.coli and pharmaceutical side effects, is warning that there could be a link between testosterone-boosting pills and increased risk of heart problems and fatalities. According to the Chicago Tribune, many men take these drugs due to the persuasive nature of the marketing efforts that coined the phrase “low-T” without fully researching the possible damages and problems associated with use. However, the FDA also issued statements to the effect that there could be no correlation between taking these types of medication and adverse cardiac events.

## FDA Proposed New Food Labeling

A proposal by the Food and Drug Administration (FDA) is expected to significantly revise nutrition labels for the first time in 20 years, according to a report by The Wall Street Journal (“Food Labels Set for New Look,” Feb. 27, 2014).

In a story by Thomas M. Burton and Annie Gasparro, it was reported that the Obama administration is looking for food labels to have larger-font calorie counts and more realistic portion sizes so that consumers can more easily understand unhealthy ingredients in packaged foods. The new labels also would include a line for “added sugars.” For example, ice cream lists on the label the number of calories for a half cup, when a full cup is probably considered a more normal serving size.

The changes, however, are not expected to take effect for two years. The proposal is undergoing a 90-day comment period now and some push back is expected from food companies, particularly ice cream, soda and dessert makers, who may take issue with some of the new requirements.

**To learn more, visit the FDA website:**

[www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm385663.htm](http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm385663.htm)

**For the FDA’s Question-and-Answer page on the new labeling, go to:**

[www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm385663.htm#QA](http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm385663.htm#QA)

**To learn more about the proposed changes and to submit a formal comment, go to the FDA’s website at:**

[www.federalregister.gov/articles/2014/03/03/2014-04387/food-labeling-revision-of-the-nutrition-and-supplement-facts-labels](http://www.federalregister.gov/articles/2014/03/03/2014-04387/food-labeling-revision-of-the-nutrition-and-supplement-facts-labels)

## Bob Clifford Writes About Data Breaches

Robert Clifford wrote his monthly column for the Chicago Lawyer on examining the latest data breaches suffered by consumers, including the massive breach by Target and that of Advocate Medical. In an article entitled, “[Time to Take Data Breaches to Court](#),” Clifford writes about how companies should be taking precautions to protect consumers, and how Americans may expect more problems unless Congress cracks down on cybersecurity and the measures companies need to start enforcing.



## Trial Notebook

Clifford Law Offices has been recognized as one of the leading personal injury firms, garnering multi-million dollar verdicts and settlements. For some of the recent successful cases in the last year, please visit [our website](#).

## Clifford Law Scrapbook



**Bob and Joan Clifford** attended a special event marking Ald. Edward Burke's record-breaking 45 years as a Chicago alderman. Many dignitaries were in attendance to help him celebrate this remarkable feat, making him the longest-serving sitting alderman.



### Truck Accidents on the Rise

Bob Clifford was interviewed by Channel 2 investigative reporter Pam Zekman for a story on truck accidents being on the rise. One of the firm's clients was profiled in the story that aired May 8 on the 10 o'clock news on the CBS affiliate, WBBM-TV.

**Bob Clifford** hosted a reception for outgoing Chief Judge of



the Law Division, the Hon. William Maddux, (center) who retired in January. The Hon. Thomas E. Flanagan was selected by Chief Judge Tim Evans as his replacement. C. Barry Montgomery of Williams, Montgomery & John is on the right.



### **The Trial of Wyatt Earp**

Bob Clifford demonstrated an opening statement in “The Trial of Wyatt Earp” at the American Bar Association’s Bootcamp Trial Training for Young Lawyers in Scottsdale, Arizona. The Hon. Marvin J. Garbis of the U.S. District Court for the District of Maryland served as the presiding judge. Top trial attorneys from around the country gathered for the day-long mock trial re-enacting the case against Earp involving one of the Wild West’s most famous gun battles at the O.K. Corral on Oct. 26, 1881.



### **Clifford Law CLE Program**

More than 2,700 lawyers across the state, including some from out of state, attended the 2014 Clifford Law Offices program on professional responsibility, “The Ethics of Client Communication,” in what is believed to be the largest program in the state. Robert Clifford moderated the program in February with panelists (left to right) James Grogan, Deputy Administrator and Chief Counsel, Illinois Attorney Registration and Disciplinary Commission; Illinois Appellate Court Justice Maureen Connors and Sarah Parikh, Ph.D., Managing Director, Leo J. Shapiro & Associates, Chicago.



### **Clifford Symposium on Tort Law and Social Policy**

Associate Justice Stephen Breyer spoke with DePaul University College of Law Professor Stephan Landsman on “Judge Jack Weinstein’s Impact on Civil Justice in America” for the 20th Annual Clifford Symposium on Tort Law and Social Policy. Professor Landsman also serves as the Faculty Chair of the Symposium that was founded by Robert Clifford. Some two dozen judges and academics from around the country gathered at the end of April at DePaul for the free two-day program.



## 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.

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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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