

JANUARY 2018

# LEADING LAWYERS

MAGAZINE

REAL ESTATE, CONSTRUCTION & ENVIRONMENTAL EDITION

THE TOP REAL ESTATE, CONSTRUCTION,  
ENVIRONMENTAL, AGRICULTURE,  
ENERGY, PUBLIC FINANCE AND  
PUBLIC UTILITIES LAWYERS IN ILLINOIS

## MATT WALSH

### 'Cousin Lawyer Matt'

Law, Construction, Ethnic Pride  
and a Love of Chicago  
Run Deep in the Walsh Family

**FEATURING:**

HOWARD ZWEIG  
PHIL COMELLA  
JENNIFER MARTIN  
VINCE OLESZKIEWICZ  
LORRAINE TYSON

AS WELL AS 25 OTHERS  
AND TOP 10 & 100 LISTS

ALSO, EMERGING LAWYERS  
PRACTICING REAL ESTATE-  
RELATED AREAS OF LAW

Leading Lawyers<sup>SM</sup>

Find a better lawyer, faster<sup>SM</sup>

LEADINGLAWYERS.COM



# MATT WALSH

## Unique Way of Preparing Cases Yields Outstanding Results

by Mike Bailey



Matthew P. Walsh II does things backwards. On purpose. And that style of case preparation has helped make him one of the most effective litigation attorneys in Chicago.

Walsh comes from a proud Irish-American family with roots on Chicago's South Side and a love of all things Chicago. "My great-grandfather was a carpenter, and he emigrated here from Ireland to work on the construction for the Chicago World's Fair," he says. "My father is a defense attorney in Chicago. He just turned 76, and he still practices."

Those influences were what set Walsh on the path to law. "My father was in the Cook County State's Attorney's office from 1965 to 1972, a period when some of Chicago's most infamous crimes and high-profile cases took place, including the Richard Speck case (Speck was convicted of murdering eight nurses)."

His father's involvement in those cases afforded Walsh a front row seat to not

only history but also the trial techniques of legendary defense attorneys. "My dad would sometimes take me out of school to watch some of these trials. I got to watch lawyers like Tom Tully, Patrick Tuite and Lorna Propes in action. I was fascinated."

With that exposure to both defense attorneys and the prosecution, Walsh's interest in the law grew. "When I was young, the appeal for me was the problem-solving aspect of the case. There is always an ebb and flow, along with twists and turns, that makes it tough to predict what will come next. You always have to be looking ahead to see where the case is likely to go next. In criminal cases, you have witnesses testifying and you have to decide if you believe them or not. As a kid, I would sit through these dramatic trials and try to predict what was going to happen next."

While that exposure led to an interest in law, the seasoning and experience which

helped shape his life was yet to come. After graduating from Bradley University in 1989 with a business degree, Walsh left the United States to backpack around Europe for three months before law school.

"I left a boy and returned a man," he says of the experience. "That was a defining experience for me. You learn so much about other people, and you develop an understanding of human nature and different cultures. It removes prejudices. You gain exposure to other ethnicities and religions, and you begin to understand each other," he says, something that was not wasted when he became a lawyer.

"Recognizing and understanding those differences helped me understand a jury. You have to understand people and how they think and might react based on their backgrounds. That exposure has made me a well-rounded lawyer."

It also helped shape his early career. While

at Chicago-Kent College of Law, Walsh participated in the trial advocacy program run by Illinois Supreme Court Justice Tom Fitzgerald. Fitzgerald later rose to Chief Justice of the Illinois Supreme Court and presided over the impeachment trial of Gov. Rod Blagojevich in the Illinois Senate.

So impressive were Walsh's skills that Fitzgerald approached him about joining the Cook County state's attorney's office. "I thought that was wonderful," Walsh recalls. "It meant I could follow my dad but also that I didn't have to worry about finding a job after graduation," he laughs.

Walsh advanced quickly after joining the office in 1992. He moved from traffic court to narcotics to a special prosecutorial unit handling major drug cases with the FBI, DEA, ATF and other government agencies. "These were very high-profile cases, and because they were drug dealers with a lot of money, they had highly qualified criminal defense attorneys. I learned a lot from them."

He then spent several years in the felony trial division and became a supervisor in the felony review unit before leaving the office in December 1999.

The theme that runs through Walsh's life is his willingness and ability to absorb knowledge and gain experience from others. "I found out the better the lawyer, the more civil and straightforward he or she was. That gave them credibility to (opposing counsel) and to the jury. And that demeanor carried through the entire process in dealings with the sheriff's deputies, the bailiffs and the witnesses. Once you lose that credibility, you can't get it back. My role models were people who interacted professionally and politely with me and everyone in the courtroom."

