



## Sean Driscoll

### Some Injured People Need Help – and That’s Just the Kind of Trial Lawyer He Is

by Dustin J. Seibert

At just 37, Sean P. Driscoll is a partner for revered Chicago law boutique **Clifford Law Offices**. Driscoll practices at a level that many of his contemporaries won’t accomplish for years, if ever.

Like many attorneys, he is inspired by his boss to be the best at his job that he can be.

“Sean is an outstanding, hard-working lawyer who clients can rely on for his solid judgment and experience,” says Robert A. Clifford, founder and senior partner of the firm.

That inspiration started years before Driscoll ever worked for his boss.

In the spring of 1999, Driscoll was a 20-year-old college sophomore hanging out with his friend, Mike, in a car at his family’s home in Barrington.

Driscoll was reflecting on the highly publicized Rachel Barton case. Barton, an acclaimed violinist, was caught in a door of a Metra train car and was dragged for a distance. One of her legs was severed and the other was severely damaged. Clifford obtained a \$29.6 million verdict for Barton.

“I was telling (Mike) about Bob’s verdict with this ridiculous number of millions of dollars and told him that one day I’d work for that guy,” Driscoll says.

“I remember my dad talking to me about the case and thinking to myself, ‘This guy is getting it done.’ I wanted to do trial work based on that case alone.”

Driscoll spoke truth to power — he’s been making his own headlines since becoming an associate at Clifford Law in 2006. But while Clifford may have had a big influence on Driscoll practicing personal injury law, his first influence in the industry came from much closer to home.

#### ‘The Type of People We Are’

Driscoll is the third of four sons to the late James and Antonia Driscoll. He was born in Elk Grove Village and moved with his family to Barrington as a child. Antonia

is a retired elementary school teacher who had a stint as an English as a Second Language teacher.

James was a general law practitioner in the suburbs who ran his own shop, James F. Driscoll P.C., handling mostly divorce and criminal work. Watching his father balance work with raising four kids made Driscoll believe at a young age that being a lawyer wasn't the path for him.

When Driscoll turned 18, he started doing odd jobs for his father's firm, including special process serving. He recalls watching his father work a pre-trial on an auto accident case at the Circuit Court of Cook County in Rolling Meadows. "I didn't understand what my dad did," he admits.

"When we walked out, I asked him, 'Dad, why do you spend your time on this?' He said, 'Sean, some people need help and need folks to take care of them, and that's the type of people we are.'

"He looked at me straight in the face when he said it. I knew then I wanted to be a lawyer."

Driscoll stayed by his father's side when the older Driscoll was diagnosed with cancer during Sean's first year of law school. He drove his father to chemotherapy and to his final cases. James Driscoll passed in January 2003.

### Trying New Things

Driscoll had a brief foray into politics while at the University of Dayton in Ohio, where he majored in political science and communications. He interned for Illinois Sen. Dick Durbin the summer of 1999 after his junior year and served as a tour guide for the Capitol Building.

In the summer of 2001, during a yearlong break he took between college and enrolling in DePaul University College of Law, he worked on Melissa Bean's unsuccessful campaign to represent Illinois' 8th Congressional District.

His interest in politics came from the 2000 presidential campaign that pitted George W. Bush against Al Gore, and the battle over votes that escalated to the U.S. Supreme Court.

"The ability for the system to survive that type of controversy was something that interested me," he says. "It made me want to better understand how the system worked, and I knew the best way to accomplish that was law school."

He also spent a summer in undergrad as an intern for CBS News, covering the South Side of Chicago on a live news crew under award-winning journalist Suzanne Le Mignot.

"It was a lot of fun, but it wasn't something I'd do for a living," he says. "I

didn't think I had the face for TV or the voice for radio."

What Driscoll did possess was a gift of persuasion, which he attributes to his father.

"I've never had a problem stepping up to speak and communicating my point of view to people," he says. "It came from seeing my dad...people tell me he was a great trial lawyer, though he didn't have the recognition of many of his peers. Still, I never saw the man get bullied in his life... he got things done."

Driscoll knew he wanted to try cases in some capacity, but his interest in personal injury work was almost solely a result of his admiration for Clifford.

"I didn't truly know and appreciate what personal injury was," he admits. "I just knew it was something where people tried cases. I never wanted to be a criminal prosecutor or defense attorney, so the other group of lawyers I really understood tried cases were personal injury lawyers."

While at DePaul, Driscoll set about trying to fulfill his destiny by reaching out to Clifford via his aunt Joanne Driscoll, who knew Clifford through her work with Kevin Forde.

When they had lunch, Driscoll essentially asked Clifford for a job, only to find out that he only hired associates who were on the *University of Illinois Law Review*. So he accepted a clerkship with the late Hon. Michael Murphy of the Illinois First District Appellate Court.

He used that clerkship to campaign for his future job.

"It was definitely a blow when Bob told me that," Driscoll says. "But I still bothered him by sending him opinions I wrote. It came to a point where he was probably like,

'Why are you still talking to me?' Because I want a job."

### Fulfilling a Destiny

Driscoll completed a clerkship at Clifford Law Offices in 2004, and despite never actually getting on the law review, Clifford finally hired him as an associate in May 2006.

Driscoll made partner in February 2015. Since then, he's made a name for himself as a formidable young lawyer.

