

FRANK PERRECONE

Rockford Lawyer Takes Pride in Helping Injured and in Italian-American Heritage

by Mike Bailey



ROCKFORD—Frank A. Perrecone is equal parts outstanding trial lawyer and proud Italian-American.

He is the only lawyer at Ferolie & Perrecone in Rockford, and although other attorneys would love to be a part of one of the premier firms in what is considered downstate Illinois, he prefers to be directly accountable for all of the firm's work.

Supported admirably by three assistants who organize his time and provide the logistical support he needs to function effectively, Perrecone has quietly built a premier firm with a minimum of frills.

Although he is proud of his many impressive victories and the firm's success, he is equally proud of his involvement in the Rockford Italian-American community.

"I think it is important to be active and have other interests besides the law," he says. "That's why I'm active in the local Italian-American association. I don't want to be identified as being just a lawyer."

Perrecone is not just a lawyer. He is routinely listed as one of the most respected attorneys outside of Cook County. His reputation in Winnebago and Ogle counties is near legendary. But his roots to his beloved community are strong; he still practices his sole

proprietorship out of the old Talcott Building in downtown Rockford, a pre-Depression era structure trimmed in marble and wood.

Perrecone is part of the rich history of Italian-Americans in Rockford, a group that settled on the city's southern borders and remains culturally and socially vibrant. "Our family came from Sicily," he says, noting that he has visited the old country three times and looked up the distant, extended family of both of his parents. His grandparents emigrated from Lucca, a town about 70 miles south of Palermo, eventually settling in Rockford in 1928, the year after the Talcott office building was completed.

His neighborhood was largely working class, he remembers, and as he worked his way through Catholic grade school and Boylan Catholic High School, he harbored dreams of a professional baseball career. An all-conference second baseman, he enrolled at Southern Illinois University where he tried to walk on a team that featured 25 scholarship players and at least twice as many hopefuls. Realizing he could never gain traction there, he transferred to Rock Valley Junior College and played baseball there for two years, and he spent a semester at Rockford College.

Baseball is a cruel mistress and one that

is hard to ignore. But once he realized baseball was not his future, he returned to his neighborhood roots to decide his future. "There was only one professional person in the predominantly Italian neighborhood I grew up in," he remembers. "He was an Italian-American attorney. I looked up to him and decided I wanted to be a lawyer, in part because of him."

That tightly knit neighborhood endures today with the same closeness, says fellow attorney Thomas Fabiano. "Frank was a family friend for years. I was working in Chicago and decided to come back to Rockford. Frank has been a mentor to me. He taught me how to work up and try cases. He is one of the preeminent trial lawyers around. My office is four floors above his, and I can walk down any time and talk about anything with him."

Fabiano has also tried cases with his mentor, including a wrongful death case in which a 17-year-old was killed by a truck. "It was a difficult case, so we brought Frank in to try it. He is always so well prepared. I enjoy watching him try a case."

Fabiano agrees that the south Rockford Italian neighborhood was a great place to grow up, and he believes the experience imbued Perrecone with "street smarts" that have served

him well as a lawyer. “He is a friend for life,” Fabiano says simply.

After graduating from Northern Illinois University and Drake University Law School, Perrecone had a decision to make. “I could have gone into the Army in the judge advocacy program, or I could have come home to Rockford,” he remembers.

“I decided to come home. It was the best decision I have ever made in my life. I had offers from other local law firms. But through our family, I was acquainted with Lawrence Ferolie (a personal injury attorney in Rockford), and I applied there as well. After the interview, he seemed interested in hiring me.”

SELECTIVE ABOUT CASES HE CHOOSES

Ferolie began his firm in 1967. By the time Perrecone applied in 1980, Ferolie was already known as one of the most formidable personal injury attorneys in northern Illinois.

“So, I told him I needed to know by a certain date because of these other offers. He asked me what it would take to come to work for him. He already knew how much the other firms had offered.

