

# ILLINOIS Super Lawyers®

superlawyers.com

2009

## THE EVERYMAN'S LAWYER

Thomas Demetrio studied  
the masters, then became one

LAW & POLITICS  
Only our name is boring®

and the publishers of  
*Chicago* magazine

# THE EVERYMAN'S Lawyer

Thomas  
Demetrio  
studied the  
masters, then  
became one

by KEVIN DAVIS  
photography by  
LARRY MARCUS

**T**homas A. Demetrio has spent a career asking jurors to do something he'd shy away from: place a value on a human life.

"Man, I wouldn't want that job," says Demetrio, who's won more than \$100 million in jury verdicts and an estimated \$1 billion in settlements for his clients in malpractice, negligence and products liability cases during the past 35 years. "It is hard."

It means trying to assess the financial and emotional impact of losing the ability to speak, walk or care for one's children. It means putting a value on hopes, dreams or careers that can never be fulfilled, or the anguish of losing a loved one. He's asked juries to do this for hundreds of clients, including Bob Hauck, a father of four from suburban Chicago, who, 23 years ago, in the prime of his life, was severely burned and paralyzed in a roofing accident.

"He made my husband feel special," says Carolyn Hauck, who, with the \$10 million Demetrio won, has been caring for her husband with full-time assistance. "It's a time in your life when you're not thinking straight, and you need someone who will not promise you the moon. They did not promise they'd win. They did not promise millions of dollars."

Here's what he did do. After winning the case, Demetrio gave Hauck an oil painting—a landscape by a French artist—that Hauck had commented upon at Demetrio's office. "Tom remembered that conversation in passing," Carolyn Hauck says. "That made a big impression on me."

"He's the everyman's lawyer," says Cook County Circuit Judge Thomas Hogan, who recently presided over a medical malpractice case that resulted in a \$20 million settlement for Demetrio's client. "He has an ability to connect. He doesn't condescend to a jury. They understand that he's an advocate and that he has fulfilled the promise he made to them at the opening statement."

For a man who clearly feels compassion for his clients, Demetrio actually asks jurors to

set aside their emotions. "We are dealing with people who are intelligent but not sophisticated in the law," he says. "You have to drive home the point that the law requires a certain amount of compensation. You also have to diffuse what invariably is a defense argument that you don't base your decision on sympathy."

Dressed casually in black slacks and shirt, Demetrio exudes charm on a recent fall day in his office as he reflects on his career. He learned from one of the masters, Philip H. Corboy, who gave Demetrio a job right out of law school in 1973, and Demetrio never looked back. Now he does.

**GROWING UP IN** Evanston, Demetrio followed in the footsteps of his father and older brother and enrolled at Notre Dame. He majored in government and considered, for a time, a career in the foreign service.

During college he enlisted in the Army Reserves, hoping it would minimize the possibility of being called into combat in Vietnam. It did. He completed basic training at Fort Ord, Calif., in 1969, and was assigned to an artillery unit at O'Hare Field for six years.

Released from active duty, Demetrio still wasn't sure what to do. His father, George, owned a popular restaurant in downtown Chicago, Tynan's, that was frequented by lawyers and judges, and he suggested a lunch with John Phelan, an acquaintance whose son was a lawyer. Phelan introduced Demetrio to the son, Richard J. Phelan, who taught trial advocacy at Chicago-Kent College of Law. They hit it off, and the younger Phelan helped Demetrio get into Kent. "I'd love to be able to say I wanted to save the world, and seek truth, justice, etc.," Demetrio says. "But I saw it as a convenience at the time to put off the inevitable."

Then an unexpected turn. "A week before I started law school, my older brother died," Demetrio recalls. "I was floored. I was in a daze." He decided to go to school anyway, hoping it would distract him from the pain.



As a young lawyer, Demetrio studied such legendary attorneys as James A. Dooley, Richard French and Melvin Belli.



Demetrio (center), with family, including his father (second-from-right), who owned Tynan's in downtown Chicago.

