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**ILLINOIS ASSOCIATION OF
DEFENSE TRIAL COUNSEL**

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Fifty-Year History of the ILLINOIS ASSOCIATION OF DEFENSE TRIAL COUNSEL

THE FIRST THIRTY-FIVE YEARS

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FIFTY-YEAR HISTORY OF THE ILLINOIS ASSOCIATION OF DEFENSE TRIAL COUNSEL

JUNE 2014

Introduction

Written by
Willis R. Tribler

I was extremely flattered when asked in 1998 to put together a 35th anniversary history of the IDC. Having been around from the beginning and having attended the first Defense Tactics Seminar in April 1964, I thought it would be easy. I was wrong.

It was hard and demanding but also very rewarding. I read 35 years of minutes, talked to all available past presidents, and read innumerable issues of the *Quarterly*, reports and newsletters, all as part of chronicling the developments of an informal committee for what was to be a one-time seminar into a statewide legal organization with more than 1,000 members.

The history is one of my happiest memories. I am glad that Bill Busse, Brad Nahrstadt and Al Pranaitis have picked up the torch for the 50th anniversary and hope that they enjoyed the project as much as I did. I also hope that you enjoy reading the 50-year history.

Congratulations to the IDC for
50 great years!

Aleen Tiffany
Aleen R. Tiffany, P.C.
2013–2014 President



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FIFTY-YEAR HISTORY OF THE ILLINOIS ASSOCIATION OF DEFENSE TRIAL COUNSEL

JUNE 2014

Preface to Fifty-Year History

Written by
Al J. Pranaitis

In conjunction with a weekend celebration of the 35th Anniversary of the IDC in June of 1999, the association published *The Thirty-Five Year History of the Illinois Association of Defense Trial Counsel*, authored by Willis R. Tribler. Each of the past presidents of the IDC received a copy of the *History*, autographed by the author; and all members received copies with the Second Quarter 1999 issue of the *IDC Quarterly*.

As part of the long range planning for the 50th Anniversary celebration of the IDC to be held in 2014, in February of 2011, Kenneth F. Werts, IDC president at the time, commissioned Bill Busse, Brad Nahrstadt and Al Pranaitis to update the *History*. The task was to cover the years following those chronicled in Tribler's work and to provide an integrated history of the organization's first fifty years.

Herein below the reader will find in Part I the history of the first 35 years, as written by Tribler, but with some updating to account for changes occurring after the publication of Tribler's work. In Part II the reader will find the history covering years 36 through 50 of the IDC. The "Conclusion" to *The Thirty-Five Year History of the Illinois Association of Defense Trial Counsel* written by Tribler is still pertinent today and, accordingly, appears as the final section for the combined work. Additionally, two Appendixes have been included. Appendix A is provided to cover the very significant contributions of the organization's Executive Directors, Shirley Stevens and Sandra Wulf. Appendix B is provided to show the numerous officers, directors, and a number of other members of the IDC who have made significant contributions to the success of the organization.

CONGRATULATIONS TO THE IDC ON 50 FANTASTIC YEARS!

BLEYER & BLEYER

PART I

THE FIRST THIRTY-FIVE YEARS

Written by
Willis R. Tribler

The minutes record that I joined this organization on January 28, 1972. I had absolutely no idea at that time how big a part of my life it would become. This is an effort to show its history and reminisce with you. We owe our thanks to Doug Pomatto for coming up with the idea.

In accord with suggestions by real authors, I have referred to myself in the third person. This is not Napoleonic. It is simply easier that way.

I have also referred to the organization as the “IDC.” I am aware that the name was changed in 1985, and I am not as distressed about that as might appear. Again, it is easier that way. I have also made an effort not to single out too many people by name. The problem is that if you name one, you exclude others. Therefore, the Appendix lists the people who were responsible for particular functions. They deserve our thanks.

One thing that becomes clear is that the IDC has had a large number of talented people who gave a great deal to the organization. This history is at least in part thanks for what they have done. This work is dedicated to the memory of Lee Ensel, Ellis Fuqua, John Guy, Dick Valentine and Bill Voelker.

The Early Years

Legend has it that the Illinois Association of Defense Trial Counsel did no more than conduct a seminar in its early years. This is not true. Its many other activities were summarized in a letter from Royce Glenn Rowe to registrants for the Second Defense Tactics Seminar on January 22, 1966. Rowe pointed out that the IDC, although less than a year old, had presented the defense point of view to the Illinois Supreme Court Rules Committee, had begun a newsletter, was sending Defense Research Institute material to Illinois judges, and had held two Defense Tactics Seminars.

The first DTS was held at the Pick-Congress Hotel in Chicago on November 14, 1964. It drew an unexpectedly large attendance of more than 700. The topics included third-party actions, minimization of medical claims, and a trial demonstration. The luncheon speaker was Josh Groce of San Antonio, Texas, president of DRI. Other speakers were Thomas F. Parker of Montgomery, Alabama; John A. Kluwin of Milwaukee, Wisconsin; Dr. Eric Oldberg, Dr. David T. Petty and Dr. Leonard R. Smith, all of Chicago; Joseph Rosenberg of Decatur, Illinois; and four Chicago lawyers, William J. McKenna, Warren J. Hickey, Louis G. Davidson and Leslie H. Vogel. The fee was \$15, including lunch and a cocktail party. The program said that it was “approved by DRI,” but DRI had declined to contribute to the cost.

When Rowe and James Baylor needed money to fund the first DTS, they approached DRI, which refused to make an advance, variously reported as \$600 or \$1,000, on the theory that this was a foolish endeavor. Rowe got his law firm to lend the money to the DTS, and it went forward. After the seminar succeeded, Rowe and Baylor went to a DRI meeting in Arizona to point out just how wrong DRI had been. DRI immediately attempted to affiliate with the IDC, but the IDC rejected the overture. Although a DRI representative became a member of the Board of the IDC in 1966, there was to be no formal affiliation for some time.

The IDC as such did not come into existence until March 4, 1965, four months after the first seminar. Rowe literally began his term as president of nothing and saw it grow to over 200 members by June 1966. The IDC exists because the DTS, which preceded it and from which it grew, made money. The idea of a seminar was a response to pro-plaintiff seminars which were multiplying rapidly at the time. It seemed to Rowe that the defense should have its own seminar. The DTS was the result.

Royce Glenn Rowe, the first president of IDC, was born in Chicago in 1926, and graduated from Northwestern University and the Cornell University Law School. He practiced with McKenna Storer Rowe White & Farrug for 40 years. Rowe passed away on November 12, 2011.

There is no doubt that Rowe was the originator of the IDC. Not only was he the first president and the chairman of the first two Defense Tactics Seminars, he was active for ten years in areas such as amicus, legislation and development of membership. He remained on the Board until 1972.

The organizational meeting of Defense Trial Tactics Seminar was held at the Chicago Bar Association on March 4, 1965. There were 11 organizers, all from Chicago. The 11 who attended the first meeting were Royce Glenn Rowe, Irving G. Swenson, Vincent B. Vaccarello, Francis D. Morrissey, Henry J. Marquard, Stephen A. Milwid, Albert F. Manion, Tom L. Yates, Bert M. Thompson, John M. Moelmann and James Baylor. Rowe was the temporary chairman and Baylor was the temporary secretary.

The group appointed five committees—membership, bylaws, rules of discovery, statement of objectives and meeting arrangements. It also adopted the name of Defense Lawyers Association. The name lasted until someone realized that it would be referred to as the DLA and pronounced “delay”. It was for that reason that the organizers came up with another name, Illinois Defense Counsel, which was to last until 1985. Jack Horsley recalls that “Illinois” was very significant in that it signaled that this was not to be a Chicago-only organization.

It was also to be purely a defense organization, promoting friendly relations among those regularly involved in defense work. This was important because the Society of Trial Lawyers had begun to admit plaintiff lawyers and was no longer “representative of the defense bar.”

The first meeting set out 15 goals. They were to produce a newsletter, to conduct educational programs, to organize the defense bar into a comprehensive and purposeful group, to disseminate information to members of the courts, to be a spokesman for the defense bar, to present the defense view in the state legislature, to exchange technical information, to participate in the development of the Illinois Pattern Jury Instructions, to express the defense viewpoint to law school students and company claim personnel, to implement DRI objectives in Illinois, to reduce the backlog, to

establish an information service regarding doctors and judges, to promote professional ethics, to develop a brief bank, and to disseminate DRI materials in Illinois.

A second meeting was held on March 18, 1965. Marquard distributed a list of potential members and asked those in attendance for suggestions as to lawyers to be invited to join. It was decided not to have a “blackball” system for personality conflicts. To this end, the IDC made the vague pronouncement that “membership requirements should be sufficiently general that all those eligible can be admitted.”

At a meeting on April 29, 1965, the group elected Rowe as the first president, Marquard and Yates as vice-presidents and Baylor as secretary-treasurer. It also added committees to handle publications and public relations.

The first membership meeting was held at the Chicago Bar Association on the very warm evening of May 6, 1965. The IDC used the DTS profit to fund a dinner and free drinks on the condition that the attendees join the IDC. While it drew a large attendance, there was some dissatisfaction that there was no opportunity for questions. After the meeting, Baylor said that the heat and the need to maintain order was a factor, but that he wished that the officers had taken the risk of allowing questions. The lesson was that leadership must always be responsive to its members.

In any case, things moved along quite well and on September 23, 1965, the organization had \$6,251.86 in the bank. It was also decided that two meetings a month were one too many and that the officers would meet on the second Thursday and the Board on the fourth Thursday. Later that year, the meetings were moved from Thursdays to Fridays due to unavailability of rooms at the Chicago Bar Association. It was also decided that a monthly meeting of the members would be “too burdensome.”

The second DTS was held at the Pick-Congress on January 22, 1966. The registration fee was increased to \$20, and there were no free cocktails. The event was cosponsored by the National Association of Railroad Trial Counsel. The program featured technical evidence in products cases and the minimization of damages. The speaker was Edward W. Kuhn of Memphis, Tennessee, president of the American Bar Association.

As it would throughout its existence, the early IDC struggled with its committee structure. There are two recurring themes running through the minutes. The first is lack of certainty about what the committees are supposed to do. The second is dissatisfaction with

— Continued on next page

the way that they do it. In an attempt to broaden the structure, the IDC had 11 standing committees by April 22, 1966.

The first year also produced considerable discussion about expanding membership, particularly downstate. By April 29, three downstate lawyers had been invited to join the Board. One declined because of his plaintiff practice, and another became a director and missed eight consecutive meetings before resigning. By September, the Board was discussing ways to increase membership from large firms.

On December 16, 1965, the Board defeated a resolution that no ATLA member could join IDC. It later decided to allow membership to insurance company lawyers who are “actively engaged in the practice of law.” A claims handler who happened to be a lawyer would not qualify.

Legislative efforts began to develop in the spring of 1965. Yates and Thompson were available to testify as needed in Springfield and on June 24, 1965, Yates reported that IDC objections to the Illinois Supreme Court Rules of Practice “have resulted in the probable withdrawal of the objectionable items.” There is no record of what the objectionable items were.

The first IDC Newsletter was published in October 1965 with Herbert Caplan as the editor. The original newsletter announced the formation of the IDC, introduced the new officers, and reported that there were 150 members throughout Illinois. The introduction contained the following statement about the new organization:

The activities of IDC are directed to champion trial by jury, to expedite fair disposition of legitimate claims, and to expose and defeat the cheaters and the frauds who undermine our system of justice. The motto of the IDC, taken from the traditional charge to the jury, succinctly states these objectives: “AND A TRUE VERDICT RENDER.”

The first newsletter contained reports of successes by the defense, rules changes for appeals, news from the Cook County courts and around the state, and case summaries from the Hinshaw firm. On September 23, 1965, one Board member suggested that the newsletter run “editorials on ridiculous decisions.” This was not done, and the Board therefore avoided answering the question of who would sign such editorials.

The newsletter prevailed over another proposed publication. On May 20, 1965, Frank Morrissey, a man ahead of his time, suggested that the IDC publish a learned *Quarterly* with scholarly articles by

law school professors. He hoped that this would be in addition to Caplan’s more informal newsletter, which was intended to present timely information on specific defense problems. The Board decided in July 1965 to move forward with the newsletter and hold the *Quarterly* in abeyance until a concrete proposal was produced. It was to remain in abeyance for 25 years.

This very significant first year ended with 253 members and a decision to have directors elected by the members and the officers elected by the directors. This is still the procedure.

R. James Baylor became the second president of the IDC on July 1, 1966. Baylor was born in Lincoln, Nebraska, in 1923 and had graduated from the University of Nebraska and from the University Michigan Law School. At the time of his election, he was general counsel of Security Mutual Casualty Company. He served as the Illinois Director of Insurance from 1969 to 1973. He passed away on September 30, 2012.

By March 24, 1967, the organization had 315 members and \$13,192.42 in the bank. Arlene Carpson, later to become Arlene Moody, was acting as secretary to the IDC and was receiving \$25 a month to sign drafts and checks and provide all necessary secretarial and clerical services. She was later raised to \$3 an hour.

The fall of 1966 marked the first judicial retention election. The IDC published a booklet containing biographies of the judges who were up for retention.

Baylor’s year marked two significant activities in development of the law.

The first pertained to the \$30,000 wrongful death limit. On April 1, 1966, the CBA Civil Practice Committee had recommended that the state legislature remove the limit. After that happened, Irving Swenson pointed out to the IDC that the evidentiary rules had been relaxed because of the \$30,000 limit and if the limit is removed, there should be substantial changes in the evidence rules, such as allowing defendants to introduce facts showing “actual pecuniary loss.” By March, Swenson and the IDC were coordinating the efforts of railroads, insurance companies, and other groups to lobby against removing the limit. Nevertheless, on May 12, 1967, the House revoked the limit by a small margin. It was expected that the bill would die in the Senate. It did not, and on June 23, 1967, the death limit was in fact removed. This led to a massive increase in the value of all cases in Illinois.

The second effort related to discovery. Roger Monier was

severely injured in an automobile accident in Marshall County on March 20, 1960. Both Monier and the other driver were insured by Country Mutual Insurance Company. Monier's very inventive attorneys moved for production of the insurance policy, all medical reports, all statements, all memoranda made by Country Mutual regarding its investigation and all photographs, reports and statements. The defendant refused to produce the documents, and the appellate court required production, pointing out that the plaintiff was mentally and physically incompetent as a result of the accident and that both parties had the same insurance company. The case was appealed to the Supreme Court, which on September 23, 1966, held that all documents other than work product must be produced to the other side. It did not limit its decision to those cases where the parties had the same insurance carrier. *Monier v. Chamberlain*, 35 Ill. 2d 351, 221 N.E.2d 410 (1966).

Monier spurred the IDC to action. Morrissey was asked to file an amicus brief to reconsider the broad new scope of discovery. The Supreme Court denied the petition on December 2, 1966, and the IDC then began to seek to change this through legislation. This failed when the Supreme Court passed Rule 201(b), which codified open discovery once and for all.

The war may have been lost both on the wrongful death limit and limitation of discovery, but the IDC had established a name and a reputation. As Baylor said at the Board meeting of December 2, 1966, "IDC received fine comments and good recognition." This led to the establishment of a permanent amicus committee, which by the 1980s was to conduct one of the primary activities of the IDC.

There was another issue in the spring of 1967 that appears quaint in this day of billboards and lawyer infomercials. The IDC had earlier criticized the practice of plaintiff's lawyers being identified in newspaper articles, particularly in Chicago. Having taken this position, the IDC was extremely concerned about ethics.

In 1967, the IDC was preparing a directory listing its members. This was to be sent to all members and all insurance carriers in Illinois. As the directory was to include a "biographical sketch and list of the special knowledge or skills" of the particular lawyer, Baylor asked for an opinion from Michel Coccia, chairman of the ethics committee. It was reported on March 10, 1967, that the directory was to be published and mailed without any listing of special knowledge and skills. Even this was not enough. By May 12, 1967, Coccia had advised "that it would not be advisable to send unsolicited lists to insurance companies." The 1967 directory went only to members.

Contrary to some recollection, there was a DTS on January 28, 1967, but it was different from any other.

Late on the evening of Thursday, January 26, 1967, it began to snow. And it snowed, and it snowed, and it snowed. When it was over 29 hours later, 23 inches of snow had fallen on Chicago. The 18.1 inches on January 27, 1967, made it the second snowiest day on record, and the total accumulation was and still is the single biggest snowstorm in the history of Chicago. It cost the city over \$5,000,000 in 1967 money to clean up the mess.

The Illinois State Bar Association Midyear Meeting started on Thursday and concluded on Friday with the Supreme Court Dinner. The ISBA had not yet established its Assembly and the IDC scheduled its seminar for that Saturday.

When the ISBA attendees awakened on Friday morning, January 27, 1967, they were confronted with a huge snowstorm. No food could be delivered to the Pick-Congress Hotel, where the ISBA was meeting. The Lawyers' Luncheon attracted only 106, and the Supreme Court Dinner, which expected about 900, was canceled. In fact, the hotel was so short of food that all of the persons in the hotel were invited to eat in the Grand Ballroom, using whatever food happened to be in the hotel at the time. This left an interesting selection of food which did not totally match the proposed menu.

Chicago was still totally shut down on Saturday, January 28. Committee members fought their way through knee-deep snow to the Conrad Hilton Hotel, planning to call off the DTS. However, most of the speakers, including Murray Sams from Miami, and 300 or so registrants were present. The committee decided to go forward. Gus Svolos, who was to be chairman of the 1968 DTS, particularly remembers a trial demonstration involving Judge Abraham Lincoln Marovitz, Dr. Nathan Zeitlin, Nat Ozmon, John Schaffenegger and Kendal Crooks. Crooks wanted to make the demonstration as realistic as possible and therefore cross-examined Dr. Zeitlin rather harshly. Dr. Zeitlin was not expecting such treatment and was annoyed.

Unfortunately, the headline speaker, Solicitor General Thurgood Marshall, did not appear. His flight from Washington, D. C., was rerouted to Milwaukee. Once he got to Milwaukee, there was no way to get him to Chicago, and he never made the speech. This left the IDC with no luncheon speaker, but Judge Marovitz, who substituted at the last minute, delivered a delightful talk.

The 1967 DTS featured a heroic effort that eventually failed. The first speaker was to be Paul R. Connolly of Washington, D.C.

— Continued on next page

By Friday, Connolly had no way to get to Chicago. Bert Thompson, ever imaginative, called Senator Everett Dirksen from the kitchen of Thompson's home in Des Plaines. To Thompson's amazement, Dirksen came to the telephone and asked how he could help. Thompson explained the problem, and Dirksen said that he would do what he could. To Thompson's further amazement, the Senator arranged for a Navy plane to fly Connolly to the Glenview Naval Air Station. Connolly got to the airport in Washington at 6 a.m. on Saturday, only to learn that there was no place to land near Chicago. Dirksen had told the Navy to take Connolly somewhere, and so Connolly went to New York for an ABA reception.

On May 26, 1967, the IDC issued a \$10 certificate applicable to the 1968 DTS for the 500 people who were prevented by the snow from attending in 1967. Remarkably enough, when it was all over, the 1967 DTS had made a profit.

Jack E. Horsley of Mattoon became the third president of the IDC on July 14, 1967. He was a graduate of the University of Illinois and the University of Illinois College of Law. He was the first downstate president and the first president from Craig & Craig. Horsley died on May 15, 2008.

Baylor recalls Horsley's inauguration. Horsley had been told that he would be president, but he had not been told that he had yet to be elected. When the time came to open the Board meeting, Horsley started by summarizing his plans for the next year. As Baylor puts it, "We had to interrupt and ask him to hold it for a moment; we had to go through the nomination and elect him first." Horsley recalls that, that having been done, he made his presentation and tried to sit down, only to miss the chair and fall, pulling everything off of the conference table. Despite this unique start, Horsley went on to have a very good year.

The fourth DTS was held at the Conrad Hilton on January 27, 1968. It featured preparation of medical witnesses, comparative negligence, and the cross-examination of an economist. The speaker was John W. Reed of the University of Michigan Law School, director of Michigan CLE. The seminar drew 871 registrants and earned a profit of \$2,113.78. This was despite the fact that a high percentage of the attendees got in for half price, a result of not being able to get through the snow to the 1967 DTS.

By June 26, 1968, the IDC had 326 members and \$18,605 in the treasury. At that annual meeting, the members adopted a bylaw which allowed all past presidents to remain on the executive com-

mittee and the Board of Directors as long as "they evidence an active interest in this organization." Interestingly enough, a past president was allowed to vote unless a member of the executive committee or Board challenged his vote. If there was a challenge, the vote was to be voided without contest. It was also decided that the immediate past DTS chairman would become a director for one year.

By the summer of 1968, the IDC logo, an outline of the State of Illinois with "IDC" in the middle, had come into use.

On June 14, 1967, the executive committee suggested that the number of committees be reduced. In October, it was noted to the Board that "the problem in this area is that we do not have any real functioning committees." Two weeks later, a special committee was appointed to study the committee structure with the notation that "our activities are becoming more limited; many programs have never gotten started; committee structure is the key to effective utilization of the organization."

Horsley's year brought the first success of the IDC amicus program. The case was *Maki v. Frelk*, 40 Ill. 2d 193, 239 N.E.2d 445 (1968). The issue was raised in the Second Appellate District when Justice Thomas J. Moran wrote an opinion that judicially adopted Wisconsin comparative negligence, under which a person who is less than 50% negligent can recover a decreased portion of his damages. (85 Ill. App. 2d 439) The case was appealed to the Supreme Court, and the IDC filed an amicus brief.

The IDC brief argued that if Illinois is to have comparative negligence, it should be adopted by the legislature, not by the courts. The Supreme Court agreed in an opinion of July 11, 1968. Illinois continued with contributory negligence until *Alvis v. Ribar* in 1981, when Justice Moran, by then a member of the Supreme Court, wrote an opinion adopting pure comparative negligence for Illinois.

Maki v. Frelk generated a left-handed compliment for the IDC when Justice Ray Klingbiel of the Supreme Court referred to it in the following manner:

The National Association of Independent Insurers and a group of trial lawyers called "Illinois Defense Counsel" have appeared as *amici curiae*.

At least he got the name right.

Also in 1967, the IDC was promoting the requirement that attorneys in Cook County sign an affidavit that they had not chased a case. Horsley questioned the efficacy of this idea on the grounds that a chaser could remove the affidavit from the court file if his conduct

was questioned. The rule passed and went into effect on April 26, 1968. It was later repealed, another casualty of the age of advertising.

The IDC reached a watershed at the end of 1968, when Jim Baylor left to join the staff of the American Bar Association and later to become Illinois Director of Insurance. Baylor had a large part in the nuts-and-bolts development of the IDC. Also, the Board that took office with John Schmidt in the summer of 1968 was largely composed of people who were not founders.

John J. Schmidt was a graduate of DePaul University and the Loyola University School of Law. He joined the Atchison Topeka & Santa Fe Railway law department in 1955, and became a general attorney in 1964. He left the law department in 1969, and eventually became chairman and chief executive officer of the Santa Fe. Although Schmidt did not attend the original organization meeting, he was an original director. He is still alive and enjoying a quiet retirement.

One major accomplishment of 1968-1969 had a rocky start. The IDC had been planning for about a year to hold a national convention of defense attorneys. The idea was to get defense attorneys together from around the country to talk about common problems, such as challenges to the jury system, dealing with claims, the objectives of the defense, and legal economics.

The meeting was held at the University of Chicago Continuing Education Center on April 4-5, 1969. The plans were quite amorphous until the last two weeks, with speakers being added at the last minute. Nevertheless, it was well received by the attendees and it was decided that it should be an annual event, hopefully in Chicago.

The downside was that only 31 people paid the full \$100 registration fee. The University of Chicago claimed that it was stuck with 143 rooms at \$12 a night, or \$1,716. The IDC was bargaining with the University of Chicago a year later, and it is not clear from the minutes what, if anything, was ever paid. The meeting moved to Miami later in 1969, became the

National Conference of State and Local Defense Leaders, and in 1996 was merged into the annual Defense Research Institute convention. By 1998, the DRI convention had drawn 1,100 registrants in San Francisco.

Another worthwhile endeavor came up short. A member meeting was held late on the afternoon of Thursday, March 20, 1969. The committee had a difficult time getting publicity. Only 30 attended, and the organization lost \$320.50. By this time, the Board was becoming frustrated with weekday programs for members.

The IDC remained active in development of the law. In August 1968, it issued a statement of principles on auto reparations which was basically an argument against no-fault. It decided in October 1968 to drop its effort to abolish the collateral source rule due to opposition within the insurance industry.

It was decided early in the year to hire an Executive Director. By December 27, 1968, there had been 30 responses. This resulted in hiring Charles Brizius on a one-year contract for \$4,000. Brizius began on March 1, 1969, and remained until January 1, 1971. His primary functions were to increase membership and represent the IDC in the legislature. After he left, the position was filled by Bow Pritchett, a vice-president, who worked without pay. Pritchett served for a little over a year before yielding to Arlene Carpson, later Arlene Moody, who by that time had sufficient competence and confidence to handle all administration. The legislative function was turned over to Lee Ensel, who performed in that role for more than ten years. The IDC did not have another Executive Director until 1990.

The bylaws were amended in 1969 to create an office of president-elect, who automatically moved up to president. This was in addition to two vice-presidents and a secretary-treasurer.

The DTS returned to the Pick-Congress on February 1, 1969. Topics included defending the product liability case, detecting photographic distortion, and the psychology of communications. The seminar featured a luncheon address, "The American Jury" by Professor Harry Kalven, Jr., of the University of Chicago Law School.

The IDC continued its attempt to increase downstate membership, holding a successful meeting in Springfield in 1966. However, a meeting in Champaign in May 1968 drew only eight members. In analyzing the situation, Hurshal Tummelson of Urbana said that many downstate attorneys are reluctant to admit that more than 50% of their practice is insurance defense.

Thomas F. Bridgman became president on June 24, 1969. Bridgman at 35 was the youngest man ever to be president of the IDC. A graduate of John Carroll University and the Loyola University School of Law, he was a partner in Baker & McKenzie who later became international managing partner. Bridgman died on December 19, 2011.

Bridgman's assumption of the presidency was accelerated. It had been assumed that Herb Caplan would become president, but Caplan had a family emergency which required him to return to

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Pittsburgh, and Bridgman was promoted from the Board shortly before his term began. As Rowe said, “It took Tom a couple of weeks to get a handle on the organization but after that he ran it very well.”

Bridgman was an active trial lawyer with a solid understanding of the way things work in Cook County. He worked toward and succeeded in establishing the IDC as an organization for trial lawyers and people who are involved in litigation. It was very important to him to preserve the jury system and to make the courts the primary venue for the resolution of disputes. He was particularly insistent that the IDC take its own positions and not allow itself to become a political arm of the insurance industry.

The IDC continued to work out the details of the first national convention. The University of Chicago was still seeking payment for its unused rooms more than a year after the meeting ended. The IDC’s final loss was \$2,907.41. DRI would only agree to pay \$371.20, taking exception to certain salaries paid by the IDC. The Board decided in December 1969 that any later sharing arrangements with DRI must be in writing. The 1970 Defense Tactics Seminar was a great success. The magnitude of the publicity is shown by a

decision on August 22, 1969, to print 100,000 brochures and 30,000 “last call” brochures for the 1970 DTS. This barrage of brochures attracted 636 attendees at the Conrad Hilton on January 31, 1970. The speaker was Bill Kurtis of CBS-TV, but the highlight of the meeting was a panel discussion with a group of jurors who had sat on cases in Cook County during the previous year.

On April 24, 1970, with the membership at 319, it was proposed that the IDC extend membership privileges to lawyers who had practiced between one and five years. The IDC also stayed active downstate, holding a meeting in Springfield on December 5, 1969. Baylor, by then Director of Insurance, spoke to the group.

The decade of the 1960s was over at the end of Bridgman’s term. We now move on to the 1970s and a less national, more Illinois-focused IDC which built the financial foundation for the successes of the 1980s and the 1990s.

It would, however, be unfair to close this chapter without noting with admiration the tremendous amount of imagination, energy, and sheer hard work that was put into this organization by the early officers and directors. What we have today is because of them.

**WE SALUTE THE IDC FOR
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The Years of Building

By 1970, the Defense Tactics Seminar, then the primary activity of the IDC, was beginning to face increased competition. The 1970s were largely devoted to building for the future by stabilizing the DTS and increasing membership and revenue.



William J. Voelker, Jr., became president on June 23, 1970. He was a native of Columbus, Wisconsin, and a graduate of both the University of Wisconsin and its law school. He began practice in Peoria in 1948 with the firm now known as Heyl Royster Voelker & Allen. He retired from that firm in 1982, later serving as a circuit judge in Peoria County. He died in 1993.

Nineteen seventy-one was the year of no-fault. The bill that was presented to the legislature by Governor Richard B. Ogilvie on April 5, 1971, was an attempt to repair the reparation system, particularly relating to automobiles. Public Act 77-1430 was passed by the General Assembly in June 1971 and took effect on January 1, 1972. It provided that every automobile insurance policy issued in Illinois must provide no-fault benefits for accidental injuries.

Except in cases of death, dismemberment, permanent disability or serious disfigurement, it limited recovery for pain, suffering, mental anguish and inconvenience to 50 percent of reasonable medical expenses of the claimant if the reasonable expenses were \$500 or less, and 100 percent of the reasonable expenses if they exceeded \$500.

The IDC approved “the broad philosophic outline of no-fault” on March 11, 1971. At least part of the feeling in the organization was that this was a practical and effective piece of legislation which, if adopted, would forestall more drastic possible solutions. However, the Board had serious doubts about the general damage section of the original bill, fearing that the exceptions would cause claimants to commit fraud so as to escape the limitations on damages. As will be seen, this bill was declared unconstitutional on April 17, 1972 in *Grace v. Howlett*.

The second big issue of 1970-71 was internal, relating to the future of the Defense Tactics Seminar. The 1971 DTS was held at the Conrad Hilton on January 23, 1971. It included a report on the then-new area of environmental law, a trial demonstration, and a speech by Edward L. Wright of Little Rock, Arkansas, president

of the ABA. It was, however, memorable in another way. The first lecture after lunch, “Dialogue with the Dead,” related to pathology as an investigative tool. The pathologist from St. Louis who presented the talk showed a series of gory slides, which combined with the hot room, the cigar smoke, and the traditional greasy meal of the early 1970s, caused a number of the participants to surrender their lunches to the sewers of Chicago.

