



## **Robert Chapman**

Partner

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As the firm's co-founder, my practice focuses on the litigation and trial of complex commercial and professional liability disputes in state and federal courts and alternative dispute venues throughout the United States.

My reputation over the past 30 years has been built on my ability to develop innovative and creative positions and articulating them through well-written briefs, oral advocacy and trial and appellate presentations. I have successfully represented clients in a broad array of matters, whether the dispute involves the intricacies of a high-tech, Indy-race car, a new-age military helicopter, innovative trading software or sophisticated partnership, tax or accounting issues.

I am often asked to represent clients in professional liability disputes, including attorney and accountant malpractice claims. For nine years, I served as a hearing panelist for the Illinois Attorney Registration and Disciplinary Commission. I am co-author of an oft-cited article concerning the litigation of attorney malpractice claims. I have written and spoken on the topics of trial practice and professional liability and have been retained on a number of occasions to serve as an expert witness in professional liability disputes. I have also advised law firms and attorneys concerning law firm mergers, dissolutions, and proper departure procedures.

I have extensive bench and jury trial and arbitration experience having obtained millions of dollars of settlements and verdicts for our clients as well as zero-dollar verdicts in response to multi-million dollar claims.

I regularly represent clients that seek or are required to respond to requests for temporary and permanent injunctive relief, including those based on restrictive covenants and trade secret claims.

In the appellate realm, I have successfully argued in the Illinois Supreme Court, the Illinois Appellate Courts, and the Seventh Circuit Court of Appeals.

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Like my colleagues, I pride myself in working closely with our clients to develop a litigation strategy that reflects their goals. Responsiveness, creativity, and results are the cornerstones of my practice.

Prior to co-founding Chapman Spingola in 2004, I was a member of the litigation group at Coffield Ungaretti Harris & Slavin (now known as Nixon Peabody).

## Education

- J.D., Berkeley School of Law (Boalt Hall) of the University of California (Associate Editor of the *California Law Review*)
- B.A. University of California, Berkeley

## Representative Trial Results

- \$4.1 million award for national automotive engineering firm in Washington D.C. arbitration involving claims of breach of a joint venture agreement. Defeated all counterclaims raised by joint venture partner.
- Confidential multi-million dollar arbitration award for client in claim for wrongful interference with contractual expectancy involving competing medical practices.
- \$1.2 million award following trial, including \$750,000 in punitive damages, and judicial conveyance of property for client against other partner in real estate partnership dispute (affirmed on appeal).
- \$550,000 jury verdict for physician in medical oral partnership dispute.
- Obtained not guilty verdict following three-week jury trial involving multi-million dollar claim against client national securities firm for conspiracy to breach fiduciary duty and wrongfully taking control of a competing business (affirmed on appeal).
- Denial of claim in arbitration hearing seeking judicial dissolution of a limited liability electricity brokerage and \$1 million award on counterclaim for unpaid capital contribution.
- Successfully defended national automotive engineering firm in California arbitration of multi-million dollar claim relating to client's production of exotic automobiles. Arbitrator awarded client full costs of arbitration.
- Following four-day evidentiary hearing, obtained sanction award on client's behalf against opposing party's counsel for filing a frivolous lawsuit. Trial court awarded 100 percent of the attorneys' fees and costs requested (in excess of \$600,000).

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- Obtained directed verdict on behalf of branding/manufacturing company accused of breaching agreement to develop beauty aid product and wrongfully using confidential information.

## ***Successful Settlements***

- Obtained multi-million dollar settlement on behalf of aerospace engineering firm for its work designing and constructing prototype of a new-age military helicopter for a national government defense contractor.
- Favorable settlement arising from law firm's malpractice in mishandling of discovery in litigation resulting in client being sanctioned and having to enter unfavorable settlement.
- Favorable multi-million dollar settlements arising from estate planning attorneys' legal malpractice in connection with joint representation
- Favorable settlement for client business owner in legal malpractice claim relating to valuation of ESOP interest.
- Favorable settlement for regional bank in legal malpractice claim arising from law firm's handling of accounting malpractice action.
- Favorable settlement for client real estate purchaser as a result of attorney's malpractice in failing to identify pre-existing agreement with adjacent owners limiting development of property
- Obtained confidential seven-figure settlement arising from accounting firm's failure to adequately monitor actions of client's CFO and to inform client's management of that conduct.
- Favorable confidential settlement for client business owner relating to breach of fiduciary 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.
- Settlement representing 100 percent recovery of client's out-of-pocket loss arising from national securities firm's failure to identify security breach in client's securities accounts.
- Favorable settlement on behalf of law firm in claim of embezzlement against former firm CFO.