His brother's death, following an emergency appendectomy, resulted in a medical malpractice suit. "In 1970, it wasn't really a topic people even talked about," Demetrio says. "Slowly, lawyers started looking into what caused these deaths, and these types of cases started to become more prevalent."

Phil Howard, who worked for Corboy, represented Demetrio's sister-in-law and won a \$750,000 settlement for the family—the largest in Illinois at the time. But none of this caused Demetrio to specialize in med-mal; he came to it by happenstance.

In law school, Demetrio took a two-credit course that required he observe a judge a couple of hours a week for an entire semester. He chose to sit in the courtroom of Judge James A. Geroulis, who was among the most active trial judges in Cook County. Demetrio could not tear himself away. "I became fascinated by these trials," he says, "and Geroulis took me under his wing." Demetrio also was inspired in Phelan's trial advocacy course, where he got to do mock trials. "I loved the need to prepare and solve a puzzle. It was a very cerebral experience," Demetrio says.

In November 1973, after graduating, Demetrio stopped by to see Geroulis in court, and Corboy happened to be there. The judge had already told Corboy about the promising young law student, and promptly introduced the two. Corboy quickly knew he wanted to hire him. "We just clicked," Corboy says. "It was that simple. He was likeable. If I don't like lawyers, I don't expect juries to like them. People who try cases have to be liked, and I liked him immediately."

At what was then the Law Offices of Philip H. Corboy & Associates, the inexperienced Demetrio studied the masters. He went to see James A. Dooley, a mentor to Corboy and trial lawyer extraordinaire, and was surprised to find a man with a whiny voice who lacked pizzazz. "I came back and said, 'What am I missing?'" he recalls. Corboy responded with one word: *preparation*.

When no one in the firm wanted to take on a medical malpractice case against Richard French, a fierce defense attorney, Demetrio volunteered. "I saw it as an opportunity to have a private personal seminar for three weeks with a great trial lawyer,"

Demetrio says. To his delight, the case ended in a hung jury, prompting the parties to settle.

Early on, judges were struck by Demetrio's command of his cases. "He was always well informed, well prepared with a good legal mind and appearance and understanding of the issues," says retired Cook County Judge Jerome Lerner. "He's a marvelous example of how a lawyer should conduct himself and how to be an advocate."

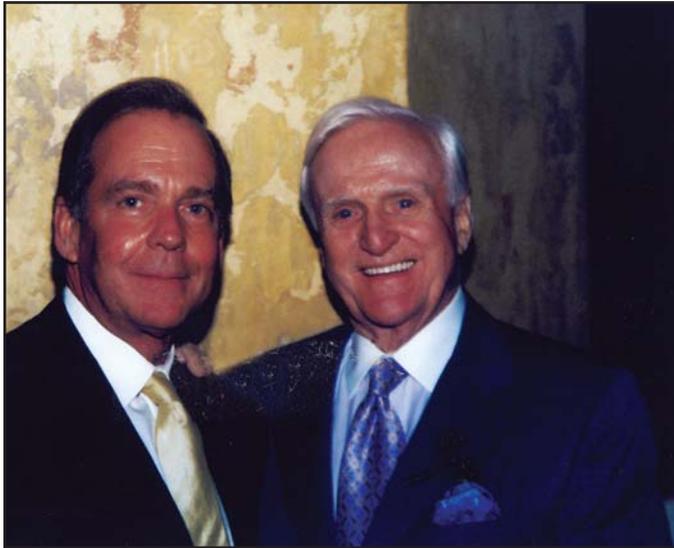
To prepare a personal injury trial in Jackson, Miss., in 1977, Demetrio flew down a week early to watch the judge in his case preside over another trial. The plaintiff lost, and Demetrio interviewed jurors afterward for some insight into their decision. They said they were turned off by the plaintiff's attorney, with his flashy suits, big cufflinks and demeaning attitude. That lawyer was the late great Melvin Belli. "Belli's shtick did not work in Jackson, Mississippi," says Demetrio, who showed up in Jackson court in a much more subdued dress and manner. His case settled during jury selection.

