

## SUSAN SCHWARTZ

### Shunning the Limelight, Her PI Career Speaks For Itself

by Dustin J. Seibert

Susan Schwartz doesn't like talking about herself.

She doesn't particularly find the story of how she came to be the lawyer she is today that interesting.

"There wasn't this long-lasting thirst to be a lawyer," she says. "It was not my life's dream or ambition."

She didn't have several flashy career turns or anything that would make for an intriguing John Grisham novel, and unlike lawyers in the entertainment world, she spends quite a bit of time in the courtroom and in her office trudging through paper work...as it goes in real life.

If you hear her tell it, she'd just as soon not have an article written on her at all.

Fortunately, raw talent speaks for itself. It's why Schwartz, a partner at the downtown Chicago firm **Corboy & Demetrio, P.C.**, which concentrates in personal injury cases, has plenty of people in her personal and professional life who don't mind making up for her modesty.

With a successful three-decade-long career in law, she's earned the stripes that warrant admiration.

"Susan has never, ever looked for the limelight, which is something I always admired about her," says firm leader Thomas Demetrio. "The plaintiff's bar in Chicago has a lot of prima donnas. She's definitely not one of them."

#### Serendipity

Schwartz, 53, was born and raised in Skokie, the oldest of four girls. Her mother, Jane, was a nurse, and father, Charles, was a photoengraver at R.R. Donnelley & Sons in Chicago. Both retired from their professions.

She completed her undergrad work in the School of Foreign Service at Georgetown University in Washington D.C. When it came time for her to graduate, it was a toss-up between taking a random job or wherever a career placement test would land her. She took a law school admissions test, and the rest was fate.

"I was not inclined toward business school. The LSAT was a test for which I was well schooled, and I got in," she says. "Serendipity has a lot to do with how things worked out."

She enrolled at Loyola University of Chicago



School of Law, where she obtained her law degree in 1980. During her time at Loyola, she started clerking at Corboy & Demetrio in January, 1979, when it was still known as Philip H. Corboy & Associates.

Schwartz is a now rare breed of attorney who has spent an entire lengthy career at the same firm.

"I don't know many of my classmates that remained in the same firm or position, and I doubt very many will choose or be allowed that path in the future. It doesn't feel uncommon for me; it's something I've obviously chosen."

There was no pomp and circumstance when the calendar rolled over to mark her 30th

anniversary with Corboy & Demetrio in January, she says, nor should there have been. She insists that staying with the firm all these years was never a difficult choice.

"It's the absolute pleasure of representing the people that I have the privilege of working for and my trusted colleagues that have kept me around," she says. "And I am intrigued by and enjoy these medical malpractice cases that I spend my time on."

#### Courtroom Dedication

Schwartz came into her current concentration—medical malpractice—as a result of taking over a departing attorney's

caseload early in her time with Corboy & Demetrio.

The challenging nature of the medical issues requires a special level of knowledge and finesse, one that Schwartz's colleagues and friends all agree is her forte.

"Susan is tenacious...especially during the discovery phase," Demetrio says. "The defense bar in Chicago that specializes in medical negligence work consists of some of the finest lawyers in the country, so she is always being challenged to bring her A-game to the table. And she does every time."

Her long-time friend, Cook County Circuit Court Judge Susan Coleman, recalls that Schwartz had a strong work ethic even back when they were in law school together at Loyola. They were among very few law school students who also had part-time jobs, Coleman says.

"When I say she was hard-working, I mean it. That's what drew me to her," she says. "She comes in more prepared than the lawyer on the other side, and that helps her excel."

Even her opponents admire her litigation skills, as is evident in praise from Kevin T. Martin of Chicago-based Swanson, Martin & Bell. Martin has served as opposing counsel on several cases against Schwartz over the past decade and a half.

Regardless of the case results, Martin always has the utmost respect for her preparedness in the courtroom and professionalism as an attorney.

"Someone once said that trial work is 90 percent preparation, 10 percent in the courtroom," he says. "Susan fits the 90 percent to a T. She is a very, very prepared lawyer. She doesn't leave any stone unturned, and that's the best type of lawyering."

