

# Michael Gill

## Limited Caseload Allows Focused Approach, Outstanding Results

by Mike Bailey

Attorney Kevin Sido of Hinshaw & Culbertson first met Michael T. Gill in what he termed an unusual fashion.

“I was defending a client in a product liability case in which a 12-year-old girl dove headfirst into an above ground swimming pool (suffering massive damage to her spinal cord) and leaving her quadriplegic. Michael called me to introduce himself as opposing counsel. He then explained where he was going with his case and what his vision for it was,” Sido says.

That may have been an unusual tactic for many attorneys, but is very typical of the straightforward way Gill, of **Pfaff, Gill & Ports Ltd.**, operates.

“I am very respectful of an attorney who has a vision on how a case should go and how it would come together,” Sido says. “This was complicated in that there were four defendants in the case ready to gang up on the plaintiff, there was a motion for a change of venue out of Cook County and into DeKalb County and an appeal, all going on in this one case. Michael kept focused with a very steady approach. The case was long on damages but in our view was short on liability. We did not believe it was clear (that the product liability action was winnable).”

That calm, thorough approach is the hallmark of Gill’s style. Because he limits his caseload to just a handful at any one time, his laser-like focus on every case has borne incredible results. “He knew his case inside out, something I saw firsthand in depositions,” Sido says. “It was incredibly difficult to depose a half dozen 16-year-old girls about what they had seen four years prior. When it became apparent that mediation was a good approach for everyone, he embraced that. The final settlement was fair to everyone. His client can go to college in the fall.”

Gill, an 18-year veteran of Pfaff, Gill & Ports, says the consistency of the partners’ relationship is a building block of their success. He joined Bruce Pfaff in 1998, followed by partner Matthew Ports in 2000. Together, that trio has successfully tried or settled hundreds of medical malpractice, product liability and personal injury cases.

“We have had some good cases and represented some very nice people over the years,” Gill says. “We take cases that we feel are winnable for clients who have suffered a terrible loss. Because we limit the number



we accept, we can push those cases and do the best possible job.”

That straightforward, no-nonsense approach characterizes Pfaff, Gill & Ports, and has rewarded the firm with the highest level of respect. “When people come in to inquire about representation, I listen to their story carefully. I tell them I don’t have all the answers, but I will investigate what they say happened.”

Gill delves deeply into police reports, hospital records and medical files for a read on the merits of the case. “I will then tell them either I don’t believe they have a case I can prosecute, or I tell them we need to investigate this further.” If they proceed, he isolates the specific issues and contacts one of a select few experts on the matter at hand. “I want to know more about (the issue) than anyone else in the world,” he says.

From there he makes a decision on whether to represent the client. “If I don’t think I can prove the case, I tell them that right away so they can decide if they want to see another lawyer. It doesn’t do anyone any good to string along a case for no reason. If I accept the case, I also have to be the voice of reason. Personal injury cases are very emotional. I appreciate the pain, and I understand and respect what they are going through.”

Few of Gill’s cases are routine, but all involve people whose lives were irretrievably altered by events not of their own making.

### Life Forever Changed in Cab Ride

Dr. John Trotter is an orthopedic surgeon from Racine, Wisconsin, who was in Chicago for a conference on Aug. 5, 2012. As he traveled in a westbound taxicab on Adams Street crossing Clark Street with a green light, a street sweeper struck the cab. That vehicle was traveling northbound on Clark, which is one way southbound at the intersection. Its driver could see only the back of the street’s traffic signals.

Trotter suffered a torn rotator cuff, torn labrum and other injuries to his dominant shoulder, requiring surgery and extensive physical therapy. Although he was able to return to work after a few months, he continued to suffer pain and was unable to perform certain orthopedic surgeries that are more physically demanding because of the lingering injuries.

“I contacted (another attorney) who referred me to Michael,” Trotter recalls. “I met him in September of 2012. He was very professional and explained the process to me, how long it might take to resolve. What really impressed me was that he was interested in me and wanted to know all about me. That impressed me. He was professional and very much to the point. After a while, it was like he was part of the family.”

While attorneys for Waste Management, the operator of the street sweeper, admitted liability, they disputed the extent of the damages and said Dr. Trotter did not complete all of his physical therapy. The defendants offered \$2 million, but at Trotter’s direction Gill declined the offer and took the case to trial. The jury deliberated just two hours in finding for Dr. Trotter. The case settled post-trial for \$6.3 million.

“I was very impressed with him in court,” Trotter says. “I was not in my environment; in fact, it was the first time I had ever been in court. I got to see Michael as an attorney, a radiologist, a doctor and a mathematician. I can’t say enough about Michael Gill,” Trotter adds.