**WORKING AS A** plaintiff's attorney always felt right for Demetrio. "I bought into Phil's belief that we represent the little guy at a time when they need us most," he says. "Going up against corporate America at a time when kids are orphaned, and spouses widowed, they need an advocate who is totally dedicated to that."

In his first aviation case, Demetrio represented the widow of a man who was on board the plane that crashed and killed pop singer Jim Croce in Louisiana in 1973. Since then he has represented clients in some of the country's deadliest air disasters. Research has taught him two things: 1) to be nervous about flying ("You learn about all the things that can go wrong"), and 2) that corporations, insurance companies and juries often assign monetary value to human life based upon the nature of the tragedy. "There is a 'premium,' if you will, that is built in to these types of cases," Demetrio says. "It's just a reality that these cases settle for a greater amount than if someone was hit by a dump truck or bus. The reason for that is the media, because—thankfully—airplane crashes are few and far between, [so] it's rather sensational."

When Demetrio represented the families of two Japanese girls killed when a sightseeing plane crashed in the Grand Canyon, the airline offered just \$100,000. Demetrio surmised that they were banking on a few notions: Las Vegas was conservative, with retired military personnel, and a jury would not be sympathetic to a few Japanese tourists. So he hired an expert in Japanese culture who testified what the death of a daughter meant to Japanese families—how Japanese daughters are the ones to care for their aging parents. When the jury came back, Demetrio had won \$1.2 million from the plane maker and the airlines. "[The defense attorneys] were floored," he says, adding that if the girls "had been hit by a cab or fell into the Grand Canyon, the value of that case would be significantly less."

While representing families of those killed in the 1994 USAir crash in Pittsburgh, Demetrio reconstructed the flight's last 21 seconds—time enough for the victims to feel fear and suffer



"We just clicked," Philip Corboy says on first meeting Demetrio.



"I'm probably more critical of our profession than most people," says Demetrio, here at the White House for the Millennium celebration.

before their deaths. "There is an element of damage, potentially, in all these cases of pre-crash terror," he says.

His firm has done pro bono work for families who lost loved ones on Sept. 11—both in the towers and on the planes. Time and again he saw how the families struggled through not knowing about the last moments of their loved ones' lives.

At the same time, instant death is no more comforting for the victim's survivors. He represented the victims of a porch collapse in Chicago, and two young women who were killed instantly when scaffolding fell 40 stories from the John Hancock Center onto their car. "They died like *that*," he says, snapping his fingers. "Decapitated. But their mothers sat in the back seat and they survived. How do you...?" His voice trails.

But when assessing what he's most proud of in his career, it's not just the big cases. It's cases like Bob Hauck's.

At first, the Hauck case looked like a simple accident. Then Demetrio learned that although the phone company originally employed proper maintenance, it neglected—for 17 years—to tighten the guy wires meant to stabilize the pole, allowing them to loosen and sag close to the roof. The insurance company declined to settle for \$2 million, and the jury returned a verdict and an award for \$16 million—later reduced, through comparative fault, to \$10 million.

"He's seen our kids grow up, our two sons get married and our three grandkids," says Carolyn Hauck, whose husband, now 65, recently began suffering from dementia. "These are all things we never thought he'd be around for."

As for what Demetrio isn't proud of? "I'm probably more critical of our profession than most people," he says. "I'm thrilled we now have mandatory continuing education. But I see a lot of greed in our profession that I don't like." He mentions Richard F. "Dickie" Scruggs, the celebrated trial attorney from Mississippi recently convicted of trying to bribe a judge in a case over legal fees from Hurricane Katrina claims. "That is a vivid example of the bad side of what I see. In this world I see 'gimme, gimme' more and more. It looks bad for all of us."

