

Ed Willer

Achieving Superior Results in Difficult Injury and Death Cases

by Mike Bailey

When Chicago attorney Edward G. Willer attended Gordon Tech High School in Chicago, he had no problem conceptualizing how to make plumb bobs and C clamps. Execution was something altogether different, however.

"My dad was a tool and die maker, and he knew the metric system," the highly focused litigator recalls. "He knew how to use micrometers and calipers; as a skilled tradesman he always had a job. At Gordon Tech, I would take the test and score 100, but when it came time to make plumb bobs and C clamps, I would fail miserably."

That conceptual understanding of how machinery functioned and his working class background helped shape one of Chicago's most successful personal injury/wrongful death lawyers, a mainstay at **Corboy & Demetrio PC**, the highly regarded Chicago litigation firm.

"Ed Willer has an incredible ability to learn and remember new concepts and then project them into a cohesive pattern," says George Avgeris, a Hinsdale medical malpractice attorney and himself a Leading Lawyer.

"You know, there are two kinds of ego. There's the bad ego where you look at your accomplishments and you become self-satisfied, arrogant and conceited. And there's the good ego, like Ed's, where he will look at something and say to himself, 'I think I can do that.' He has a superior mind."

The results bear that out. He has netted more than \$100 million in settlements for clients, many of whom suffered grievous injuries that forever altered their lives and the lives of the families.

"I've always wanted the unusual cases," Willer says from his office in the heart of the Loop. The more difficult, the more apparently unwinnable, the better, he says.

One of his first such cases occurred while he worked for Leonard M. Ring, who Willer credits with shaping his early career.

"The firm had a suit against a Russian cab driver who had hit a woman in the 80-foot crosswalk outside Lutheran General Hospital in Park Ridge," he recalls.

The woman was crossing a long, circular drop-off area when she was struck. The accident caused severe head injuries. The driver had only \$100,000 in insurance, and the woman's care and future needs far exceeded that, Willer says.

So, as he so often does, he took a look at



the case from a different angle and began to examine the crosswalk. He noticed it had no rumble strips or stop signs and that it required pedestrians to frequently dodge cars and taxis turning into the hospital from Dempster Avenue, an arrangement he felt was unsafe.

He interviewed several construction engineers, none of whom offered any encouragement. But he was not discouraged. "People walk at about four feet per second (meaning a pedestrian would be exposed to traffic for 20 seconds). But the construction engineers (he interviewed) said there was no need for stop signs because people would just ignore them anyway." Still, he felt the design was flawed and exposed pedestrians to unnecessary risk.

Willer located construction progress photos from additions built onto the hospital and discovered that in an area in the back of Lutheran General where doctors and administrative personnel entered the building, there were rumble strips and stop signs in place.

He filed a suit against the hospital for faulty design and secured an engineer from Ohio as an expert witness. The case was tried from Mother's Day to Father's Day in 1989, he recalls, and when it was over, his client was awarded \$4.6 million, reduced to \$3.3 million.

"Ed is a theoretician and a philosopher of law," Avgeris says. "He has such a superior mind and yet such incredible humility."

It is that unceasing drive to help people that motivates Willer, who says he learned early in his career to practice law with "humility and passion." Willer lacks neither in his approach.

"He works as hard as any lawyer I've ever known," says Thomas Demetrio, who hired Willer after Ring died in 1994. "He's here every Saturday. Not many lawyers can say that. He is always (thinking) about how he can get around a problem or an issue. And he is always thinking about his clients and about the law. The law is his passion, and he is just so good at it," he says.

Saturdays became a part of his career when he worked for Ring. "We used to meet (with Ring) on Saturday to go over cases," he remembers. "One time, in my first year, Leonard and I were in the office library on Thanksgiving Day working on a brief. There were no lights, no heat and we worked all day preparing that brief for a chemical explosion case. That's when I realized this was a profession, not just a job."

Unraveling the Complex Details

Willer has taken on many cases that would discourage others from even



From left: Wife Bonnie Willer, daughter Collette, Illinois Supreme Court Justice Anne M. Burke, Willer, and son Kenneth

attempting to unravel the complicated matrix of circumstances that led to a tragedy, something that motivates the 66-year-old attorney even more. That, and his heartfelt empathy for people whose lives have been destroyed through no fault of their own.

