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## 'Mildly aging' lawyer recounts his career highlights

By John P. Buckley

It is May Day. Lawyer's Day. A time to reflect and celebrate being a lawyer. As a (mildly) aging lawyer, I look back and reflect. I hope you find something useful in my reminiscences. This article is an update from an interview done several years ago by the American Bar Association's Tort Trial and Insurance Practice Section (TIPS):

1. What is your background, and what inspired you to become a lawyer?

My dad inspired me to become a lawyer. He went through 10 years of night school with four and then five children to obtain his law degree. I was 8 years old at the time. The entire family went to graduation, made lots of noise at the diploma presentation, and celebrated with chocolate shakes at Howard Johnson's. Dinner table conversation from that time on often revolved around the trial stories of our new trial lawyer.

2. Where did you go to law school, and what did you do right after that?

I went to the University of Michigan Law School, graduating in 1985. I did a summer clerkship in Chicago, loved the city, and came back after I graduated to work at a law firm in Chicago. I worked up medical malpractice cases for hospital and doctor defendants. I also took on pro bono criminal appeals and a criminal case in conjunction with the local public defender's office. My firm had little prior experience with pro bono work and figured that I had idle time on my hands. After approving my pro bono work, they increased my caseload.

3. Do you have any young lawyer experiences that particularly stand out in your memory? If so, what have you learned from them? How have they helped you to become so successful?

I followed my dad's advice to be eager to learn, to seek experience even if it required working for free, and to accept criticism constructively. I have sought the advice of leading lawyers regarding practice and trial technique. My pro bono experience has been invaluable, from its humbling effect to the great practical experience in the way of trials and ap-

pellate arguments. I learned that some part of any criticism is usually true, no matter how it is delivered. The trick is to determine what part applies, and to use the criticism constructively to improve.

4. Whom do you most admire?

My dad. He was a true champion of the underdog. He treated people based on their character, not their social status, and taught us to respect any person who is an honest and hard worker no matter what their job. He had faith in his convictions and lived them every day. When he took a case, he refused to allow the sacrifice of time, the lure of money or the obstacles of power to get in the way of representing his client. In the defining case of his career, he maintained a case through two appeals and 10 years of litigation against a Fortune 50 defendant on behalf of a widow and her children.

Given a low-ball offer shortly before trial,

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he told the defendant, quite honestly, that he had nothing to lose. He had mortgaged the house and emptied the bank accounts to pay the experts' fees and other out-of-pocket costs. And he was eating lunch at the local dining club because they billed monthly and he was out of cash. When the settlement offers went up, even over a million dollars, he held his ground until he got for the client what he had long before determined was fair. I miss him every day.

5. What is your greatest source of professional pride?

I represent an indigent young man with no prior record who was sentenced to death on a blind guilty plea. There is no bigger bully in the world than government — especially when the government thinks it is right. I took the case in 1988. In 1993 the Illinois Supreme Court vacated the death sentence. In 1997, the trial judge questioned the reliability of the government's witnesses, found reasonable doubt about intentional murder charges, and decided that death or natural life sentences were not appropriate. Despite those findings in our favor, he then sentenced my client to extended and consecutive terms totaling 100 years. In 2001, the Illinois Appellate Court vacated the consecutive applica-

tion of the sentences, leaving my client with 70 years. The appellate court refused to vacate the extended sentence, even though the client was not admonished of its potential in this case and despite the fact that the statute requires admonishments when an extended sentence is given based on a plea. I appealed until there were no more appeals. Sound familiar?

6. What got you started with ABA involvement?

I went to a seminar in Monterey, Calif., in 2001 featuring David Ball. It was a great program, and the trial techniques committee that put on the program intrigued me. So I volunteered. I now serve on TIPS council, the governing body of the section.

7. What was the worst professional advice you ever received?

"If you aren't waking up in the middle of the night in a cold sweat worrying about your cases, you are not serious enough about your job."

8. What was the best professional advice you ever received?

"Be the first to arrive, the last to leave, and the one people depend upon."

9. What personality trait has served you best over the years?

A dogged determination to do my very best coupled with the fear that a case will turn on something I did or failed to do for the client. The determination comes from a firm belief, after careful consideration, that I am in the right. The fear forces me to continually reconsider my position, consider the counter-positions, and reject, modify or reaffirm my belief. By the time the case comes to trial, I have considered every angle.

10. What challenges you the most (regarding the law/lawyers)?

Lawyers who use micrometers with the rules as they apply to you and disregard the rules as though the rules do not apply them. Law practice is not Burger King (Have it your way). The rules apply equally to both sides.

11. What is your favorite type of legal work?

Trials. As my former partner Mike Coffield said: "It's the most fun you can have fully dressed."

12. What advice can you give to young lawyers?

Take the high road and the high ground in all disputes; reasoned responses trump emotional reactions; remember that credibility is earned over time and lost in an instant; make excellence a mandate.

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