He's earned the reverence of even his career rivals, including Michael Denning of Heyl, Royster, Voelker & Allen, who represented the primary defendant in a medical malpractice case that they tried to a verdict delivered April 2015.

"He's a seasoned and experienced trial attorney, even at his relatively young age," Denning says of Driscoll. "Sean separates himself from his peers by his unmatched professionalism. Even when faced with the inevitable curveball or surprise at trial, he never wavered and always looked like whatever was happening was exactly what he expected to happen."

Ruth McCoy of Lewis Brisbois Bisgaard & Smith, LLP represented defendants in a 2011 DuPage County case against Driscoll.

"He's an excellent litigator and tough opponent, but tough in the sense that he's a straight shooter but always fair," McCoy says. "He won't do what some other opposing counsel will and act with incivility. You can walk out of a deposition, shake hands with the guy, and leave liking him."

Though Driscoll has built an early reputation for shining when put in front of a jury, he's accepting of the post-recession changes in the legal industry that settle more cases — and more often keep him



From left: Clifford Law Offices Partner Kevin P. Durkin and Driscoll receive a 2015 Jury Verdict Reporter Trial Lawyer Excellence Award

away from judges and juries.

“Being a trial lawyer isn’t just standing in front of a jury. It’s appreciating the risk we take,” he says. “I have a duty to my client to do what’s best for them and to help them make an informed decision about whether or not we go to trial.”

“Would I like to try most cases? Yes. Is that in my client’s best interest? Sometimes not. But if you’re a trial lawyer and you think it’s about you, you’re doing something wrong,” he says.

Steven Sandler of Merlo Kanofsky Gregg & Machalinski Ltd. has been Driscoll’s professional opponent in three cases over six years. He says that when there’s a level of aggressiveness required, Driscoll will fit the bill, but not in a manner that’s mean or ineffective.

“He’s an attorney with a lot of common sense, so he’s able to cut right to the heart of factual and legal issues,” Sandler says. “That’s often a thing that comes with age, but Sean has it right now. He’s also a very skilled and thoughtful cross-examiner who’s thorough, well-prepared and always respectful of people.”

Denning echoes Sandler’s sentiment of Driscoll’s respectful nature toward opposing counsel.

“His work ethic is unmatched. During our trial, he worked as hard for his client as anyone I’ve seen,” he says. “Sean is an effective and aggressive advocate for his client, but he always treats opposing counsel fairly and professionally.”

### A Tragic Case

In the Feb. 12, 2014, edition of the *Carroll County Mirror Democrat* is a picture of Driscoll delivering a closing argument. The picture is a manifestation of everything he hoped to accomplish when he was that young college student fantasizing about working for Clifford.

“I looked at that like, ‘I made it,’” he says. “But it’s probably the best part of the saddest most, tragic case I ever worked on.”

Wyatt Whitebread, 14, and Alejandro Pacas, 19, were employees of Haasbach LLC moving corn down a conveyor belt at Consolidated Grain and Barge when they began sinking in a bin of grain. Despite efforts to rescue them, they both suffocated in more than 30 feet of corn.

Driscoll and partner Kevin Durkin handled separate parts of the case together representing the Whitebread and Pacas families. They obtained a \$16 million verdict against Consolidated Grain and Barge Company.

Driscoll says the trial was necessary given the company’s initial terms of settlement.

“Before the trial, the amount of money they

were offering would’ve been record-setting, but not proportionate to the loss the families experienced or the failure of this company to recognize what they did,” he says.

The legal issues surrounding the case make it the most complex of Driscoll’s 10-year career, but also the most gratifying, he says.

“I stayed with that case from the very beginning through trial, the verdict, the appeal, through to the wire transfer from the bank,” he says. “The defense not only misapplied the law but misjudged Carroll County, the residents of that county, and the plaintiff lawyers at Clifford Law Offices.”

“All we kept hearing is how good their trial lawyer was and how ridiculous this lawsuit is, and the amount of money they offered pre-lawsuit was nothing. They just didn’t appreciate the community they were dealing with.”

The Whitebread case is not the only major one that Driscoll and Durkin have tried together. Durkin says Driscoll operates at a level far beyond what he’s seen from other attorneys his age.

“He’s one of the most prepared and hardworking lawyers I’ve ever encountered,” Durkin says. “Everyone talks about the importance of skills, but preparation is the most important factor, and he prepares a case as well as anyone I’ve run into. But he does have great trial skills — he’s an exceptional cross-examiner of witnesses.”

### The Weight of the Practice

Driscoll recalls visiting Whitebread’s mother, hugging her and offering his condolences following the verdict, one of the most difficult parts of his job.

“Seeing my dad pass was the most painful and sad experience I’ve ever had,” Driscoll says. “The second one was explaining to a parent why this company doesn’t think their son’s life has value. It was the first case in my career where I realized that whatever great verdict you get or however great a lawyer you think you are, nothing prepares you for looking in a mother’s face after a trial in which they hear every detail about how their young son died.”

Though he understands that his work requires him to help clients make life-changing decisions, Driscoll never fails to keep things in perspective when discussing legal issues with his clients.

“This can be an emotionally tough business, but I deal with it knowing the decisions I make for the people I represent are somehow making things better for them in the only way that the civil justice system can,” Driscoll says. ■