The 1971 DTS was not a financial success. Attendance dropped, and the event lost nearly \$3,500. This was partly because the post office decided that the IDC was not a purely educational organization and therefore denied it a not-for-profit mailing permit.

On February 26, 1971, the Board considered terminating the DTS. It conducted a study to determine what type of seminar should be held and what would be the most effective date. By April, Herb Caplan, back from Pittsburgh, agreed to be co-chairman, and on May 5, 1971, the Board voted to continue with the seminar. This is the closest that the DTS has ever come to dying. The IDC also worked to increase membership by holding a meeting in St. Louis and helped convince the Constitutional Convention to reject six-man juries and less-than unanimous verdicts. The Board also decided not to publish a newsletter, preferring the type of president’s letter that Voelker had sent to the membership in July 1970.



Voelker was succeeded by **Bert M. Thompson**, general counsel of Security Mutual Casualty Company and the last founder to be president. As with Voelker, Thompson was a native of Wisconsin and a graduate of the University of Wisconsin and its law school. He came to Chicago in the early 1960s and remained in Illinois for most of his professional career. He retired as general counsel of RLI Insurance. Thompson is now deceased.

No-fault and the future of the Defense Tactics Seminar continued as big issues. By November 5, 1971, Leonard Ring, a prominent Chicago plaintiff’s lawyer, had filed suit attacking the constitutionality of the “Illinois Plan” for no-fault. The IDC, having supported the passage of the legislation, began to defend it. On January 21, 1972, the Board voted, 6 to 4, to file an amicus brief supporting constitutionality.

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The DTS was the subject of a great deal of discussion in 1971-72. A separate corporation was established in order to get a lower mailing rate. That corporation, Defense Tactics Seminar, put on the 1972 DTS. Unfortunately, it had no more success with the post-office than the IDC had had. On May 19, 1972, after less than a year of existence, and facing an inability to get a 1.7 cent per piece rate as opposed to a 4.4 cent per piece rate, the separate corporation was dissolved.

The 1972 DTS was held on March 10, 1972, at the Lake Shore Club. The move from January resulted from a change in schedule by the Illinois State Bar Association. The ISBA had for years held its Midyear Meeting in January. However, following the snow disaster in 1967, the ISBA moved the January 1972 meeting to November 1971. The ISBA also established an Assembly which thereafter met on the Saturday morning after the Supreme Court Dinner. This was the time that the IDC used for the DTS, and it had to find a new date.

Several things were done to beef up the 1972 DTS. In addition to moving the date and place, a “big name” speaker, F. Lee Bailey of Boston, was engaged, and the seminar was moved to Friday. In addition, the DTS cut back on mass mailings and produced a less expensive brochure, which targeted those who were most likely to attend. A workshop format with five breakout sessions was adopted. Nevertheless, the DTS lost nearly \$2,500 on an attendance of 426. It was not out of the woods.

Bailey was perhaps the most memorable of all DTS speakers. Although he was not yet 40, he was one of the most famous lawyers in America. He had published a book, he was a television host, and later setbacks, including the conviction of Patty Hearst, had not come about. As he insisted, he was met at the airport by a white limousine and brought to the Lake Shore Club with three assistants who proceeded to sell autographed copies of his book in the lobby. Despite all that, Bailey was one of the most entertaining and likeable of speakers and someone who added a great deal to the seminar.

The IDC continued to combat the Cook County backlog, particularly an arrangement whereby certain plaintiff’s lawyers had their cases assigned to certain judges, and a “rocket docket” under which Judge Paul Elward was to get cases ready for trial within six months of filing. Two representatives of the IDC had a positive meeting with Judge Joseph Butler, head of the Law Division. He was receptive to our concerns but emphasized that his primary concern was to “move cases.”

The major disappointment of Thompson’s year was the opinion in *Grace v. Howlett*, 51 Ill. 2d 478, 283 N.E.2d 474 (1972). In striking

down the 1971 no-fault law, the court held that the statute violated the constitutional prohibition against special legislation and also held that the provision establishing mandatory arbitration of claims for under \$3,000 violated the constitutional guarantee of trial by jury.



John F. Skeffington took office as the eighth president of the IDC on June 27, 1972. This marked the end of the early years and the departure of the founders. It also began almost ten years during which the focus of the organization was upon financial stability and the development of the present seminar system.

John Skeffington is a graduate of Loyola University and the Loyola University School of Law. He is now retired from Querrey & Harrow, Ltd., Chicago. Skeffington is alive and well and living in a retirement community in northern Illinois.

Skeffington inherited an organization which had 301 members but had incurred large costs through political action and deficits in the DTS over the preceding two years. One of the first priorities of the incoming Board was to improve the financial status of the organization. It also had to continue to deal with no-fault and the fate of the DTS.

Following the opinion in *Grace v. Howlett*, several new no-fault bills were introduced in the legislature. One of these was an ISBA bill which was supported by the plaintiff’s lawyers. The IDC promoted a more moderate bill. This effort was led by Skeffington and Lee Ensel, who recruited lawyers to testify in Springfield. Despite all of this, no no-fault bill was passed in 1973, and none has ever been passed.

The Defense Tactics Seminar continued to struggle in 1973. Despite a good program, including a luncheon talk by Dean John E. Cribbet of the University of Illinois College of Law, and economy measures such as eliminating afternoon coffee to avoid the exorbitant cost of 30 cents per cup, it lost \$2,526.64 on an attendance of 297. Furthermore, the brochure was late, requiring the IDC to use first-class postage of eight cents apiece. This caused it to cut its mailing list and waste 10,000 of the 15,000 brochures that were printed.

The IDC held a successful breakfast meeting on November 17, 1972, as part of the ISBA Midyear Meeting. Professor Hans Zeisel of the University of Chicago talked about the drawbacks of the six-man jury.

The IDC also compiled a directory which was printed and distributed by Record Copy Service. That directory confirmed the success of the downstate membership drives. Of 297 members listed in that directory, 130, or nearly 44%, were from outside Cook County.

On June 26, 1973, the presidency was assumed by **John G. Langhenry, Jr.**, of Chicago. He has two degrees from Loyola University and after serving in the Air Force, joined the Chicago firm now known as Hinshaw & Culbertson in September 1959. He remained with that firm until he retired on January 1, 1996. Langhenry, who is now 80, has spent his retirement “reading, traveling and playing lousy golf.”

Langhenry’s goal was to create a strong membership so as to exert influence in the courts and improve the perception of the IDC with the public and in the legislature. Significant advances were made toward these goals during his term.

Langhenry took over an organization which had been losing money on its premier event, the Defense Tactics Seminar. It was vital to stabilize the DTS. The Board started by increasing the registration fee from \$25 to \$30. It also abandoned the two-year Friday experiment and held the 1974 DTS on a Saturday.

The 1974 DTS was the last at the Lake Shore Club and the first where all of the speakers were from Illinois. The program covered aggressive discovery, reformation of policies and declaratory judgment actions. The luncheon speaker was U. S. Attorney James R. Thompson, later to be governor. It drew an attendance of 275 and was the first profitable DTS in three years.

Langhenry’s Board made several decisions that helped to shape the modern DTS. It sought younger speakers on the theory that they would prepare carefully. It rejected a DRI proposal to join in a regional seminar for 14 states, deciding that the DTS should keep its “local character.”

The IDC continued with its amicus efforts. In an unusual example of cooperation, it joined the Illinois Trial Lawyers Association to submit an amicus brief in *Rosewood Corp. v. Transamerica Insurance Co.*, 57 Ill. 2d 247, 311 N.E.2d 673 (1972). The two trial lawyer groups argued that in a county the size of Cook it is suitable to allow more than one judge to be named in a change of venue petition. They were unsuccessful.

The minutes for 1973-74 also show the first indication of later developments. On July 10, 1973, Neil Quinn suggested “a small, limited registration trial tactics seminar.” This was the seed for the 1980 Fall Seminar and even more remotely the impetus for the Trial Academy which began in 1989.

On July 18, 1973, the Board adopted a provision allowing reim-

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Lipe Lyons

Lipe Lyons
congratulates
the IDC on its
50th Anniversary!
We look forward to
working with the IDC
in the years ahead to
promote and
support the defense bar
in the State of Illinois.

bursement for evening dinner meetings of the Board, the Executive Committee and the DTS committee. This was the first step away from the original practice that officers, directors and committee members must not only contribute their time but must bear their own expenses involved in participation in the IDC.

The IDC was also involved in Cook County judicial politics. Langhenry took part in a press conference in early 1974 with representatives of the Society of Trial Lawyers and the criminal defense and divorce bars “to repudiate the comments about Cook County judges being lazy.” Chief Judge John Boyle wrote the IDC thanking it for this effort.

Lee W. Ensel of Springfield was 70 years old when he took office in June 1975. This made him the oldest man ever to be president of the IDC. He was a graduate of the University of Michigan and the University of Michigan Law School. He had started his career as a trial lawyer but by 1974 he was primarily doing legislative work, largely for utilities. Ensel passed away in 1988.

Ensel’s experience with legislation made him particularly valuable to the IDC. In addition to serving as its informal “eyes and ears” in the legislature, he helped organize a group of lawyers who were available to go to Springfield to testify on short notice. ITLA had hired a full-time legislative representative in 1973, and Ensel was a strong advocate for the idea that the IDC should have professional help in the legislature.

Even though it was at a disadvantage, the IDC remained active in legislation, opposing the six-member jury and federal no-fault. No-fault was also an issue in Illinois, where the IDC continued to work toward an acceptable system.

Ensel was also a strong supporter of the Defense Tactics Seminar. The seminar committee, taking full advantage of the new provision allowing reimbursement for dinner, met monthly at the Chicago Athletic Association, under the ministrations of a very solicitous waiter remembered only as Stanley. It was out of the good natured badinage of these meetings that the major changes of 1975 came to be.

The biggest change was the “great leap” from the Lake Shore Club to the new Hyatt Regency Chicago. The Hyatt Regency in 1975 was not the huge hotel that it is now, as only the west tower had been completed. The hotel had a glittering image which did a great deal to give credibility to the DTS. In addition to presenting younger speakers, the committee moved the dinner party from Sat-

urday night to Friday night so that it could serve as an orientation. When it was over, the 1975 DTS had attracted 330 registrants and earned a profit of \$1,503.32.

The 1975 DTS was touched by tragedy. William J. McKenna of Chicago, who was to be the third speaker in the morning, was killed in an airplane crash on February 15, 1975. His topic was to have been wrongful death.

There were two major CLE innovations in 1974-1975. The Board decided on July 11, 1974, to commission position papers that would analyze problems from a defense perspective and make tactical suggestions. The first monograph was a 1975 analysis of wrongful death by Stuart Lefstein of Rock Island. It was followed in 1976 by a paper by Richard H. Hoffman and Miles J. Zaremski on allocating responsibility and distributing economic loss and in 1979 by a paper on punitive damages by Hoffman, Ellis Fuqua, John Guy, Bow Pritchett and Dick Valentine. They were aided in this effort by William P. Anderson of Waukegan.

L. Bow Pritchett of Chicago assumed the presidency on June 13, 1975. It was the culmination of a decade of service to the IDC, including invaluable efforts on behalf of the DTS. A graduate of the University of Iowa and the DePaul University College of Law, he was counsel to Illinois Bell Telephone Company. He is now retired and resides in Wheaton, Illinois.

It was under Pritchett and his successor, John White, that the financial problems of the IDC began to be resolved. The IDC had spent over \$9,000 in 1975 for various projects, including a monograph, sending DRI’s *For The Defense* to all Illinois judges, and sending representatives to the national meeting of local defense groups. This was a large expenditure for a group that generated only \$6,850 in annual dues receipts, and by May 7, 1976, the treasury had sunk to an all-time low of \$1,986.14.

Several short-term remedies were rejected. The Board decided to continue sending *For The Defense* to judges, and rejected a suggestion that speakers and committee members be required to pay for the Friday evening DTS dinner. There were, however, two major bylaw amendments in 1975-76.

The first reduced the time-in-practice requirement from five years to two years, thereby greatly broadening the base of potential members. The second dealt with the amount of dues. The bylaws of May 30, 1966, had set the annual dues at \$25. Rather than amend the bylaws every time an increase was needed, the 1976 amend-

ment allowed the Board to fix the annual dues or special fees. That hurdle having been cleared, the Board immediately increased the dues to \$35 a year.

The 1976 DTS, held at the Hyatt, received fine reviews for topics that included malpractice and the use of an expert. The speaker was Dr. James Sammons, executive vice-president of the American Medical Association. The seminar incurred a small loss, but as the financial health of the IDC improved, it became less important for the DTS to make a profit.

There was considerable activity in the legislature. The IDC continued to promote a workable no-fault law and to oppose the six-man jury. It opposed advertising and specialization and continued its ongoing fight against the adoption of comparative negligence.

John F. White of McKenna Storer Rowe White & Farrug became president of the IDC on June 18, 1976. White graduated from DePaul University in 1953 and from its College of Law in 1957. He joined the McKenna firm at that time and continued until his retirement. White died on May 19, 2002.

White's goal was to increase membership and place the IDC on a sound financial footing. He did this very well, building on the changes that were made during the Pritchett administration to create a financial stability that the IDC had never had before.

The success of the financial reorganization was quite remarkable. A treasury of \$4,408 on September 10, 1976, increased to \$12,482.15 on August 26, 1977. A membership of 347 on November 5, 1976, increased by more than 10 percent to 382 on August 26, 1977. This was largely due to efforts to reach the newly-eligible two-to-five year members.

The 1977 Defense Tactics Seminar, having settled in at the Hyatt, included an analysis of the Structural Work Act and a discussion of reading and analyzing medical records. The speaker was Eugene Jericho of Dallas, Texas.

By 1977, the IDC was sending representatives each year to the National Conference of Defense Bar Leaders, the direct descendant of the 1969 convention that the IDC had sponsored in Chicago. These meetings proved very useful over the years in formulating legislative strategy, planning publications and developing a committee structure.

The IDC continued to oppose the six-man jury and passed a resolution opposing the adoption of a variant of the Federal Rules of Evidence in Illinois. It also made its first serious effort to repeal the Structural Work Act.

An interesting internal debate took place on May 6, 1977, regarding the following resolution:

The Illinois Defense Counsel shall not appear as amicus curiae in any litigation where it is subsidized in any manner by a party in interest.

The point of this resolution was to maintain the credibility of the IDC. The opponents argued that there was nothing wrong in accepting money from a party in interest as long as that party's position was consistent with the IDC's position and as long as the IDC's position was not dictated by or changed by the party. The resolution passed, 5 to 3, with two abstentions. This was an example of something that seems very clear in the highly charged conflict-of-interest climate of today but was not clear at all 35 years ago.

White was succeeded as president on June 10, 1977, by **R. Lawrence Storms** of the Chicago firm of Winston & Strawn. A graduate of Lawrence University and the University of Michigan Law School, Larry Storms was a highly respected commercial litigator who began his career in Waukegan and moved to Chicago in the 1950s. Storms passed away on July 9, 2003 at the age of 81.

Storms continued to improve the financial position of the organization. By the fall of 1977, the IDC was able to open a corporate savings account, and as of June 16, 1978, the treasury was \$17,784.31 with a membership of 393.

The 1977 DTS attracted more than 400 people for a program that included a frightening talk on trial lawyer malpractice and an entertaining speech by John C. Shepherd of St. Louis, later to be president of the ABA. The Board was encouraged by the fact that the seminar had stopped losing money.

This was the year of *Skinner v. Reed-Prentice Division Package Machinery Co.*, 70 Ill. 2d 1, 374 N.E.2d 437, 15 Ill. Dec. 829 (1977), which allowed a manufacturer that had been held liable on the basis of strict liability to recover contribution from an employer who was negligent in using the product.

Skinner presented the sort of problem that has vexed the IDC over the years. It is hard to argue that manufacturers should be allowed to seek contribution or indemnity from employers when defense lawyers could be on either side. Nevertheless, the IDC played a useful role with an amicus brief on rehearing that limited

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the application of Skinner to causes of action arising out of occurrences on and after March 1, 1978.

As further proof that small changes often are the most long-lasting, the Board voted on August 26, 1977, to establish a specific date for its meetings--the fourth Friday of each month except where a holiday would interfere. That continued to be the standard meeting date for more than 20 years.

John P. Ewart of Craig & Craig took office as the 14th president of the IDC on June 16, 1978. He is a graduate of the University of Illinois and its College of Law and has practiced in Mattoon since 1961. He had served as a director since 1971, and had been active over the years in developing downstate membership. He is now of counsel to the Craig & Craig firm.

This experience was to prove extremely important. From his years of attempting to drum up membership, Ewart had become aware of the need to increase the exposure of the IDC and to improve its overall public relations position. This led to the formation of a long-range planning committee, known as the New Image Committee. The committee had three members, John Guy, Rudy Schade and Bill Tribler. While Schade was the chairman, this committee marked the emergence of Guy as the conscience and intellectual center of the IDC. It also benefitted from a series of brainstorming meetings to which the directors and several past presidents contributed.

The New Image Committee released its report on June 9, 1980. On the theory that the image could only be improved over a period of time, the report provided an outline for the new IDC. The primary recommendations were to publish a regular newsletter, to hire a legislative representative, to create a Political Action Committee, to hire a full-time director, to hold a smaller more private seminar in the fall, to begin a seminar for young lawyers, and to change the name of the organization. The IDC had great success over the next 15 years in implementing the recommendations. Likewise, it has done a good job in rejecting others. For instance, the IDC has no golf outing.

In addition to being a catalyst for new ideas, Ewart also presided over the increase to 402 members as of December 15, 1978. This was the first time after years of steady numbers that the membership had passed 400.

In December 1978, the Board considered contributing \$1,000 a year for law school scholarships. After extended debate, it decided that the money was better spent in other ways. The Board also

adopted some of the public relations activities of the Texas defense group, including a committee that would respond to criticism of the defense bar.

The IDC was involved early in the year with an effort to get Cook County motion judges to take consistent positions on issues such as assessment of costs.

The 1979 DTS was the last to be held at the Hyatt. It drew 317 registrants for a program that included a trial demonstration and a talk on punitive damages. The speaker was Director of Insurance Richard L. Mathias.

Richard C. Valentine took office as president of the IDC on June 22, 1979. Valentine was a graduate of Lake Forest College and of the Chicago-Kent College of Law. He practiced at Lord Bissell & Brook from 1956 to 1980, when he opened his own practice. He died in 1982. He remains the only president from Lord Bissell & Brook (now known as Locke Lord LLP) despite years of outstanding support given to the IDC by that firm.

Valentine continued to expand the work of the IDC despite a difficult year. Arlene Moody, who had been the executive secretary since 1965, retired in the summer of 1979 and was not replaced. This made it necessary for Valentine and the other officers to do the administrative work that had been done over the years by Mrs. Moody. Fortunately, she returned to the IDC in February 1980. Her return made life a lot easier for Valentine and the other officers.

The 1980 DTS, the first at the Chicago Marriott, drew 470 registrants for a program that included statutory defenses, product liability, and intentional torts and a luncheon address by Judge William J. Bauer of the Seventh Circuit. It was the largest attendance since the seminar separated from the ISBA in 1972. It had its exciting moments.

The Marriott has over the years become the favorite whipping-boy of architectural writers, who love to call it monolithic. It was, however, as new and glittering in 1980 as the Hyatt had been five years before. There were two glitches. The first was a complicated elevator-escalator system that caused registrants to ride past the seminar floor with no obvious way to get to that floor. The second was that the Marriott scheduled an Amway rally for the same day and on the same floor as the DTS.

It is hard to describe an Amway rally. It does not do it justice to compare the noise to a football game. It is like holding a Roman Circus in a boiler factory. In any case, the noise through thin walls

was a serious problem in the morning session, and Chairman Larry Smith says even now, “I may step foot into the newly remodeled Marriott Hotel once again, but not without some reluctance.” The Marriott later promised that there would be no Amway rallies in conjunction with the DTS. It delivered on that promise.

This was a big year for development of the law. The IDC filed an amicus brief in *Rogers v. Robson*, the definitive case on the tripartite arrangement. It also dealt with a proposition that would have removed the distinction between trespassers and invitees, a proposition that would have eliminated the distinction between a discovery and evidence deposition, and an effort to impose pretrial interest. The drums had begun to roll on comparative negligence, and a great deal of time was devoted by the IDC to comparisons of

the “pure form” and the “Wisconsin plan”. This of course was to culminate in 1981 with *Alvis v. Ribar*.

In a light moment that did not appear light at the time, Valentine and D. Kendall Griffith, who wrote our amicus brief in *Skinner*, were subpoenaed in a federal case, *Mulcahy v. Harris Corporation*, to produce all records relating to the amicus brief. Pat Maloney, who was then a young Board member, succeeded in getting this subpoena quashed, thereby saving the sanctity of our amicus program. *Mulcahy* was resolved without appeal, and the issue never was codified into law.

After this decade of building its foundations and solidifying its position, the IDC was poised to move into the remarkable 1980s, the decade when all the careful building began to pay off.

The Years of Growth

In the 1980s, the IDC built upon the work that had been done between 1965 and 1980 to reach maturity as a legal association.

Richard H. Hoffman was installed as president of the IDC on June 20, 1980. He took over an organization with 438 members and a treasury of \$22,365.22. Ten years later, the organization was considerably larger and much more financially stable.

Dick Hoffman is a native of Rockford. He graduated from Illinois Wesleyan University in 1957 and from the DePaul University College of Law in 1962. He began working for the firm now known as Querrey & Harrow, Ltd. in 1964. He was on the Board of the IDC, both as an elected member and a past president, from 1973 to 1998. He is also one of the few defense lawyers in recent memory to be elected to the Board of Governors of the Illinois State Bar Association. He is now retired from the practice of law.

This was the decade of the amicus brief with John Guy as chairman. By April 1981, the DRI rated Illinois second only to California in the size and effectiveness of its amicus program.

Hoffman’s year began with a bang, or more accurately with an explosion. On the very day that Hoffman took office, June 20, 1980, the Supreme Court of Illinois issued its opinion in *Rogers v. Robson Masters Ryan Brumund & Belom*, 81 Ill. 2d 201, 407 N.E.2d 47, 40 Ill. Dec. 816 (1980), thus beginning the debate about the tripartite relationship that has rumbled through the defense bar for the past 33 years.

Dr. James D. Rogers was sued by a patient. Rogers referred the matter to his former malpractice carrier, which retained the Robson firm to defend him. The policy stated that the company could settle without obtaining the consent of a former insured, such as Rogers. Rogers allegedly told the Robson firm that he did not want the case settled. Nevertheless, the case was settled for \$1,250 under a covenant that denied that Rogers was liable. Rogers sued the lawyers. The trial judge in Will County entered judgment for the lawyers, and the case went to appeal on the pleadings.

The appellate court reversed, holding by a 2 to 1 margin on July 29, 1979, that the policy provision did not protect the lawyer, in that this settlement foreclosed other alternatives that might have been available to the doctor, such as defending himself at his own risk.

Rogers v. Robson did not generate a great deal of interest at the appellate level and the Supreme Court received only two amicus submissions. The first was by the ISBA, which argued that an ethical breach should not be a basis for malpractice. The second was by John Guy for the IDC, making the same point and also arguing that a lawyer should be entitled to rely on the contract between the carrier and the insured.

This was resolved on June 20, 1980, when the Supreme Court of Illinois in a very brief and unanimous opinion held that a lawyer retained by an insurance company cannot settle solely on the insurer’s authority without the fully informed consent of the insured.

Rogers v. Robson was the first of four major amicus matters

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between 1980 and 1983. The second was even more remarkable.

On April 17, 1981, the Supreme Court of Illinois released its opinion in *Alvis v. Ribar*, 85 Ill. 2d 1, 421 N.E.2d 886, 52 Ill. Dec. 23 (1981), judicially adopting comparative negligence in its pure form. Thus, a plaintiff who was 99% at fault would still recover 1% of the award. This was a complete reversal of the court's 1968 rejection of comparative negligence in *Maki v. Frelk*, 40 Ill. 2d 193, 239 N.E.2d 445 (1968). The *Maki* court had held that such a change in public policy must be made by the legislature. By 1981, the General Assembly had refused six times to adopt comparative negligence and the Supreme Court therefore issued its *Alvis* opinion "to repair that injustice and reform the law."

It is interesting to note that the Second District opinion in *Maki* judicially adopting comparative negligence was written by Justice Thomas J. Moran. Thirteen years later, Justice Moran was the author of the Supreme Court's *Alvis* opinion.

Alvis v. Ribar went to the Supreme Court on a direct appeal from a trial court. Therefore, it flew below the radar of many interested organizations. Guy, however, picked it up immediately, and the IDC filed an amicus brief arguing that comparative negligence should only be adopted by the legislature as part of a comprehensive statute.

In addition to refusing to refer this to the legislature, the court complicated the situation by not limiting its decision to prospective application. This was alleviated somewhat on petition for rehearing when the court limited comparative negligence to cases in which trial began after June 8, 1981.

A bill was introduced in the legislature to mitigate the effect of *Alvis* by delaying its effective date until July 1, 1983, or until a comprehensive bill was passed. This effort failed, and the details of implementation were left to be resolved on a case-by-case basis.

The educational wing of the IDC responded to *Alvis v. Ribar* by sponsoring a special seminar on May 26, 1981, featuring speakers from Wisconsin and Mississippi, both of which had comparative negligence. This was also the major focus of the 1981 Fall Seminar, which offered practical advice as to pleadings, proof, jury instructions, argument and tactics.

One result of *Alvis v. Ribar*, was to make the IDC a force in Illinois law with increased public awareness of its role.

Another major development of 1980-81 was the first Fall Seminar, a concept that had been discussed for several years. By 1979, the DTS had become very much a public event, attended by defense lawyers, employees of insurance companies, and above all by plaintiff lawyers.

The Fall Seminar began as a private brainstorming meeting for members of the IDC. The first was held at The Abbey on Lake Geneva, Wisconsin, on October 10-11, 1980. The chairmen were Pat Maloney and Leo Tarpey. There was no printed brochure. The information about the seminar came through a regular letter. It was limited to members of the IDC and attorneys in their office, and attracted 52 registrants.

The first Fall Seminar was in two parts. Part A was for experienced lawyers and discussed current topics of interest to the defense bar. Part B was a special two-part program for younger members.

The success of the first Fall Seminar led to a second, and a third, and a fourth. The Fall Seminar that was held in the fall of 1999 was the twentieth. Over those 20 years, the Fall Seminar grew and changed and transformed itself into a Fall Conference which at one time was a four-day meeting.

As the years went by, the Fall Seminar became more and more a forum for intensive review of recent decisions. This included a discussion of comparative negligence in 1981, comparative fault in 1983, mandatory auto insurance in 1990, and the entire 1995 tort reform legislative package from 1995 through 1998.

The seminar remained at The Abbey through 1982, when it was moved to Lake Lawn Lodge. This was the result of a combination of factors. There was considerable Dissatisfaction with the arrangements at The Abbey, particularly the fact that many registrants and their wives and children had to wait until almost the Friday evening dinner before getting into their rooms. Furthermore, there was the idea that Lake Lawn was more of a family resort, had larger grounds, and was more rustic. It was indeed rustic, and despite a friendly staff and good facilities, Lake Lawn lost the seminar to The Abbey in 1985. It was to remain there for six years.

The Fall Seminar began without dinner speakers. The first speaking program was a 1985 talk by Edward W. Mullins, Jr., of Columbia, South Carolina, the president of the DRI. The tradition of speakers has continued sporadically since that time.

The 1985 Fall Seminar, a symposium on professional liability, was significant for another reason. Although it is hard to imagine, the early seminars did not contain updates. The first pure update was tort in 1985. It was followed by insurance in 1987 and evidence in 1989. The updates became a major feature of the fall program.

As the 1980s began to wind down, the seminar continued at The Abbey in essentially the same format. In 1988, the President's Dinner was followed by a cocktail cruise. The cruise preceded the dinner in 1989.

At this point, the IDC had a Fall Seminar which had been established for ten years, was comfortably ensconced in the Lake Geneva area, and which was going along nicely. Little did anyone know at that time that the 1990s would be a traveling feast of great innovation, highlighted by fires, power failures, gala extravaganzas and one-man bands.

Another accomplishment of Dick Hoffman's year was the rebirth of the IDC newsletter. The idea of reviving the newsletter had been a constant of IDC Board meetings for nearly 15 years, but nothing really developed. It was Hoffman who revived it in January 1981. The editor was Bill Tribler. The newsletter committee included Raymond R. Cusack, Lawrence R. Smith and R. Michael Henderson.

The first edition of the reconstituted newsletter bore a considerable resemblance to Herb Caplan's 1965 editions. It was typed and reproduced on beige paper by North Shore Printers in Waukegan. The cost was \$160 for 1,000 copies.

The first newsletter announced the upcoming DTS, and reported that 75 members and guests had attended the first Fall Seminar and that the seminar was to be permanent. Hoffman's President's Message reported on the work of the amicus committee and Tom Fegan of Chicago analyzed the rejection of the "product line exemption" basis for liability of successor corporations.

The newsletter continued in this format until January 1986, when it began to be printed in blue ink on white paper. This was part of several changes that took place over the next few years, during which time the newsletter became more and more of a learned journal. This culminated in the summer of 1990 with a 16-page issue that included the now-traditional grey paper monograph, a six-page discussion of contribution among joint tortfeasors. This issue was clearly the predecessor in type face, paper, and general format of the *Quarterly* that was to follow.

There is a little confusion concerning the early newsletter. From 1980 to 1982, the IDC also distributed under the same name a case digest that was prepared by Querrey Harrow. Such digests later became a part of the newsletter and its successor, the *Quarterly*.

Hoffman was involved in legislation, dividing the legislation committee into interest groups directed toward wrongful death, punitive damages, comparative negligence and collateral source. This began an almost 20-year involvement with the legislative program--a record of service unmatched in the history of the IDC and probably unheard of in other legal organizations.

The 1981 Defense Tactics Seminar was the second to be held at the Chicago Marriott. It drew 521 attendees, but lost money. This

resulted in a decision to increase the registration fee. It was done promptly, rising to \$55 in 1982 and to \$85 in 1983.

The DTS featured an analysis of *Rogers v. Robson*, a trial demonstration on examination of a mechanical engineering expert, and a luncheon talk by Alan Page, later a justice of the Supreme Court of Minnesota, but then active with the Chicago Bears.

