

# chapman | spingola

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I am a trial lawyer who knows how to get results.

My approach to each matter is to prepare it for trial. While litigation is rarely in the client's interest, my process of determining in advance how we would try the case or win a case dispositive motion gives us a distinct advantage over the other side. As a result, our clients are well positioned to secure favorable settlements.

If we cannot reach a favorable settlement, my colleagues and I are ready, willing and able to go to trial.

Clients rely on me for counseling beyond trying cases. They value my ability to secure rulings in our favor before a trial becomes necessary by developing innovative, out-of-the-box positions and articulating them through well-written briefs and oral arguments.

## GETTING RESULTS

I have built a reputation as a commercial litigator who gets results.

Law firms of all sizes – including many that have sat across the table from us – regularly refer clients to Chapman Spingola, saying they recognize that our creative approach to complex business disputes gives clients a distinct advantage.

Our clients are not in the business to litigate, and we help them keep the focus on growing their businesses. Through mediation and other forms of alternative dispute resolution, I have obtained meaningful results that allow our clients to put their efforts and attention on the future of their businesses, not on the past.

This commitment to delivering results quickly and efficiently often means persuading the opposing party to resolve a dispute **before** filing a lawsuit or claim. For example, we once obtained a seven-figure settlement on behalf of a financial institution that claimed its former counsel had mishandled a large action on their behalf – without filing a lawsuit.

## EXPERIENCE MATTERS

I have participated in numerous jury and bench trials in state and federal courts, and in arbitrations before various venues (including the AAA, JAMS, FINRA, and others). I have also appeared for oral argument before the Illinois Supreme Court, the United States Court of Appeals for the Seventh Circuit, and the Illinois Appellate Court. I have represented individuals in enforcement and disciplinary proceedings before the SEC, and other regulatory agencies, including the Illinois Attorney Registration and Disciplinary Commission (ARDC). I have been designated as an expert witness for plaintiffs and defendants in several legal malpractice actions, and have served as a party-arbitrator and mediator in commercial disputes.

## REPRESENTATIVE CASES

- \$4.1 million award for national automotive engineering firm in arbitration involving claims of breach of a joint venture agreement. Defeated all counterclaims raised by joint venture partner.
- \$1.2 million award, including \$750,000 in punitive damages, and judicial conveyance of property for client against other partner in real estate partnership dispute.
- Confidential multi-million dollar arbitration award for client in claim for interference with contract involving competing medical practices.
- \$550,000 jury verdict for physician in medical partnership dispute.
- Not guilty verdict in jury trial involving multi-million dollar claim against client securities firm accused of wrongfully taking control of a competing business (affirmed on appeal).

- Successfully defended national automotive engineering firm in arbitration of multi-million dollar claim relating to client's production of exotic automobiles. Arbitrator awarded client full costs of arbitration.
- Summary judgment for property owner arising from death of construction worker relating to demolition of property (affirmed on appeal).
- Denial of claim in arbitration seeking judicial dissolution of a limited liability company and \$1 million award on counterclaim for unpaid capital contribution.
- Summary judgment on behalf of national law firm against recruiter who was seeking six-figure placement fee for lateral partner hiring (affirmed on appeal).
- Summary judgment obtained for a Fortune 500 company requiring its excess insurer to provide \$15 million in coverage.
- Successfully argued appeal before Illinois Appellate Court and Supreme Court arising from personal injury of client in Mexico, establishing leading case in Illinois on choice-of-law analysis.
- Successfully obtained various forms of injunctive relief and defeated similar claims.
- Favorable confidential settlement for client business owner relating to claim that insured designated counsel and insurer failed to settle within policy limits, resulting in \$1.6 million excess verdict.
- Favorable settlement for financial institution in appraisal malpractice and accounting action arising from multi-million dollar refinancing.
- Favorable settlement for venture capital firm in accounting malpractice action arising from failed audit of portfolio company.
- Favorable settlement for client business owner in legal malpractice claim relating to valuation of ESOP interest
- Favorable settlement on behalf of law firm in claim of embezzlement against former firm CFO.
- Favorable settlement for regional bank in legal malpractice claim arising from law firm's handling of accounting malpractice action.

## ARTICLES

I have written or contributed to the following articles:

- Litigating the Legal Malpractice Case, Illinois Institute for Continuing Legal Education (IICLE), *Attorney's Legal Liability* (2002, 2014 (supp.)).
- Negligence: Professional Appraiser Malpractice, Illinois Institute for Continuing Legal Education (IICLE), *Causes of Action (Illinois): Tort Actions* (2004, 2011, 2014 (supp.)).
- Confronting Breach of a Settlement Agreement, 87 Illinois Bar Journal 217 (1999).
- Trial as a Law School Exam: *Esser v. McIntyre*, 41 Trial Lawyer's Guide No. 3 (1997).
- Panelist, Tipping the Scales in Favor of One Side: The Jury is Still Out on the Motivations for Using Trial Consultants, 10 Illinois Legal Times No. 106 (February 1996).
- Recent Decisions Concerning the Use of Experts--Rules 703 and 705 Do Have Their Limitations, 39 ISBA Trial Briefs No. 4 (June 1994).

## PROFESSIONAL ACTIVITIES

I am the past Chairperson of the Committee on the Prevention of Legal Malpractice of the Chicago Bar Association and have been a member of the Civil Practice and Procedure Section Council and the Standing Committee on Judicial Evaluations of the Illinois State Bar Association (both appointed positions), the Illinois Appellate Lawyers Association, and the Chicago Lincoln American Inn of Court.

I served a nine-year term as a member of the Illinois Attorney Registration and Disciplinary Commission (ARDC) Hearing Board.

I was also the co-editor of *The Trial Lawyer's Guide* (West) (1997-1999) and a member of the Editorial Board of the *CBA Record* (Chicago Bar Association).

## EDUCATION

I graduated from the Berkeley School of Law (Boalt Hall) of the University of California, perennially ranked among the top ten law schools in the United States, where I was an Associate Editor of the *California Law Review*.

## **COMMUNITY SERVICE**

For nearly the last decade, I have volunteered as a middle school basketball coach at the Frances Xavier Warde School in Chicago.

I also was one of the founding members of Associate Division of the Jewish Council on Urban Affairs, which provides educational, social and volunteer opportunities to young professionals in the greater Chicago area and is committed to working for social justice.