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- Favorable settlement for national limestone excavating company in dispute with national title insurer over failure to provide coverage for boundary dispute with adjacent land owner.

## **Successful Results on the Briefs**

- As successor counsel, raised the doctrine of merger to obtain complete extinguishment of large judgment against client subject to aggressive post-judgment collection proceedings. This marked the first time the doctrine had been applied by an Illinois court outside of the real estate mortgage context. Affirmed by the Illinois Appellate Court, which commented favorably on Chapman Spingola's "novel" argument.
- Retained by client to bring emergency motion to disqualify national law firm from serving as opposing counsel in matter involving client's subsidiary. Successfully obtained disqualification despite client's execution of advance conflict waiver with law firm.
- Retained by national steel rebar manufacturer in response to disclosure that opponent secretly obtained documents from a former client employee. Court ordered sanctions limiting opponent's use of documents and ordered payment of client's legal fees in connection with successful motion.
- Successfully defeated national insurance brokerage's attempt to obtain TRO against client for breach of restrictive covenant and then obtained summary judgment finding restrictive covenant unenforceable (affirmed on appeal).
- Successfully obtained dismissal with prejudice of commercial real estate buyer's claim that client national developer that was selling major Chicago office building had defrauded buyer, with Court granting immediate cancellation of *lis pendens* recorded against the property.
- Obtained TRO in client's favor enjoining party who had previously sold business to client from competing although buyer's restrictive covenant had expired.
- Defeated investor Preliminary Injunction request brought against directors of publicly-traded retail manufacturer for breach of fiduciary duty and self-dealing (case resolved favorably for clients).
- Successfully argued appeal before the 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 defeated class action claims brought against international honey producer accused of conspiring to illegally transship Chinese honey.
- Summary judgment for a Fortune 500 grocery chain requiring its excess insurer to provide \$15 million in coverage following food poisoning.

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- Summary judgment for property owner arising from death of construction worker relating to demolition of property (affirmed on appeal).
- Summary judgment for national law firm against recruiter who was seeking six-figure placement fee for lateral partner hiring (affirmed on appeal).
- Motion to dismiss granted for client law firm and national supplement distributor in response to plaintiff's claim of abuse of process in pending federal proceeding (affirmed on appeal).

## ***Professional Activities***

- Member (Elected), American Board of Trial Advocates
- Past Chairperson of the Committee on the Prevention of Legal Malpractice of the Chicago Bar Association
- Past 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
- Past Panel member, Illinois Attorney Registration and Disciplinary Commission (ARDC) Hearing Board
- Co-editor of The Trial Lawyer's Guide (West) (1997-1999)
- Past Editorial Board member of the CBA Record (Chicago Bar Association)

## ***Articles***

I have written or contributed to the following books or articles:

- Litigating the Legal Malpractice Case, Illinois Institute for Continuing Legal Education (IICLE), Attorney's Legal Liability (2022 ed.)
- Negligence: Professional Appraiser Malpractice, Illinois Institute for Continuing Legal Education (IICLE), Causes of Action (Illinois): Tort Actions (2004, 2011, 2014 (2d Ed.))
- 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)

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- 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)

## ***Community Involvement***

- Board of Trustees of the Latin School of Chicago (2019-present), Board Chair (2022-present)
- Volunteer boys basketball coach, Saint Ignatius College Prep (2017–2022)
- Volunteer 7th and 8th grade boys basketball coach at the Frances Xavier Warde School (2007-2017)
- Founding member, After the Game, Inc. (non-profit organization that provides recreational opportunities, instruction and mentoring for low-income children throughout the Chicago area)
- Founding member, 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)