Hoffman's year ended with the implementation of many of the New Image suggestions. Even more excitement was to come.

Ellis E. Fuqua became president on June 19, 1981. A graduate of Brown University and the Northwestern University School of Law, Fuqua had practiced in Waukegan since 1947, achieving an excellent reputation as a trial lawyer and civic leader. He had been involved extensively in legislation and was one of the authors of the 1979 monograph on punitive damages. He passed away in 1988.

One of Fuqua's goals was to increase membership and expand participation outside Cook County. He emphasized in July 1981 that IDC membership "is not limited to people who have worked for years and years representing insurance companies" but is open to lawyers who have been actively engaged in the practice of law for two or more years and who devote a substantial portion of their litigation practice to defending personal injury and similar matters.

In his President's Message of January 1982, Fuqua referred to the growing use of mediation and arbitration and decried the use of unnecessary discovery. This was the first indication to many of the members of what were to be significant issues over the next 15 years. Fuqua divided the legislative committees into two additional groups. The first formulated and promoted new legislation. The second dealt with objectionable legislation. He also supported the idea of hiring a legislative representative.

The IDC was unsuccessful in reaching Fuqua's second goal, the adoption of the "Wisconsin" form of comparative negligence. This had to wait until 1986. Fuqua also inherited a financial crunch. This arose due to the expenses of two seminars and the cost of the amicus brief to reconsider *Alvis v. Ribar*. In addition to increasing the registration for the 1982 DTS to \$55, the IDC "bit the bullet" on dues.

The dues had been \$35 a year since 1977. By 1982, it was obvious that the organization needed more money. Therefore, on June 18, 1982, the dues were raised to \$100 a year for lawyers with more than five years of experience and \$50 a year for those with less than five years. This additional money was earmarked for the

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amicus program and additional legislative involvement, such as a two-day trip to Springfield by Hoffman and Guy in May 1982 to talk to legislators and lobbyists in an attempt to formulate a logical approach to tort damages by assessing damages based upon the causal relationship of tortious acts of both parties *and non-parties*.

While the IDC was not successful in eliminating third-party pleadings and joint and several liability, it made itself far more visible in the legislature and established relationships that were to prove very valuable five years later. It also confirmed that the IDC needed a legislative representative.

The 1982 DTS was the first at the \$55 registration rate. Contrary to some fears, it drew 507 attendees. It featured a trial demonstration on closing argument in comparative negligence cases, the fifth straight year of trial demonstrations.

The speaker was Michel Coccia, president of the Illinois State Bar Association and former ethics chairman of the IDC. Fuqua's year ended on a sad note when Richard C. Valentine, the 1979-80 president, died unexpectedly on April 3, 1982, at the age of 53. Dick Valentine was active in promoting voluntary arbitration up to the last two months of his life.

The remarkable career of **John Guy** reached its pinnacle on June 18, 1982, when he took office as president of the IDC. He has been remembered through The John E. Guy Award, which is given for outstanding accomplishment.

John Guy was born in Chicago in 1924. He was a graduate of the University of Chicago and The John Marshall Law School and joined the IDC in 1965. He became a member of the Board in 1972, was on the DTS committee from 1974 to 1982, and conducted its amicus effort for nearly 15 years. His interest in the law was such that he was once described at a Fall Seminar dinner in the early 1980s as "the only man in the world who has a Lexis machine in his kitchen."

Guy had two overriding interests in the law. The first was to repeal the Structural Work Act, which he regarded as an abomination almost unmatched in human experience. Everyone thought that this was a purely quixotic endeavor and we can only imagine how pleased Guy would have been when, in 1995, the General Assembly repealed his detested Act. The second goal was to expose the Illinois Trial Lawyers Association. He suggested that ITLA be required by some unknown authority to call itself the Percentage Lawyers Association. While this did not come to be, it can never be said that the plaintiffs were not aware of John Guy.

Guy's finest hour came on December 15, 1982. An announcement had been made at the November Board meeting that ITLA was giving an award to John Guy, and the directors were invited to attend. Six IDC Board members went to Poor Man's Night, perhaps to protect Guy, but certainly to find out what kind of an award they were giving him. The award turned out to be "Asshole of the Year." Guy went to the podium, clutched the award, posed for photographs with a large smile, and then spent about five minutes telling the assembled multitude what he would do to ITLA if he had his way.

Guy was deeply offended by the judicial legislation of *Alvis v. Ribar* and he made every effort to reverse it. He suffered a major disappointment when *Coney v. J. L. G. Industries, Inc.*, 97 Ill. 2d 104, 454 N.E.2d 197, 73 Ill. Dec. 337 (1983), expanded comparative negligence to include actions or claims seeking recovery under product liability or strict liability in tort. The court also held that comparative negligence did not eliminate joint and several liability. Both holdings rejected the IDC position that comparative negligence should not apply to such torts and that joint and several liability should be eliminated.

In the fall of 1982, the IDC helped thwart a bill that would have eliminated the distinction between discovery and evidence depositions. Later in Guy's term, S.B. 87, which would have imposed prejudgment interest, was defeated, 41 to 14, in the Illinois Senate. Leo Tarpey and Richard Berdelle, Sr., went to Springfield in March to testify against the prejudgment interest bill. More than 100 organizations opposed prejudgment interest. Only ITLA was in favor. Michael McCreery, who joined the IDC as legislative representative on March 25, 1983, was very effective in this effort.

Guy also participated in the internal workings of the IDC. He had promoted and obtained passage of a bylaw amendment on June 18, 1982, providing that election as an officer "may" constitute resignation as a director. This allowed a new director to be appointed, thereby expanding the Board and eliminating the possibility that an officer might be defeated for re-election to the Board, thereby losing his office. This was further modified in 1985 to delete the discretionary language and require that the president and president-elect resign their elected directorships. As before, it was provided that officers may be elected from both past and present Board members.

Also on June 18, 1982, the bylaws were amended to divide the state into "Cook County" and "Downstate" and require that at least one director be elected from each area every year.

Guy was extremely protective of the independence of the IDC. On September 17, 1982, the Board decided not to offer memberships

to corporations or insurance companies on the theory that they had their own organizations and that the IDC must be independent of special interest groups.

The 1983 DTS was the fourth and last to be held at the Chicago Marriott. The registration fee increased to \$85. Attendance was down a bit to 360, but the seminar showed a profit. The theme was “damages” and the trial demonstration was how to make effective closing arguments on damages. Douglas P. Roller, of the Department of Justice Strike Force, was the luncheon speaker.

On April 22, 1983, the IDC Board unanimously rejected a suggestion by ITLA that the two organizations combine to make vacation condominiums available to judges for \$200 a month.

Leo M. Tarpey, Jr. is a native of Chicago. He graduated from Loyola University in 1954 and obtained a law degree from Loyola in 1957. At the time of his inauguration in June 1983, he was a partner in the firm of Pretzel & Stouffer. He had been very active over the past six years with the IDC, having served as co-chairman of the first Fall Seminar and participating in legislative endeavors. Tarpey passed away on January 3, 2006.

In a very prescient President’s Message in January 1984, Tarpey discussed the rising financial pressures on lawyers.

Lastly, it once again strikes me that “cost containment” is getting to be a paramount issue in the defense field. Our respective clients continually chant “hold down the costs”, and yet we lawyers, as a result of our obligations, continually want to provide our “best legal services.” How does the twain ever meet? We can, of course, go either way. We can hire less skilled lawyers, pay them less money, and consequently bill our clients less. Or we can hire more skilled lawyers, pay them more and consequently bill more. What do our clients really want in the final analysis? Are costs more important than results, or results more important than costs? Or which factor costs more in the final analysis? This is what attorneys and clients in the future need to decide. It is perhaps the challenge of our times.

No one, not even Leo Tarpey, could see what was coming in the way of audits, auditing services and the growth of house counsel. One of Tarpey’s goals was to build relationships among the members of the IDC. He felt that this was best done through social contacts,

and to that end, appointed a special events committee. In a report on November 14, 1983, this committee recommended that the IDC have cocktail parties in the spring and fall, that it greet the Defense Research Institute on its move to Chicago and that the 1984 annual meeting be a dinner dance at a Chicago hotel. The IDC did in fact hold a cocktail party in the spring and there was a dinner dance at The Westin Hotel.

The 1984 DTS drew 471 in its first of many appearances at The Westin for a far-ranging program that included the first report by IDC Legislative Representative W. Michael McCreery and a luncheon talk on demonstrative evidence by Mark Dombroff of the Department of Justice.

Shortly after the IDC amicus program suffered the disappointment of *Coney v. J.L.G.*, it scored a victory that was totally unexpected.

Torres v. Walsh, 98 Ill. 2d 338, 456 N.E.2d 601, 74 Ill. Dec. 880 (1983), went to the Supreme Court on the plaintiff’s petition to compel Judge Alfred T. Walsh to vacate his order transferring a case from Cook County to Sangamon County on the then-unknown theory of intrastate *forum non conveniens*.

Elias and Celia Torres, who lived in Texas, were injured in an automobile accident near Springfield. They sued a hospital and certain medical personnel in Cook County. The defendants moved to transfer venue to Sangamon County, where the medical care defendants and the other motorist lived. Judge Walsh agreed and transferred the case to Sangamon County. *Torres v. Walsh* attracted three amicus briefs, from the Illinois State Medical Society, the Illinois Hospital Association, and the IDC. Interestingly enough, ITLA did not consider the case to be particularly significant and did not submit an amicus brief.

The IDC brief was very short, arguing only that *forum non conveniens* was another tool which should be available to Illinois judges and that those judges should be trusted to use it judiciously.

On the direct appeal, the Supreme Court ruled that transfer to another county existed at common law, that no statute is necessary, and that Judge Walsh was correct. This created, or recognized, an Illinois doctrine of intrastate *forum non conveniens*.

This was a great victory for the defense bar. In the 1967 first edition of the IICLE chapter on venue, *forum non conveniens* took less than one page. The same chapter in the latest edition fills multiple pages, largely devoted to intrastate questions. Hundreds of cases have been transferred from plaintiff-friendly counties such as Madison and St. Clair to more convenient counties.

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Willis R. Tribler of Chicago was inaugurated as the 20th president of the IDC at a dinner-dance on June 15, 1984, at the Consort Room of The Westin Hotel. Tribler graduated from Bradley University in 1955 and from the University of Illinois College of Law in 1960. He came to Chicago in 1969 after seven years with Heyl Royster Voelker & Allen in Peoria to become assistant director of the American Judicature Society. He entered practice in Chicago in 1971, joined the IDC in 1972, and was elected to the Board in 1976. He is a founding member of Tribler Orpett & Meyer.

In his first President's Message, Tribler summarized the first 20 years as follows:

(The IDC) has grown to 477 members around the state, it presents two seminars, it is actively involved in legislation and has a formal amicus curiae program, it has an annual dinner, it produces monographs on the law, and it communicates regularly with its members through this newsletter and other publications. Unfortunately, it seems to have lost the use of the name "trial lawyers."

The year was highlighted by an effort to reconstitute the committee structure to emphasize substantive law areas and create permanence and stability. To this end, the committees were restructured into seven groups (long-range planning, legislation, development of the law, continuing legal education, publications and public relations, membership, and meetings.) Each group reported to an officer in the same manner as ISBA committees report to a member of the Board of Governors.

In the legislature, the IDC opposed a proposition which would have made contributory negligence an affirmative defense, passed a resolution opposing mandatory continuing legal education, created a quick-response team for legislation, and opposed a very odd seat belt bill which passed the Illinois Senate, 32 to 27, with the remarkable provision that failure to use a seat belt cannot be introduced as evidence of contributory negligence. As soon as the seat belt bill passed, the IDC tried to get the legislature to delete the bar to contributory negligence. Larry Smith appeared on Channel 7 to state our position.

Justice Howard Ryan of the Illinois Supreme Court was promoting mandatory arbitration in 1985. Dick Hoffman went with a group to Philadelphia to examine the Philadelphia Plan of Compulsory

Arbitration, under which each case filed for \$20,000 or less gets an arbitration date eight months after filing.

The IDC made a significant move on April 24, 1985, when the directors made a bus trip to Springfield for a Board meeting. It was the first in many years to be held outside Chicago. The meeting was followed by a reception and dinner for legislators at the Sangamo Club. There was no agenda and no lobbying. The primary purpose was to increase awareness of the IDC.

The Defense Research Institute moved from Milwaukee to Chicago in 1984. The IDC was one of the sponsors of a reception on October 11, 1984, at which Tribler gave welcoming remarks.

Opposition to punitive damages continued to involve the IDC, which proposed limiting them to a fixed percentage of compensatory damages, giving any proceeds to the public, limiting the plaintiff's fee to 5% of punitive damages, and imposing sanctions for purely tactical filings of such claims.

Internally, the informal practice of having junior and senior co-chairmen of the DTS was changed to a chairman and a vice-chairman. That having been done, the DTS returned to The Westin on March 9, 1985. It attracted 420 to a program featuring jury selection, motions *in limine*, photographic reconstruction, and a luncheon talk by Mike Ditka of the Chicago Bears, who told us to be an ACE.

Alfred B. LaBarre took office on June 14, 1985, at a dinner-dance at The Westin Hotel featuring the Franz Benteler Orchestra. Pete LaBarre is a native of Springfield who practiced there for more than 30 years. He is a graduate of the University of Illinois and of the University of Illinois College of Law. He was a partner of the tenth president, Lee Ensel, and he was involved extensively in legislative matters while working his way to the presidency. He is now retired.

LaBarre's years on the Board produced an ever-increasing legislative presence which culminated with the hiring of a legislative representative and the creation on January 24, 1986, of the Defense Trial Counsel's Political Action Committee. The PAC is still active and has been a significant part of the IDC legislative effort.

One of LaBarre's goals was to increase awareness of the IDC among the profession and the public. When he took office in June 1985, the membership was 465. That was only a 50% increase from the 319 members that the IDC had at the start of 1970. In addition to working to increase membership and the understanding of the legislative process, LaBarre favored a change of name to better reflect what the IDC does.

One of the constants throughout the history of this organization is dissatisfaction with its name. If you start with the assumption that any name short of “Illinois Association of Trial Lawyers Who Defend Individuals, Corporations and the Clients of Insurance Companies in Civil Matters” is inadequate, you can grasp the magnitude of the problem.

The retentive reader will recall that “Illinois Defense Counsel” was itself a compromise. The original name was Defense Lawyers Association. This name lasted until someone realized that the initials could be pronounced “delay”, thereby identifying the organization with delay in the courts. The organization operated for 20 years as Illinois Defense Counsel, not out of any great love for that name, but because of a lack of agreement on an alternative.

The name change finally came about under Pete LaBarre in 1985. It was not without conflict. As LaBarre said in a letter of December 28, 1998:

I know that the name change is a touchy subject, but I'll throw caution to the wind and take credit for that as well. If I remember correctly, my chief opponent in this particular modern, forward looking endeavor was a certain stodgy traditionalist who shall remain nameless.

The lines were drawn among the officers. The stodgy traditionalist, Bill Tribler, and Bob Dewey felt that while Illinois Defense Counsel was not perfect, there was no better alternative and that to change the name would throw away the public image that had been built up over 20 years. LaBarre and Pat Maloney felt that “Illinois Defense Counsel” was a handicap in the legislature, where the denser members “immediately categorized us as advocates of matters relating to civil defense; as in bomb shelters and air raid sirens.”

The issue first appears in the IDC minutes of April 24, 1985, when a committee of the officers and Leo Tarpey was directed to search for a new name. Interestingly enough, the name suggested in those minutes was “Illinois Defense Lawyers Association”, the same name that was rejected in 1965. On June 14, 1985, a resolution was passed allowing the name to be changed without waiting for the next annual meeting.

By July 1985, with the old name taking on water and listing badly, the proponents of “Illinois Defense Counsel” abandoned the fight and agreed to a compromise whereby the IDC logo remained but the name became “Illinois Association of Defense Trial Counsel.” This name was adopted by the membership at the 1985 Fall Seminar.

Tribler, never a cheerful loser, still calls it the IDC.

The IDC was involved with the Illinois Coalition on the Insurance Crisis in 1985-1986. The goals of this coalition were to eliminate joint and several liability, to place a cap on awards for pain and suffering, and to eliminate the collateral source rule. The group also favored a prohibition against requiring contribution from an employer who had paid worker's compensation benefits. The IDC agreed with these goals and also targeted the elimination or reduction of punitive damages.

The second downstate Board meeting was held in Springfield on April 9, 1986. This included an unexpected private conference with Governor James Thompson, who asked the Board members for anecdotal evidence in support of the Insurance Crisis Bill.

The 1985-86 Board also moved to solve some financial problems. It increased the registration fee for the Defense Tactics Seminar to \$95 for members and \$115 for non-members. This was the first split in the amount of fees. It also eliminated an inequity which had existed from the very start. On June 28, 1985, the Board agreed to pay for the monthly Board luncheons. This was directed primarily to the downstate directors, who previously not only lost a day but paid for their own lunches. On July 26, 1985, the Board agreed to pay the travel expenses of downstate directors. This ended the long-standing tradition under which Board members had to bear the costs of their participation.

The IDC was on the losing side in *Prewin v. Caterpillar Tractor Co.*, 108 Ill. 2d 141, 483 N.E.2d 224, 90 Ill. Dec 906 (1985), in which the Supreme Court held that comparative negligence did not apply to plaintiffs under the Structural Work Act. Of seven amicus briefs, only the IDC supported the proposition that comparative negligence should apply.

The 1986 DTS was held at The Westin on March 8, 1986. The speaker was Gary Fencik of the Chicago Bears. It was barely five weeks after the Super Bowl victory, and Fencik gave a wry view of the entire memorable season. The program included sessions on employment law, RICO and the CGL policy. This success came despite myriad problems, including a speaker with an emergency appendectomy, a speaker with a death in the family, and a speaker whose airplane was grounded.

LaBarre's year ended on a very high note when, on April 9, 1986, it was announced that the IDC had 506 members. This was an increase of 38 during LaBarre's year and the first time that the membership had ever reached 500.

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Patrick E. Maloney of Chicago became president of the IDC at a luncheon meeting on June 20, 1986, at the Chicago Athletic Association. He is a native of Chicago who has an undergraduate and a law degree from the University of Notre Dame. In addition to being president of the IDC, he became the only IDC officer ever to serve as president of DRI. He is one of the founding members of the firm now known as Tressler LLP.

Maloney believed that the assets of the IDC should be used to further the goals of the IDC. He did not emphasize making or losing money, operating on the theory that seminars and dinners are benefits created by dues of the members and probably should lose money.

Maloney presided over a victory for tort reform when the Insurance Crisis Bill, Senate Bill 1200, went into effect on November 25, 1986.

The legislative package made four significant changes. The most rewarding to the IDC was the passage of 735 ILCS 5/2-1116, which eliminated “pure” contributory negligence and adopted the Wisconsin plan, under which a plaintiff who is more than 50% at fault cannot collect damages in negligence and product liability cases and a plaintiff who is less than 50% at fault has his recovery reduced in proportion to his fault. Unfortunately, 735 ILCS 5/2-1107.1 required the court to instruct the jury that the defendant is to be found not liable if the plaintiff is more than 50% at fault. Even with this red flag, the statute was a significant improvement over the “pure” form.

The second change was to joint and several liability. Under 735 ILCS 5/2-1117, joint and several liability was limited to environmental and medical malpractice awards. A defendant in negligence or product liability actions whose fault was 25% or less was liable only severally.

There were two significant modifications to punitive damages. Under 735 ILCS 5/2-604.1, in negligence cases or product liability cases based on strict tort liability, the plaintiff was barred from seeking punitive damages in the prayer for relief and was required to obtain leave of court to add such a prayer. 735 ILCS 5/2-1207 authorized the trial court to award a *remittitur* and a conditional new trial for excessive punitive damages. The statute also allowed the trial court to apportion punitive damages among the plaintiff, the plaintiff’s attorney, and the Illinois Department of Human Services. This was a partial step toward the goal of making all punitive damage awards payable to a governmental body.

The lead for the IDC was taken by Dick Hoffman, who, at

the conclusion of 1986, was commended for “a marvelous job and devoted service.”

The news was not all good in 1986-1987. *Petrillo v. Syntex Laboratories, Inc.*, 148 Ill. App. 3d 581, 499 N.E.2d 952, 102 Ill. Dec. 172 (1st Dist. 1986), survived an attempted appeal and became the law of Illinois. It forbade defense lawyers from talking to the plaintiff’s treating physicians other than by formal discovery. This opinion triggered more than 12 years of effort by the IDC to get it set aside.

On October 24, 1986, John Guy, the long-time leader of the amicus program, resigned as chairman. His successors continued to cut costs by going on a rotational basis, and by January 1987, 47 firms had volunteered to write amicus briefs.

The 1987 DTS drew 380 registrants at The Westin. This was despite an increase in the registration fee to \$100 for members and \$125 for non-members. The program included legal ethics, medical discovery, and explanations of the reasonable effects of injuries to the knee, low back and spine. The speaker was Vince Tobin, defensive coordinator of the Chicago Bears. He was the third of the “Three Bears,” following Mike Ditka and Gary Fencik.

Robert V. Dewey, Jr., of Peoria took office on June 25, 1987, at a memorable annual meeting at the Chicago Athletic Association. A native of Henry, Illinois, Dewey graduated from Brown University and the University of Wisconsin Law School. He was the second of four presidents to come from Heyl, Royster, Voelker & Allen. He is now retired from the practice of law.

The special nature of the annual luncheon resulted from the presence of 11 former presidents. The IDC began awarding plaques to retiring presidents in 1982. By 1987, it was realized that the earlier presidents had been shorted. Accordingly, on June 26, 1987, plaques were presented to Tom Bridgman, Bill Voelker, Bert Thompson, Jack Skeffington, John Langhenry, Bow Pritchett, John White, Larry Storms, John Ewart, Dick Hoffman and Ellis Fuqua. As part of the ceremony, it was noted that the IDC was lucky to have all but one of its past presidents alive and well. That situation was to last about a week, and in all three past presidents (Guy, Fuqua and Lee Ensel) were to die in the next 13 months.

Guy missed this annual meeting for one of the very few times. He had gone on a boating trip to the boundary waters in northern Minnesota. On June 30, 1987, Guy was lost when his boat capsized. His death was a terrible loss to the organization.

Things were rather quiet on the legislative front in 1987 and

1988. There were, however, significant amicus developments. *Trower v. Jones*, 121 Ill. 2d 211, 520 N.E.2d 297, 117 Ill. Dec. 136 (1988) allowed a defendant to ask how much a medical expert witness earned annually as an expert and also how often the plaintiff's medical expert testified for plaintiffs. *Kirk v. Michael Reese Hospital and Medical Center*, 117 Ill. 2d 507, 513 N.E.2d 387, 111 Ill. Dec. 944 (1987) strictly limited the duty of drug manufacturers, physicians and hospital personnel to warn of potential side effects of a prescription drug. *Dralle v. Ruder*, 124 Ill. 2d 61, 529 N.E.2d 209, 124 Ill. Dec. 389 (1988) held that parents have no cause of action for loss of companionship and society resulting from non-fatal injuries to a child.

The 1988 DTS was held at The Westin. It attracted 332 registrants with a program on third-party practice, damages, and rehabilitation. It featured an excellent speech by Walter Shapiro of *Time*, who previewed the 1988 election.

The Board made a significant move in May 1988, when it authorized a dues rate of \$25 for the first year for new members. This turned out to be a very significant factor in the growth of the IDC in the late 1980s, as 60% of those who joined for a discount renewed at the regular rate.

Perhaps the most far-reaching decision of Dewey's year came on May 27, 1988, when the long-planned Trial Academy was approved. The first Academy was held at Oak Brook Hills in January 1989, with a second session in Springfield in February 1989.

Lawrence R. Smith became president on June 30, 1988, at a luncheon at the Chicago Athletic Association. Smith is a graduate of Holy Cross University and the University of Michigan Law School. He started his professional career in 1973 with the firm now known as Querrey & Harrow, Ltd. He left that firm in 1997 to become one of the founding partners of O'Hagan Smith & Amundsen (now known as SmithAmundsen).

Smith presided over the 25th anniversary of the IDC, which was celebrated at a dinner-dance at the Art Institute of Chicago on March 10, 1989. Among the guests were Attorney General Neil F. Hartigan, State Representative Lee Daniels, and ISBA President-Elect Leonard F. Amari.

The Friday evening program was followed by a Defense Tactics Seminar attended by 308 at The Westin. In addition to insurer insolvency and defending psychiatric damages, the program featured reports on the present state of the association from Larry Smith,

Shaun McParland Baldwin, Dan Formeller and Dick Hoffman. The luncheon program featured three past presidents. Royce Rowe spoke on the early years, Bill Tribler recounted the accomplishments of the IDC, and Bow Pritchett closed with an inimitable talk about lighter moments in the history of the organization.

The \$25 first-year membership that was adopted at the end of Bob Dewey's term proved to be a great success. For instance, 52 new members were approved on November 18, 1988, and another 18 on December 16, 1988.

The first Trial Academy was held at Oak Brook Hills in January 1989. It attracted 24 registrants. The later meeting in Springfield had a similar attendance. The success of the first session has led to the Trial Academy's becoming a permanent part of the IDC program.

A long-range planning meeting was held in St. Louis on May 13, 1989. It was preceded by a reception at Collinsville, Illinois, that was attended by 50 members from Downstate Illinois. The meeting in St. Louis focused on finances, particularly the need to hire a professional administrator, and an analysis of the cost-benefit ratio of the legislative program.

The amicus program achieved a good result in *Gibellina v. Handley*, 127 Ill. 2d 122, 535 N.E.2d 858, 129 Ill. Dec. 93 (1989), which eliminated a practice whereby a plaintiff could voluntarily dismiss a case to be refiled even though dispositive motions were pending.

R. Michael Henderson became the 25th president of the IDC on June 9, 1989. Henderson is a graduate of the University of Illinois and the Loyola University Law School. Beginning in 1969, he practiced law in Peoria with the firm now known as Quinn Johnston Henderson Pretorius & Cerulo. He is now of counsel to that firm.

Henderson's year was marked by the second and final retirement of Arlene Moody as executive secretary.

Henderson's year was excellent for continuing legal education. The second Trial Academy was held in January to outstanding reviews. The Fall Seminar attracted 86 and made a profit.

The 1990 DTS had very high quality speakers. Victor I. Schwartz of Washington, D.C., spoke on products liability. The luncheon speaker was Steven B. Goldberg of the Northwestern University School of Law, who discussed the arcane world of baseball salary arbitration. His point was that baseball arbitration is unlike any other arbitration.

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The IDC was successful with an amicus submission in *Dunn v. Baltimore & Ohio Railroad Co.*, 127 Ill. 2d 350, 537 N.E.2d 738, 130 Ill. Dec. 409 (1989). The Supreme Court held that the adoption of comparative negligence did not expand or otherwise alter the duty owed by a defendant to a plaintiff. In so holding, the court rejected the idea that a defendant's duty is conditioned on the plaintiff's conduct and that a railroad has a duty under comparative negligence to anticipate and guard against the negligence of others.

The organization continued to grow. It added 73 new members in the last six months of Henderson's term to exceed 800 for the first time. In addition to an updated brochure and the \$25 new member rate, this was the result of invitations sent to more than 500 lawyers

who had been named in the *Jury Verdict Reporter* as representing defendants during the previous year.

Another milestone was reached when Jill Berkeley became the first woman director of the IDC as a past DTS chair in 1989. She was then elected to the Board in 1990.

The end of the 1980s found the Illinois Association of Defense Trial Counsel to be a mature organization with a solid financial base and the beginning of a permanent professional staff. We now review a decade which included a fourth seminar, a greatly expanded legal journal, and the beginnings of the national presence that the founders had envisioned.

The Years of Maturity

The effort of the previous 25 years began to bear significant fruit in the 1990s when the organization, eventually exceeding 1,000 members, became a significant presence in the legislature, continued its successful amicus program, and achieved remarkable success in the field of publications.

Paul L. Price became president on June 8, 1990. He is a native of Chicago who graduated from Loyola University and the Chicago-Kent College of Law. It has been said that there is no such thing as a "former Marine" — once a Marine, always a Marine. It was this military training and ability to organize that made Price an outstanding president of the IDC. At the time he became president of the IDC, Price was a partner at Pretzel & Stouffer. He is now a partner in the Hepler Broom firm and practices out of the Chicago office.

Price's most lasting accomplishment was the *Quarterly*. In this regard, he supported Jack T. Riley, Jr., who had become editor of the Newsletter in 1990 and had instituted some of the changes that were to be adopted in the *Quarterly*. Nevertheless, the *Quarterly* was a quantum leap for the IDC, and the ultimate achievement of Frank Morrissey's 1965 plan for a learned publication.

The *Petrillo* rule continued to be a major handicap for lawyers defending medical malpractice cases and consumed a great deal of time in the councils of the IDC. By February 1991, a special committee had been established to deal with this problem. Unfortunately, it got worse. On February 5, 1991, the Fifth District came down with *Nastasi v. United Mine Workers of America Union Hospital*, 209 Ill.

App. 3d 830, 567 N.E.2d 1358, 153 Ill. Dec. 900 (5th Dist. 1991). In that case, the court imposed severe sanctions, including barring the defendant's medical expert, against an attorney who wrote a letter to a treating physician. Repeal of *Petrillo* was to become one of the major features of the 1995 tort reform package.

There was another complication. It was reported in July 1990 that the IDC was unable to get agreement from the Illinois State Medical Society about overturning *Petrillo*. It appears as though the doctors, despite the fact that they might be sued for malpractice, were happy about not having to meet with lawyers.

The Defense Tactics Seminar, by now commonly known as the Spring Seminar, was held on March 2, 1991, at The Westin. It included dealing with closed head injuries, defending claims for loss of society, and an analysis of the new rules of professional conduct. The luncheon featured an excellent speech by Dan Webb of Winston & Strawn, including what it was like to depose President Reagan.

Price's year was also marked by considerable internal change. The most significant was retaining a professional staff. In the culmination of a project that had begun in Mick Henderson's year, K. E. Consultants, Inc., was hired to act as Executive Director. Karen R. Barr was the original Executive Director with Shirley Stevens acting as the primary meeting planner and contact person. Ms. Stevens was introduced to the Board on July 20, 1990, and became Executive Director in July 1992.

The year also produced two moves. The office moved to Springfield, leaving Chicago for the first time, and the regular site of Board meetings was changed to the Metropolitan Club in Chicago, following nearly 20 years at the Union League Club.

