When Daniel J. Cheely was still a half dozen years from early retirement at one of the world’s largest law firms, he knew something had to give.

As a renowned asbestos defense litigator experiencing the changes in the legal climate of the early '90s, Cheely devoted the time to his practice that professionals in big firms usually do. He was in the office constantly. His wife Pat had just given birth—for the ninth time.

"You can’t raise that many kids in an automatic pilot way," says Cheely, 64. "You can’t expect the father to be just a paycheck and the mother to do all the work."

Around that time, Cheely entertained thoughts of exercising more freedom in his life, even if it meant sacrificing the benefits of his partnership and the relationships he enjoyed at the law firm. With his wife serving as his best counsel—and in some matters as his only counsel—he decided to break away a while later with a few other partners to start a litigation boutique.

Two years after Cheely, O’Flaherty & Ayres ran its course, Cheely continues to enjoy control over his time as of counsel to Heyl Royster in Chicago. His litigation practice includes defense of clients in toxic torts, product liability and personal injury. He has even handled some employment work.

Cheely is impressed with Heyl Royster, which he says takes its work seriously and views clients as people they really want to help. "There’s an old-fashioned, Abe Lincoln ethic they have which I really love."

Getting into Big Law Litigation

Born and raised in Melrose Park, Cheely had two completely dissimilar sides to his family. His father, of Anglo Saxon Protestant stock, had some scaring experiences as a Marine in the Pacific Theater and in Korea. He later went into management at a lumber company. Cheely’s mother was Italian and decidedly working class. Her parents came off the boat speaking broken English just before World War I.

Cheely’s parents encouraged him to attend Fenwick High School in Oak Park, which was stressing excellence in education. Like many eventual lawyers, he joined the debate team. His partner was Charles “Chip” Mulaney Jr., now a mergers and acquisitions attorney at Skadden. The two went undefeated their senior year and represented Chicago at the National Catholic Forensic League championship.

Mulaney, the second affirmative and second negative speaker, says Cheely always has been organized and disciplined. "He was on the debate team, and he also had a job working at the Jewel, and he worked in college," he says. "He was keeping all of the plates spinning."

Those years in the produce department at Jewel paid off when Cheely won one of the company’s scholarships. He used it to cover some of his costs at Princeton, where he studied in the Woodrow Wilson School of Public and International Affairs and graduated Phi Beta Kappa and cum laude with a major in government.

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Mulaney went to Georgetown. The two would visit occasionally, including in Washington, D.C., at a time when “every spring or fall, the nation’s capital seemed to be up for grabs,” Mulaney says. Cheely went on to law school at Harvard and Mulaney attended Yale. “He’s a very smart person and has a wonderful, very retentive memory,” Mulaney adds. “He likes people, and he likes life. He’s got a good Mediterranean temperament.”

While considering the law firms he wanted to work for over the summer, Cheely noticed Baker & McKenzie was visiting campus. Believing international law might be a good fit, he scheduled an interview.

“I didn’t lie,” Cheely recalls. “I said: ‘I’m primarily interested in litigation, but I’m also interested in the international field.’” When the interviewer explained that the firm had a very large litigation department, Cheely was surprised and interested.

A later Chicago interview made Cheely light up like a Christmas tree. Frank D. Morrissey, who died in 2007, told him the law firm wanted good lawyers, not just competent ones. Their goal was to better the community and the profession.

If you have to cheat to win a case, we don’t want you to win it,” is how Cheely paraphrases Morrissey’s message. “We want you to win—but we want you to win because you know the law and you have the facts at your command.”

Cheely took a summer job there, loved the place, and eventually became a partner and stayed for 20 years. With an interest in medicine and having taken some environmental courses in college and law school, he was ready when asbestos litigation happened to explode.

Involved Early on with Asbestos
The use of asbestos escalated in the Chicago area in the aftermath of the 1958 Our Lady of the Angels elementary school fire that killed 92 children and three nuns. Because asbestos didn’t burn, it was used liberally as a safety material. But the very qualities that render it an excellent insulator also make it extremely dangerous inside the human body, Cheely says.

The level of danger was not immediately apparent because severe illnesses from asbestos exposure often took several decades to develop. That latency and the causal connection became clear once Dr. Irving Selikoff published a landmark study in 1964, Cheely says.

Early lawsuits were over the condition known as asbestosis, a build-up of scarring over the active part of the lungs. Ultimately, a wider range of diseases that included mesothelioma led to the litigation explosion and a legal crisis.

In 1975, Cheely participated in his first asbestos lawsuit—the second case filed in Cook County—when he was one year out of law school. Five years later, the litigation and legal fees for asbestos defendants had become unwieldy. Instead of having to hire many dozens of lawyers in a jurisdiction, defendants wanted to set up a consortium so they could deal with a single firm.

His Baker & McKenzie colleagues asked Cheely, who was not yet a partner, whether the firm stood a chance of getting the Chicago work. He was skeptical, but in 1981 the Wellington Group, a consortium of approximately 54 companies and insurers, hired him as their Chicago counsel.