## 'A Lawyer, Not a Woman Lawyer'

Schwartz is currently the only female partner at Corboy & Demetrio. Her accomplishments in her field are arguably multiplied by the fact that she has made a name for herself in a male-dominated specialty.

She is quick to dismiss being a woman lawyer as a special point of reference in regards to her career, insisting that her dedication to and appreciation for her work should be the primary testaments to her, and anyone else's, success.

"I have always considered myself just a lawyer, not a woman lawyer," she says. "I was taught early, by my parents and the nuns at my grammar school, St. Joan of Arc, and at my all-girls high school, Regina Dominican, you can do what you have to do and be whomever you want to be. I never thought being a woman was an issue. I have the good fortune to be

part of a law firm where I'm not assigned tasks just because I'm a girl. I've been allowed and encouraged to pursue an appellate practice."

Schwartz further explains: "I had two cases accepted on a petition for leave to appeal by the Supreme Court: *Murray, et al. v. Chicago Youth Center, et al.*, and *Abruzzo v. City of Park Ridge*. Both cases dealt with the interplay between broad immunities provided in the Tort Immunity Act and more limited immunities found elsewhere. In both cases, the Supreme Court reversed dismissals by the trial court which had been affirmed by the appellate court. In *Abruzzo*, paramedics left without examining an alleged non-responsive teenager. The Supreme Court found that the more recently enacted and specific limited immunities for willful and wanton conduct for paramedics found in the EMS Act prevailed over any broad immunity for failure to assess, diagnose or treat which may be found in the Tort Immunity Act."

Demetrio says that, statistically, trial law is not an area to which women gravitate and have the longevity that Schwartz has. "But," he adds, "I don't think gender is relevant to whether someone is capable of excelling or not."

Fortunately, she says, she gets her family fix from her mother, sisters, nephews and nieces.

"I feel very blessed to have nieces and nephews who are very close to me," she says.

Schwartz must possess an above-layperson knowledge about medicine and medical practices to be successful as a medical malpractice attorney.

Although she can readily rattle off medical phrases like "hemolytic anemia" and "bilateral common iliac arteries," she admits that she is, indeed, no doctor. Still, she says that won't stop the occasional request from friends and associates to "diagnose" their ailments.

"It's interesting how other people assume that I can explain the medicine. I am not a doctor, but I might be able to answer a question or two," she says. "I learn medicine in a very different world from the rigorous training doctors receive. I learn it, not to treat somebody, but to address the issues that will benefit my clients in my case."

Perhaps one of Schwartz's most significant successful cases is from January 2008, when she and fellow partner David "Chip" Barry, Jr. convinced a Cook County jury to award \$22 million for the death of a woman who died after labor and delivery of her son at St. Francis Hospital in Evanston.

The verdict remains a record for the death of a woman in a malpractice case in Illinois.

"The arbitrary cap on non-economic

damages in a medical negligence case, which the legislature imposed and is now under review by our Supreme Court, would wipe out this jury's verdict. I believe the jury told us society values greatly the role of a wife and mother, no matter what they contribute to the workplace.

"The jury's verdict was driven by the compelling and uncontradicted testimony from the decedent's mother, two of her 10 siblings, her brother-in-law, and her employer, all of whom spoke of her effervescent personality, intelligence, charisma, sage counsel, and unwavering loyalty and love. That's what compelled the jury to compensate this husband and his son for what they lost as a result of a life needlessly and prematurely taken from them."

"Rachelle Bentivenga was one of those human beings who would walk into a room and light it up," she says. "She had a megawatt smile that drew you to her. The jury knew that the loss for her husband was significant, that he may never find a soul mate again, and that there was this little boy who would never see his mother again. That was what drove them."

If anyone could obtain such a significant verdict, it would be Schwartz, says Barry, who has known Schwartz since high school and has worked with and against Schwartz throughout their careers.

"When you present a damages case to a jury, you have to provide insight into how their loss affects the lives of the people they leave behind," Barry says. "Susan has an uncanny knack as to how jurors will look at evidence. She's very good at identifying the necessary level of loss."