By July 20, 1990, the IDC had 900 members. The \$25 first-year membership fee expired, and the dues returned to \$50 for lawyers with less than five years of experience and \$100 for those with more than five years.

The 1990 Fall Seminar was the last to be held at the Abbey. It had a good program which attracted 71 registrants and included environmental claims, punitive damages, mandatory automobile insurance and surveillance. State Senator Bob Kustra, later to be lieutenant governor, was the featured speaker, but the entertainment after his speech was the real story.

The Abbey had offered a one-man band. The man had performed on several occasions and had been well received. However, he was a hard sell in front of the IDC. He was drowned out by conversation and never really took hold of the group, which finally held its own karaoke session. This was yet another of the hilarious incidents that seem to follow the Fall Seminar.

Stephen L. Corn became president of the IDC on June 14, 1991. He was the third president, following Jack Horsley and John Ewart, to come from the Mattoon firm of Craig & Craig. Corn is a 1966 graduate of the University of Illinois and a 1969 graduate of the University of Illinois College of Law. He is now of counsel to the Craig & Craig firm.

The Fall Seminar hit the road in 1991, going to St. Louis. It was a very current seminar covering employer liability and hedonic damages. The social highlight was a cruise on the Mississippi River. The registration increased from 79 to 118, with the Chicago registration down from 52 to 32. This was more than a three-fold increase in downstate registration, thereby exposing the IDC to an entirely different group.

As a result of the success in St. Louis, the Board decided on November 22, 1991, to hold the Fall Seminar in either St. Louis or Southern Illinois every three years. In reality it worked out to every four years, but the general plan was a good one for the IDC.

The organization continued to be active in legislation and the development of the law. It was reported on November 22, 1991, that the Illinois Manufacturers Association was promoting a statute which would impose costs and fees on the loser and that the Illinois State Medical Society wanted limits on economic losses in medical malpractice cases. Later, Judge Donald O'Connell of the Circuit Court of Cook County asked the IDC to comment on a proposal to adopt individual trial calls in an attempt to reduce the backlog. The

IDC was in favor of the general theory of such a change.

Members of the IDC also testified in early 1992 in favor of repeal of the Structural Work Act, the elimination of employer contribution in cases involving worker's compensation, and that old faithful, the modification of the seat belt law to allow failure to buckle the belt to be used as evidence of contributory negligence.

Corn's year saw the approval on April 23, 1992, of a one-day Rookie Seminar to be held at the John Marshall Law School on October 16, 1993. This was directed to lawyers who had been out of law school for two years or less. In approving the one-day format, the Board rejected holding a series of luncheon programs.

The Trial Academy continued to prosper, drawing 33 registrants for a single session. By 1992, it had become a permanent part of the IDC Seminar package.

The fiscal year was changed in 1992 from a calendar year to July 1-June 30, and the top level of dues was increased to \$150 per year for those with more than ten years' experience.

The IDC decided to issue its first printed annual report in 1992-1993, and also constituted the Executive Committee as the executive board of the *Quarterly*. The IDC also approved DRI as an umbrella organization for a National Association of State Defense Organizations. This was another example of improved relations between the IDC and DRI. The early enmity had been dissipating ever since Tom Weithers of Chicago, the president of DRI, had explained its plans and purposes at an IDC annual meeting in 1978.

The Spring Seminar made its ninth consecutive appearance at The Westin on March 14, 1992. The program included dealing with "junk science", failing to diagnose, and defense tactics and strategies. Jerold S. Solovy, chairman of the Committee of 50, spoke on the Operation Greylord investigation of judicial misconduct. The attendance was over 300.

The year ended with the news that Paul Price had received the Fred H. Seifert Outstanding Defense Bar Leader Award from DRI.

Rudolf G. Schade, Jr., became president of the IDC on June 5, 1992, at the Metropolitan Club. No president had ever had so much experience with the organization.

Schade had joined the IDC in 1974 and was the cochairman of the 1975 DTS. He was elected to the Board in 1977, and had served five years as an officer. Along the way, he had served as chairman of the 1979 New Image Committee. He was a graduate of Heidelberg

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College and the John Marshall Law School. He is a partner at Cassidy Schade in Chicago.

As had become traditional by 1992, the ever-entertaining Fall Seminar took center stage. The 1992 session was the first ever held in Illinois, at the Eagle Ridge Inn and Resort in Galena. Eagle Ridge is a very fine facility which seems to be spread out over half of Northern Illinois. This became obvious when, almost immediately upon the signing of the IDC contract in January 1992, the place burned down.

At about 7 p.m. on Wednesday, January 8, 1992, a fire broke out in the main building. Firefighters from 27 volunteer departments, including units from Wisconsin and Iowa, battled the fire through the night. When all was done, the damage to the front desk, restaurant, lounge and upstairs meeting rooms was such that the main building had to be demolished.

Despite the fact that the meeting rooms, the dining room and all public facilities were gone, Eagle Ridge assured the IDC that all would be in place by the Fourth of July. Eagle Ridge was wrong. The meeting was held at a construction site.

The seminar meetings and the social events were held at the Owner's Club. The problem was that wives, families and registrants were either in the main building a couple of miles away or in individual houses scattered around the grounds. A great deal of expensive gasoline was consumed in 1992, but the seminar was a success, drawing 109 registrants.

The Spring Seminar, held at The Westin on March 6, 1993, attracted 325 registrants to a program that included psychological factors in selecting a jury, a demonstration of the examination and cross-examination of medical experts, and a talk on medical visuals. Susan S. Samuelson of Boston University spoke on the businesslike approach to law firm management.

The Trial Academy was held again in Oak Brook Hills and drew 38 students.

There was considerable activity on the legislative front in 1992-1993. Activity costs money, and on November 20, 1992, in order to beef up the PAC, it was suggested that each firm contribute one billable hour per lawyer. Although this goal was not met, there was an increase in PAC money. Schade also established a Key Person network under which IDC members who knew certain legislators were identified and motivated to talk with those legislators.

The Product Liability Improvement Act, which included a presumption of non-liability for products or warnings which are in accordance with applicable federal and state law, limited punitive damages, adopted principles of comparative fault, and allowed

introduction of collateral source payments, passed the Senate, only to die in the Judiciary Committee of the House. The same fate awaited SB2, a general repeal of the Structural Work Act, and SB 344, which limited recovery for non-economic losses to \$250,000. At the conclusion of his part of the annual report, Dick Hoffman made the very prescient observation, "Tort reform cannot be ruled out."

A line of command was established for the *Quarterly*. Three subsidiary editors now lined up behind the editor-in-chief and were to move up year by year. Jack Riley's last year as editor-in-chief was to be 1993-94. He had started the magazine format and edited it for a total of four years. In making this change, the Board commended Riley and pointed out that this was "too big a burden" for one person to bear.

There were developments in inter-bar relations. On March 26, 1993, Schade and Dan Formeller reported from the National Conference of Defense Bar Leaders that all state defense bars were having financial squeezes. One problem was the cost of mailing DRI material to judges. It was also reported that companies were claiming that they were spending so much on defense lawyers that costs would exceed premiums by 2020. Schade also tried to establish cooperative efforts with ITLA. One of these was the formation in 1992 of a joint committee to consult with the chief judge of Cook County on common problems.

Lyndon C. Molzahn became president on June 18, 1993. He is a graduate of Duke University and the University of Michigan Law School. At the time he became president of the IDC, he was a partner in Menges Mikus & Molzahn in Chicago. Today he is a partner in the Chicago firm of Molzahn Rocco Reed & Rouse LLC.

Molzahn presided at a special meeting on September 10, 1993, at Eagle Ridge. This meeting was solely directed toward bylaw amendments, including cutting the last vestige of the IDC's "automobile lawyer" origins. This was done by deleting the following language from Article II (Purpose), "to cooperate with programs of public education directed toward highway safety and the reduction of losses and costs resulting from highway and other casualties." Thus was buried the staple of the defense practice from at least 1925 to 1975, the result of lowered speed limits, increased auto safety standards, and severe penalties for drunken driving.

The Board also formalized the earlier provision that a member is eligible for emeritus membership status if he or she has been a member for not less than 15 years and is retired from the active practice of law. It expanded the *ex officio* members of

the Board to include the immediate past chairs of the DTS and the Fall Seminar as well as the current executive editor of the *Quarterly* and the current chair of the amicus committee and the Trial Academy. It also established an automatic line of succession among the officers and limited the nominating committee to the last five past presidents.

In what appeared to be an innocuous change, an amendment provided that, "All members of the association whose principal office and legal residence are within the State of Illinois are eligible for election to the Board of Directors." At the time, it was not realized that Robert T. Park, a new director, lived in Iowa. Therefore, the Board was confronted with either making Park a lame duck or changing the bylaws. The bylaws were later changed to provide that, "All members of the association whose principal office is within the State of Illinois are eligible for election to the Board of Directors." This is now and forever will be known as the "Bob Park Amendment."

Another highlight of Molzahn's year was the Thirtieth Anniversary, commemorated by a dinner-dance on Friday, March 4, 1994, at the John G. Shedd Aquarium. This included an opportunity for a private viewing of the new Oceanarium.

The IDC reached a massive milestone during 1993-1994. By the annual meeting on June 17, 1994, the membership had reached 1,000. At the same time, a survey of membership showed that, despite all the efforts to attract younger lawyers, 74.2% of the members had been in practice for ten years or more. Cook County lawyers amounted to 58.2%, with 8.4% from the collar counties of DuPage, Kane, Lake and Will, and 33.4% from "what is called Downstate."

This was a very active year for seminars. The first Rookie Seminar was held in Chicago on October 16, 1993, and attracted an attendance of 142. The Trial Academy attracted 38 registrants.

The Spring Seminar, held for the first and as yet only time at the Fairmont, attracted 340 registrants to a program of closing argument, multiple defendant cases, motions *in limine* and settlement. The speaker was Daniel R. White, a legal humorist and author of *The Official Lawyer's Handbook*.

The Fall Seminar returned to Eagle Ridge, now reconstructed and very adequate, if a bit remote. In a prelude to later expansion, it featured the first meetings of IDC committees as such and was highlighted by a dinner at which a troupe of local players put on a murder mystery while the attendees were eating.

It is appropriate to take a break in this chronological survey of the 1990s to look at the tort reform and discovery issues which played out between 1995 and 1998.

The president who presided over this effort was **Daniel R. Formeller**, who took office on June 17, 1994. A former baseball player at the University of Illinois, Formeller graduated from the DePaul University College of Law in 1976. He is a partner in Tressler LLP.

The election of 1994 marked the first time in many years that the Republican Party controlled the governorship and both houses of the General Assembly. This created a unique opportunity for defense interests to remedy the many pro-plaintiff decisions which had been released in the previous 20 years.

As part of this effort, the IDC Board held an all-day meeting on Friday, December 16, 1994, at The Metropolitan Club to consider possible legislation. This led to close cooperation with the Illinois Civil Justice League, which had been formed in December 1992 and had 110 members by 1995, including Amoco, Motorola, Ameritech, Commonwealth Edison, Quaker Oats, and a number of medical and school district organizations. The League was led by Edward D. Murnane, former Midwest regional administrator of the Small Business Administration. It worked for limits on punitive damages, penalties for frivolous lawsuits and product liability reforms by conducting regional seminars and other educational programs.

The leadership of the IDC worked with the League and other business and professional interests to craft what became Public Act 89-7. This act was approved with little debate and signed by the governor on March 9, 1995. It was the most sweeping tort reform in the history of Illinois.

In addition to other provisions, PA 89-7 imposed a \$500,000 cap on compensatory damages for non-economic loss in negligence and products liability cases; essentially eliminated joint and several liability; changed remises liability law so that landowners would have no duty to warn of obvious dangers and would be only liable to a trespasser for willful and wanton misconduct; imposed limits on the refile of cases that had been voluntarily dismissed by plaintiffs; limited punitive damages to three times the amount of economic damages; expanded present law to require court approval for seeking punitive damages on *any theory or doctrine*, not only negligence or products liability; required judges to tell juries that a tort recovery is not subject to income tax; forbade judges from telling the jury

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that a plaintiff who was more than 50% at fault could not recover; required an affidavit in products cases certifying that an expert is of the opinion that there is merit to the case; made several changes in products liability law, including a presumption that the product is not defective; and eliminated the rule in the *Petrillo* case by requiring the plaintiff to execute an authorization to a health care provider to furnish medical information and engage in informal conversations with the opposing party's attorney.

The legislature also repealed the Structural Work Act. This was not part of PA 89-7, and the repeal stood up. As it turned out, this was the only major portion of tort reform to survive.

It immediately became obvious that PA 89-7 would be attacked on constitutional grounds. Therefore, in addition to submitting amicus briefs and working with the attorneys for the parties, the IDC arranged for a series of articles by Professor Martin Redish of the Northwestern University Law School. These were published in the *Quarterly* and were available as reference works for the attorneys who were defending tort reform. These articles covered the *Petrillo* rule, caps on compensatory damages, joint liability, and product liability.

The entire effort began to slip away on November 20, 1997, when the Supreme Court released *Kunkel v. Walton*, 179 Ill. 2d 519, 689 N.E.2d 1047, 228 Ill. Dec. 626 (1997), holding that the effort to revoke *Petrillo* was both a violation of privacy and an impermissible encroachment on the Supreme Court's authority to regulate judicial procedure.

Then, on December 18, 1997, the court struck down the entirety of PA 89-7 in *Best v. Taylor Machine Works*, 179 Ill. 2d 367, 689 N.E.2d 1057, 228 Ill. Dec. 636 (1997). The court held in essence that the limit of \$500,000 on compensatory damages was special legislation in that it discriminated against severely injured people and was therefore forbidden by the Illinois Constitution of 1970. In addition, the court found that the removal of joint and several liability in favor of several liability was unconstitutional as were amendments to the contribution act and the setting aside of *Petrillo*. In an opinion which emphasized the immense speed with which the Act was passed, the Supreme Court held that because the provisions of PA 89-7 could not be severed, it was unconstitutional in its entirety.

The Illinois Civil Justice League was outraged by this result and began an effort to identify and defeat those judges who oppose business interests.

The second great effort of 1995 concerned discovery. The Su-

preme Court of Illinois started the ball rolling by considering new discovery rules. The Illinois State Bar Association then made a series of discovery proposals which were very favorable to plaintiffs. These suggestions were contested by the IDC, which opposed a provision which would have required the parties to exchange information and documentation, including the names of witnesses as to damages, within 60 days after the filing of a responsive pleading. It also opposed a burdensome pretrial conference and case management provision. Neither of these provisions appeared in the final rules, which became effective on January 1, 1996. The IDC also successfully opposed a provision whereby a deponent could submit records or a written report instead of giving a discovery deposition.

The 1994 meeting was the first called the Fall Conference. It featured a Board meeting, committee meetings, a getaway breakfast on Sunday, a fun run, a hospitality room and a hayride. It was also the first fall event to feature breakout sessions. The guest of honor was James Oliphant of Columbus, Ohio, president of DRI.

The Spring Seminar moved from the Fairmont to the Nikko, largely because the Fairmont only had one room available. The Friday night dinner featured an explanation by Congressman Henry Hyde of his opposition to term limits. The luncheon speaker was Judge William J. Bauer of the Seventh Circuit Court of Appeals. This was Judge Bauer's second appearance as featured speaker at a Spring Seminar.

The Spring Seminar drew 357 registrants for a program that included medical evidence, liens, and an explanation of the federal rules. The IDC also updated the registrants on the Tort Reform Act that had just been passed.

The Trial Academy was somewhat a victim of its own success, drawing 42 students in 1994. This so taxed the capacity that it was decided to impose a limit of 36 in the future.

The Rookie Seminar took only two years to raise controversy. It attracted 94 to a session in Chicago and 20 at Belleville. However, one of the speakers made remarks in spoken and written material that demeaned women, thereby reminding people of a legendary joke at the 1985 DTS. This led to a resolution of November 18, 1994, that no material, either oral or written, shall contain any references which offend, embarrass or demean any person on the basis of race, sex, religion, ethnic or national origin or physical and mental disability.

The IDC made an historic move on June 17, 1994, when The John E. Guy Award was instituted in memory of one of its most illustrious pioneers. Jack Riley received this award, at least in part as a result of his efforts in establishing the *Quarterly*.

Gordon R. Broom was inaugurated as president in June 1995. He is a graduate of the University of Illinois and of the University of Illinois College of Law. He served as assistant dean of the law school from 1969 to 1971. He is a partner in the Edwardsville firm of Hepler Broom.

One of the developments of 1995-1996 was an increase in amicus activity. The committee named representatives for the five appellate districts and asked that each district representative search slip opinions for possible amicus cases, no longer waiting for requests from the parties.

This reorganization was accompanied by three successes. On October 19, 1995, in *Golla v. General Motors Corporation*, 167 Ill. 2d 353, 657 N.E.2d 894, 212 Ill. Dec. 549 (1995), the IDC successfully supported the proposition that there is no “discovery” rule for latent injuries arising out of a sudden traumatic event. Seven days later, on October 26, 1995, the Supreme Court reversed the appellate court in *Varelis v. Northwestern Memorial Hospital*, 167 Ill. 2d 449, 657 N.E.2d 997, 212 Ill. Dec. 652 (1995), and held that recovery in a personal injury action precluded a later recovery under the Wrongful Death Act for injuries based on the same occurrence. There was another success in the spring. In *Bucheleres v. Chicago Park District*, 171 Ill. 2d 435, 635 N.E.2d 826, 216 Ill. Dec. 658 (1996), the Supreme Court held that landowners have no duty to warn against obvious dangers, such as diving into a natural body of water.

As with all amicus submissions, it is impossible to tell what, if any, effect an IDC brief had on the court. Nevertheless, these three successful results confirmed the worth of the amicus program.

The Fall Conference returned to St. Louis in 1995 for a gala event at the Hyatt at Union Station. This was a three-day extravaganza that started on Thursday with meetings of the executive committee and the Board. It also featured breakout sessions and a dinner at the Gateway Arch with a talk by Charles Jaco, a former CNN and NBC world correspondent. As in 1991, the St. Louis meeting drew heavily from Southern Illinois and produced an attendance of 159, the largest in the history of the Fall meetings. This was in large measure the result of extensive publicity dating back to the 1994 Fall Conference.

Meanwhile, the *Quarterly* continued to improve and receive awards. During 1995-1996, it received the Illinois Society of Association Executives’ Award as the “best periodical” for 1994-1995.

The annual report for the same year received an award from the same organization for “best onetime public education/public awareness publication.”

The 1996 Trial Academy had 40 students, four more than its supposed capacity. The big innovation came when the committee retained actors to play witnesses. The Rookie Seminar attracted 88 students in Chicago.

The Spring Seminar was held at the Westin on March 2, 1996. It was attended by 364 people with 205 attending a dinner the night before where House Speaker Lee Daniels talked following a reception hosted by ISBA Mutual Insurance Company. The program included rehabilitation, the new discovery rules, and handling construction cases after the repeal of the Structural Work Act. The luncheon speaker was Jeff Zaslow, an advice columnist on the *Chicago Sun Times*. Part of the success of the 1996 Spring Seminar resulted from four advertisements that were run in the *Chicago Daily Law Bulletin*. This included 7,000 brochures.

There were significant developments in membership and organization. The IDC attracted 141 new members during Broom’s year, bringing the total to 1,198.

The increased strength of the organization was shown by the number of people running for the Board. Fourteen ran for five slots in 1996, the largest group that had ever run. Old hands at the IDC noted that it did not seem that long ago that it was a surprise to have a contested election.

The IDC was pleased in 1996 when Pat Maloney, its 1986-1987 president, was elected president of DRI. Maloney has said that the meetings that he attended on behalf of IDC started him to this presidency.

One of the highlights of the year came very early. It was decided that the first *Quarterly* of a president’s term should feature a cover picture of the new president. Broom was the first one, and the picture that was used captured his ebullient personality. However, there was a bit of a stunt. In the course of taking Broom’s picture, the photographer got him with his eyes crossed and his tongue sticking out in what could only be described as a goofy pose. This picture was then used for a special cover which was given to Broom. As Broom said later, “I took one look at that and figured that my career as a lawyer was over.” Fortunately, he was soon told that it was a prank.

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Clifford P. Mallon became president in June 1996. He was a graduate of DePaul University and the DePaul College of Law. He entered the Army out of law school and began at Allstate Insurance Company in 1963, rising to the position of Managing Attorney for the Midwest Region Claims Service Area. As such, he became the first house counsel to serve as president since Bert Thompson left office in 1972. He is now retired from the practice of law.

Mallon had been a member since 1968. He first joined the Board in 1984 and had been a steady contributor to IDC activities. He started in office by saying that he hoped to conclude the Board meetings by 1:30 p.m. He succeeded some of the time.

Mallon's term will be remembered for three of the most memorable meetings in the history of the IDC. It is best to take them chronologically.

The Fall Conference returned to Eagle Ridge in 1996. By this time, it was a four-day meeting beginning with a reception on Thursday and closing with a getaway breakfast on Sunday morning. It is best remembered for a power failure that occurred shortly before the Friday night dinner. Eagle Ridge hooked up an auxiliary generator, and the dinner went on in a deep gloom. There was no music.

The program was excellent. It covered brain damage, the tripartite relationship, and an ethics presentation by Professor Monroe H. Freedman of Hofstra University, who took a remarkably strict view of lawyer misconduct. Unfortunately, attendance fell to 85 and was almost nonexistent for the Saturday night barbeque and the getaway breakfast. It was finally decided that Eagle Ridge, as nice as it was, was too far from most of Illinois, and that four days was too much of a time commitment. Therefore, the Board decided to take the seminar back to Lake Geneva for the first time since the one-man band.

The second meeting was the First DRI Convention, which was held in Chicago in October. The IDC acted as host to this event. It also hosted a reception featuring a Lincoln impersonator. The dinner speaker was Hugh Sidey of Time. The IDC organization did everything possible to make this a success for its past president, Pat Maloney.

The third meeting was one of the crown jewels of the IDC. On January 24, 1997, it sponsored a large multi-state insurance symposium, "Who is the Client?", regarding the tripartite relationship. The breakdown of the attendees was a surprise. The committee had expected that two-thirds of the attendees would be IDC members.

The reverse developed, with most of the attendees coming from outside the organization. The total attendance was 225. In thanking the committee, Mallon described it as perhaps having been "the best event that we have ever had."

There was a significant change in the bylaws in 1996. The Board was increased to 18, six each for three-year terms. This was the first increase in the history of the organization. The candidates were divided into Cook County and downstate, with no more than four from either of the divisions. This modified the 1982 amendment by insuring that at least two, not one, of the directors came from each area.

The IDC also formed a Diversity in Participation Committee. By this time, 20% of IDC members were women. This was a large increase from 1986, when less than 5% of the members were women and there were virtually no women in defense firms. This committee was guided by the following resolution that was passed by the Board in August 1996:

It is in the best interest of the IDC and its members to include and encourage diversity in membership, speaking positions, and overall participation in the organization. Through diversity within the IDC, we can pool our collective experiences, knowledge, and points of view to enhance our talents as individual lawyers and our effectiveness as an organization. This diversity includes both gender and ethnic background.

The Spring Seminar was held at the Westin on March 1, 1997. The topics were privilege, opinion witnesses, back injury and tenders of defense. Carol Marin of Channel 5 spoke at the dinner on Friday evening. Dr. Jack Hungerford, a psychologist from Evanston, spoke at the luncheon on reducing stress.

The Rookie Seminar continued to draw well in Chicago but the numbers downstate were such that consideration was given to having it outside Chicago every three or four years. The Trial Academy increased its capacity to 50.

At the 1997 annual meeting, Bill Tribler became the second recipient of The John E. Guy Award. Tribler had chaired the 1975 DTS, served as the newsletter editor and amicus chairman and was president in 1984-1985. He spoke briefly, reminiscing about the career and qualities of John Guy.

Anthony J. Tunney became president on June 20, 1997. He is a graduate of the College of St. Thomas and the John Marshall Law School. At the time of his installation, Tunney was a partner in Price, Tunney, Loughnane, Reiter & Bruton. Today he is a partner in Hepler Broom's Chicago office.

Tunney presided over the establishment of a Young Lawyers Division. This was a complete turnaround from the early days, when a lawyer had to have practiced for five years even to apply. The division scheduled and held three receptions in the spring of 1998 and attracted nearly 100 potential members.

The 1997 Fall Conference was held at the Grand Geneva, on the east side of Lake Geneva. It reverted to the original format of Friday noon to Saturday noon, with business meetings on Friday morning, the President's Dinner on Friday night, and no Saturday activities after noon. Attendance improved, and the program was well received. In fact, it featured perhaps its most successful entertainment, a dance featuring the Las Vegas-style Eddie Butts Band.

The Spring Seminar was held on March 7, 1998, at the Westin. The program included defending chronic pain cases, the effect of the new Restatement of Products Liability, libel and slander, and discovery of computer-generated communications. Despite an excellent speaker in Justice Robert Thomas of the Second Appellate District, the attendance was disappointing. Even with the success of the Friday dinner, featuring Lester Munson of *Sports Illustrated*, it was obvious that modifications had to be made.

The Trial Academy and the Rookie Seminar continued to prosper. There were two rookie events, one in Springfield and one in Chicago.

The amicus committee was active, if disappointed, in 1997, when the Supreme Court released *Atkins v. Deere & Co.*, 177 Ill. 2d 222, 685 N.E.2d 342, 226 Ill. Dec. 339 (1997). In that case, the IDC unsuccessfully opposed limiting repeal of the Structural Work Act to prospective application. Nevertheless, the odious act was gone.

As indicated earlier, by January 9, 1997, the entire tort reform package of 1995 had been declared unconstitutional. The IDC resolved to keep working toward a "level playing field" and particularly to try to get rid of the *Petrillo* rule.

The IDC home page on the Internet was up and running, although not without problems, and the organization began dealing with problems arising out of the use of bill auditing services by insurance carriers. Particular attention was given to whether the recent

ethics opinions holding the practice to be violative of Model Rules 1.6 and 1.8 were correct. That question will have to be answered in the next history.

Douglas J. Pomatto became the 34th president of the IDC on June 12, 1998, at the Metropolitan Club. A former college basketball player, Pomatto graduated from Bradley University in 1974 and the Cumberland School of Law of Samford University in 1977. He joined Heyl, Royster, Voelker & Allen in 1977 and started its Rockford office in 1985. He was the first president from Rockford and the third from the Heyl Royster firm.

Pomatto inherited an organization which was strong financially with 1276 members, 185 of them new in 1997-1998. Pomatto had a memorable year as president. In August of 1998, the IDC joined DRI in a joint membership effort and reception in Chicago to attract and increase large firm membership in both organizations.

Under Pomatto's leadership, the Board of Directors formed a Committee on Ethics. This committee was charged with collecting and serving as a depository for information and cases regarding ethical issues affecting the practice of law. The committee was also asked to make recommendations to the Board, when necessary, about ethical issues encountered by members of the defense bar.

The substantive law committees expanded in 1998 with the creation of the Municipal Law Committee. This committee, which was co-chaired by a Chicago and a downstate lawyer, was formed with the intention of providing defense practitioners with useful insight into the nuances of defending governmental clients.

The 19th Fall Conference was held at the Grand Geneva on September 11 and 12, 1998. The social highlight of the program was a Wild West BBQ and Bonfire. The Fall Conference included probative "how to" sessions regarding attorney liability for settlements, sexual harassment, and telemedicine. There was also a panel discussion on the rules of civil procedure featuring experienced Illinois trial judges and a presentation on jury trial innovations that provided participants with multiple techniques to better understand and communicate with jurors. Although there was no evening speaker as such, a highlight on Saturday was an extensive history of the relationship between retained attorneys and insurance carriers by Robert E. Scott, Jr. of Baltimore, Maryland, president of DRI. His remarks gave historic perspective to discussions that were taking place at all levels of the defense bar concerning the ethical implications of legal fee audits.

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Successful Rookie Seminars took place in Springfield and Chicago in October and November, respectively. A highlight of the downstate seminar was a spirited address by Justice Gordon Maag of the Fifth District Appellate Court. The Chicago Rookie Seminar featured a keynote address by Judge Joseph N. Casciato.

Thirty young lawyers attended the IDC Trial Academy on January 15-16, 1999. These young lawyers gathered at the Oak Brook Hills Hotel & Conference Center to obtain “on your feet” trial experience from an elite group of expert faculty.

The amicus committee participated in a successful appeal in *Cripe v. Leiter*, 184 Ill. 2d 185, 703 N.E.2d 100, 234 Ill. Dec. 488 (1998), in which the Supreme Court held that the Fraud and Deceptive Practices Act does not apply to a claim that an attorney charged excessive fees. On December 31, 1998, the Supreme Court granted the IDC leave to file an amicus brief in *McClure v. Owens Corning Fiberglass Corp.*, 188 Ill. 2d 102, 720 N.E.2d 242, 241 Ill. Dec. 787 (1999). *McClure* involved three consolidated cases that arguably expanded the scope and ambit of the law relating to civil conspiracy. In each case, the plaintiff representatives obtained substantial judgments for the wrongful death of their respective decedents caused by exposure to asbestos that was manufactured and sold by entities other than the named defendants. In affirming the judgments, the appellate court rejected the defendants’ arguments that mere parallel conduct by different companies within an industry was insufficient to establish a civil conspiracy by clear and convincing evidence and held that a jury could rely on “sufficiently persuasive” parallel conduct alone to find a civil conspiracy. The IDC’s amicus brief asked the Supreme Court to consider the far-reaching implications of the *McClure* decision and to reverse it.

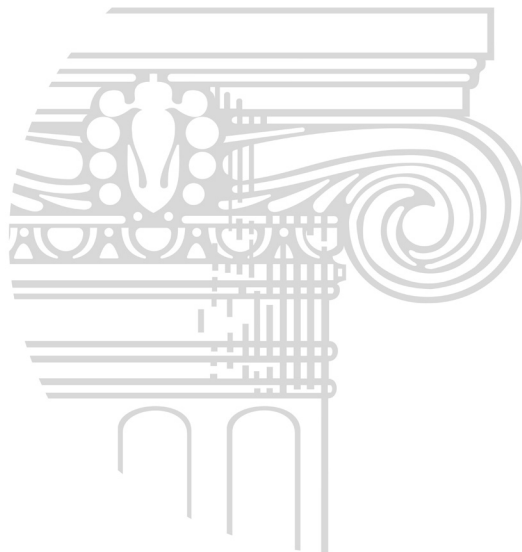
The Diversity in Participation Committee held a successful

seminar on business development on February 5, 1999. The seminar, entitled “Practice Building for all Lawyers”, slated outstanding speakers, including African American and women attorneys from within Illinois, as well as out of state, and focused on “practical marketing and development tips for all lawyers with special emphasis on women lawyers, lawyers of color and all ethnic backgrounds.”

