

Geoff Gifford

Taking a Firm Stand for Injured Plaintiffs

by Elizabeth Davies

Geoffrey L. Gifford has seen a photo of himself — no more than 5 years old — carrying a heavy law book and wearing a necktie. It couldn't have been a more fitting prediction.

Now senior partner at Chicago's **Pavalon & Gifford**, he has an extensive trial career that has focused on medical negligence, general negligence and product liability cases.

He grew up as the son of a solo practitioner in Missouri and knew by kindergarten that he was going to become a lawyer like his dad.

"From the time I was about 5, I didn't think I wanted to do anything but be a lawyer in a courtroom," Gifford says. In college, his sole interest was getting into the best law school he could.

Today, his practice centers almost

exclusively on medical negligence, and he serves as a mediator in a growing number of cases. Driven by the idea that his work will improve safety in the future, Gifford's career has been marked with attention to detail, a solid work ethic and tenacity.

"I feel the same way I did when I was 5," he says. "I just like it. It's politically active, socially important and intellectually challenging.

"Every time I get together with an expert, I learn something. It's a very stimulating, engaging profession."

Taking on Major Cases

Gifford remains motivated in medical malpractice cases to seek out the reasons why patients become injured. He focuses on the minutiae of a case that can make all the difference in how it is handled.

Several years ago, Gifford recalls being contacted by another lawyer about an 18-month-old boy who had a heart block during a cardiac procedure, and a pacemaker was put in. He suffered cardiac arrest while in the intensive care unit, causing extensive brain damage.

Two other prominent law firms had already seen the case, but something nagged at Gifford. Something didn't add up.

"I will remember the moment until the day I die," he says. "In a conversation with the referring attorney, I had this moment where I thought, 'In a room with all these nurses, why would he go into cardiac arrest for eight minutes or so and no one would notice it?'"

It turned out that the boy's pacemaker accidentally was being monitored, not his heart. That's why his distress went on



for so long and caused so much damage before anyone noticed.

“It was so tragic,” Gifford recalls. “He was so sick as a result of the brain damage, and he was in a very, very dependent state.”

Over the course of 18 months, Gifford settled the case for \$12 million.

“As far as I know, he is living a very comfortable, pain-free life and has everything he needs,” Gifford says. “Sometimes you have to dig a little deeper. I might have turned the case down, but it’s wonderful when you have a career moment where you see things you normally wouldn’t see.”

Gifford also has taken about 10 product liability cases to verdict. A key case came in 1986 when Gifford represented a University of Chicago student who was traveling back from a trip in Colorado in an Opel station wagon.

“They promoted it as this economical little vehicle,” he recalls. “It was designed to carry a certain number of people and a certain amount of weight.”

On the trip, a tire on the car blew. The driver became a paraplegic.

“GM was saying you can throw everything in this car, including the kitchen sink, and it will be safe,” Gifford says. “It was not. The ads produced by GM featured *Gilligan’s Island* characters and were very hurtful to the defense.”

Gifford settled with the tire manufacturer for \$1.8 million and, in a four-week trial against General Motors, won a \$5 million verdict.

“After appeals through the state system and an effort in federal court to get relief, the verdict was paid many years later,” Gifford says. He firmly believes the case made auto engineering safer moving forward.

In his years of litigation, Gifford has worked hard to represent his client with enthusiasm and efficiency.

“I have been told that I’m patient and civil and professional,” Gifford says. “One lawyer said one time, ‘There are two lawyers in this city who have never wasted a moment of my time, and you’re one of them.’ I try to be respectful, but I’m very tenacious. I work very hard at what I do.”

Joseph Casciato, a retired Chicago judge, calls Gifford “one of the leading plaintiff’s trial lawyers in Chicago.

“He has civility, and he’s a compassionate fellow but also a fierce advocate for his client,” he says. “He’s a perfect blend of all three of those.”

A History of Law

Gifford’s father ran a general practice in Missouri, introducing his son to the law

and sharing with him a passion for it.

Gifford left home to attend the University of Missouri, then law school at the University of Michigan. He spent a year in practice in Ann Arbor before returning to Missouri to practice with his father, where he gained experience handling both criminal matters and civil cases in an area encompassing 10 to 15 counties.

By coincidence, his first jury trial was before the same judge that his father had gone before in his first jury trial years earlier. The judge was in his 80s by then, but he appreciated being part of that father-son legacy.

“We mentioned it to him, and he was very touched,” Gifford says. “He was a very nice man.”

After six years of practice in Missouri, Gifford wanted to move to a larger city. So he applied for teaching jobs in Minneapolis, Detroit and Chicago. He ultimately chose Chicago, even though, he says, “I always had it in the back of my mind that unless teaching really got me, I would go back into practice at some point.”