## Different Job Market Today

Corboy & Demetrio has been holding strong, despite the economic recession, Schwartz says. The firm, to date, has avoided the layoffs that have plagued other firms during the downturn.

During seminars that she has taught at her alma mater, Schwartz makes sure to brace students for the post-graduate challenges they will face. She appreciates that it's a much different job market today than when she started out.

"I tell them they need to be less selective. They won't necessarily be doing the same things years down the line as they did when they started practicing," she says. "They need to network, meet people, develop skills and parlay them into something else. I wish they didn't have to think about these things, but it's

the way it is in this economy.”

Schwartz extends her legal acumen to several other activities outside of the firm, including her appointment by the Illinois Supreme Court as commissioner to its Committee on Character and Fitness from 1999 until 2007.

The committee screens candidates for the Illinois bar who may have character issues that may inhibit or prohibit their ability to practice law. Issues ranging from substance abuse to plagiarism to unpaid parking tickets can be examined before admission. The committee works with each individual to help him or her meet, and hopefully resolve, the obstacles to admission.

“It’s a valuable service that if a lawyer is called upon to perform, she should take advantage of the opportunity,” she says.

Schwartz has also authored and co-authored several pieces for law publications, the most notable of which is an article for the *Loyola University Chicago Law Journal* in 1999, in which she discusses the Illinois Supreme Court’s decision in *Best v. Taylor Machine Works*, which deemed medical malpractice “caps,” or limitations on how much a plaintiff can receive for non-economic damages in a malpractice case, unconstitutional.

The issue is again being reviewed by the court.

## Finer Things in Life

Schwartz will admit that, between the courtroom, travel for work and time spent in the office, her free time is at a premium. But when she does get a chance to cut loose, she enjoys the finer things in life.

She’s an avid traveler, having visited countries around the world. Last October, she climbed Machu Picchu. At the beginning of April, she and her mother journeyed to the Cayman Islands to celebrate her mother’s 75th birthday. Schwartz’s father was a regular travel companion before his passing in 2007.

While she modestly likens herself to a scratch cook in her spare time, virtually all of her friends and colleagues refer to her culinary skills, as well as her famous Christmas party at her Lincoln Park condo, which brings more than 100 people to her home.

“You want to be on that list. That’s not an invitation you want to miss in the mail,” says her good friend Nancy Lyon, executive vice president of Chicago-based Northern Trust Company, adding that there’s always a mad rush to get Schwartz’s green Christmas tree cookies before they are gone.

Schwartz says, “I never fix things for myself,

but I enjoy cooking for lots of people. It’s just something I do for fun and to relax. I like it and the art of dining brings people together. I’m in demand as a caterer!”

## Friction Between Medicine and Technology

On Schwartz’s calendar on any given day is a consistent issue that she confronts as a medical malpractice attorney: The challenges posed by innovations in science to deliver care and patient safety.

There is, she says, a consistent friction that occurs between the healing art of medicine and new frontiers in technology that may or may not be beneficial to patients, an issue that “is extremely interesting, and that’s what makes our work worthwhile.”

She and Demetrio are currently investigating a claim by parents whose teenager received a vaccine, touted as safe by the industry and the media, to prevent cervical cancer. Their daughter is now a ventilator-dependent quadriplegic. Schwartz says there is no other explanation for her condition other than the vaccine.

“Many people who are vaccinated are children or teenagers,” she says. “This girl, who would have been the first in her family to graduate from high school, now faces difficulty achieving that goal.”

Schwartz believes that there should be more disclosure between doctors and patients regarding newer technology, including financial relationships between doctors and manufacturers of medical devices.

“Everyone thinks that vaccines are always good things,” she says. “People think they are benign, but vaccines can and do cause harm.”

“We all applaud the advances of medical technology, but how do they interact with the healing art of medicine? And when injury by a medical device occurs, and the doctor has a financial relationship with the company, who bears the burden?”

The current preemption battle, initiated most prominently by the Bush administration over whether the federal government’s approval of drugs and medical devices disallows injured consumers from suing pharmaceutical companies and medical device manufacturers, will also shape the future of this area of law. Schwartz welcomes the challenge. ■