On March 12, 1999, the IDC celebrated its 35th anniversary with a black tie dinner and dance at the Field Museum. One of the highlights of the event was the attendance of 14 past presidents of the organization, including three “founding fathers”: Royce Glen Rowe, James Baylor, Bert M. Thompson, Richard Hoffman, Willis Tribler, Alfred “Pete” LaBarre, Patrick Maloney, Robert Dewey, Lawrence Smith, Paul Price, Rudolf Schade, Gordon Broom, Cliff Mallon and Anthony Tunney.

The 35th Annual Spring Defense Tactics Seminar took place the very next day, March 13, 1999, at the Midland Hotel. Attendees at the standing room only event heard from prominent members of the defense bar about such varied topics as motions *in limine*, investigation of employment practices, pre-trial negotiations, lost chance of recovery and attacking lost earnings and profits claims. The Spring Seminar also featured the always welcomed updates on insurance law and tort law.

Toward the end of his term, Pomatto received a letter from the Chairman of the Committee on Discovery Procedures of the Illinois Judicial Conference. The letter invited the IDC to address the committee in June of 1999 on a discovery proposal presented by a prominent Chicago plaintiff’s attorney: the elimination of discovery depositions in civil litigation. The IDC presented testimony at that hearing and the proposal was defeated.



PART II

YEARS THIRTY-SIX THROUGH FIFTY

Written by
C. William Busse
Bradley C. Nahrstadt
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IDC Moves into the New Millennium

Jack T. Riley Jr., of Johnson and Bell, Ltd. was installed as the 1999–2000 president on June 11, 1999. Riley, a founding partner at Johnson and Bell, Ltd., graduated from Denison University in 1968 and from Georgetown Law School in 1973.

Riley began his administration by addressing the issue of the value of the IDC. It was his opinion that the only way the IDC could reach its full potential would be if its members, and ultimately the Illinois defense bar, fully supported the organization. He challenged each member to initiate a process of renewal for the new millennium by becoming directly involved in the activities of the organization and taking action to participate, promote and provide for the association. The Board had recently adopted the “IDC Committee Organizational Guidelines” under the leadership of immediate past president, Doug Pomatto. Riley felt that the new Guidelines, which were adopted in response to a perceived need to get more members involved, would only succeed if enough IDC members joined and actively participated. Riley also called on the membership to support the IDC, its conferences and its publications, not only by attending IDC seminars and conferences, but also by bringing guests to seminars from the industries we represent, such as risk management/claims professionals or corporate counsel. To that end, a fee was established for these guests, which was the same as for members.

Riley was acutely aware that defense counsel were amid challenging times, which in turn, had impacted defense organizations as well. He noted there were increasing limitations on the amount of time available for non-billable activities due to economic pressures on defense firms. Riley was committed to reversing the trend of decreasing membership. In his final *Quarterly* column, Riley quoted former president Gordon Broom, who said, “With the Illinois

Association of Defense Trial Lawyers being the *only* such group in Illinois, how can any defense lawyer *not* be a member?” In order to reverse this trend, the Membership Committee recruited members for its committee from every major city in Illinois to assist them in implementing a “Year 2000” membership drive, with a goal of achieving a membership of 1,500 lawyers by June of 2000.

Riley also asked the members to provide for the organization and increase its resources by actively recruiting defense attorneys from the firms of its members and those whom they met in their practices.

The *IDC Quarterly* continued to grow during the Riley administration. A new column, “One Defense Lawyer’s Opinion,” was added to the *Quarterly*. The editor was given permission by the Board to add a fifth editor to edit new columns that were being added.

The IDC continued to provide its members with opportunities for first-rate educational opportunities under the Riley administration. The Fall Seminar was held in St. Louis at the Adams Mark Hotel. The IDC conducted a successful Rookie Seminar on November 17 at The John Marshall Law School. An equally successful Trial Academy was held on January 14 and 15, 2000 at the Oak Brook Hills and Conference Center. The 36th Annual IDC Defense Tactics Seminar was held on Saturday, March 11, 2000 at The Ambassador West Hotel in Chicago. In addition to CLE presentations and noteworthy speakers, for the first time the IDC presented a Defense Leaders Roundtable at the seminar.

Riley continued to explore ways and means of improving the IDC website during his administration. The August 1999 Board of Directors meeting saw the first talk of updating the IDC servers and

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putting the *Quarterly* on the web with search capabilities. In keeping with Riley's plan to take the IDC into the new millennium, a credit card merchant account was set up for the IDC which allowed members to make payments by credit card. By the end of the first quarter of 2000, the IDC Website Committee had the Website in high gear with a new design, new features and a new provider.

During the Riley administration, the IDC became more active in legislative matters. A bill was introduced in the Illinois Senate to abolish the discovery deposition. On June 11, 1999 the Civil Practice and Procedure committee presented a position paper and testified in opposition to the bill. The bill failed in committee.

The Civil Practice and Procedure Committee also prepared a written submission to the Illinois Judicial Conference Committee on Discovery Procedures and testified before that committee on January 24, 2000 in opposition to a proposed amendment to Supreme Court Rule 212 to allow discovery depositions of various types of non-party witnesses, including treating physicians, to be used as evidence depositions at trial because of death or infirmity of the witness.

During the Riley administration, the committee structure continued to grow. The ADR Committee was upgraded from an ad hoc committee to a full substantive committee and began preparing articles for the *Quarterly*. A newly named Legislative/Judicial Committee continued the IDC's efforts to ensure that members of both the legislature and the judiciary were aware of the IDC and the particular issues and concerns of defense lawyers.

The IDC PAC saw a good deal of activity during the Riley administration. A new PAC Board of Directors needed to be appointed and approved. In conjunction with the annual spring seminar, the IDC/PAC and the executive committee decided to invite all of the Supreme Court and Appellate Court candidates to attend a reception on the evening of March 10, 2000, which kicked off the Spring Seminar.

The Amicus Committee had a busy year under the Riley administration. An amicus brief was filed in *Clay v. Kuhl*, 189 Ill. 2d 603, 727 N.E.2d 217, 244 Ill. Dec. 918 (2000). The committee also filed an amicus brief in *Voykin v. Estate of DeBoer*, 192 Ill. 2d 49, 277, 733 N.E.2d 1275, 248 Ill. Dec. 277 (2000), which considered the "same part of the body" rule. Additionally the committee filed an amicus brief in *Morrison v. Wagner*, 191 Ill. 2d 162, 729 N.E.2d 486, 246 Ill. Dec. 113 (2000) on the issue of whether a plaintiff has an absolute right of voluntary dismissal under Section 2-1009 of the Illinois Code of Civil Procedure to avoid sanctions under Supreme Court Rule 219(e).

On October 21, 1999, the Supreme Court issued its opinion in *McClure v. Owens Corning Fiberglass Corp.*, 188 Ill. 2d 102, 720 N.E.2d 242, 241 Ill. Dec. 787 (1999), a consolidated appeal in which the IDC had filed an amicus brief during Doug Pomatto's term. According to the Supreme Court's decision, parallel conduct may serve as circumstantial evidence of a civil conspiracy among manufacturers of the same or similar products but is insufficient proof, by itself, of the agreement element of the tort of civil conspiracy. After making this pronouncement, the court analyzed the evidence produced by the plaintiffs and concluded that there was insufficient evidence to support the juries' verdicts of civil conspiracy in the trials of the cases that were consolidated for the appeal. The court reversed the judgments of the trial courts and entered judgments in favor of the defendants. The *McClure* decision was a major victory for the IDC and the defense bar.

On June 16, 2000 Riley passed the gavel to incoming president Peter Brandt. Brandt thanked Riley for his many years of service as a director, officer and president of the IDC.

Peter W. Brandt became the 36th president of the IDC at the Annual Meeting held on June 16, 2000 at the Metropolitan Club in the Sears Tower, Chicago, Illinois. Brandt is a graduate of the University of Illinois and Southern Illinois University Law School. He joined Livingston Barger in 1983 and became a partner of the firm in 1987, practicing in its Bloomington office.

At the annual meeting on June 16, 2000 a number of notable awards were presented or announced. First, the Illinois Society of Association Executives (ISAE) awarded its first place award in the Best Member Education category to the IDC for Bill Tribler's work, *The Thirty-Five Year History of the Illinois Association of Defense Trial Counsel*. Second, the ISAE awarded its first place award in Best Use of Technology to the IDC for the development of its website, which had been spearheaded by Chuck Cole. Third, it was announced that the IDC's highest award, the John E. Guy Award, would be presented to Richard H. Hoffman. This was only the third time in the IDC's history that the John E. Guy Award was given.

Increasing membership and keeping the organization financially sound were areas of focus during Brandt's term. As part of the effort to increase membership, a proposed change to the IDC's by-laws was drafted, in order to allow corporate members. To qualify, a corporation would have to support the purpose of the IDC. The amendment of the bylaws was scheduled for a vote at the next Annual Meeting.

As an effort to increase the revenue of the organization, the IDC initiated a sponsorship program. The program allowed sponsors to advertise in the *IDC Quarterly*, on the IDC website, in IDC mailings, and at IDC events, such as seminars and the trial academy. IDC sponsors would be allowed to have a booth from which to promote themselves at IDC events. In an effort to reduce expenses, the end of Brandt's term also coincided with the end of the practice of routinely holding Executive Committee and Board of Directors meetings at rented conference rooms of hotels or private clubs. Whenever appropriate, future meetings were to be held at conference rooms of IDC member law firms.

With the IDC website up and running, an effort was made to make it easier for potential clients to find an IDC member lawyer to handle their legal matters. The database of members on the website was modified to make it searchable by areas of practice. After the modification, a potential client seeking a defense attorney with experience in a particular area of law could search the database by practice area and thereby find a number of IDC members available to provide the needed legal work.

Despite the prior efforts of the IDC in opposition to a proposed change of Supreme Court Rule 212 relative to the use of discovery depositions, during Brandt's term the proposed rule change became effective on March 1, 2001. The change allowed discovery depositions of non-party witnesses, other than controlled experts, to be used at trial, under certain circumstances, if the witness had died or become infirm between the time of the deposition and the time of the trial.

One of the Illinois Supreme Court's opinions of note during Brandt's term was *Voykin v. Estate of DeBoer*, 192 Ill. 2d 49, 733 N.E.2d 1275, 248 Ill. Dec. 277 (2000). The IDC Amicus Committee had filed a brief in support of the defendant's position that evidence of a prior injury to the part of the body in question in the suit should be allowed without expert testimony connecting the prior injury to the injury at issue. Unfortunately, the Supreme Court disagreed, finding that without expert testimony connecting the prior injury, evidence of the prior injury would not be admissible.

The IDC Fall Conference was held at The Lodge at McDonald's Office Campus in Oak Brook on September 15 and 16, 2000. Presentations covered a number of topics, including nursing home litigation, HMO and managed care litigation, business litigation and crisis management.

On October 21, 2000 the eighth annual IDC Rookie Seminar

was held at John Marshall Law School. The topics covered for the new lawyers included, among other things, what a client really wants to know, ethical considerations in case handling, effective methods of taking depositions and civility in and out of the courtroom.

The 13th annual Trial Academy was presented on March 9 and 10, 2001 at Hamburger University, McDonald's Office Complex, and the 37th Annual Spring Defense Tactics Seminar was held at the Ambassador West in Chicago on May 19, 2001. The Defense Tactics Seminar had an internet-related theme. The topics covered included internet privacy and anti-privacy law, the impact of the Microsoft antitrust litigation, and the evolving law relative to e-commerce.

Probably the highlight for the IDC during Brandt's term, however, came at the annual meeting of the Defense Research Institute, held in New Orleans, Louisiana on October 10, 2000. At that meeting DRI presented the IDC with the Rudolph Janata Award for 1999. The award is given in recognition of the most outstanding state defense bar association in the United States.

On June 15, 2001, **Charles H. Cole** took over the reins of the IDC at the Annual Meeting held at the Metropolitan Club in Chicago, Illinois. Cole, a partner at Schuyler Roche & Crisham, P.C., received a Bachelor of Science degree in psychology from the Illinois Institute of Technology in 1974 and a *juris doctorate* from The John Marshall School of Law in 1977. It should be noted that a few years after his term as IDC president, Cole was elected secretary-treasurer of DRI. He served in that office from 2009 to 2010.

The proposed amendment to the IDC bylaws, drafted during Peter Brandt's term, to allow corporate members was considered and passed at the Annual Meeting on June 15. Thus, for the first time in its history, the IDC began to welcome corporate members. The idea behind corporate membership was to allow for greater participation in the organization by clients and those that IDC members served in the business and insurance community. Despite high promise when the program debuted, there were less than a handful of corporate members at the end of Cole's term.

In August of 2001, members of the Board of Directors, past presidents of the IDC and program chairs met for a long-range planning session for the organization. This meeting, led by Steve Heine and Howard Jump, focused on important topics such as membership, publications and programs. There was also a discussion of the IDC's mission statement as a theoretical and practical foundation for the

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work of the organization and as a basis for serving the interests of the membership.

The first few months of Cole's term were devoted to planning the annual Fall Conference at Eagle Ridge in Galena. Less than two weeks before the conference, the tragic events of September 11, 2001 took place. The events of "9/11" would shape so much of what the leaders of the IDC thought and what they would do. Serious thought was given to cancelling the Fall Conference, but significant resolve on the part of the Board pushed the organization toward holding the conference. At the Fall Conference Appellate Court Justice Rita Garman (who later became an Illinois Supreme Court Justice) gave an outstanding presentation on appellate advocacy. Cole moderated an excellent panel discussion of distinguished leaders from the insurance industry. The subject of their discussion was "Business Development in the New Millennium." The social highlight of the conference was a Casino Night sponsored by the firm of Alholm, Monahan, Keefe & Klauke. The Fall Conference proved to be a great moral and financial success.

A highlight of Cole's term was the introduction of the "Moment of Mirth" segment as a part of Board Meetings. For each meeting, an officer or director was assigned to provide an anecdote, story or joke to lighten the mood of the proceeding. Some officers or directors told humorous legal stories. Director John Piegore used his time to talk about the Annual Stella Awards, named after the infamous McDonald's hot coffee case. The final "Moment of Mirth" saw Cole presented with a sheet cake graced with a copy of the picture of Cole that had appeared on the front cover of the *Quarterly* when he became president. While some "moments" were better than others, on the whole the idea was well received and gave everyone a time to smile or laugh.

The Young Lawyer's Committee began planning for the establishment of a legal writing contest for law students. The plan included a first place prize of \$1,000 and free admission to the Spring Seminar for the authors of the top three submissions.

For the first time ever, the 2002 Trial Academy featured multi-state involvement. Both the Defense Counsel of Indiana and the Civil Trial Counsel of Wisconsin sent faculty and students to the program. A sellout crowd of forty-four young lawyers honed their trial skills under the expert tutelage of some of the top trial attorneys in the three-state area.

Cole used his year as president to expand seminar offerings and to encourage the substantive law committees to produce topical newsletters. A highly successful Employment Law Seminar was held

on October 18, 2001, focusing on new developments and trends in employment law. The IDC Rookie Seminar, by then in its eighth year, was presented in two different locations. Thirty-two young lawyers attended the Rookie Seminar held downstate on October 26, 2001. Two weeks later, on November 10, 2001, fifty-four young lawyers attended the Rookie Seminar in Chicago. On January 24, 2002, twenty-five IDC members attended a program at the offices of the Chicago Bar Association, which was dedicated to cutting-edge topics in business law. On April 18, 2002 a special program on the ethical responsibilities of lawyers was presented by the Professional Liability Committee. A symposium on mold litigation, held on May 16, 2002, was a sell-out.

Newsletters that provided updates and developments on various areas of the law, as well as a discussion of the successes of members in those practice areas, were published by the Municipal Law Committee, the Products Liability Committee, the Civil Practice and Procedure Committee and the Employment Law Committee.

The annual Spring Seminar was held on March 2, 2002 at Navy Pier. More than 195 members registered for the event. The high number of registrants, coupled with some "walk-in" attendees, necessitated a move to a larger room. Those attending the Spring Seminar benefited from outstanding presentations from past presidents of the IDC and from skilled practitioners, who discussed such important and fundamental topics as Supreme Court Rule 213, *Petrillo* concerns and jury selection. The Spring Seminar proved to be very profitable for the organization.

As Cole finished his term, the IDC recorded its highest ever net income, enjoyed strong membership numbers and was well-positioned to march into the 21st century.

Gregory C. Ray became the 38th president of the IDC at the annual meeting held on June 14, 2002 at The Plaza Club in Chicago. Ray is a graduate of Southern Illinois University, Carbondale and the University of Illinois School of Law. He is a partner at Craig and Craig, LLC, working in the firm's Mattoon office.

Ray's term saw a shift in political power in the State of Illinois from the Republicans to the Democrats. The shift resulted in a number of seats being filed in the House and the Senate with the potential for significant impact on civil litigation and, therefore, posed a great challenge to the IDC. Nevertheless, in part because of efforts of the IDC, a number of pro-plaintiff bills eventually ended up going nowhere. Among them was the so-called "Sunshine in

Litigation” bill, H.B. 1191, which sought to effectively prohibit confidentiality clauses in settlement agreements. This bill was still pending at the end of Ray’s term. Another was an attempt to re-enact the Structural Work Act.

On the other hand, despite a strong effort mounted by the IDC to defeat House Bill 2784, ultimately the bill became law as part of P.A. 93-12. House Bill 2784 was introduced shortly after the November 2002 decision of the Illinois Supreme Court in *Unzicker v. Kraft Food Ingredients Corp.*, 203 Ill. 2d 64, 783 N.E.2d 1024, 270 Ill. Dec. 724 (2002). In *Unzicker* the Supreme Court, favorably for the defendant, had upheld the constitutionality of the joint and several liability statute, 735 ILCS 5/2-1117, and found it applicable in that case, in which the employer was sued for contribution and found 99% at fault.

Nullifying the beneficial ruling of the Illinois Supreme Court’s *Unzicker* decision, P.A. 93-12, which became effective during the last few days of Ray’s term, removed the fault of an employer from section 2-1117 consideration for purposes of determining the issue of several liability of the defendant.

The IDC also increased its efforts with respect to proposed changes to Illinois Supreme Court rules by appearing at public hearings of the Illinois Supreme Court Rules Committee and offering the IDC’s perspective on a number of proposed new rules or rule changes. Among other things, the proposals included mandatory continuing legal education (MCLE), requirements for maintenance of records by attorneys, and civil appeals issues.

The Young Lawyers Committee’s plan of sponsoring a legal writing contest came to fruition with the implementation of the “First Annual Honorable Scribe Writing Contest.” The winning article jointly written by a law student from DePaul University School of Law and a law student from Loyola University Chicago School of Law, discussed the requirements of Illinois Supreme Court Rule 191(a) for affidavits in support of motions, after *Robidoux v. Oliphant*, 201 Ill. 2d 324, 775 N.E.2d 987, 266 Ill. Dec. 915 (2002). The winning article was published in the *IDC Quarterly* and the winning authors were awarded a prize of \$1,000 and free admission to the Spring Defense Tactics Seminar.

In August of 2002 the IDC’s first electronic newsletter was sent to members.

The IDC held a Fall Conference on September 27 and 28, 2002 in Champaign, Illinois. As part of the conference, a cocktail reception was held at the University of Illinois Law School. Guests included sitting Supreme Court Justice Rita Garman, who was then a candidate for election to the Supreme Court, and her opponent in

the election, Appellate Court Justice Sue Myerscough. Also attending was sitting Appellate Court Justice John Turner, who was a candidate for an elected seat on the Fourth District Appellate Court. Those in attendance were able to chat candidly and informally with each of the judicial candidates.

The conference included a panel discussion with a number of trial court judges from around the State of Illinois, who recounted some of their interesting experiences on the bench. Other parts of the conference involved topics such as mold litigation, accident reconstruction and use of a vehicle’s onboard data recorder, and economic analysis of damages.

Conference attendees also were able to enjoy a pre-game tailgate party and a football game between the University of Illinois Fighting Illini and the University of Michigan Wolverines.

The Spring Defense Tactics Seminar was held at the Western Michigan Avenue on March 1, 2003. The seminar included presentations on tort law, damages, and insurance law, and additionally a discussion by Illinois Senator John Cullerton on proposed legislation affecting tort and commercial litigation.

The Rookie Seminar returned to John Marshall Law School and the Trial Academy returned to Hamburger University.

The June 20, 2003 annual meeting was a seminal event for the IDC. Greg Ray passed the gavel to the first woman president of the organization—**Jennifer Jerit Johnson**. Johnson, a partner at Tressler, Soderstrom, Maloney and Priess (now Tressler LLP), graduated from the University of Illinois at Champaign-Urbana in 1982 and from Loyola University of Chicago Law School in 1985.

Johnson was a very inspirational leader. In her inaugural *Quarterly* column she asked the membership to pledge to recommit to the building of the legal profession in the eyes of the public, clients, adversaries and judges. She quoted Abraham Lincoln’s words, “We should be too big to take offense and too noble to give it.”

Johnson also invoked a similar philosophy by quoting parts of the “Anyway” poem, reported to be inscribed on the wall of Mother Teresa’s home for children in Calcutta, India (and, at least for a time, attributed to the well-known, humble nun, but later to Kent M. Keith):

If you are successful, you will win some false friends and
some true enemies; Succeed anyway.

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If you are honest and frank, people may cheat you;
Be honest and frank anyway.

Give the world the best you have, and it may never be
enough;
Give the world the best you've got anyway.

Johnson called the membership to the highest professional standards and urged mindfulness of the proud heritage of lawyers and of the many contributions that attorneys made in shaping this country. In her farewell column, she noted that half of the 57 signatories of the Declaration of Independence were lawyers. Among them were Thomas Jefferson, (the primary author of the document), John Adams, (the second President of the United States), Samuel Chase (later a Supreme Court Justice), Abraham Clark (a long-term congressman and the “poor man’s” lawyer), and George Wythe, (the nation’s first law professor at William and Mary College). She also recalled that attorneys largely wrote the United States Constitution. Johnson noted that while there are problems with some lawyers, they do not define the legal profession, and she strongly encouraged each member to take action and give back to the IDC communities.

One key issue that was carried over from Greg Ray’s term to Johnson’s term was the “Sunshine in Litigation” legislative proposal, H.B. 1191. The proffered legislation would have amended the Code of Civil Procedure to prohibit settlements from remaining confidential if they involved a “public hazard,” a term that was only vaguely defined. If passed, the bill would have significantly affected litigants’ abilities to seek protective orders regarding settlements and would have required the disclosure of proprietary or other highly sensitive information. Despite several amendments to the bill, through the continued efforts of the IDC and other organizations, the proposed legislation died without ever coming to a vote.

Another key challenge that Johnson faced was the amendment to Section 2-1117 of the Illinois Code of Civil Procedure by P.A. 93-12, which became effective just days before the start of Johnson’s term. Nullifying the impact of the *Unzicker* decision, this amendment precluded assessment of an employer’s fault in determining whether a defendant was less than 25% at fault. Thus, the new statute made it more difficult for a defendant to avoid joint liability. Johnson pledged a challenge to the new Act. To that end, the *IDC Quarterly* featured an analysis of this issue in its 2003 Third Quarter edition authored by new Board Member and former Editor-in-Chief, David Levitt of Hinshaw, Culbertson. Although the amendment to Section 2-1117 became law,

the IDC continues to challenge the amendment to this date.

In June of 2004, toward the end of Johnson’s term, the IDC filed an amicus brief in the seminal case of *Arthur v. Catour*, 216 Ill. 2d 72, 833 N.E.2d 847, 295 Ill. Dec. 641 (2005). The appeal dealt with the issue of whether a plaintiff could recover medical expenses incurred but not paid by the plaintiff’s insurer when the plaintiff had no obligation to pay those expenses. Another amicus brief was filed in the case of *Pazkowski v. Metropolitan Water Reclamation District of Greater Chicago*, 213 Ill. 2d 1, 289, 820 N.E.2d 401, 289 Ill. Dec. 625 (2004). The appeal took up the issue of the priority of the statutes of limitations under the Local Governmental and Governmental Employees Tort Immunity Act for personal injuries and the four-year statute of limitations for construction related injuries.

The Johnson administration saw the formation of a new committee, the Workers Compensation Committee. Additionally, the Legislative Committee was just starting to become more active in Springfield.

Knowing that the IDC’s 40th Anniversary was quickly approaching in 2004, Johnson formed a 40th Anniversary Committee. Ultimately the committee established plans for the IDC to celebrate its ruby anniversary with a cruise on Lake Michigan aboard a luxury yacht, the *Odyssey*.

With the potential of mandatory continuing legal education (MCLE) on the horizon, Johnson appointed an ad hoc committee to review the proposed MCLE requirements and outline a plan of action for the IDC. Paramount was that IDC be approved as a provider of MCLE, which ultimately came to fruition.

Johnson pioneered the concept of partnering with organizations that have interests similar to those of the IDC. In the spring of 2003, Johnson met with the State Chamber of Commerce to explore common ground. The Executive Committee recommended that the IDC join the State Chamber and develop a working relationship with it. A motion to implement the recommendation was passed by the Board of Directors. Subsequently, the IDC has partnered with such organizations for seminars and legislative proposals. Johnson and the Executive Committee also met with the Civil Justice League regarding Sunshine Litigation and Medical Tort Reform.

In 2003, as websites gained greater importance to organizations like the IDC, discussions were held on upgrading the IDC’s website. It had been several years since this had been done; therefore, funds were approved for upgrading the site. One of the significant changes was that all members were hosted on the website and included in a membership database.

Under Johnson's administration, the IDC increased the number of its first rate educational programs. On September 19 and 20, 2003, the Annual Fall Seminar was held at Eagle Ridge in Galena. Among other topics, the seminar included discussions about the *Unzicker* decision and recent developments on *Kotecki* waivers. The seminar also offered attendees a fun, after-hours Casino Night. On November 13, 2003, the IDC co-sponsored "The Parameters of the Tri-Partite Relationship: Litigation Management and Beyond" with the Insurance School of Chicago. On November 15, 2003, the IDC hosted its Chicago Rookie Seminar at The John Marshall Law School. The IDC Trial Academy was held on February 6 and 7, 2004 at The Lodge in Oak Brook. The 40th Annual Defense Tactics Seminar was held at the Westin in Chicago on February 28th 2004.

Johnson passed the gavel to Steve Heine on June 25, 2004.

At the 40th Annual Meeting of the IDC, June 25, 2004, **Stephen J. Heine** became president. Heine is a graduate of Illinois State University and Southern Illinois University School of Law. He is a member of Heyl, Royster, Voelker & Allen, P.C., practicing in the firm's Peoria office.

Two former IDC presidents, Paul Price and Gordon Broom, received the IDC's highest award, the John B. Guy Award, at the annual meeting.

Thanks to the prior efforts of the 40th Anniversary Committee, IDC members and guests celebrated the anniversary with a dinner cruise aboard the *Odyssey* yacht. Among the guests were the president of the ISBA and the president elect of DRI.

According to Heine, many of the ideas that eventually were voted on at IDC Board meetings during his term arose from informal, Thursday evening, pre-meeting brainstorming sessions. The sessions typically started at the bar of the Midland Hotel and included Heine, Greg Ray, and then Executive Director, Shirley Stevens. After emptying a few glasses, the participants would migrate to one of the finer Chicago eateries, as selected by Ray, well-known for his gastronomic expertise. Somewhere between the Midland Hotel bar and the eatery, a phone call to Chuck Cole generally resulted in his joining the gathering.

During Heine's term, the IDC remained active in expressing its views at the public hearings of the Illinois Supreme Court Rules Committee regarding proposed new rules and changes to existing rules. Among other things, the IDC presented its position to the Rules Committee regarding proposed rules governing class action law suits.

The IDC Fall Seminar was held at the Grand Geneva Resort, Lake Geneva, Wisconsin. In addition to updates on discovery, tort, insurance and evidence law there were interesting presentations on opinion witness disclosures, responding to grand jury subpoenas in white collar crime cases, and the collateral source rule. At the time, the collateral source rule was the subject of a petition for leave to appeal to the Illinois Supreme Court in *Arthur v. Catour*, 216 Ill. 2d 72, 833 N.E.2d 847, 295 Ill. Dec. 641 (2005).

Probably the most important decision issued by the Illinois Supreme Court during Heine's term was *Blue v. Environmental Engineering, Inc.*, 215 Ill. 2d 78, 828 N.E.2d 1128, 293 Ill. Dec. 630 (2005). Despite the brief previously submitted by the IDC Amicus Committee in favor of the defendant's position in the appeal, the court went the other way. The Illinois Supreme Court ruled that the risk utility test does not apply to a product liability case based on negligent design of a product and that the open and obvious nature of the danger of the product is not an absolute bar to the plaintiff's recovery.

A topical seminar on defending cases involving sexual torts was presented on November 4, 2004 in co-sponsorship by the IDC and the Insurance School of Chicago.

Because participation in IDC committees had been waning over time, the IDC Executive Committee and the Board of Directors channeled efforts toward re-invigorating the committees. Focus was placed on assuring that each committee regularly generated a newsletter and, when due, a monograph for the *IDC Quarterly*.

To keep the IDC focused on its missions and goals, a long-range planning meeting was planned for August 2005. Long-range planning meetings generally have been held by the IDC every four or five years.

A law student at the University of Iowa College of Law, Maureen DeArmond, won the IDC Young Lawyers Committee Essay Contest. Ms. DeArmond was awarded the \$1,000 prize and her article on legislative efforts regarding asbestos litigation was published in the *IDC Quarterly*.

The Spring Defense Tactics Seminar was held at the University Club of Chicago on March 11, 2005. The presentations focused on the injury and damages aspect of civil trials. Topics included handling litigation involving psychiatric injuries, spine injuries, economic experts, non-economic damages, punitive damages and damages for bad faith.

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Glen E. Amundsen became president of the IDC on June 17, 2005. Amundsen, who received his undergraduate degree from Augustana College in 1977 and his law degree from IIT/Chicago Kent College of Law in 1980, is the Chairman and CEO of Smith Amundsen LLC.