Many cases are so moving they require a supreme effort to detach himself from the tragedy and focus on a remedy. The first such case which deeply touched him involved an 11-year-old boy hospitalized for diabetes monitoring in a Chicago hospital in the mid-1980s.

"His mom got a call from the hospital at 7 a.m. that Gregory was ready to go home," Willer says, his eyes focused on a distant point. Gregory was assigned a bed which had a walk-away down feature which, when activated, would cause the bed to rise or descend without a nurse present.

Nurses later saw him playing with the motor of the bed, which raised and lowered it according to patient needs using a scissors-like mechanism located under the bed. Gregory became curious, Willer says, looked underneath the bed. He apparently operated the mechanism, which trapped and asphyxiated him.

Through his thorough inquiries and pointed depositions, Willer learned that the company that manufactured the bed had issued a warning to all customers about the dangers after a similar pediatric death in Canada. Further, he discovered that nurses had not been trained on the use of the bed and that the hospital ignored the admonition that the beds should not be used in a pediatric ward. His client was awarded just under \$1 million, a reasonable sum 30 years ago.

"I figured out early in my career that many accidents are foreseeable," Willer says. "If you put together a focus group to analyze the potential (shortcomings) and misuse of a product, you can see that many of these accidents could have been avoided."

"Ed is very tenacious in securing the discovery he seeks," says Chicago attorney John Bell. "But he is also a gentleman and a powerful advocate for his clients. It is never personal with Ed."

Much of Willer's practice is also focused on what would initially appear to be workers' compensation cases that, to him at least, hold the promise of much more for his clients.

"In Illinois, workers' compensation is highly lucrative because it is one of the highest paying programs in the nation. It provides relief for medical expenses, temporary total disability and permanent disability."

Therefore, many personal injury cases emanating from work-related injury are often not evaluated for third-party litigation potential.

"Illinois workers' compensation, while relatively lucrative in comparison to other states, doesn't compensate people for pain and suffering or the loss of a normal life, nor intangibles, like anxiety or mourning and bereavement."

As a result, Willer meticulously researches the causes and contributing factors and has created product liability cases "out of nothing," he says.

In one, a maintenance technician from Morris named Thomas Benson was troubleshooting an automated robotic forklift at a newspaper publishing facility in Plainfield. Benson was working in front of the device when it started to move forward.

He jumped out of the way, but the device pinned him against a structure, causing massive head injuries and blindness. Willer and Demetrio represented Benson and discovered that the robotic forklifts were already equipped with sensor devices, but the activation of the infrared sensor — which would have shut down the unit if workers were detected nearby — was not installed. The cost, Willer says, would have been just \$16,000.

The \$5 million settlement helped pay for Benson's care during his long rehabilitation and diminished life.

Willer says some of his satisfaction comes from knowing that the manufacturer has to engage its engineers to take action to remedy the product's flaws to avoid accidents in the future. Or, in Benson's case, cause companies to simply utilize the safeguards already in place.

Tenacity and perseverance are vital to a lawyer's success, but so is a basic understanding of the product, machinery or process that resulted in the injury.

"I like the challenge of the unique cases which seem incomprehensible at first. It's the challenge that motivates me. I stand there and look at a machine bigger than this office and wonder who could be that smart to conceive of and build this machine. And then I have to ask the (engineers) why they did or did not do something."

By the time the case moves to the critical phase, Willer has mastered the intricacies of the product or process at issue and has identified the root cause of the accident. Through careful deposition, Willer teases out details that become vital as the case moves forward. He learns as much as he can about the product and the manufacturer's history as part of that groundwork.

"He prepares for his depositions like it was a trial," Avgeris says. "That way, he gets exactly what he needs and when the trial comes, he doesn't have that last-minute (anxiety)."

For example, Willer says defendants who have inherited a business or a product from family members will defend that product to the end. Foreign companies often assert defenses based on cultural or societal mores common in their countries. He recalled a product liability case involving a Japanese manufacturer of a utility lighter for candles and gas grills in which frustrating depositions yielded no information, until the final day.