Another technique that Walsh employs today is one he learned while an assistant state's attorney juggling several cases at once. "Sometimes we'd have three trials set for a Monday and we never knew which one was going to go," he recalls. Unlike defense attorneys preparing for one case, Walsh and his colleagues had to prepare for several at once and be ready on short notice to try the case.

And so, the working-backwards technique was born.

"I discovered that if I prepared a two-page summary of the case—kind of like my closing argument—I could stick to the thrust of the case and not get sidetracked (by irrelevant issues). I would make an outline of the case in two pages that was factually correct but, of course, argumentative. That's how I would put on my case. It allowed me to keep a focus on what is important. It was necessary to do that because of the high volume of cases we handled."

Walsh tried nearly two dozen felony jury trials in the seven years he worked in the state's

attorney's office, many of them with complex legal and evidentiary complications. "That summary kept me on track. It is something I still do today. In a civil case, it is easy to get caught up in side issues that are not relevant to the facts of the case. By keeping it simple, I can more easily explain these complex issues to lay people."

### COMFORTABLE IN THE COURTROOM

Former Cook County Circuit Court Judge and Illinois Appellate Court Justice Stuart E. Palmer watched Walsh work for "a significant period of time" when the judge presided over criminal court at 26th and California. Palmer, now retired, says Walsh was the assistant state's attorney assigned to his courtroom.

During the time they both worked in that setting, Palmer says he doesn't think he ever saw Walsh lose a case. "He tried a number of jury trials before me as well as handling status hearings, motion calls and trials. I've said this before about Matt: I never saw anyone as comfortable in a courtroom as him.

"He was completely relaxed and at ease, and I believe that came from a high level of preparedness. He was at home before a jury. He wasn't making a presentation, he was having a conversation with them. He spoke with no notes because he knew his case so well. He just has a very natural way of relating to people."

Former colleague and now occasional adversary Tim Tomasik of Tomasik Kotin Kasserman agrees. "Matt understands people. He is always 'neighborly' in front of a jury, but he is not someone to be underestimated. He is extremely well prepared. He leaves no detail untouched. He's just a formidable adversary."

Tomasik and Walsh were colleagues in the state's attorney's office where Tomasik watched Walsh handle the prosecution of some significant criminal matters. Later, the two have opposed each other in professional malpractice cases. One trait has remained constant in Walsh's career, Tomasik says. "He has a highly ethical approach to his practice. His word is always good. You can count on that."

Walsh also developed keen intuitional skills during his time as a prosecutor, learning to carefully and fully examine evidence before developing a theory of the case.

"A young woman was shot to death by her boyfriend. It was my first murder case. She was just in her teens, and his defense was that a random bullet from a gang shooting killed her. But we looked at the position of the broken glass, and we determined that the boyfriend had fired the gun through the glass window from inside the home. We then further analyzed the evidence, and his theory just fell apart."

Even though Walsh loved his work and the pace of life in the state's attorney's office, he realized he was reaching that horizon where he either needed to go into private practice or remain in the state's attorney's office for life. "There's an 8- to 10-year range after which you're not as employable," he says. That crossroads and the fact that he and his wife, Cathy, were starting a family led him to acknowledge it was time for his career to move on.

So, he looked at a variety of firms concentrating in litigation and ultimately met with E. Michael Kelly of Hinshaw & Culbertson LLP, telling him that what he wanted to do professionally was try cases. He was hired at Hinshaw in 1999 as an associate, not a partner, something he says in retrospect was the best thing that could have happened to him. The move allowed him to learn how to transition to private practice, lessons he absorbed quickly and well. Two years after joining the firm, he was made a partner.

"I didn't bring a book of business with me, of course, so I had to take whatever they assigned me. I got into construction law, medical malpractice work, some government work and representing public officials, like the Cook County Sheriff and the Chicago Board of Education. Those cases were interesting and fun because they were fact-driven and I could litigate them."

Currently, Walsh's practice is split into several areas. He does significant work in construction law, an area that holds great



Walsh and wife Cathy with their children at Ashford Castle in Ireland



Walsh and his father, also Matt Walsh, run the Cook County State's Attorney Alumni Association. From left: Richard Devine, Cook County State's Attorney Kim Foxx, Pat Driscoll, Matt Walsh and Matt Walsh II



The Celtic Lawyers lunch. From left: Joe Power, Ed Burke, Judge John P. Kirby and Walsh

interest for him. "As lawyers, we don't make anything. But Chicago has such amazing architecture, it's exciting to work in an area of law that involves tangible and important things like our city's buildings and streets," he says, noting that his family's construction background was an additional influence.

He also handles employment issues, wrongful discharge, contract disputes and workplace fatality defense. After representing a client in a workplace death in which a truck backed over a worker, Walsh followed up by working with the client on policies and procedures designed to avoid or at least minimize future risk. "The majority of companies want to do the right thing and want their employees to be safe. As a lawyer, I review those processes with them to identify areas they need to address."