At the beginning of Amundsen's tenure, longtime Executive Director Shirley Stevens announced that she planned to retire in March of 2007. As a consequence, portions of many of the Board of Directors meetings in 2005 and 2006 were devoted to discussions concerning the qualifications required of the individual who would become the new Executive Director. Some members of the Board believed that it was important to hire an Executive Director who had a marketing background.

A great deal of time and attention were devoted to the IDC website. Despite spending more than \$15,000 to create a new website, no one on the Board was satisfied with the finished product. Efforts to update, modernize and professionalize the website would continue, off and on, for the next 8 years.

On August 23, 2005, the Board of Directors, as well as past presidents, committee chairs and other members, who had been actively committed to various aspects of the IDC's business, met in Shelbyville, Illinois and conducted a long-range planning session. Those who participated spent considerable time developing a consensus about the future direction of the IDC and what the organization could do to make itself even more relevant to its members as they continued to cope with the challenges of the profession.

The participants decided that it was the purpose of the IDC to be the preeminent association of defense trial attorneys and voice of the defense bar in Illinois and to serve the business and professional interests of its members. To meet that purpose, the group adopted several specific objectives designed to create an organization so vital to the success of its members that no person seriously holding himself or herself out as a civil defense trial lawyer in Illinois would consider practicing without active involvement in the IDC.

Amundsen spent a considerable part of his President's Message in the Fourth Quarter 2005 issue of the *Quarterly* talking about these goals:

The specific goals we seek to achieve in the short term as an outgrowth of the strategic planning meeting are:

1. To increase public awareness by June 1, 2006 that IDC members are the best defense trial attorneys in Illinois;
2. To create a more specific message of the IDC's core values and to disseminate the statement of those values to our members and the public at large by June 1, 2006;
3. To take public positions consistent with our core values on issues impacting our members or our clients at least 6 times within the 12 months following adoption of our core values statement;
4. To place in recognized popular media sources throughout Illinois a minimum of 6 articles about the IDC and/or its members by June 1, 2006; and
5. To produce joint educational or professional development seminars between the IDC and at least 4 different associates or trade groups by June 1, 2007.

These goals are being pushed by teams of leaders within the organization that already have been appointed and started to work. One is a Public Relations Team, whose function is to increase public awareness of who we are and what we do, that is vital to the administration of the civil justice system in Illinois. Another is a Core Values Team, which will help us better articulate and define what we stand for and what we believe. The third is a Joint Seminar Team. This team has assembled and has begun to work on changing the nature of some of our educational and professional development programs in order to reach out to other organizations that may have some of the same or similar interests that we have, including the Association of Corporate Counsel, the Illinois Chamber of Commerce, and others.

The Core Values Team spent a great deal of time identifying, debating and refining the core values of the organization. Ultimately, the team settled on the following core values of the IDC:

- To promote and support a fair, unbiased and independent judiciary;
- To take positions on issues of significance to our membership and to advocate and publicize these positions;

- To promote and support the fair, expeditious and equitable resolution of disputes, including the preservation and improvement of the jury system;
- To provide programs and opportunities for professional development to assist members in better serving their clients;
- To increase its role as the voice of the defense bar of Illinois and to make the IDC more relevant to its members and the general public; and
- To support diversity within the organization, the defense bar and the legal profession.

These core values were highlighted on the IDC website and published extensively in the *Quarterly*, where they can still be found today.

The Public Relations Team explored various ways to promote the IDC and its mission. One suggestion, never acted upon, was to have members of the Board of Directors designated as IDC contacts for newspapers around the state. The idea was to have these members prepared to provide commentary on the defense side of an issue whenever asked by the news media. The consensus of the committee was that the IDC should not hire a lobbyist. Instead, efforts were made to revitalize the legislative committee and to continue working with members of the legislature who shared the organization's views and could make substantive changes in the law. In addition, the Public Relations Team focused on forging relationships and alliances with other organizations that shared some common interests including, notably, the Illinois Chamber of Commerce and the Illinois Manufacturer's Association.

The Joint Seminar Team also celebrated some success. The Illinois Institute of Continuing Legal Education jumped at the chance to co-sponsor a new 15 hour basic skills seminar. In addition, the Commercial Litigation Committee co-sponsored a Saturday program on trial techniques with the Commercial Law League of America. The featured speaker for that program was Professor James McElhaney.

The Fall Seminar took place on September 23 and 24, 2005 at the Eagle Ridge Inn & Resort in Galena, Illinois. Participants heard about a wide variety of timely legal topics, including electronic discovery, Rule 216 requests to admit, legal malpractice and the financial aspects of running a law practice. Additionally, there were the perennial updates on insurance law, tort law, evidence law, discovery and civil procedure. Illinois Supreme Court Justice Thomas L. Kilbride provided an update on the state Supreme Court

and Senator Kirk Dillard provided a legislative update. Minutes from the Board meetings after the event indicate that the seminar itself was very impressive—attendance not so much.

Mandatory continuing legal education became a reality in Illinois on September 29, 2005. Although Amundsen suggested that it might be worthwhile to have an IDC director appointed to the Illinois MCLE Board, ultimately no one volunteered to seek the appointment.

Also in September of 2005, the Illinois Supreme Court issued its much anticipated opinion in *Arthur v Catour*, 216 Ill. 2d 72, 833 N.E.2d 847, 295 Ill. Dec. 641 (2005). Despite impressive briefing from the IDC Amicus Committee, the Supreme Court held that a plaintiff could submit the entire amount of her billed medical expenses to the jury and was not limited to presenting the amount that her private insurance company actually paid to her health-care providers. Per the court, the reasonableness of the charges could be an issue for expert testimony.

The 42nd Spring Defense Tactics Seminar took place on Friday, March 10, 2006 at the University Club of Chicago. Topics included joint and several liability, examinations under oath, the fiduciary shield doctrine and preserving the record on appeal. Most of the afternoon session was devoted to the topic of closed head injuries. It featured presentations on medical evaluation and residual effects of closed head injuries and the defense of claims involving such injuries.

On June 19, 2006 **Steven M. Puiszis** was inducted as the 2006-2007 IDC president. Puiszis, a partner at Hinshaw & Culberston LLP, graduated from DePaul University in 1976 and received his J.D. from Loyola University in 1979. A few years after his term as IDC president, Puiszis was elected to serve as secretary-treasurer of DRI for 2013-2014.

One of the goals at the outset of his administration was to implement the strategic plan previously formulated at the long-range planning meeting and the core values adopted by the Board of Directors during the Amundsen administration.

In his inaugural column, Puiszis noted that all great lawyers possess two qualities—courage and a commitment to excellence. While no one ever questioned Puiszis' courage or commitment to excellence, his courage was sorely tested in March 2007 when Shirley Stevens retired. Stevens had been the Executive Director

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(and the “rock”) of the IDC for 18 years. As Puiszis noted in his inaugural column, “[W]ith great passion Shirley has toiled long hours to make the IDC what it is today. She has been the heart, soul and face of our organization. Shirley is truly a remarkable person who is irreplaceable.”

Every former president of the IDC would thoroughly agree with Puiszis’ statement. Fortunately, Stevens’ prior announcement of her intention to retire allowed Puiszis and the Board sufficient time to have a new Executive Director in place before the end of October of 2006, who could transition with Stevens and learn what she had been teaching the IDC for years.

The IDC was very fortunate to have such a capable Executive Director in Stevens, but she left large shoes to fill. After interviewing a number of candidates, Puiszis and the Board decided to hire Sandra Wulf as the new Executive Director. Wulf worked with Stevens until her retirement.

Traditionally, the only cover of the *IDC Quarterly* that features a photograph is the third quarter edition, where a photo of the new IDC president appears. The only exception has been the First Quarter 2007 edition. As a tribute for her many years of invaluable service, the cover of that edition featured a photograph of Stevens. Additionally, in her honor, on March 9, 2007 the Board hosted a retirement party for Stevens.

Puiszis believed that the strength of an organization like the IDC lies in its committees and he pledged to get all of the committees active once again. This goal was achieved by reinvigorating standing committees and forming new ones. Under Puiszis’ leadership, the Board adopted a more formalized committee structure, specially tailored to the specific needs of each committee, and outlined a series of goals and deadlines for meeting those goals. Puiszis asked each Board member then serving as a committee chair to step down from the position and to allow for replacement by a non-Board member. To give the Board closer contact with the committees, each committee was to have a Board liaison.

One of the core values that had been adopted by the Board was to promote and support a fair, unbiased and independent judiciary. To implement that core value, Puiszis proposed, and the Board approved, the creation of an IDC Judiciary Committee. The purposes of the committee were twofold—first, to improve relations between the bench and the defense bar; and second, to educate the public about the role the judiciary plays in society and the limitations inherent in that role. One of the goals of the committee was to improve the process of judicial evaluations in Illinois. The committee also worked

toward supporting full funding of court systems throughout Illinois, which was a very real problem in a number of smaller communities around the state. Finally, the committee developed a protocol for identifying unwarranted attacks on the judiciary and a protocol for responding to such attacks. On September 14, 2006, the IDC hosted a judicial reception in Peoria.

A second core value of particular importance to Puiszis was to support diversity within the IDC and the defense bar. To that end, he reinvigorated the Diversity Committee so that it could be a source of speakers for the various programs of the IDC as well as for programs of the committee itself. For the first time the Spring Seminar featured a presentation concerning the desirability of diversity in business.

Noting the valuable insights that all past presidents possess, in November of 2006 the decision was made to form an IDC Senior Advisory Council consisting of the five most-recent past presidents. The purpose of the council was to discuss big picture issues with the IDC Executive Committee on an annual basis.

In an effort to expand and improve the effectiveness of the IDC, the bylaws were amended on January 6, 2007 to add government attorney and law student memberships. Additionally, a decision was made in December of 2006 to hire a public relations consultant, subject to the direction of the Executive Director, the Public Relations Committee and the Executive Committee. The group worked together to develop a member survey and an action plan for improving the IDC’s profile and recruiting new members.

Under the Puiszis administration, the Amicus Committee continued to be active. An amicus brief was filed in the case of *Nolan v. Weil McLain*, 233 Ill. 2d 416, N.E.2d 549, 331 Ill. Dec. 140, 910. (2009), addressing issues of evidence in asbestos cases. An amicus brief was also filed in *Bagent v. Blessing Care Corporation*, 224 Ill. 2d 154, 862 N.E.2d 985, 308 Ill. Dec. 782 (2007), which took up the issue of vicarious liability of a hospital for improper disclosure of medical records. An amicus brief was filed in the seminal case of *Ready v. United/Goedke Services Inc.*, 238 Ill. 2d 582, 905 N.E.2d 725, 328 Ill. Dec. 836 (2008), which took up the issue of whether the fault of settling defendants was to be taken into account in apportioning fault under section 2-1117 of the Code of Civil Procedure.

The IDC became more active in the Illinois legislature during the Puiszis administration. The IDC testified against Senate Bill 1296, a joint and several liability bill that proposed to remove from jury consideration the fault of settling parties in the allocation of the fault of remaining defendants under section 2-1117. The IDC

worked with the bill's sponsor, Senator John Cullerton, to craft alternative language.

The IDC also took an active role in opposing House Bill 1798, which concerned the issue of whether recovery of damages for grief and sorrow should be allowed in wrongful death cases. A letter of opposition was drafted and reviewed by the Executive Committee and was distributed to all members of the House.

Additionally, former IDC president Glen Amundsen testified on a bill proposing changes to Illinois venue law, House Bill 1892.

December 1, 2006 ushered in a new era of discovery. On that date, the amendments to the Federal Rules of Civil Procedure addressing the discovery of "electronically stored information" went into effect. On January 5, 2007 the IDC held a day-long seminar dedicated solely to electronic discovery. One of the speakers at the seminar was James F. Holderman, Chief District Judge of the United States District Court, Northern District of Illinois. A couple of years later Judge Holderman headed the Electronic Discovery Pilot Program Committee of the United States Court of Appeals for the Seventh Circuit. Puiszis became a member of that committee. Due to the importance of electronic discovery issues, the IDC began publishing a column on the topic in the *IDC Quarterly*.

Other accomplishments of the IDC during the Puiszis administration were the development of a new website, obtaining accreditation as a CLE provider, holding a press conference on important developments in the law, raising the profile of the association through Op Ed pieces and press releases and strengthening the IDC's relationships with other associations. On June 29, 2007 Steven Puiszis passed the gavel to president-elect Jeff Hebrank.

Jeffrey S. Hebrank became the 43rd president of the IDC on June 29, 2007. Hebrank graduated from the University of Dayton and St. Louis University School of Law. He is a member of Hepler Broom LLC, practicing in the law firm's Edwardsville office.

At the beginning of his term, Hebrank set out a number of goals, including expanding the visibility of the IDC in Springfield on legislative matters and improving the IDC's interaction with other organizations, such as, the Illinois Insurance Association (IIA), the Illinois Chamber of Commerce (ICC), the Illinois Civil Justice League (ICJL) and the Illinois Manufacturer's Association (IMA). In January of 2008, Hebrank, Ken Werts (IDC second vice president), and Sandra Wulf (IDC Executive Director) attended the IIA Government Relations Committee Meeting and the IIA's

anniversary reception. At the meeting the IIA expressed its interest in working with the IDC on legislative issues.

The Executive Director of the ICJL spoke at the February 2008 IDC Board meeting; the Executive Director of the IMA spoke at the April 2008 IDC Board meeting; and a representative of the ICC spoke at the May 2008 IDC Board meeting. Each of the representatives of these organizations outlined their institutional efforts to bring about legislative changes for a more favorable business climate in Illinois and their interest in working with the IDC in order to effect the changes.

With the advent of MCLE in Illinois, the IDC provided a two-day basic skills seminar in Chicago and Springfield. The seminar satisfied all of the Illinois MCLE requirements for newly licensed lawyers in the state.

The IDC put on a number of other seminars during Hebrank's term. Probably the most notable was the Insurance Symposium and Trial Tactics Seminar held on September 20 and 21, 2007 at the Chase Park Plaza Hotel in St. Louis, Missouri. Those attending received a wealth of information and education in insurance related issues, especially in relation to the construction industry. Additionally the seminar featured two notable guest speakers. First, Illinois Supreme Court Justice Lloyd Karmeier honored the assembly with a presentation on the importance of preservation of the jury system. Second, Mark Shields of CNN and PBS political coverage fame, provided a discussion that was both interesting and timely because the campaigning for the U.S. presidential election was in full swing.

In August 2007 the IDC held a two-day Long Range Planning Meeting at Grizzly Jack's Grand Bear Lodge in Utica, Illinois. The first day was spent assessing the areas of strength of the IDC and the areas that could be improved. That evening several of the officers and directors tested their fortitude on a number of rides at the nearby Enchanted Forest, including the Tilt-A-Whirl and the Grizzly Growler. Having survived the Enchanted Forest, day two of the meeting was devoted to establishing the following goals for the near future of the IDC:

- I. Improving our visibility as experts in civil practice and guardians of the common law jury system;
- II. Increasing, diversifying and empowering our IDC membership through recruitment and new membership activities;
- III. Positioning IDC membership and leadership to be more professionally and financially valuable; and

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IV. Continuing to improve and enhance the IDC's already outstanding education programs.

The IDC's Amicus Committee continued to provide the defense perspective on cases of import before the Illinois Supreme Court, although sometimes the results were not what had been hoped for, despite the strong arguments presented in the committee's amicus brief. In *Wills v. Foster*, 229 Ill. 2d 393, 892 N.E.2d 1018, 323 Ill. Dec. 26 (2008), the committee's amicus brief argued that with respect to damages awarded to an injured plaintiff when medical bills were paid by Medicare or Medicaid, the recoverable amount should be limited to the amount actually paid for medical expenses by Medicare or Medicaid rather than the amount billed. The Supreme Court issued its decision during the last few days of Hebrank's term, finding that a plaintiff's recovery would not be limited to the amount paid by Medicare or Medicaid.

An amicus brief was also submitted during Hebrank's term in *Mikolajczyk v. Ford Motor Co.*, 231 Ill. 2d 516, 901 N.E.2d 329, 327 Ill. Dec. 1 (2008). In *Mikolajczyk*, the IDC's Amicus Committee's brief argued that only the risk utility test, but not the consumer expectation test, should be applied in product liability design defect cases. The Illinois Supreme Court's decision in the case did not come out until after Hebrank had passed the presidential gavel to Gregory L. Cochran.

As his term concluded, Hebrank passed out a number of awards to IDC members in recognition of their outstanding volunteer services to the organization. The awards included the Distinguished Member Award to Howard Jump, the President's Award to R. Mark Mifflin, the Volunteer of the Year Award to Aleen Tiffany, and the Rising Star Award to Jennifer Groszek.

Gregory L. Cochran took office as president of the IDC on June 27, 2008. He was the third member of the McKenna Storer firm to assume the presidency, following in the illustrious footsteps of former presidents Royce Glenn Rowe and John F. White. Cochran received both his undergraduate degree and his law degree from the University of Michigan.

Perhaps the greatest challenge faced by the IDC during Cochran's term was an ISBA legislative proposal that would have required the payment of prejudgment interest to successful plaintiffs in nearly all Illinois tort cases. When word was received from IDC Board members of the proposed prejudgment interest statute, the IDC

mobilized to oppose the legislation. The IDC strenuously opposed the ISBA prejudgment interest proposal, guided by the following three IDC core values:

- IDC will take positions on issues of significance to the defense bar and advocate and publicize those positions;
- IDC will promote and support the fair, expeditious and equitable resolution of disputes, including preservation and improvement of the jury system; and
- IDC will increase its role as the voice of the defense bar of Illinois to make IDC more relevant to its members and the general public.

The IDC drafted a position paper in opposition to the ISBA prejudgment interest proposal, which was circulated to all ISBA Assembly members in advance of their December 13, 2008 meeting. Nine former IDC presidents signed a Statement in Opposition appended to the IDC position paper. The paper detailed the many flaws in the proposed bill and its underlying policy considerations. IDC Board member Bob Varney eloquently spoke out against the proposal before the ISBA Assembly. Although the measure passed the ISBA Assembly and was introduced in the legislature, the IDC, through its joint efforts with the business, insurance and medical communities, successfully opposed this very plaintiff-friendly legislation in Springfield. This effort further established the IDC as the voice of the defense bar in Illinois.

The Fall Conference was held for the first time in Chicago on September 12, 2008. The Fall Conference committee secured an impressive panel of speakers which resulted in strong attendance. Attendees heard from Justice William Bauer of the U.S. Court of Appeals for the Seventh Circuit and Senator Kirk Dillard of the Illinois State Senate. Justice Bauer shared his wisdom concerning ethics, professionalism and the practice of law, while Senator Dillard shared his insights concerning legislative trends in Springfield. Those in attendance also enjoyed presentations concerning tort reform legislation from the perspective of the medical profession, managing the attorney-client relationship and cross-examination. The program was rounded out by very informative updates about tort law, insurance law, civil procedure and evidence.

As previously mentioned, during the summer of 2007, then president Jeff Hebrank convened a special Long Range Planning meeting to revisit goals established at a Long Range Planning session

held two years earlier. The summer 2007 meetings ultimately led to the formation of four task forces: Business Development, Education, Membership and Think Tank. The Business Development Task Force was assigned the goal of making IDC membership and leadership both professionally and financially valuable. The Education Task Force was assigned the goal of improving and enhancing IDC educational programs. The Membership Task Force was given the goal of increasing, diversifying and empowering IDC membership. Finally, the Think Tank Task Force was allocated the goal of improving IDC advocacy with the legislature, judiciary and media, and positioning IDC as the source for expertise. The task forces were comprised of Board members and others in IDC leadership positions.

During Cochran's term, a joint task force meeting was held to fine tune the goals and strategies of the respective task forces. Each task force met separately, followed by a plenary session in which each task force exchanged ideas with the other task forces. Many excellent ideas and plans were formulated during these sessions. The Business Development Task Force explored the possibility of the IDC presenting future topical seminars with other organizations representing the interests of IDC members and their clients and also looked to develop educational programs addressing law practice management. The Business Development Task Force also explored potential synergies with corporate and governmental members. The Education Task Force focused on maintaining the high quality of IDC seminar presentations and supported the recording and sale of IDC education programs on line and on DVDs. Among other ideas, the Education Task Force also explored the possibility of offering shorter "how to" programs for younger attorneys in recorded formats. The Membership Task Force advanced several initiatives, including hosting membership receptions in Chicago, the suburbs and downstate locations and recruiting law student members through participation in events at various law schools. The Think Tank Task Force formulated a number of ideas for raising the visibility of the IDC, raising the level of involvement of the IDC in various committees such as the Supreme Court Rules Committee and IPI Committee, and further increasing the role of the IDC in proposing and supporting legislation and rule amendments aligned with the interests of defendants.

The IDC celebrated both the joy of victory and the agony of defeat in both the Appellate and Supreme Courts. In *Nolan v. Weil-McLain*, 233 Ill. 2d 416, 910 N.E.2d 549, 331 Ill. Dec. 140 (2009), the plaintiffs filed their original complaint against 12 corporations alleging that Clarence Nolan developed mesothelioma as a result of

being exposed to the defendants' asbestos-containing products. By the time the case reached trial, Weil-McLain was the only defendant left in the case. The trial judge refused to allow Weil-McLain to introduce evidence that Nolan had been exposed to asbestos-containing products manufactured by other companies. Weil-McLain sought to introduce this evidence in support of a sole proximate cause defense. A verdict was returned in favor of the plaintiffs. The appellate court rejected the defendant's argument that the trial court erred by excluding evidence of the decedent's other exposures to asbestos. The court held that once the plaintiff satisfies the frequency, regularity and proximity *Thacker* test, a defendant is presumed to be a proximate cause of a decedent's asbestos injury. The Supreme Court reversed and remanded for a new trial, finding that the exclusionary rule of other exposure evidence first announced in *Lipke v. Celotex Corp.*, 153 Ill. App. 3d 498, 505 N.E.2d 1213, 106 Ill. Dec. 422 (1987) neither suggested nor held that a defendant should be barred from introducing evidence of other potential causes of injury when it pursues a sole proximate cause defense. According to the court, the well-settled rules of tort law require the plaintiff to exclusively bear the burden of proof to establish the element of causation through competent evidence and the defendant has the right to rebut such evidence and to also establish that the conduct of another is the sole proximate cause of the injury.

In *Ready v. United/Goeddecke Services, Inc.*, 232 Ill. 2d 369, 905 N.E.2d 725, 328 Ill. Dec. 836 (2008), the Illinois Supreme Court held that Section 2-1117 of the Code of Civil Procedure does not apply to tortfeasors or defendants who have settled with the plaintiff prior to the entry of judgment. As a result, the court found that defendants who have previously settled with the plaintiff should not be included in the apportionment of fault for the purposes of determining relative liability.

In *Mikolajczyk v. Ford Motor Co.*, 231 Ill. 2d 516, 901 N.E.2d 329, 327 Ill. Dec. 1 (2008), the Supreme Court held that a jury may be instructed on both the consumer-expectation test and the risk-utility test in strict product liability cases based on defective design.

During Cochran's term, the IDC proposed legislation amending the Construction Statute of Limitations and the Special Appearances Statute. Despite lining up support from Senator Kirk Dillard and Representative Rose, neither bill was ever reported out of committee.

In an effort to increase membership in the IDC, the Board instituted a program offering a one-year complimentary membership in the IDC to all new DRI members who had never been a member of

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the IDC. Despite this membership initiative, membership fell below 1,000 for the first time in several years. At the end of Cochran's term, total membership in the IDC stood at 983.

Cochran concluded his term by honoring a number of IDC members for their outstanding volunteer work for the organization. The Distinguished Member Award was given to Bill Tribler and Barbara Fritsche. The President's Award was given to C. William Busse, Jr. The Volunteer of the Year Award was presented to Al J. Pranaitis and the Rising Star Award was given to Patrick W. Stufflebeam.

June 2009 saw a seminal event in the history of the IDC. **Rick Hammond** was installed as the first African-American president of the IDC. Hammond, a partner at Johnson & Bell, Ltd., graduated from Southern Illinois University in 1974 and from The John Marshall Law School in 1988. It is ironic that Hammond's first *IDC Quarterly* column talked extensively about the importance of *The Thirty-Five Year History of the Illinois Association of Defense Trial Counsel* previously authored by Bill Tribler. Hopefully, the torch will be passed to another set of authors for the IDC's 75th anniversary.

On June 12, 2009, in conjunction with the annual meeting, Hammond kicked off his term by initiating a first time reunion of the IDC's past presidents. They met for the purpose of sharing their collective experience and wisdom with the IDC Board of Directors. The Past Presidents Roundtable was enormously successful and there have been discussions of conducting the roundtable every five years.

Noting that the IDC does not operate in a vacuum, Hammond reached out to other major bar and ethnic organizations, starting with the annual meeting and awards banquet. During his administration, he continued to reach out to those organizations and others when their interests and the IDC's interests were aligned. Importantly, Hammond sought to strengthen the relationship between the IDC and the Illinois State Bar Association (ISBA). Hammond met with the then president of the ISBA, John O'Brien, which resulted in O'Brien publishing a guest column in the first Quarter Edition of the *IDC Quarterly*. O'Brien was also a guest speaker at the February 19, 2010 Board meeting.

Under Hammond's administration, the IDC once again hosted a legislative reception in Springfield on April 27, 2010 at the Governor's Mansion. The event was well attended by legislators, judges and business leaders. Since then, the legislative reception has be-

come an annual event hosted by the IDC and designed to increase the organization's presence and influence on the Illinois legislature.

During Hammond's term the DRI Annual Meeting was held in Chicago. The IDC hosted a welcome reception for the weeklong meeting. During the course of that week, the IDC's officers and Executive Director participated in meetings with the officers and directors of the defense organizations of other states. These meetings provided an important opportunity for the IDC to exchange ideas with defense counsel from other states and to increase awareness of cutting-edge issues and legislation that could be heading in the direction of Illinois.

In celebration of Abraham Lincoln's 200th Birthday, at the DRI Annual Meeting the IDC sponsored a Lincoln Exhibit from the Abraham Lincoln Presidential Museum and Library in Springfield.

Membership increased substantially under the Hammond administration. In July 2009, Hammond urged members to reach out to small firms to recruit the firms as members. Subsequent to a membership challenge/contest, 65 new regular members were added between January and May 2010.

The *IDC Quarterly*, already a pre-eminent defense publication, increased its breadth in July of 2009, when a proposal was initiated to add a new column titled, "A View from the Bench." Judges would be interviewed from time to time for the column to give opinions on certain aspects of law, procedure and the practice in general.

Under the Hammond administration, the Amicus Committee was particularly active. An amicus brief was filed in the Supreme Court in the case of *Interstate Scaffolding v. The Illinois Worker's Compensation Commission*, 236 Ill. 2d 132, 923 N.E.2d 266, 337 Ill. Dec. 707 (2010). Contrary to the IDC's and the employer's position on appeal, the court in this decision held that an employer cannot stop paying worker's compensation benefits to an employee until an injury has become stabilized, even if the employee has been terminated for legitimate reasons that were unrelated to his workplace injuries.

The Board also authorized the filing of an amicus brief in *Kyrin v. CTA*, 238 Ill. 2d 215, 938 N.E.2d 440, 345 Ill. Dec. 1 (2010), involving an issue of whether the rule pertaining to the natural accumulation of snow and ice defines a common carrier's duty or whether the highest degree of care is still required of a common carrier in snow and ice accumulation situations.

In 2010, the Illinois Supreme Court granted leave for the IDC to file an amicus brief in *Cookson v. Price*, 239 Ill. 2d 339, 941 N.E.2d, 162, 351 Ill. Dec. 604 (2010), which considered an issue relative to

the required affidavit of a health professional in medical malpractice suits. Additionally, on March 17, 2009 an IDC amicus brief was filed in the case of *Keener v. City of Herrin*, 235 Ill. 2d 338, 919 N.E.2d 913, 335 Ill. Dec. 888 (2009), regarding the jurisdiction of a circuit court to reconsider a final dismissal of a lawsuit more than 30 days after the entry of a final dismissal order.

At the August Board of Directors meeting, past IDC president and DRI state representative Steve Puiszis reported that the DRI E-Discovery Committee had drafted a proposed Supreme Court Rule to address claims of attorney-client privilege and work product privilege. The Board agreed to review the proposal and sent it to the E-Discovery Committee for its input. After the IDC's input, the proposal was eventually adopted by the Illinois Supreme Court.

The Civil Practice and Procedure Committee submitted a proposed amendment to Supreme Court Rule 204(c) regarding deposition fees charged by doctors. The proposal would have limited the amount that a physician could charge for appearing at a deposition. The proposed rule change was not adopted by the Supreme Court.

During the Hammond administration, the IDC expanded its committee structure with the formation of the Technology Committee. The committee was immediately tasked to look into several of the issues that were raised at the Past Presidents Round Table—the possibility of an “open” Website, a potential move from committee newsletters to blogs, and electronic distribution of CLE.

Under the Hammond administration, the IDC enjoyed a particularly robust year when it came to continuing legal education. On September 11, 2009 the annual Fall Seminar was presented. On March 25 and 26, 2010, the IDC and the Illinois Insurance Association co-sponsored a sold-out and wait-listed Claims and Defense Tactics Symposium on litigation and insurance claims management of complex and high exposure lawsuits. In addition to discussing tactics for effective management of litigation of multimillion dollar and document intensive insurance claims and lawsuits, the program also analyzed the defense attorney's ethical obligations, complex coverage issues, and hidden pitfalls for both the attorney and the insurer when dealing with these types of cases. The Illinois Director of Insurance, Michael T. McRaith, served as the keynote speaker of the program.

In December of 2009 the IDC addressed concerns about major changes in Medicare reporting requirements by hosting a sold-out seminar, “Medicare and Medicaid: Avoiding Post-Judgment and Post-Settlement Litigation.”

On February 19 2010, the Young Lawyers Division hosted its

first Young Lawyer's Seminar. The seminar was a one-day program that addressed topics of interest to newer attorneys.

On May 14, 2010, the Technology Committee, in conjunction with the Young Lawyers Division, conducted a program that featured experts in the field of social networking to provide information on individual and law firm marketing via social media. On a related note, for the first time, the IDC began offering members access to fast and convenient continuing legal education through FastCLE. This program allowed all IDC members access to continuing legal education programs in multiple formats including DVDs, video CDs, audio CDs and streaming video.