**DEMETRIO STILL FEELS** at home at the firm that gave him his start. "I've taken the time to realize what an experience it was to practice law with Corboy," he says. "My admiration for Phil has kept me here."

"You talk about a super lawyer, Tom is a super gentleman," says Terry Murphy, executive director of the Chicago Bar Association. "That's a characteristic far more important to some people than all the success. He has his feet planted firmly on the ground."

Sometimes life's sudden turns aren't all bad. Last June, at age 60, the father of six daughters became a father once again—this time with his first son, Tommy.

"The girls are thrilled and I'm thrilled to have a little boy," he says. "Revisiting fatherhood is—it seems like yesterday—is very unusual. Most people my age, it's the last thing you're gonna do. [But] I wouldn't trade it for anything."

And of course the cases keep coming. He's representing a woman who suffered brain damage in the crash of a suburban commuter train. She was pregnant at the time and delivered a healthy baby. "She is in effect paralyzed, dependent on nursing care," he says. "She can never mother her child the way she should be able to."

Yet his biggest case may be yet to come. Demetrio is representing a young woman who received a kidney transplant from a donor infected with HIV and hepatitis C from the University of Chicago. The woman became infected with both diseases. Transplant patients at two other hospitals received infected organs as well. "To me, it's the most significant matter I've ever been involved in. Period," he says. "Informed consent is vital to patients' rights. They dropped the ball and it is devastating to a 32-year-old woman."

When he walks back into the courtroom, he expects to feel exhilarated and nervous. Yes, nervous. "There are two kinds of nervousness," he says. "One I used to have, and that's from inexperience—not knowing what to expect. And now [I have an] informed nervousness. Because I do know what to expect." ◀

COMMITMENT

DEDICATION

COMPASSION



Corboy & Demetrio is one of the nation's premier law firms. It represents individuals and their families in serious personal injury and wrongful death cases and is renowned for its achievements in the courtroom and contributions to the community.

The rights and concerns of its clients are at the core of Corboy & Demetrio's practice. That commitment, dedication, compassion and relentless drive has resulted in exceptional service and exceptional results for its clients. The firm has acquired over \$3 billion in settlements and verdicts and has attained more than 500 settlements and verdicts in excess of \$1 million.

Corboy & Demetrio ranked first in the *Chicago Lawyer* Settlement Survey for the highest settlements in Illinois eight out of fifteen times, leading all other firms. Twelve of the lawyers in the firm have been selected by peer review for inclusion on the 2009 *Super Lawyers*<sup>®</sup> list, and three of its lawyers have been selected in Rising Stars. In addition, all twelve partners and two associates have been selected by peer review for inclusion in the Leading Lawyers Network, which recognizes the top five percent of all Illinois lawyers.

Corboy & Demetrio is the only Chicago law firm to include four former Chicago Bar Association presidents and four members of the firm have served as President of the Illinois Trial Lawyers Association.

Named partner, Thomas A. Demetrio, has been hailed by the prestigious *Lawdragon* as the attorney who "stands alone atop the Chicago trial bar for 100 million reasons, including the biggest injury verdict ever upheld by the Illinois Supreme Court." *Lawdragon* also said, "In the windy city, he's the name for everything from medical malpractice claims to aviation disasters."

Corboy & Demetrio is also committed and dedicated to serving the community. The firm has established and funded scholarships, fellowships and endowments at local and national mentoring programs, high schools, and universities, including all six Chicago law schools. Partners, associates and office staff contribute by serving on Boards, raising funds, tutoring, and lending a hand wherever needed for a variety of charities and nonprofit organizations. The firm has partnered with Cristo Rey Jesuit High School's internship program, and in 2006, it established a pro bono department, which helps the indigent and elderly with legal matters that affect their day-to-day quality of life.

# CORBOY & DEMETRIO

33 N. DEARBORN ST. | SUITE 2100 | CHICAGO, IL 60602 | 888.359.3191

[WWW.CORBOYDEMETRIO.COM](http://WWW.CORBOYDEMETRIO.COM)