Walsh is an essential component of the success of Walsh Group Ltd., a construction company with family ties, says Peter Glimco, Walsh's general counsel. "We have worked with Matt for 10 to 15 years, ever since he left the state's attorney's office. He is my contemporary in age, and so we have grown close over the years. I grew into my role as general counsel with Matt's help because of his extensive knowledge and outside legal help."

Glimco says Walsh is a "strategic problem solver" and acts more like a business partner who totally immerses himself in an issue. He also fully understands the legal matters

the company entrusts to him. Much of that work involves workers' compensation and employment claims where Walsh and his team help Glimco fashion settlements fair to both the claimant and the company's interests. He also works with Glimco on commercial real estate deals, employment matters, construction law and contract disputes.

"Matt is easy to get along with and very knowledgeable. He also has resources at his disposal in a strong group of peers and friends in his network who can work with us or just make introductions. He's uncanny that way," Glimco says.

Walsh's practice also encompasses medical law, including malpractice, both for doctors and hospitals; representation of religious orders; and governmental representation of public bodies, including the Cook County Public Defender's office in a malpractice claim.

#### ESSENTIAL FACE-TO-FACE MEETINGS

In the latter case, he was one of several trial lawyers who successfully defended an assistant Cook County public defender sued for malpractice in connection with his representation of a defendant who was convicted of sexual assault and sentenced to 36 years in prison. Four years later, the defendant was pardoned by then-Governor James Edgar based on exculpatory DNA evidence. The plaintiff, who asked for \$4 million in damages,

alleged that the assistant public defender failed to investigate and present biological evidence at trial. After a two-week trial, the jury returned a victory in favor of Walsh's client.

Walsh also serves as outside general counsel for a variety of firms, not only in litigation, contracts, and wrongful termination suits but also in an advisory capacity on how to avoid litigation and tailor current practices and policies toward a goal of avoiding injury and lawsuits.

As his practice expanded, so did his skill and with it, his reputation. Last summer, Walsh represented a hospital sued for \$60 million for an alleged data breach. The plaintiff alleged a former employee stole medical records from the hospital and released them publicly. The plaintiff counsel's \$60 million demand was completely rejected by the jury who, following a four-week trial, returned a defense verdict exonerating the hospital. "We try to keep these cases simple," he says. "We try to present a theme that will resonate with the jury."

To do that, Walsh assembles a team of colleagues who meet face-to-face, rather than communicating by email. "We bounce ideas off each other, and by meeting regularly we keep everyone on track and accountable.

"I make sure everyone has equal say in developing the case. It's very important that everyone has a voice because they all bring a different perspective to the case. We talk and conceptualize and collectively come to an agreement on how the case should go. That way we are all moving in the same direction."

That team approach to case preparation and the ability to keep the case simple and focused has spawned remarkable success. Walsh says the creative energy in a room full of bright, motivated people is a powerful force that cannot be replicated by emails.

"Without that interaction, we might miss some subtle nuances of the case. This way, we develop a common approach (that avoids getting distracted by side issues). We work through issues, and the dynamics of the meeting generates a cohesiveness."

Once the story and the facts fit the theme, Walsh boils it down to its essence and fashions an explanation as to what occurred in a way a jury can understand. And it is here where his backwards method pays off.

"A lot of times, lawyers start at the beginning of their case when they should be starting at the end. You need to identify what it is that you want the jury to know. Sometimes lawyers get caught up in the minutiae that aren't relevant to the facts. Once you get a jury confused, it's hard to get them back. So, my job is to say, 'Here's how we get there.'"

That approach is what has made him so popular with large companies who consider his advice and legal guidance to be essential to the core of their business.

“Matt handles a lot of very significant litigation for us,” says Mark Frey, president and CEO of Alexian Brothers Health System. “He gets the hard stuff ... medical malpractice and other complex issues. But Matt is also a foundation board member, so not only does he represent us, he is involved in our business.

“Lawyers need to understand their clients and have to learn what those clients are thinking about a case. Matt is a great listener, and he asks good questions. He doesn’t come in and say, ‘I’ll handle it and keep you posted.’ He listens carefully and then will say something like, ‘Based on what you are telling me, here is what I think we should do.’ And then he engages us on our opinions. After that, I don’t have to call him 10 times like with some lawyers who never follow up with the client.”

Keeping him informed at every turn is important to Frey, who says that constant communication about what is occurring in a case helps put his mind at ease that his lawyer is working hard for him. But communication is only one aspect of his admiration of his attorney.

“At the end of the day, how do you judge a lawyer’s effectiveness? Whether he gets great results. That’s the measure of a good lawyer. And Matt gets great results.”