Most personal injury cases never go to trial, as neither side is willing to risk the outcome of the case on the unpredictability of a jury decision. But Gill says he and his partners do such careful preparation and utilize such a sophisticated network of experts that trials do not intimidate them. He says the firm tries on average four cases a year. “We prepare every case as though we will try it to verdict,” he says.

While many lawyers excel at case preparation and depositions, Gill is also at his best in front of a jury. “Michael has a very warm, embracing relationship with juries,” says Steven M. Harris of McDonald Hopkins, Chicago. Harris says many attorneys prepare well while others do well in jury trials. “A lot of attorneys have one quality or the other, but few have both. Michael does. The jury is engaged when he speaks. He is able to reach into their minds” and help them understand complex issues, Harris says.

The variety of cases he handles keeps Gill fresh, as does the need to constantly learn about new medical conditions or product deficiencies.

A 32-year-old woman came to Gill for representation in a medical malpractice case involving a condition known as cauda equina syndrome, a serious neurologic condition in which damage to the *cauda equina* (Latin for “horse’s tail”) causes loss of function of the lumbar plexus (nerve roots) of the spinal canal below the termination of the spinal cord.

Gill says the nerves exiting the spinal cord fan out like a horse’s tail and can become damaged by direct trauma, including lumbar punctures, fractures and severe disc herniation, among other possible causes.

Pain and radiation of symptoms throughout the “saddle area” are symptoms of the condition’s progression and require immediate surgery to relieve the pressure on that area and remove fragments that are causing the condition.

Gill says his client was in the hospital for back pain and was not correctly diagnosed, leading to permanent damage. As is his standard operating procedure, Gill acquired all of the medical records and contacted a respected medical authority, who reviewed the entire file and preliminary diagnosis. In Illinois, before a suit can be filed, plaintiffs must obtain a certification called a 2-662 letter from a medical professional willing to certify that the circumstances of the case constitute a meritorious action against the named defendants.

Gill has obtained that certification for this case and expects to file his lawsuit this spring. He says in many cases, he will contact the hospital prior to filing but with this particular hospital group, that would be a wasted gesture. “They will claim that the doctors are independent agents and that the hospital bears no responsibility. They will just bicker over who is responsible and who has to pay what,” Gill says, drawing on past experience. “We’ll just file the suit and let them sort it out.”

### The Firm’s Enduring Partnership

The dynamics of three partners who have worked together for nearly 20 years serves them and their clients very well, Gill says. Careful case selection, a willingness to go to trial when needed, and a network of established and well-respected experts has yielded outstanding results. “We want our clients to be in a better position than they were before they came to see us.”

Finding qualified experts to testify against others in the same profession is not as difficult as it may seem, Gill says. “The people we work with are actively involved in their profession and believe that patients ultimately benefit from physicians who help promote safe practices.”

The personal injury/medical malpractice community is small, Gill says, but the firm enjoys an excellent working relationship with opposing counsel. They often see the same attorneys and have always adhered to the philosophy that if you want to be treated as a professional, you must treat others professionally as well.

Gill’s wife is a senior claims attorney for Markel Services Inc., handling professional liability claims. Pfaff, Gill & Ports has never had a case against one of Traci Gill’s insureds, but the Gills’ differing perspectives on evaluating injury case values has been an asset to each of them. “I have gained a much better appreciation for my opponents and their insurers that helps me achieve better results for my clients,” says Gill.

Because of the firm’s reputation for thoroughness and impeccable results, Pfaff, Gill & Ports often receives referrals from other attorneys, sometimes on cases

that have been rejected by other medical malpractice attorneys as unwinnable.

Brian J. McManus Sr. of McManus & Associates, Chicago, recalls one referral involving a baby who died after undergoing a kidney transplant. The child, from Wisconsin, had been born premature and lived for just under two years when it was determined he would need a transplant. The surgery was performed by what McManus called a “star” doctor in the field at one of the premier hospitals in Chicago.

“This case came to me from the family’s attorney in Wisconsin. I called Michael because I couldn’t take it. Basically, the defense was that this was a surgeon with an outstanding reputation performing a risky and delicate operation. But Michael found an expert (in kidney transplants). He just did an incredible job. The defense offered \$500,000 to settle, but Michael felt the case was worth more and it finally settled for \$750,000. His demeanor is remarkable. He’s conscientious and thoughtful and not full of braggadocio. He just has the right approach. It’s all about the clients and not the attorneys.”

Pfaff, Gill & Ports is in demand outside of Chicago and Cook County as well, most notably in Peoria and Tazewell counties, where they have several cases pending.