After Gifford worked as an adjunct professor at the Illinois Institute of Technology, Chicago-Kent College of

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Law in 1977 and 1978, a law student introduced him to Gene Pavalon. Gifford joined what was then a prominent labor law union firm, and 10 years later moved on to form Pavalon & Gifford.

There’s no doubt that Gifford’s practice looks different now than when he joined the firm in 1978. Early on, he had a caseload numbering about 225. Over time, that came down to 40 cases. Today, he has about 15 open files at once.

“As my concentration has changed, the numbers have changed dramatically,” he says.

Taking a case to trial used to cost \$20,000, he recalls. Now it is upward of \$200,000.

Much of that is due to his shift away from product liability and into specific medical malpractice cases. Despite a sense of accomplishment that his work was making products safer for consumers, Pavalon & Gifford focused more intently on medical malpractice instead.

“As products became safer, the number of viable cases declined,” he says. “That’s a good thing.”

Taking on Medical Malpractice

Going up against opponents with deep pockets and intelligence has been both challenging and rewarding, he says.

“It’s the hardest, most sophisticated, most difficult practice you can have as a tort lawyer,” he says. “It’s a tremendous challenge. If you’re not on your game, if you don’t do your homework, you will very quickly be apprised of the fact that you don’t know what you’re doing. The legal culture does not coddle us.”

As many other medical malpractice lawyers will attest, interrogating a physician is its own intellectual challenge.

“Is it satisfying to meet someone on their own turf and further your case? Of course,” he says. “We hope it ultimately will better the delivery of medical care.”

He recently settled a case on behalf of Joe Devine, a salesman out of Elk Grove who had a stroke in his right eye when an elevated red blood cell count went undiagnosed.

“Geoff was very instrumental in making this happen with his negotiations and his integrity,” Devine says. “He had empathy for what we had gone through.” The case settled out of court, long after it was filed.

“He’s a very intelligent man,” Devine says. “I think he really enjoyed meeting my wife and me, and he wanted to help us. He seemed like a very stand-up person who stuck with it. The case took nine years. We all thought it would go to court, but in the 11th hour, they came with a settlement.

“He’s just a terrific negotiator, which I think really helped us a lot.”

Since 1996, Gifford also has added a mediation component to his practice. About 75 percent of the cases involve medical malpractice.

“The thing I like about mediation...I walk in on Monday morning and there’s a sense everyone is there on their own,” he says. “Usually the counselors do not have a master plan because they all have their own interests. Then we go in and start to sort it out. At the end of the day, if everything goes well, we have a resolution. I’ll shake the dust off and go home. It’s very satisfying to put the file away.”

Gifford mediates about two or three cases a week, representing about half of his workload. At age 68, he expects to spend the next four to six years transitioning further into mediation work as he takes on less trial work.

“It’s been a nice adjunct to my practice,” he says.

Chicago attorney Kevin Conway has had Gifford mediate a few of his cases and says

they were good experiences.

“Having been an experienced attorney, knowing how juries react and knowing where a case is likely to land if it’s tried — if you can make that kind of analysis of a case, your recommendation carries a lot of weight. He gets a lot of respect as a mediator,” says Conway.

Away from the office, he enjoys spending time in his Chicago home with wife Terri McAuley, one of the top real estate brokers in the city. They’ve enjoyed travel to Africa, Europe and Asia, with plans for more in the future.

His children both live on the East Coast. Son Andrew works as senior vice president and general counsel of General Reinsurance Corporation. He has a son, Max, who is 13. Gifford’s daughter Katie recently took a break from her job at the United Nations to stay home with daughter, Nina, who is 2.

Gifford remains active in professional associations, a trademark impressed on him by his father and encouraged by partner Gene Pavalon.

“When I passed the Missouri bar in 1971, my dad said to me, ‘I want you to be active in the Missouri bar,’” he recalls.

He is a fellow of the American College of Trial Lawyers, International Society of Barristers and the American Board of Trial Advocates. During his time as president of the Illinois Trial Lawyers Association in 1995, he led a constitutional challenge of a state tort reform package that resulted in the law being overturned. He went on to do similar work with a 2005 reform bill.

Lawyer Conway worked alongside Gifford during that initial tort fight and was impressed with his approach to the complex problem.

“The ways to attack a statute are very sophisticated,” Conway says. “Early on, you have to pick the right cases and show how those people will be hurt by the statute... [I]t’s like building a house: You design an attack on major legislation. It was very, very sophisticated, and he was up to the task.

“He is very smart, thoughtful and makes great decisions.”

In 1998, the Trial Lawyers for Public Justice recognized Gifford as one of 10 finalists for Trial Lawyer of the Year because of that work. In 2007, he received the Leonard M. Ring Lifetime Achievement Award from the Illinois Trial Lawyers Association.

“I have always enjoyed the camaraderie of the profession, the political issues of the profession,” Gifford says. “I’ve been fighting tort reform for 40 years, and it’s something I’m very proud of.” ■