Walsh’s litigation skills were tested in 2005 when he represented Cook County Sheriff Michael Sheahan in a high-profile lawsuit brought by several inmates in the Cook County Jail who said guards savagely beat them for no reason. They filed claims of civil rights violations and other contentions after a riot in a general area in the jail and sought a substantial financial settlement.

Walsh says the inmates were housed in the most secure area of the Cook County Department of Corrections. The unit contained some of the worst criminals in prison, including a serial killer, a man convicted of multiple murders, a man accused of killing a police officer and many others found guilty of similar offenses.

#### EXPERIENCE, CONFIDENCE PAY OFF

Four inmates said the Cook County Sheriff’s correctional officers lured them out into the general area of the facility and savagely beat them. The case became a cause celebre for the treatment of prisoners. Newspaper articles recounted the inmates’ claims, castigating Cook County Sheriff Michael Sheahan and characterizing the facility as an example of all that is wrong with the American penal institution.

“The defendants were represented by various legal associations and large law firms,” Walsh recalls. “The newspapers used it as an expose of the sheriff’s office and Sheahan. What made it worse is that two corrections officers testified that everything the inmates said was true. They said the other officers brought the inmates out



From left: Prime Minister of Ireland Enda Kenny, Walsh

into the yard and beat them for no reason.”

Against the backdrop of public furor, constant accusatory newspaper stories, and pressure from legal clinics and powerful law firms, Walsh and his colleagues at Hinshaw & Culbertson fashioned their case.

Because of the need for high security, metal detectors and other protection, the civil trial was moved to the Cook County Courthouse at 26th and California, the only civil trial ever held at that facility. State and federal officers provided security during the 4½-week, emotionally charged trial.

When it ended, the jury deliberated one hour before finding for the defense.

“The medical evidence clearly did not support the claims,” Walsh says. “One inmate testified that correction officers jumped up and down on his head, but his only injury was a broken finger. Another inmate who testified for the defense said that it was all a setup, that he could hear the inmates planning to stage a riot and claim they were beaten in order to sue the sheriff’s office. The two officers who testified on behalf of the inmates were seeking money as well, and everything they said was inconsistent with the facts.”

Sheahan, Cook County Sheriff from 1990 to 2006, says one of Walsh’s many attributes is his confidence and the fact that neither he nor his team was intimidated by the array of legal expertise on the other side. “I attribute that to his experience in the courtroom. He tried so many cases for the state’s attorney’s office. When I was sheriff, we had literally thousands of drug cases, high-profile cases, and Matt picked up great experience along the way. As a result, he did a great job.”

Sheahan says he was confident in the case because he knew the facts. But imparting that to a jury in the face of all the accusations and relentless drumbeat of negative press was a challenge. “He saved the county a lot of money by winning that case,” he says. “And that’s all everyone was looking for—money. The defendants, their lawyers, they all wanted money. There was a lot of pressure to settle the



From left: Hinshaw & Culbertson Managing Partner Bob Shannon, Cook County State’s Attorney Chief of Staff Jennifer Ballard Croft, Walsh

case. But Matt was very professional and he handled himself and the case very well.”

Walsh prefers to represent the client rather than the case, meaning it is much easier for him once he understands the client’s goals and objectives to offer advice or legal action that fits into that framework. He views his relationship with clients as a partnership, not a “one-off and move on.”

His interest in the governmental sector turned into active involvement when he served 12 years as an alderman in Indian Head Park and as a board member of the Chicago Metropolitan Agency Planning Committee, a group that discusses and then presents input and vision for the future of Chicago.

Perhaps his crowning achievement is serving on the board of directors of the Celtic Legal Society of Chicago, a 1,000-member strong organization celebrating their roots in “the auld sod.”

As a result of his activity in that organization, he met Enda Kenny, the prime minister of Ireland, in 2016 and attended a dinner at the White House with him. Kenny was slated to speak at the Celtic Legal Society but had to withdraw because of a commitment to a White House state dinner. But, he invited Walsh to attend the state dinner with him, and to “hang out in the Irish embassy.”

“I think it was probably my most favorite 24-hour period of my life,” Walsh says. And, of all the legal and personal accomplishments, “this was the thing that made my dad the proudest.”

Walsh and his wife, Cathy, met while students at Bradley. They celebrate 24 years of marriage this year. Tradition and family are the center of the Walsh clan, which includes their two children. The family vacations together—to Ireland, of course—as well as Europe and the Caribbean.

Their rich Irish tradition bleeds into the everyday life. “There are six Matt Walshes in our family,” he says. “So, each of us has a nickname. I am cousin lawyer Matt.”

Law, ethnic pride and a love of Chicago run deep in the Walsh family. ■