The rest of the consortium’s work in Illinois went to Heyl Royster, so Cheely has known something about his current firm for 33 years. Because the interests of the companies and insurers were too diverse, the various asbestos warnings involved were inconsistent, and other internal contradictions existed within the class, the group eventually fell apart.

“I still retained asbestos clients, and that made me the old man of the mountain of asbestos defense litigation,” Cheely says. The litigation also changed as insurance money ran out and many companies went bankrupt.

Cheely enjoyed the medicine involved in asbestos litigation and in his personal injury defense work. But his hundreds of cases also brought him face to face with many good people tragically affected by serious diseases.

“My attitude has always been I never regarded the people involved in these lawsuits as enemies. They are afflicted people. They are people who did not do anything wrong themselves. So I never treated them as enemies. “Maybe my client didn’t cause their disease. We have clients who have had very, very small levels of asbestos in their products during certain years only, so you think that they didn’t cause it. But that doesn’t mean that the person who’s bringing the lawsuit isn’t in a bad way. “That afflicted person deserves respect, and I always try to give it to them, and so does Heyl Royster.”

Liked Around the Office
Cheely is well liked by Heyl Royster colleagues, professionals from his former firms, and lawyers generally.

“He’s a person who’s hard not to like or respect,” says Mulaney. “He has a lot of integrity and he doesn’t manifest an attitude that it’s all about his ego—quite the contrary. It’s about the project or the issue. Let’s do a very good job and enjoy life.”

John J. Conroy, the head of global strategic initiatives at Baker & McKenzie and its immediate past chairman, describes Cheely’s personality as colorful. “Both in his practice and in his relationships with all of us at the firm, he had what I would characterize as an inimitable gusto and a sporting spirit,” he says. “He just enjoys life.”

“He’s incredibly efficient, has an amazing memory, but it wasn’t really so much those talents (that made him stand out), but just that he really enjoyed his work and enjoyed dealing with people around the firm, even when some of the tasks really are not all that objectively enjoyable,” Conroy says.

“There are parts of litigation that are not terribly enjoyable. There are people—we like to think that everyone at the firm is just the most pleasant person in the world, but we all have our moments. Dan was always very positive and optimistic and just seemed to enjoy life.

“I think there are a lot of reasons to take someone like Dan Cheely and hold him up as an exemplar of what it means to be a lawyer in a holistic sense,” says Conroy, “both in terms of our craft and in terms of the kind of people we try to be in the profession.”

Faith, Philosophy on His Sleeve
That Cheely is a committed Roman Catholic is a poorly kept secret. His website biography

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Page includes two news items as evidence. One describes an interview Cheely gave WGN-TV in early 2013 about the papal conclave and the selection of Pope Francis.

The second reports on the Catholic Lawyers Guild of Chicago naming Cheely the 2013 Catholic Lawyer of the Year. At the event, Mulaney spoke of their 50 years of “shenanigans” together as well as Cheely’s passion for “professional excellence, church history and theology.”

“He’s a very religious person in the best sense of the word, and is very dedicated to his family,” says Ed Zulkey, who joined Baker & McKenzie a year before Cheely.

Cheely’s faith is not divorced from everyday life, Zulkey adds. “He’s just a very brilliant guy—one of the most intelligent people I’ve ever come across in my life—who’s got an unbelievably practical bent to things.”

Zulkey cites a closing argument he once gave in a personal injury case in Wheaton. Cheely had a motion in the courthouse, so he decided to sit in on Zulkey’s closing. A break allowed Cheely to offer Zulkey a tip.

The plaintiff claimed his injury caused numbness and other problems in his feet. Cheely noticed the man wore extremely thin socks that might even have been made of nylon. He told Zulkey that no one with truly injured feet would wear socks like that, and Zulkey added the insight to his closing.

“That’s the kind of thing he picks up on,” Zulkey says.

Cheely openly acknowledges the role faith, ethics and values play in his life. And while he is grateful for having been named Catholic Lawyer of the Year, it’s not how he hopes his children will remember him.

“I want them to say Dad was a hard worker, a damned good lawyer, he was a good friend, he was a real father, he was a great husband to our mother—he was a good Catholic. I want to be remembered as being a good Catholic because I lived the principles embodied in the Catholic faith.”

His children all attended either Northridge Preparatory School in Niles or the Willows Academy in Des Plaines, the area’s Opus Dei-affiliated schools. Looking at their nine portraits on his office wall, Cheely says they’ve all done well as they’ve spread out across the country.

As undergraduates, five went to Providence College, one to Boston University, one to Princeton, one to Notre Dame and one to University of Illinois.

Their fields vary widely: a Ph.D. history candidate, an actress, a successful businessperson, a photographer and graphic designer, a Misericordia employee, a mother who used to write for the Dominicans, a Notre Dame student in the business college, a recent graduate hired by professors at an international business school, and a filmmaker and production manager involved in Catholic radio.

“Freedom is the ability to be good and do good, it’s not just to do whatever you feel like,” says Cheely, remembering his decision to leave a big law firm so he could take seriously his responsibilities to his wife and family.

“I don’t fault anybody else for making a different decision, but it was the best decision of my career because my kids are fabulous. They are all solid, dedicated and very happy.”