In 2009, the IDC honored its commitment to the community through the efforts of the Young Lawyers Division. The Young Lawyers Division collected toys over the Christmas season and distributed them to needy families. The Young Lawyers added hundreds of smiles to the faces of children during the holiday season.

In keeping with the IDC's commitment to diversity, officers of the IDC also attended the 2009 Unity Dinner and 7th Annual Swearing In of the Bar Presidents that was co-sponsored by the Filipino-American Bar Association. Over 50 area bar associations participated in that event.

The Annual Trial Academy in 2010 was co-sponsored by the IDC, the Defense Trial Counsel of Indiana and the Wisconsin Defense Counsel.

One of the major challenges facing the Hammond administration was how to address a proposed codification of the Illinois Rules of Evidence. An IDC task force was formed to evaluate the proposed rules and testify before the Supreme Court Rules Committee. The recommendations of the task force were adopted by the Board on June 18, 2010 and were presented to the Supreme Court Rules Committee.

Hammond ended his term by awarding the Distinguished Member Award to Glen Amundsen, the President's Award to Richard Lenkov and John O'Driscoll, and the Rising Star Award to Nicole Milos.

The IDC held its Annual Meeting on June 18, 2010. At the meeting **Kenneth F. Werts** assumed the office of president. Werts is a graduate of the University of Illinois and Southern Illinois School of Law. He is a partner in Craig & Craig, LLC, practicing in the firm's Mount Vernon office.

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As the 46th president of the IDC, Werts was the fifth from Craig & Craig. He was preceded in the office of IDC president by four members of Craig & Craig's Mattoon, Illinois office, Jack E. Horsley (3rd), John P. Ewart (14th), Stephen L. Corn (27th) and Gregory C. Ray (38th).

The Annual Meeting was followed by an exceptional dinner at the Oriental Theater and a performance of *Billy Elliott the Musical*, a Tony Award winning show.

One of the first goals Werts established was to carry through with an idea proffered by Gordon Broom at the roundtable held on June 12, 2009, at the beginning of Rick Hammond's term. Broom's idea was for the IDC to convene a judicial symposium on selection of Illinois state court judges. This idea immediately appealed to Werts and gave him an opportunity to combine his interests in governance and the practice of law. In his first President's Message, published in Volume 29, Number 3 of the *IDC Quarterly*, Werts noted that conducting the symposium would advance one of the core values of the IDC, namely, to "promote and support a fair, unbiased and independent judiciary."

While still serving as IDC president-elect, Werts, along with several other Board members and the Executive Director, Sandra Wulf, had begun laying the groundwork for the symposium by meeting with the Illinois State Bar Association, the Cook County Bar Association, the Chicago Bar Association and the Women's Bar Association of Illinois to recruit them as co-sponsors of the event. All were interested and agreed. Although invited to be a co-sponsor, the Illinois Judges Association declined because the symposium was scheduled to take place shortly before the General Election in 2010. Nevertheless, a number of current and former Illinois appellate court and circuit court judges, as well as state senators and representatives, participated as speakers and panelists.

The symposium came on the heels of a campaign for the Illinois Supreme Court in which millions of dollars were spent by each candidate in the race. This was followed by the U.S. Supreme Court decision in *Caperton v. A. T. Massey*, 556 U.S. 868, 129 S. Ct. 2252, 173 L. Ed. 2d 1208 (2009), where the court held that elected judges must recuse themselves from cases in which contributions to their campaign created an appearance of partiality.

Immediately prior to the symposium, the U.S. Supreme Court handed down another landmark decision in *Citizens United v. Federal Election Committee*, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010). In that case the Supreme Court held unconstitutional the limitation on independent expenditures by corporations for

electioneering, which was contained in the Bipartisan Campaign Reform Act of 2002. The time was right for a forum to discuss whether the current system of selecting judges in Illinois gave the public what it deserved and whether alternative selection methods should be considered.

The symposium, titled, "Judicial Selection in Illinois: A Judicial Symposium on Election and Appointive Systems," was held on October 5, 2010. The written materials provided to those in attendance included a white paper prepared by a group of students from the University of Illinois Civic Leadership Program. A requirement for all students in the program was to write a practicum during their graduate year. The practicum they chose at the invitation of the IDC was entitled, "Judging Illinois Judicial Selection: An Analysis on the Need and Method for Reform."

With over 150 on-site attendees and another 60 attending online, the symposium featured a lively and timely debate on the pros and cons of various forms of judicial selection.

During Werts' term, the IDC remained active regarding proposed Illinois Supreme Court Rules changes and proposed legislation affecting the practice of its members and the interests of its members' clients. IDC representatives appeared before the Supreme Court Rules Committee to present the IDC's positions on a proposed change to Supreme Court Rule 212 regarding the use of discovery depositions at trial, a proposed rule allowing jurors to submit questions for trial witnesses, and a proposed rule regarding the use of social security numbers in documents filed in court.

Despite a strong effort by the IDC in opposition to the proposed change to Rule 212, the change was implemented by the Supreme Court. Per the rule change, a discovery deposition of a party, who dies between the time of the deposition and the time of the trial, may be used at the trial to present the party's testimony. On the other hand, the IDC's positions on the submission of questions by jurors and on non-inclusion of social security numbers in documents filed in court were accepted in the final versions of the rules adopted by the Illinois Supreme Court.

To address a recurring problem of sometimes ineffective or insufficient activity by IDC committees, Werts initiated a Committee Structure Initiative. Several Board members and the Executive Director were assigned the task of finding ways for reinvigorating the committees and making them more effective. One result of this effort was the restructuring of the committees, including elimination of some and combination of others. Additionally, a plan was implemented whereby remaining as chair or a member of a commit-

tee was no longer automatic. Active participation became required. Additionally, an annual “boot camp” for the committee members and chairs was established to provide guidance and instruction on how to make the committees function effectively.

During the Werts administration, a number of other seminars and events were held, including the April 14, 2011 Spring Symposium. For this symposium the IDC teamed up with the Illinois Insurance Association. The conference offered a lively and freewheeling debate on topics, such as, whether Cook County truly is a difficult venue for the defense, whether pre-trial discovery is too long and too expensive, and how to do a better job in jury selection.

The Amicus Committee remained active, submitting briefs in a number of cases before the Illinois Supreme Court. One of them was *Thompson v Gordon*, 241 Ill. 2d 428, 948 N.E.2d 39, 349 Ill. Dec. 936 (2011). In that case a car went over a median at a shopping mall, resulting in an accident. The court agreed with the IDC’s position and found that the defendant highway engineers were entitled to summary judgment because their contract for the mall’s improvements had not included the design of an upgraded median as part of a traffic interchange for the shopping mall.

Another appeal to the Illinois Supreme Court in which the Amicus Committee submitted an amicus brief was *Vincent v. Alden-Park Strathmoor, Inc.*, 241 Ill. 2d 495, 948 N.E.2d 610, 350 Ill. Dec. 330 (2011). In that case the court also agreed with the IDC’s position, finding that punitive damages were not allowed in a suit brought under the Illinois Nursing Home Care Act for wrongful death of a nursing home resident.

The IDC was also able to celebrate some appellate success during Werts’ term thanks to the hard work and dedication of the Amicus Committee. In *Studt v. Sherman Health Systems*, 2011 IL 108182, 951 N.E.2d 1131, 351 Ill. Dec. 467, the Illinois Supreme Court reviewed the standard of care set forth in the 2005 and 2006 versions of the “Professional Negligence-Duty” jury instructions, IPI Civil No. 105.01. The Supreme Court held that the 2006 version of IPI Civil No. 105.01 did not accurately state the law in Illinois as to: (1) the type of evidence that a jury may consider in determining whether a physician has complied with the standard of care; and (2) the standard of care for evaluating the reasonableness of the physician’s conduct. According to the court, the 2006 version was misleading because it dispensed with the need for expert testimony to establish the standard of care and allowed the jury to find a physician negligent for violating a hospital rule. The court further found that the 2006 version did not accurately state

Illinois law on the standard of care for evaluating the physician’s conduct. According to the court, unlike the 2005 version of the instruction, the 2006 version’s wording of what a “reasonably careful” physician would or would not have done was incomplete because it did not refer to the knowledge, skill and care to be used by the “reasonably well-qualified” professional. Per the court, the language of the 2006 instruction improperly invited jurors to apply their own reasonable person standard rather than the professional standard shown by the evidence.

During Werts’ term, the IDC also re-instituted the publication of a membership directory in hard copy, opened the online archives of the *IDC Quarterly* to non-members, and began publishing the *Quarterly* as an online, searchable, turn-page document.

In the form of a fashion statement, under Werts’ tailored eye, the IDC developed a line of IDC apparel, available for purchase by its members.

The IDC also launched the Minnesota Lawyers Mutual Defense Program for IDC members. Per this program, among other things, Minnesota Lawyers Mutual Insurance Company became a sponsor of the IDC, provided a free, annual CLE seminar for IDC members, and offered legal malpractice insurance to members and their firms at discounted rates.

Werts’ term also saw the start of planning for the IDC’s 50th Anniversary Celebration to be held in 2014 and for the updating of the recorded history of the organization from the years covered by Bill Tribler’s work, *The Thirty-Five Year History of the Illinois Association of Defense Trial Counsel*.

Werts concluded his term in office by honoring Steven M. Puiszis with the Distinguished Member Award, R. Mark Mifflin with the President’s Award, Terry Fox with the Volunteer of the Year Award, and Daniel J. Connell with the Rising Star Award.

Anne M. Oldenburg became only the second woman in IDC history to assume the presidency of the organization when she was inaugurated at the Annual Meeting at the East Bank Club on June 24, 2011. Illinois Supreme Court Justice Rita Garman installed Oldenburg and the rest of the IDC officers. Oldenburg, a partner at Alholm Monahan, Klauke, Hay & Oldenburg, is a graduate of Ripon College and The John Marshall Law School.

Some presidents of the IDC preside over a year of relative calm. Others find themselves leading the organization during a time of

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momentous shifts in how defense lawyers practice law. Oldenburg happens to be one of the latter.

In late August of 2011, the supervising judge of the Motion Section of the Cook County Law Division announced the implementation of a new procedure for expert witness disclosures and depositions in certain cases, known as the “‘Pilot Project’ for Simultaneous Disclosure of Supreme Court Rule 213(f)(3) Witnesses” (Pilot Project). This project represented a radical departure from how expert witness discovery had been conducted in cases pending in the Circuit Court of Cook County. Under the program, a select number of complex litigation cases were to be identified and approved for inclusion. Inclusion in the program was to be determined by a committee formulated to oversee the project. The committee consisted of 17 individuals appointed to represent a cross section of experienced defense counsel, plaintiff’s counsel, and representatives of bar associations and the insurance industry. Cases in the program would be given a discovery order, requiring simultaneous disclosure of expert witnesses, with a 30-day window thereafter for the supplementation of opinions. The program required that after all controlled experts’ opinions were disclosed, depositions of all of the experts were to be completed within 60 days, without specificity as to the order of the witnesses’ depositions. Initially, the administrative order required the agreement of both the plaintiff’s attorney and the defendant’s attorney before a case would be included in the project. Within weeks of initiating the program, however, the administrative order was amended to allow for inclusion of a case via submission by a single attorney and approval by the committee.

Oldenburg served as an appointed member of the committee. Through her steady and continued participation in the deliberations of the Pilot Program committee, she brought a clear view of the defense bar’s perspective—and objections—to the attention of the supervising judge and the rest of the committee members. Oldenburg also formed a special IDC task force to monitor the Pilot Project and to recommend action. That task force drafted a formal position paper on the Pilot Project, which was presented to the Chief Judge of the Circuit Court of Cook County, the Presiding Judge of the Law Division and the Supervising Judge of the Motion Section. Repeated requests for meetings with those judges to discuss the IDC’s position were met with studied silence. Ultimately, after receiving no response from the judiciary, the IDC White Paper on Simultaneous Disclosure was released to the press. As of this printing, there has been no formal announcement on whether the simultaneous disclo-

sure of experts will become required practice in all cases pending in the Law Division in Cook County.

As only the second female president in the first 47 years of the IDC, Oldenburg stressed the importance of diversity across the lines of gender, race and age. To the end of increased diversity, under Oldenburg’s leadership, the Board created the position of Diversity Liaison. Margaret Foster, the original Diversity Liaison, was charged with providing input into and oversight of all functions, including education, publication, legislative, philanthropic and networking efforts toward achieving greater diversity participation. Under her leadership there was a continuing and ongoing effort to recognize and include the concepts of diversity in every function promoted by the organization.

In order to promote a healthy diversity of opinion, the IDC actively sought to include on the Board of Directors representatives from constituencies outside of the IDC, such as business, industry and insurance. To that end, the position of “Director at Large” was created. During Oldenburg’s term, two individuals from the insurance industry, the head of the in-house legal staff for State Farm and the managing attorney for the in-house legal staff at Allstate Insurance Company, were invited to join the Board of Directors for a one-year term as non-voting directors.

Special emphasis was placed on continuing the tradition of presenting cutting-edge programming. Shortly after Oldenburg took office, the IDC presented its first true webinar. It covered recent legislative changes to the Illinois Workers’ Compensation Act. On September 26, 2011, the IDC hosted a standing-room-only Round Table Discussion with Cook County Circuit Court Judges Michael Panter and Kathy Flanagan in Chicago. On October 12, 2011 the IDC took its CLE programming on the road, presenting a trial tactics seminar to a sold-out crowd in Edwardsville, Illinois.

In February of 2012 the IDC began a new tradition of publishing an annual *Survey of Law*. The inaugural *Survey of Law* covered a wide array of substantive areas, including Amicus, Civil Practice, Employment Law, Municipal Law and Tort Law Updates. The publication was distributed to every member of the IDC, the judiciary and select industry leaders.

The 2012 Spring Symposium was held on April 20, 2012 at the Standard Club of Chicago. This yearly event, again co-hosted with the Illinois Insurance Association, featured a damages theme. Attendees heard presentations on the subjects of dealing with “day in the life” videos, empirical ways of assessing and predicting damages, attacking the plaintiff’s financial expert, using neuropsychological evaluations in defending traumatic brain injury cases, trial strategy

regarding the use of AMA impairment ratings and the restrictions of the *Petrillo* rule.

As outgoing President, Oldenberg presented a number of awards to deserving IDC member volunteers, including the Distinguished Member Award to Charles H. Cole, the President's Award to Jennifer B. Groszek, the Volunteer of the Year Award to Nicole D. Milos, and the Rising Star Award to Eliina Viele Pritzker.

As Oldenburg's term came to close, although the IDC had much to celebrate, there was reason to mourn. The IDC learned that two giants of the defense bar, founding members and past presidents of the IDC, Royce Glenn Rowe and Thomas F. Bridgman, had passed away. Undoubtedly, without their innovative and dedicated leadership, this organization would not exist as we know it today.

R. Howard Jump was inducted as the IDC president for the 2012-2013 term at the annual meeting held on June 8, 2012 at the East Bank Club in Chicago. Jump, the founding partner of Jump & Associates, P.C., received his B.A. and J.D. degrees from Mercer University. The special guest speaker at the annual meeting was the Cook County State's Attorney, Anita Alvarez.

Prior to his installation, Jump and Executive Director Sandra Wulf met with some of the IDC's core sponsors. After this meeting, sponsorship picked up substantially and the IDC saw a dramatic increase in contributions.

In order to understand what Howard Jump stood for and what he believed this organization could and should be, one need only look at his inaugural President's Message column, which appeared in the Third Quarter 2012 edition of the *IDC Quarterly*, Volume 22, Number 3. In that column, Jump wrote:

We are IDC defense lawyers, keepers of a proud tradition and beneficiaries of a legal heritage passed down to us by the best lawyers in our field.

- We educate our members to enhance their professional competence.
- We lead by example, demonstrating the highest integrity and civility in our professional and personal lives.
- We strive to protect and improve the court system within which we practice to ensure civil justice for all.

- Our members are our mission.
- Law, Equity and Justice are our cornerstones.

That edition of the *Quarterly* also introduced a redesign of the artwork and layout of the *Quarterly*. Additionally, Jump's term saw a redesign of the IDC website.

In keeping with the newly adopted recommendations made by the Committee Structure Initiative, the IDC again conducted a Committee Boot Camp for all of the organization's committee chairs and co-chairs. Additionally, a new committee was formed—the Construction Law Committee.

In order to create a source of valuable advice from former presidents of the IDC, Jump initiated a Past Presidents Luncheon. Two luncheons were held, one in Chicago and one in Springfield.

In his inaugural *Quarterly* President's Message column, Jump wrote, "Sometimes, looking backward is the only way to see where you are going." He then quoted various remarks made by 17 former presidents in their *Quarterly* President's Message columns about issues facing defense attorneys.

Jump noted that the use of outside legal bill auditing services by insurance carriers remained an issue for defense attorneys, albeit not a new one. Some 13 years earlier, in the *The Thirty-Five Year History of the Illinois Association of Defense Trial Counsel*, Bill Tribler had noted the problem in his comments covering Anthony Tunney's term as president:

[T]he organization began dealing with the problems arising out of the use of bill auditing services by insurance carriers. Particular attention was given to whether the recent ethics opinions holding the practice to be violative of Model Rules 1.6 and 1.8 were correct. That question will have to be answered in the next IDC history.

Jump's inaugural President's Message column quoted former president Doug Pomotto's comments concerning the ethical implications of the auditing procedure and the strain that it causes between defense lawyers and the insurance industry.

In response to Tribler's suggestion that the problem of bill auditing "be answered in the next IDC history," it must be noted that, sadly, audits remain with us today. The procedure still presents the same ethical issues and causes the same strain in the relationship between defense counsel and insurers alluded to by Tribler, Pomotto and Jump.

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On July 20, 2012, the IDC convened a Cost and Delay Roundtable to exchange ideas on how to reduce litigation costs and delay in the Law Division in the Circuit Court of Cook County. The Roundtable was a continuation of the prior year's response to the "Pilot Project" for Simultaneous Disclosure of Supreme Court Rule 213(f) Witnesses initiated in the Law Division and headed by Judge Kathy Flanagan. The moderators of the Roundtable became the point team for preparing a draft of proposals that could be considered for implementation by the court to reduce delay in the Law Division.

The Fall Conference was held in St. Louis, Missouri on September 8, 2012. The IDC partnered with the Missouri Organization of Defense Lawyers to present a Comparative Law Seminar at the Busch Stadium Conference Center. John Mozeliak, General Manager of the St. Louis Cardinals, was the guest speaker and gave an interesting talk. As a special treat, following the conference, the attendees were given the opportunity to attend a ball game between the home team, Cardinals, and the San Diego Padres at Busch Stadium.

On September 28 and 29, 2012, the IDC partnered with the Defense Counsel of Indiana hosting the North Central Trial Academy at the Star Plaza Hotel in Merrillville, Indiana. The event was also coordinated with the Wisconsin Defense Counsel.

The IDC conducted an important Long Range Planning meeting at Eagle Ridge in Galena, Illinois on October 12 and 13, 2012. The purpose of the meeting was to develop a vision for the IDC for the next decade. All officers, directors, committee chairs, vice-chairs and active members of the Young Lawyers Division were invited to attend. The final report now serves as a compass for the IDC for the next decade.

Following the Long Range Planning Meeting in Galena, a number of the officers of the IDC traveled to New Orleans for the annual meeting of the DRI, where the officers and the rest of the world were witness to another IDC first—Howard Jump kicking a "dead-center" field goal through the uprights at the Super Dome. This led a number of Board members to question where Jump had been when the Chicago Bears really needed him!

In December, the IDC held its annual holiday get-together. In keeping with the IDC's commitment of helping those in need, the Young Lawyers Division sponsored a fundraiser as part of this event. The YLD fundraiser benefitted the American Red Cross and its Super Storm Sandy relief efforts. Additionally, to help those in need, the IDC sponsored blood drives in Edwardsville and Chicago.

On January 1, 2013, Illinois ushered in the era of e-filing, when a pilot program was implemented by the Illinois Supreme Court for

the electronic filing of documents in court.

On January 31, 2013, the IDC hosted a Judicial Reception honoring Supreme Court Justice Mary Jane Theis. The Reception brought together members of the IDC and the Illinois Judiciary to advance one of the IDC's Core values: To promote and support a fair, unbiased and independent judiciary.

The IDC ventured into the snowcapped mountains of Steamboat Springs, Colorado on February 6 and partnered with the Texas Association of Defense Counsel for a "destination" CLE program. All were treated to first rate CLE, spectacular views and fun outdoor activities.

The IDC partnered with the Illinois Insurance Association on March 15, 2013 to present the Annual Spring Symposium at the Standard Club in Chicago. Included in the wide range of presentations was one on "Cameras in the Courtroom," a recent initiative of the Supreme Court.

On May 16, 2013, the IDC partnered with the Illinois Association of Mutual Insurance Companies, the Independent Insurance Agents of Illinois and the Illinois Insurance Association to present a Risk Transfer Workshop that addressed risk transfer in the construction arena.

Jump took the lead in extending lunch invitations to the presidents of the Illinois Bar Association, the Chicago Bar Association, the Women's Bar Association and the Illinois Trial Lawyers Association. All accepted and the association leaders shared a lunch and exchanged ideas and perspectives about the state of the practice of law in Illinois.

The IDC continued in its legislative efforts in Springfield. Jump wanted to steer the IDC away from the previous "monitor and react" stance relative to proposed changes in legislation. Jump wanted the IDC to be more proactive and to prepare a legislative agenda for legislative proposals of interest to the members of the IDC. A legislative committee was formed and the committee drafted and introduced a bill to amend Section 2-1117 of the Illinois Code of Civil Procedure. Additionally, the IDC hosted a Legislative Reception at the Sangamo Club in Springfield, on May 14, 2013 and also co-sponsored the Insurance Industry Legislative Day in Springfield.

Under the Jump administration, the Illinois Supreme Court adopted two new rules that were originally submitted by the IDC through the efforts of past president Steve Puiszis. Supreme Court Rule 201(p) addresses the inadvertent disclosure of material subject to a claim of privilege or work product protection. Illinois Rule of Evidence 502 was also adopted and addresses limitations on waiver

of the attorney-client privilege and work product protection.

Jump and Sandra Wulf attended DRI's North Central Regional meeting in 2013 in Austin, Texas where they were asked to give a presentation on the IDC's Committee Boot Camp.

In December 2012, the Board authorized the Amicus Committee to file an amicus brief in the case of *Crittenden v. Cook County Commission on Human Rights*, 2013 IL 114876, 371 Ill. Dec. 783, 990 N.E.2d 1161. The issue in *Crittenden* was whether the ordinance forming the Cook County Commission on Human Rights authorized an award of punitive damages.

The hard work of the Amicus Committee paid off during Jump's term when the Illinois Supreme Court issued its opinions in *Martin v. Keeley & Sons, Inc.*, 2012 IL 113270, 979 N.E.2d 22, 365 Ill. Dec. 656 and *Center Partners, Ltd. v. Growth Head GP, LLC*, 2012 IL 113107, 981 N.E.2d 345, 367 Ill. Dec. 20.

In *Martin*, the Illinois Supreme Court was asked to address whether an employer's voluntary act of making its property available for an on-site inspection by governmental entities investigating a work-related accident gives rise to a duty to preserve the property for use by others in civil litigation. Agreeing with the position espoused by the IDC, the Supreme Court answered that question in the negative.

In *Center Partners*, the Supreme Court, agreeing with the position taken by the IDC, held that subject matter waiver of privileged attorney-client communications does not apply to disclosures made in an extrajudicial context when those disclosures are not thereafter used by the client to gain a tactical advantage in litigation. The court also held that deposition testimony of corporate officers does not waive attorney-client privilege so as to allow the application of subject matter waiver to certain attorney-client communications.

The Amicus Committee's work also paid off when Jump's term in office literally ended with an IDC victory in the Illinois Supreme Court. On June 20, 2013, the Illinois Supreme Court issued its decision in the *Crittenden* case. The court affirmed the appellate court's decision, which struck the punitive damages awarded to the employee-claimant by the Cook County Commission on Human Rights with respect to her claim of sexual harassment. The Supreme Court held that neither the Cook County Human Rights Ordinance nor the Illinois Human Rights Act authorized the commission to award punitive damages to a claimant seeking redress for alleged sexual harassment in the workplace.

On June 21, 2013, Jump passed the gavel to Aleen Tiffany. However, before doing so, Jump recognized a number of volunteers

for their dedicated service to the IDC. The Distinguished Member Award was given to Stephen J. Heine. The President's Award was given to Executive Director Sandra Wulf, CAE, IOM. The Volunteer of the Year Award was presented to Geoffrey M. Waguespack and the Rising Star Award was given to Mandi K. Ferguson.

Aleen R. Tiffany became president of the IDC at the annual meeting held on June 21, 2013 at the East Bank Club in Chicago. Tiffany, the founding partner of Aleen R. Tiffany, P.C., became the third woman to serve as president of the IDC. Tiffany received her undergraduate degree in mathematics from the University of Illinois and her J.D. degree from The John Marshall Law School. The special guest speaker at the annual meeting was a classmate of Tiffany's and a former tight end for the San Diego Chargers football team, Kellen Winslow.

Several events started by Tiffany's predecessors were continued with renewed interest and enthusiasm during her term. Among these events were the third annual IDC Committee Boot Camp, publication of the third annual *Survey of Law* and the annual Legislative Reception in Springfield. Additionally, partnering with the Texas Association of Defense Counsel (TADC), the IDC sponsored its second destination MCLE, this time in Crested Butte, Colorado.

But not everything was a repeat performance during Tiffany's term. Under Tiffany's leadership, the IDC developed and implemented a mentoring program with a reverse mentoring aspect. This program was coordinated by the IDC's Young Lawyers Division with the Illinois Supreme Court Commission on Professionalism. The program was highlighted in a February 2014 article by the Chicago Daily Law Bulletin, bringing additional positive publicity to the organization.

At the beginning of her term, Tiffany began the formulation and implementation of a joint bar task force to advance and improve the discovery process. This initiative gathered bar leaders for important analysis and dialogue on ways to decrease litigation costs, decrease delays in reaching resolution and improving access to civil justice for all litigants.

In the fall of 2013, Tiffany presided over yet another re-launch of the IDC website. Those who have carefully read this history know that since at least the Jack Riley administration, the IDC has made several changes over the years regarding the design, development and implementation, striving to achieve a top-notch website.

— Continued on next page

The current website is a technological marvel and stands head and shoulder above anything the organization has had in the past. It has a sleek look, is easy to navigate and can be personalized for each user.

During the Tiffany administration, the Construction Law Committee, recently formed during Howard Jump's term, quickly made important contributions to the IDC. The committee authored a Construction Law column in the *IDC Quarterly* and furthered the year's accomplishments by headlining the annual Spring Symposium.

Tiffany formulated and advanced the Young Lawyers Training Task Force. This task force began coordinating a training program for young lawyers, presented a training session on legal fundamentals (ethical presentations in court and marketing) and began coordination and retooling of the IDC Trial Academy.

Tiffany spent a great deal of time participating in and advancing the IDC's media coverage and recognition. Among her accomplishments:

- She presided over a joint strategy seminar on S.B. 1912, which instituted new parameters and timing on settlement documents and payments.
- She participated in coordination and gave an interview for an IDC-ITLA featured cover story for Chicago Lawyer Magazine in February of 2014. This article highlighted IDC's work on numerous fronts (e.g. Simultaneous Disclosure, legislative efforts including S.B. 1414, etc.).
- She participated in a July 2013 interview and article in the Chicago Daily Law Bulletin recognizing IDC's advances and goals.

During Tiffany's term the federal Advisory Committee on Civil Rules issued proposed changes to a number of the Federal Rules of Civil Procedure. Tiffany spearheaded a comprehensive analysis of the proposed changes and submitted the IDC's comments on the proposed changes to the committee.

Under Tiffany's leadership, the IDC, along with The John Marshall Law School and Southern Illinois University Law School, co-sponsored a series of presentations for second and third year law students. The presentations, entitled, "The Life of a First Year Associate" and "Strategies for Success: Ensuring Success in Your First Position," were designed to provide law students with information they could use to enhance their work experience after graduation.

The Amicus Committee continued to be active during Tiffany's tenure. In December of 2013 the amicus committee was given the green light to file an amicus brief in the Illinois Appellate Court, Third District, in the case of *Mackey v. DeFranco*, No. 3-13-0219. The issue in *Mackey* concerns whether the plaintiff's case should be dismissed because the plaintiff failed to timely move to convert a respondent in discovery to a defendant. In March of 2014, the Amicus Committee filed an amicus brief in the Supreme Court in the case of *Bruns v. City of Centralia*, 2013 IL App (5th) 130094, 996 N.E.2d 321, 374 Ill. Dec. 874. The issue in *Bruns* concerns whether a distraction exception should be applied to the "open and obvious" rule relative to an elderly woman who tripped on a raised section of sidewalk and fell while on her way to an eye clinic.

On April 4, 2014 the IDC, in conjunction with the Illinois Insurance Association, presented its annual Spring Symposium. The Symposium focused on the handling of construction negligence cases. It featured well-received presentations on construction contracts and general liability insurance contracts, recent developments in construction law, deposing fact witnesses on liability issues, using in-house safety experts, using technology advancements in construction litigation, choosing the best experts, and ethical issues involved in construction litigation.

On May 8, 2014 the IDC held a Judicial Reception in honor of Supreme Court Justice Lloyd A. Karmeier at Hepler Broom in Edwardsville, Illinois. The reception was well attended and included a number of appellate court and circuit court judges. Justice Karmeier recounted a number of events from his personal and professional life, as well as a discussion of a former U. S. Supreme Court Justice and former Illinois Supreme Court Justices who hailed from Washington County, Illinois, Justice Karmeier's home county.

As Tiffany's term drew to a close, the IDC remained a vibrant organization. Finances were in good order and membership totaled 1058 members.

At the Annual Meeting on May 30, 2014, Tiffany's term ended with the recognition of a number of IDC members for their dedicated service to the organization. Tiffany presented the Distinguished Member Award to Jeffrey S. Hebrank, the President's Award to Glen E. Amundsen, the Volunteer of the Year Award to John W. Robertson, and the Rising Star Award to Michelle Wahl.

Tiffany passed the presidential gavel to David H. Levitt of Hinshaw & Culbertson, LLP, thereby beginning the next chapter of the history of the Illinois Association of Defense Trial Counsel.