A defendant told Willer the reason someone in the United States was injured using the lighter centered on the fact that in Japan, people diligently lock up tools to keep them away from children, unlike the more

liberal Americans. He was able to go on to show that the company knew for some time of the potential danger posed by the design of the product. Willer secured a settlement.

Compassion, Empathy Drive Him

Part of his job is also to help clients vent, he says. Willer recalls one case in which the mother whose son died at a construction site would call him on occasion and swear profusely at him, only to call later and apologize.

"Loss brings a roller coaster of emotions, and part of the job is to provide a forum for clients to vent. I like to call my clients on Saturdays when they're home doing (something they enjoy). I want them to know I am working on their cases and that I'm doing all I can for them. I'll tell them (where) I'm going to take a deposition to keep them informed of what I'm doing," he says.

Like many personal injury lawyers, the full impact of a case follows him home, such as one involving an 11-year-old boy from Glenview, Willer's hometown. The child lived a few blocks from a condominium construction site.

"It was summer, and the boy asked his father if he could go to the site to get a few pieces of scrap wood to make a boat." Tragedies begin in such innocent ways.

Once at the site, the boy found a large pile of very fine construction sand and decided to tunnel inside. The sand collapsed, pinning his head and torso, suffocating him. "A woman came by and saw his legs scissoring as he tried to escape the sand," Willer says quietly. "She tried to pull him out but couldn't. Then his legs stopped moving."

Through discovery, he learned the general contractor had a sweetheart deal with the fencing contractor, who did not completely encircle the development, allowing the small child easy access to the property. In fact, he says, access to a pond and a bike path within the construction area was also not sealed off.

Perhaps more impressive than settlements in cases where obvious flaws exist are favorable settlements for clients who, at first blush, appear to have no chance of success.

One such case involved Javier Valadez, a painter for Eagle Painting of Chicago. In 2008, he and another Chicago man were in a lift bucket that came in contact with overhead power lines near a bridge over the Fox River in Elgin.

Willer says the painting company contacted Commonwealth Edison prior to the work to request that power be shut off to the lines around the bridge or, in the alternative, that the lines be insulated while the painting occurred. He says there

was some confusion about whether that was recorded properly because they were initially told that without an address, the request could not be properly logged.

Eventually, assurances were given that the lines had been made safe. But on the day Valadez and his partner were to ascend in the lift, their supervisor told them not to do it. "He told them if they went up there, they were (likely to sustain serious injury). They went anyway," Willer says.

How could he overcome that clear admonition against taking the action that resulted in the loss of their lives?

Through persistence, Willer found that ComEd workers were nearby two days before the occurrence and were aware of the location where the workers would be painting. Additionally, ComEd policies concerning requests such as those were inconsistent.

John W. Bell, of Johnson & Bell Ltd., who represented ComEd in the case, says he felt the allegations were indeed defensible. But, he says, "What happened to those men was terrible. They were essentially (electrocuted) right in the basket. The pictures would have been very difficult for the jury to see."

Bell says representing a public utility like ComEd is always difficult because many people have an unfavorable opinion. Additionally, the utility had not yet determined what needed to be done to make that area safe. Turning off the power was not an option because of the proximity of the Fox River Water Reclamation District, which needed a constant power supply to operate. Bell says his client felt it was better to settle the suit, which they did for \$3.2 million.

When he is not practicing law, Willer is active in the Knights of Columbus and enjoys spending time with his family. He and his wife, Bonnie, just celebrated their 31st anniversary. His daughter, Colette, is an attorney at the Chicago firm of Reed Smith and his son, Kenneth, was recently sworn in as an Illinois attorney.

Willer serves on the Illinois Supreme Court Character and Fitness Committee, which screens applicants for the bar on issues of character. He also serves on the American Association of Justice Hall of Fame Committee.

His unassuming style and low profile does not make him any less effective than some of Chicago's better known attorneys.

"Other lawyers get the headlines," Demetrio says. "But Eddie is every bit as good as (any of them)," Demetrio says. "He is the compleat lawyer." ■