In one such case, a 68-year-old woman went into the hospital for a vascular procedure requiring a catheter to be inserted into her leg to evaluate poor circulation. As part of that condition, she had been prescribed a blood thinner twice a day, which should have been suspended prior to the hospital procedure.

When the woman and her daughter arrived at the hospital, they informed a nurse that she had not given herself the injection that morning, so the nurse administered the blood thinner herself. The family then told the doctor who was performing the procedure that the woman had just received an injection. The doctor, unable to locate the nurse to determine what had been administered, proceeded anyway. A blood vessel was punctured and the woman bled profusely, ultimately dying from complications.

The nurse in depositions claimed she did not remember administering the injection, but family members say she did it right in front of them. The case is scheduled for trial this year.

Gill grew up the oldest of four children in Indianapolis, the son of an engineer and a teacher. He graduated from Miami (Ohio) University with a degree in speech communications and entered Loyola University Chicago School of Law in 1994. “I had a friend whose father was a lawyer, and it seemed like something I might enjoy,” he says.

During law school, he clerked for a small plaintiff’s firm. “There were six offices and six lawyers,” he remembers. “I didn’t see that anyone was leaving, so I started looking around when I graduated in 1997. I just happened to look in the *Chicago Daily Law Bulletin* and saw an ad for an associate to work with Bruce Pfaff. I interviewed here and was very fortunate to get hired.”

Pfaff put Gill to work right away, and within a few years, allowed him to take smaller cases to jury trial. Two years later Matthew Ports joined the firm. The trio has been together since the millennium. “That kind of consistency is unusual today,” he says.

The desire to help people is a driving force behind the firm. Every client is treated differently, Gill says, part of the process of reading what the client is undergoing. Some people want updates on the status of the case and some do not want to be reminded of the tragedy unless there is a compelling need. And sometimes, his role extends beyond the court case.

“One client who was in a car accident with her two children called me because of an issue at school. Her high school aged child was injured, and the principal at the school did not seem to understand the need for this child to take medication at a certain time. They were applying this rigid policy maliciously.” Although well outside the scope of representation, Gill contacted the school and was able to convince the administration to allow some flexibility on behalf of the child.

### Lifetime Injury Complications

While clients deserve empathy, Gill’s job is also to be a voice of reason at a time when anger is often a driving emotion. And his calm, patient manner is vital when cases drag on for months or even years.

While lives cannot be reconstructed, the misery can sometimes be mitigated. Gill currently represents a 23-year-old woman who underwent her second C-section. During the procedure, surgeons injured her bowel, resulting in sepsis, which developed into a serious infection over the next few days. It became so severe that it required the removal of her ovaries and uterus and caused premature menopause requiring hormone replacement therapy for the rest of her life.

As is often the case, there were many more long-term consequences, Gill discovered. “I had only a small idea of the significance of the functions of the ovaries and the uterus,” he says. “So we hired one of the foremost experts (in the field of women’s health) from the Cleveland Clinic who explained this to me. Because of the loss of the ovaries and uterus, our client is at substantial risk for developing

neurological diseases like Parkinson’s or dementia. Her life expectancy is now diminished. Even hormone replacement therapy cannot replace all the functions of those organs.”

The woman is married and, luckily, Gill notes, has two children already. She will not be able to have more. That case settled in January 2016, a few months before it was scheduled for trial.

Product liability work constitutes a substantial amount of the cases the firm handles. They are representing several clients who were given now-recalled hip replacements in which the metal replacement hips ground against the metal rods inserted into the femur, releasing metal ions into the bloodstream. Also, some artificial hips came loose and required revisions. Although not lead counsel on the landmark cases on which others will be decided, Gill and his clients are awaiting the results of that litigation.

Another product liability case he has filed involves the seatbelt configuration on the 2008 Toyota Corolla. That restraint, Gill says, fit across the waist and shoulders. But on his client — a woman who was five feet, one inch tall — the belt ran across her neck during a simple intersection crash. She suffered a spinal injury during a front end collision in which the belt acted like a fulcrum, allowing the head to snap forward while the body was restrained. Trial for that case is set for this fall.

When he is not practicing law, the majority of his spare time is spent with his wife and young children, Carrick, 8, Connall, 7, and Livia, 5. “The kids pretty much consume our spare time,” he says. “They are involved in basketball, baseball, dance, swimming — pretty much anything outdoors and active.” He brings the same focused passion to family life as he does his practice.

Although success is measured by favorable verdicts or settlements, Gill understands that money cannot replace the loss suffered. For clients like Dr. Trotter, the replacement of lost future income was important, but there was something else he wanted more.

“I would just like to be able to do the surgeries I could before the accident. I trained a long time to do those and no amount of money can bring that back. I feel bad every time I have to refer a patient to someone else.” ■