Conclusion

So that is it for the first 50 years. The history of the IDC is like a stock chart with ups and downs in a generally upward direction. Finances always have been and always will be critical. The dilemma is that it costs money to do things. If you do nothing, you will have a lot of money, but you will accomplish nothing. The goal of the organization has always been to give the members as much value as possible for their money.

As Royce Rowe said in his letter to the registrants at the 1966 Defense Tactics Seminar, the IDC “was stimulated into existence because of the imbalance created by the successful efforts of the plaintiff’s attorneys to obtain higher verdicts.” The IDC has tried over the years to reduce that imbalance. We like to think that it has done so.



APPENDIX A

THE EXECUTIVE DIRECTORS

Arlene Moody

Arlene Moody served as executive secretary of the association, except for an eight month hiatus in 1979-1980, from 1965 to 1989.

Her retirement was the subject of well-deserved praise, including these two tributes in the Winter 1989 newsletter.

The first was by Dick Hoffman:

Arlene has been connected with the IDC for as long as I can remember. We always depended on her quiet efficient manner to make all of the necessary arrangements for our seminars, including mailings, getting materials printed and bound, coordinating with the hotel, keeping speakers alerted on their deadlines for submitting their written materials and scheduling all the necessary additional help on the day of the seminar. Arlene also made all the arrangements for the Board meetings, seminar dinners and handled all the finances and got out all the monthly notices. All of us at one time or another can remember an occasion, rare as it was, when Arlene was unable to attend a Board meeting. Our minutes were just not the same when she wasn't there.

If anyone had a question concerning the organization, we always said, "Ask Arlene." She had all the answers.

Every officer and seminar chairman will join me in thanking Arlene for taking care of all the details.

We merely showed up at the appointed hour and pretended that the smooth running seminar or meeting was the result of our efforts when in fact Arlene made it all happen.

IDC is indebted to Arlene. Thanks much, Arlene.

The second was by Bill Tribler:

I first met Arlene Moody in the early summer of 1971, when she was Bert Thompson's secretary, and her name was still Arlene Carpson. I had been told that "Arlene Carpson runs the IDC". Little did I know. Little did any of us know.

It later became almost a ritual to introduce Arlene at the spring seminar and other events, concede that we could not function without her, and give her a round of applause. Unfortunately, I can say from

firsthand experience that we really could not get along without her.

Arlene "retired" once before, in 1979-1980 when the late Dick Valentine was president and I was secretary-treasurer. Other than putting on the spring seminar, Dick and I and the other officers had to do everything without Arlene, and it was not pleasant. Notices were often late, letters were prepared when they could be prepared, and the minutes, like all my minutes, were very cryptic. ("We met. Pritchett complained that the waiters were too slow. Guy ripped up the plaintiff's bar. We adjourned.") It was an act of great charity, and perhaps the salvation of the organization, when Arlene came back in the fall of 1980 before I could do any more damage. And so Arlene has retired again, this time probably for keeps. Even though her job has passed to very capable hands, we will not be the same without her, and we can only rejoice that she is still young and healthy and that this is a much, much better organization than it would have been had she not been part of it.

Arlene Moody handled all of the business of the IDC. She made purchases, approved bills, signed checks, balanced the checkbook, and kept all bank records. She was very difficult to replace, and it fell upon Henderson to organize a new system for a rapidly expanding organization. He did that very well.

After a short-lived arrangement in 1989-90, the IDC entered into a contract with Karen Barr and Shirley Stevens. Ms. Stevens became Executive Director in 1992 and proved to be a worthy successor to Arlene Moody.

Shirley Stevens

Executive Director **Shirley Stevens** was once described by former president Steve Puiszis as the "Rock of the IDC." Shirley was our "rock" from 1992 to 2007.

Shirley was in the difficult position of replacing the legendary Arlene Moody, who had started when the IDC was organized and was the only staff person it ever had. Arlene had served from 1964 to 1989 with only a ten-month hiatus in 1979-1980. She had virtually invented the organization, and no one could imagine how she could be replaced.

After a brief transition, the IDC entered into a contract with K.E. Consultants. Shirley Stevens was the primary contact person.

Although the IDC is now and always has been a member-driven organization, the Executive Director position carries a lot of responsibility and involves a great deal of work. Most of this is done behind the scenes with relatively few members realizing how hard it is.

When Shirley started with the IDC, there was very little money, no budget and no list of members. Paul Price was the president and he, the officers and the Board of Directors helped develop a membership list from old files. Nevertheless, Shirley managed to put together a Fall Seminar which was held in St. Louis, Missouri that actually made a small profit.

Shirley made the arrangements with hotels, restaurants and special venues. She took care of arrangements for out-of-town speakers and such problems as late reservations, late cancellations, special food requests and inexperienced committee chairs.

When Shirley became the Executive Director, the attendance at the 1992 Spring Seminar was approximately 400. The seminar materials were disseminated in four-inch thick, three ring binders. In order to have the materials ready to distribute to the attendees at the seminar, Shirley got to the hotel the evening before and she and the seminar committee spent that night filling 400 binders.

Compiling materials for seminars was a major labor-intensive task that Shirley tackled multiple times every year. It got to the point where it was necessary for her to order a truck load of three ring binders that were delivered to her garage. Shirley's husband, Gary, had to carry all of the boxes up to their attic to be stored until needed for the next seminar. Before every seminar, Shirley would call upon Gary to carry the binders down from the attic and help fill them with materials. Gary was very grateful when the IDC started disseminating seminar materials on CDs.

Shirley took the IDC down the path of improved technology. In the early 1990's, written materials for seminars were sent to the IDC office, where they were organized and then taken to a copy shop to be duplicated and collated. This was not only very labor intensive, it was also expensive. When CD's became more popular, Shirley would load the materials on CDs and then send them out to attendees in advance so they could print them before the seminar. By the time Shirley retired, the IDC was putting seminar materials on the IDC's website so that attendees could download them or work with the information on their laptops.

Shirley handled all of this with incredible good cheer and a helpful attitude. These qualities were especially important as the organization expanded and our membership became younger and younger and less and less experienced. Without exception, the leaders of the IDC will tell you that Shirley was wonderful, that she showed them the ropes, that she led them by the hand, and that their projects would not have been nearly as successful without her.

All of this was done for a rapidly growing organization. The

"Shirley Era" involved a great deal of change. For example, the *IDC Quarterly* had evolved in ten years from a four-page, fold-over into the full-sized, professional journal that is published today. The Trial Academy was in its early stages in 1992 and had to be nursed along to maturity. Shirley assisted with a very active amicus program and an expanded legislative program. In addition, the Spring Seminar grew year by year and was joined in 1989 by a greatly expanded Fall Seminar and in 1993 by a Rookie Seminar for newly admitted lawyers. Shirley saw the development of the Young Lawyers Division, with its own newsletter, and the formation of eight active, substantive law committees. All of these developments required time and attention from the Executive Director.

Shirley was a first-class meeting planner who staged excellent special events. Interestingly enough, she had a real baptism by fire in her first solo Fall Seminar. On January 8, 1992, the original main building at the Eagle Ridge Inn and Resort in Galena was the victim of a spectacular fire and had to be demolished. With eight months to go, and no reasonable alternative site available, Shirley put together an outstanding, "road show" Fall Seminar with meeting sites spread out over much of the large expanse of Eagle Ridge. It was a memorable and very successful event.

Shirley also managed the extensive arrangements for the 30th Anniversary celebration at the John G. Shedd Aquarium, the 35th Anniversary celebration at the Field Museum, and the 40th Anniversary celebration, which featured a dinner cruise on Lake Michigan.

Shirley remembers that many of the presidents became involved in the IDC at a young age. They worked on committees, wrote articles and attended as many programs as their firms would allow. They became her friends, as well as professional colleagues, and she enjoyed watching them as they grew professionally and within IDC.

Because most of the monthly Board meetings were held in Chicago, Shirley had to travel from Springfield the night before to prepare for the meetings. Shirley, the sitting president and many of the officers would often go out for dinner or drinks the evening before for a "pre-Board" meeting. Shirley fondly remembers spending time with Steve Heine, Gordon Broom, Chuck Cole, Glen Amundsen and going to gourmet restaurants chosen by Greg Ray. Shirley said they learned a lot about each other by doing this and it led to a special friendship with all of the presidents that she treasures to this day.

After Shirley retired in 2007, she and Gary moved to Florida where they are now enjoying fairer weather. When recently asked about her memories of the various IDC presidents with whom she served, Shirley said that she has "a warm place in her heart" for every president.

All of us have a warm place in our hearts for you too, Shirley. Thank you for all that you did for us.

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Sandra J. Wulf, CAE, IOM

When Shirley Stevens retired, the Board of the IDC—and most assuredly the Executive Committee—were devastated, both personally and professionally—by her departure. On the professional front, those who were responsible for the direction of the IDC were sure that Shirley was irreplaceable—that no one could possibly fill her shoes, care as much about the organization, or provide the positive “face” of the organization that Shirley had always represented. It was against that backdrop, and with those worries, that a search was conducted to find a new Executive Director.

The officers developed a “Scope of Work,” detailing the expected requirements of the job and then publicized the availability of the position. An interview team, composed of past presidents, Executive Committee members and Board of Director members was formed. The IDC received a number of resumes and brought 10 candidates in for interviews. Sandra Wulf was one of those 10 candidates.

Past president Steve Puiszis remembers the following about the interview process:

Going into the interviews, Sandra was not the leading candidate. One of the candidates we brought in to be interviewed had worked for DRI and was thought to be a natural for what we were looking for and what we thought we needed. However, suffice it to say that Sandra “hit it out of the park” in the first interview. . . . She was by far and away the best candidate we interviewed.

Ultimately, we decided to bring back 4 candidates for a second round of interviews including Sandra, Tanya Voeple who was then our publications manager for the IDC and Susan Baumgarten, who ultimately was hired on a part time basis to assist with publicity. After the second round of interviews we decided to hire Sandra and it was the best decision the IDC ever made.

Past presidents Greg Cochran and Rick Hammond, and current president Aleen Tiffany, have all noted that although Shirley Stevens was a hard act to follow, Sandra willingly accepted the challenge; and, as a result, the IDC continued to grow and advance. According to Cochran, “Sandra . . . proved equal to the task of upholding the extremely high standard set by Shirley for the IDC Executive Director. Thanks to the talents, skills and dedication of both Shirley and Sandra, the transition from Shirley to Sandra was virtually seamless and the IDC did not miss a beat.” Hammond notes, “Sandra picked up right where Shirley left off and took the organization even further.” Tiffany

adds, “It is, of course, a great testament to Sandra that the IDC moved forward and continued its advance [following Shirley’s retirement], really without lapse of any kind.”

Sandra began working with the IDC on October 1, 2006. The decision was made by the Board of Directors to have Sandra “shadow” Shirley Stevens for six months to learn the association. Although this transition plan resulted in the IDC paying for two Executive Directors during that timeframe, past president Ken Werts said that “the money was well worth it.” When Shirley Stevens officially left following the 2007 Spring Seminar, Sandra took over as the full time Executive Director.

Sandra received her undergraduate degree in Russian Studies from Illinois State University in 1992. Prior to joining the IDC, Sandra served for 10 years as the Executive Director of the Illinois Association of Mutual Insurance Companies. She started her career in association management with the National Federation of Independent Businesses, where she served as the Assistant State Director. She is a member of the Illinois Society of Association Executives (ISAE), where she has served on numerous committees and on the Board of Directors. She received the ISAE Rising Star Award in 2000. Sandra served as the president of the ISAE in 2006 and was recognized with the 2009 Distinguished Member Award. She earned her Certified Association Executive (CAE) designation in 2001 and the IOM designation in 2004, after attending the US Chamber of Commerce Institute for Organization Management for four years. Fewer than 15% of the 22,000 members of the American Society of Association Executives have earned the CAE designation.

When Sandra applied for the job of Executive Director she described herself as a consensus builder, a natural team leader, detail oriented with strong writing skills, and a prudent fiscal planner. She proved to be all of that and more. In just her first year in the job, besides learning the organization and the personalities of all the officers, directors and past presidents, she developed a new website for the IDC. Additionally, she was instrumental in developing an action plan for the committees that included periodic reporting to the Board by the committee chairs, membership and publication goals, and the appointment of Board members to serve as liaisons to the committees. Sandra worked with the Board to bring in several diversity consultants to develop a plan to increase the diversity of the organization, reinvigorated the diversity committee and scheduled the first diversity speakers for the Spring Seminar program. She helped to plan a special seminar on the federal e-discovery amendments and developed a judicial committee. Sandra helped prepare Steve Puiszis for the IDC’s first press conference in Springfield to oppose legislation proposed

by ITLA and began working with the Illinois Chamber of Commerce to try to develop a strategic alliance.

Since beginning her duties as Executive Director, Sandra has contributed sound advice and assistance to the Executive Committee in making decisions, has been thoroughly involved in legislative matters, has deftly handled that involvement once the Board of Directors has voted to proceed, has organized and coordinated the IDC's many volunteers and has organized and planned the group's many events. As Rick Hammond notes, "Sandra takes our ideas and breathes life into them."

Just a partial listing of the activities and events that have come to fruition under Sandra's tenure demonstrates how instrumental she has been, and continues to be, to the success of the organization:

- Redevelopment of the IDC website (twice!)
- Conception and publication of the *Association Brief* electronic newsletter
- Development of a Board Orientation program
- Purchase of Directors and Officers insurance
- Adoption of consent agendas for Board meetings
- Creation of an IDC Policy Handbook
- Creation of an IDC Operations Manual
- Introduction of strategic thinking sessions at each Board meeting
- Development of a mentoring program
- Institution of voluntary dues contributions to the IDC PAC
- Increased sponsorship opportunities
- Updated membership brochure
- Updated legislator brochure
- Creation of Rising Star, Volunteer of the Year and Distinguished Member Awards
- Substantial expansion of IDC events, including committee CLEs, the IDC Legislative Reception, the IDC Statewide Meeting, the IDC Judicial Reception, Ski & CLE, the joint meeting with the Missouri Organization of Defense Lawyers and multiple topical seminars.

According to IDC past president and 2013-2014 DRI secretary-treasurer Steve Puiszis, "I don't think that I am speaking out of school when I say that the IDC is considered the 'gold standard' by DRI for state and local defense organizations. Sandra is a major reason why the IDC is viewed in such high esteem by DRI." In fact, Sandra has served as a member of DRI's State and Local Defense Organization (SLDO) Committee for two years and has served as a member of DRI's Annual Meeting Steering Committee. According to Aleen Tiffany, "Sandra is very highly respected nationally, and in this way brings a

great deal of good publicity to IDC."

Sandra is a registered lobbyist and her involvement with the IDC has brought another dimension to the IDC's legislative efforts and agenda. Her work in Springfield for the Illinois Association of Mutual Insurance Companies and the NFIB gave her invaluable experience that allows her to contribute substantive ideas and direction at Executive Committee meetings. She and Mark Mifflin constitute a "one-two" punch with the IDC's Legislative chair and co-chair in this arena. As Aleen Tiffany has noted, "I think that it is fair . . . to say that without Sandra I don't think [the IDC] would have made the legislative advances that we have over the last 5+ years."

In 2013, Sandra was the recipient of the IDC President's Award. IDC president Howard Jump selected Wulf for the award, which honors an individual who has demonstrated outstanding service and commitment to the defense bar. In presenting the award to Wulf, Jump said the following:

Sandra is the one constant in the IDC. Presidents, executive committees, and boards come and go, and it is a great challenge for executive directors of associations to maintain the mission while providing stability and continuity amid the ever-changing leadership environment.

I have watched Sandra handle the transitions from president to president, all of whom have different styles and personalities, and she does it seamlessly. She embraces change when needed, but never waivers from the IDC's mission and its core values.

Sandra supported my agenda and she helped me accomplish things that, alone, I would not have tried. If I had a good idea she encouraged me to act on it. If I meandered off course, she nudged me back on track. She took it upon herself, early on, to educate her officers about fundamentals of association management and by doing so she made us all better leaders.

The IDC is very blessed to have such an outstanding executive director, and every president owes a great debt to her

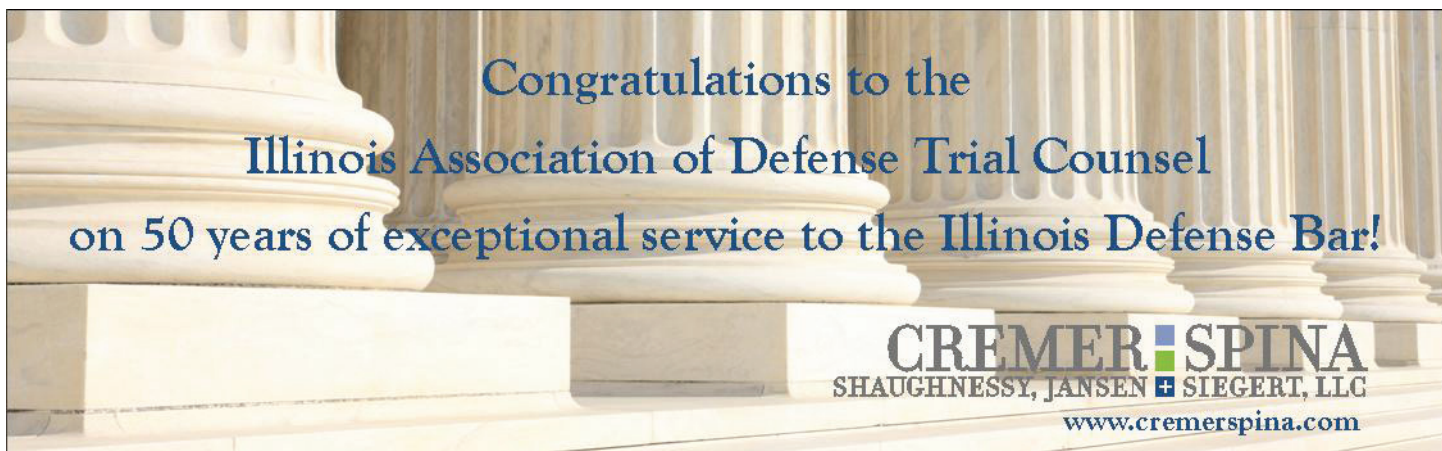
Multiple presidents of the IDC have noted that as the ranks of IDC officers and directors change from year to year, the Executive Director is the one constant over time and the glue that holds it all together. The Executive Director is the foundation that continues to work with all of the officers and directors—each with individual styles and personalities—and keeps the IDC advancing and moving forward. **Here is hoping that Sandra continues to serve as our foundation for many years to come!**

APPENDIX B

Presidents and Their Years

Royce G. Rowe, Wilmette *	1965 – 1966	Paul L. Price, Chicago	1990 – 1991
James Baylor *	1966 – 1967	Stephen Corn, Mattoon	1991 – 1992
Jack E. Horsley, Mattoon *	1967 – 1968	Rudolf G. Schade, Jr., Chicago	1992 – 1993
John J. Schmidt	1968 – 1969	Lyndon C. Molzahn, Chicago	1993 – 1994
Thomas F. Bridgman, Chicago *	1969 – 1970	Daniel Formeller, Chicago	1994 – 1995
William J. Voelker, Jr. *	1970 – 1971	Gordon R. Broom, Edwardsville	1995 – 1996
Bert M. Thompson, Peoria *	1971 – 1972	Clifford P. Mallon, Chicago	1996 – 1997
John F. Skeffington, Chicago	1972 – 1973	Anthony J. Tunney, Chicago	1997 – 1998
John G. Langhenry, Jr., Arlington Heights	1973 – 1974	Douglas J. Pomatto, Rockford	1998 – 1999
Lee W. Ensel *	1974 – 1975	Jack T. Riley, Jr., Chicago	1999 – 2000
L. Bow Pritchett, Wheaton	1975 – 1976	Peter W. Brandt, Bloomington	2000 – 2001
John F. White, Wauconda *	1976 – 1977	Charles H. Cole, Chicago	2001 – 2002
R. Lawrence Storms *	1977 – 1978	Gregory C. Ray, Mattoon	2002 – 2003
John P. Ewart, Mattoon	1978 – 1979	Jennifer Jerit Johnson, Chicago	2003 – 2004
Richard C. Valentine *	1979 – 1980	Stephen J. Heine, Peoria	2004 – 2005
Richard H. Hoffman, Chicago	1980 – 1981	Glen E. Amundsen, Chicago	2005 – 2006
Ellis E. Fuqua *	1981 – 1982	Steven M. Puiszis, Chicago	2006 – 2007
John E. Guy *	1982 – 1983	Jeffrey S. Hebrank, Edwardsville	2007 – 2008
Leo M. Tarpey *	1983 – 1984	Gregory L. Cochran, Chicago	2008 – 2009
Willis R. Tribler, Chicago	1984 – 1985	Rick Hammond, Chicago	2009 – 2010
Alfred B. LaBarre, Springfield	1985 – 1986	Kenneth F. Werts, Mt. Vernon	2010 – 2011
Patrick E. Maloney, Chicago	1986 – 1987	Anne M. Oldenburg, Chicago	2011 – 2012
Robert V. Dewey, Jr., Peoria	1987 – 1988	R. Howard Jump, Chicago	2012 – 2013
Lawrence R. Smith, Chicago	1988 – 1989	Aleen R. Tiffany, Crystal Lake	2013 – 2014
R. Michael Henderson, Peoria	1989 – 1990		

* Deceased



Officers and Directors

1965-1966

President: Royce Glenn Rowe

Vice-Presidents: Henry J. Marquard | Vincent B. Vaccarello
Tom L. Yates

Secretary-Treasurer: James Baylor

Directors: Francis D. Conner | Albert F. Manion |
Stephen A. Milwid | John M. Moelmann | Francis D.
Morrissey | Alfred F. Newkirk | Robert O. Rooney
| John J. Schmidt | Irving G. Swenson | Bert M.
Thompson

1966-1967

President: James Baylor

Vice-Presidents: Oliver W. Gregory | Jack E. Horsley |
John J. Schmidt

Secretary-Treasurer: Vincent B. Vaccarello

Directors: John R. Caffrey | Alfred Y. Kirkland | Henry J.
Marquard | Francis D. Morrissey | Alvin E. Rosenbloom
Royce Glenn Rowe | Irving G. Swenson | Bert M.
Thompson | William J. Voelker, Jr. | Tom L. Yates

1967-1968

President: Jack E. Horsley

Vice-Presidents: Herbert L. Caplan | John J. Schmidt

Secretary-Treasurer: William P. Casey

Directors: James Baylor | Oliver W. Gregory | Alfred Y.
Kirkland | Richard E. Mueller | Neil K. Quinn |
Alvin E. Rosenbloom | Royce Glenn Rowe | John F.
Skeffington | Irving G. Swenson | William J. Voelker, Jr.
Tom L. Yates

1968-1969

President: John J. Schmidt

Vice-Presidents: Herbert L. Caplan | John F. Skeffington |
William J. Voelker, Jr.

Secretary: James Baylor

Treasurer: William P. Casey

Directors: Thomas F. Bridgman | Jack E. Horsley | Alfred
Y. Kirkland | Joseph T. Lavorci | George S. Miller |
Richard E. Mueller | Neil K. Quinn | Royce Glenn
Rowe | Gus Svolos

1969-1970

President: Thomas F. Bridgman

President-Elect: William J. Voelker, Jr.,

Vice-Presidents: Richard E. Mueller | John F. Skeffington

Secretary-Treasurer: George S. Miller

Directors: William P. Casey | Lee W. Ensel | John G.
Langhenry, Jr. | Joseph T. Lavorci | Neil K. Quinn |
Donald M. Reno | Alvin E. Rosenbloom | Royce Glenn
Rowe | John J. Schmidt | John F. White

1970-1971

President: William J. Voelker, Jr.

President-Elect: Bert M. Thompson

Vice-Presidents: John F. Skeffington | Richard E. Mueller

Secretary-Treasurer: John G. Langhenry, Jr.,

Directors: Matthew N. Chacones | Lee W. Ensel |
James W. Kissel | George S. Miller | Neil K. Quinn |
Donald M. Reno | Alvin E. Rosenbloom | Royce Glenn
Rowe | John J. Schmidt.

1971-1972

President: Bert M. Thompson

President-Elect: John F. Skeffington

Vice-Presidents: Richard E. Mueller | Donald M. Reno

Secretary-Treasurer: John G. Langhenry, Jr.

Directors: Lee W. Ensel | John P. Ewart | Tim J. Harrington
James W. Kissel | George S. Miller | John C. Palmer, Jr.
L. Bow Pritchett | Neil K. Quinn | Alvin E. Rosenbloom
Royce Glenn Rowe | R. Lawrence Storms

1972-1973

President: John F. Skeffington

President-Elect: John G. Langhenry, Jr.

Vice-President: Donald M. Reno

Vice-President and Executive Director: L. Bow Pritchett

Secretary-Treasurer: Neil K. Quinn

Directors: Robert J. Banks, Jr. | Herbert L. Caplan |
Lee W. Ensel | John P. Ewart | John E. Guy | Tim
J. Harrington | James W. Kissel | George S. Miller |
Richard E. Mueller | John C. Palmer, Jr. | R. Lawrence
Storms | John F. White

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Thank you.

We applaud the
Illinois Association of
Defense Counsel for

50 YEARS

of commitment
to justice for our
community.

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1973-1974

President: John G. Langhenry, Jr.

President-Elect: Lee W. Ensel

Vice-Presidents: L. Bow Pritchett | Donald M. Reno

Secretary-Treasurer: Neil K. Quinn

Directors: Robert J. Banks, Jr. | John P. Ewart | John E. Guy
Tim J. Harrington | Richard H. Hoffman | George S.
Miller | John C. Palmer, Jr. | Royce Glenn Rowe |
John F. Skeffington | R. Lawrence Storms | Richard C.
Valentine | John F. White

1974-1975

President: Lee W. Ensel

President-Elect: L. Bow Pritchett

Vice-Presidents: Donald M. Reno | John F. White

Secretary-Treasurer: Neil K. Quinn

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Ewart | John E. Guy | Tim J. Harrington | Richard H.
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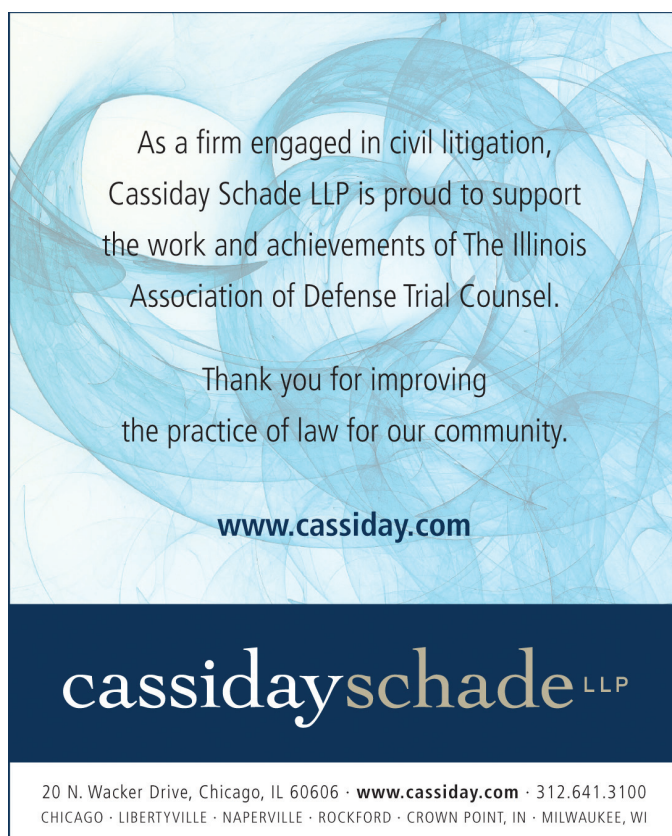
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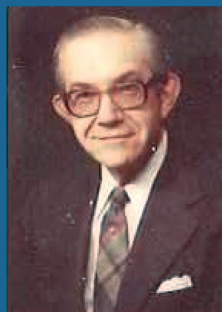
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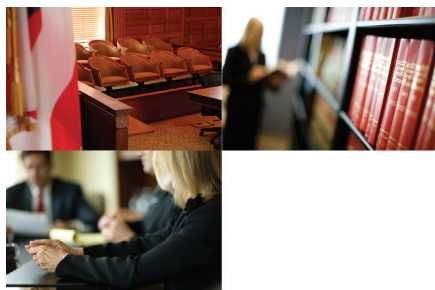
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Core Values of the IDC

- To promote and support a fair, unbiased and independent judiciary;
- To take positions on issues of significance to our membership and to advocate and publicize these positions;
- To promote and support the fair, expeditious and equitable resolution of disputes, including the preservation and improvement of the jury system;
- To provide programs and opportunities for professional development to assist members in better serving their clients;
- To increase its role as the voice of the defense bar of Illinois and to make the IDC more relevant to its members and the general public; and
- To support diversity within the organization, the defense bar and the legal profession.

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What is the IDC?

We are the premier association of attorneys in Illinois representing business, corporate, professionals, and other individual defendants in civil litigation. The IDC is an exceptional community of defense attorneys dedicated to improving the judicial system and the practice of law.

The IDC is a reasoned and independent voice for fairness in the legal system. We work with the business, insurance, and medical communities to ensure a fair and equal justice system for all litigants.

The IDC is

- An advocate for the legal profession
- 1,000 members strong
- Looked to for advice and support by the judiciary
- A resource for legislators

How is the IDC Making a Difference?

The IDC strengthens the practice of law and improves the skills of lawyers that defend individuals and businesses in Illinois. We enhance the knowledge of defense attorneys through our nationally respected publication the *IDC Quarterly* and the new *Survey of Law*, by our continuing legal education programs, and committees that focus on specialty practice areas like **Civil Practice; Commercial Law; Construction Law; Employment Law; Local Government Law; and Tort Law.**

The IDC is working to protect the Illinois legal system, demanding a level playing field and resisting attempts to dismantle the jury system. The IDC is a respected resource providing:

- Fact sheets on the impact of pending litigation
- Expertise to legislative committees and political leaders
- Amicus briefs on legal issues pending before the Illinois reviewing courts

IDC members are as diverse as the clients we represent

From big firms and small and all corners of the state, attorneys join the IDC based on our common issues and a common desire to improve our legal system.

Over the past five decades, we have grown from an organization of mostly insurance defense attorneys to a broad-based association of litigators who represent an entire range of business and industry throughout Illinois and the United States. The diversity of our membership and clientele informs our independent and balanced view of Illinois's judicial system and the litigation that affects it.



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