“I told him I would take \$500 less (annually) to work for him. He asked why I would work for less. I said it was because I wanted to work for him. He hired me, and that was the only discussion we ever had about compensation. He treated me very fairly over the years. I learned personal injury law and trial practice from him. He was my mentor and was like a father figure to me.”

The small firm, which limits its practice to serious personal injury and wrongful death, became known as a premier firm in that area of law. Ferolie, active in the firm until his late 80s, died in 2012 at age 90. Perrecone continues on as a sole practitioner.

“I am very selective about the cases I accept,” he says. “When someone calls about a case, my staff will take the information, and I will call a prospective client back myself to discuss the case with them. I am very hands-on. I’m conscious of maintaining the quality and consistency of the work. I have never taken on a younger lawyer because of that.”

His peers understand his reluctance to risk anything but near perfection.

“Frank has a compelling presence in front of a jury,” says fellow attorney Charles Timmerwilke, whose office is down the street from Perrecone’s. “I’ve been practicing law in Rockford for nearly 25 years, sometimes as opposing counsel to Frank. His demeanor is professional, his case is well prepared. He knows the facts and has a well-developed case theory that he develops thoroughly during trial. He is just a consummate professional.”

Like many attorneys, Perrecone’s reputation was well established by large settlements and

a sterling reputation. But Timmerwilke also knows him from the days Perrecone was an adjunct professor at Northern Illinois University College of Law.

“He taught trial advocacy, and I went with him a couple of times as a guest speaker. He did a great job teaching the class the subtle nuances of what it takes to be a good trial attorney. I just have the utmost respect for him,” Timmerwilke says.

Like most personal injury attorneys, Perrecone sees people at their emotional nadir. Their lives have been forever altered, their futures uncertain.

“At first, I’m almost like a social worker,” he says of new cases involving grievously injured clients. “They have medical bills that have to be paid, so we get those who qualify on expanded Medicaid. If they have insurance, we make sure bills are processed and paid. Many have no income, so we work on getting them Social Security disability. These people need help.”

Perrecone and his wife, Jody, often attend functions with other attorneys. After one such event, his wife had an observation. Other lawyers were talking about big cases they handled and the amount of the judgments they secured. “But you don’t,” she noted. “It’s not about the size of the settlement. It’s about the help you can give someone who is in a desperate situation.”

One such case involved a construction worker in Ogle County who was on a job in a field being prepared for development. The client was working behind a trenching machine digging in a partially frozen field when the machine encountered frozen ground. The machine temporarily jolted backwards and against the worker who had been following along, helping to clear the trench.

“It lurched backwards, hit him and flipped him into the trencher, entangling him in the (digging device). Another worker ran over to the (trenching machine operator) and alerted him, and it was shut off. The operator never saw him because he was looking forward,” Perrecone recalls.

Though the man’s legs were severely mangled in the accident, doctors were able to save them. But he suffered significant impairment, pain, and difficulty walking and standing. His career was essentially over.

Remarkably, before he came to see Perrecone, he had applied for Social Security disability through another attorney and was initially denied. Perrecone accepted the case, sent him to a different attorney for a hearing before an administrative judge, and the disability was granted during the pendency of the case.

But gaining stability in the lives of his clients through Medicaid and disability payments is only the start. Working with them through the long process of legal claims and the frustration

of lengthy court cases is another ordeal.

“I always call my clients to tell them what is going on in their case. This man was very patient and understood it was going to be a slow process. He secured loans from family and friends to (stay afloat during the process).”

NOT SO MUCH FOCUSED ON BIG WINS

Perrecone filed suit against the construction company and the operator, and no settlement offer was ever made.

“Their contention was that he was following too closely behind a piece of machinery.” Five years after the 2008 accident, an Ogle County jury awarded the injured worker nearly \$4 million. The case was appealed and later settled to the satisfaction of his client, Perrecone says.

“He was very happy because he was able to pay back all the loans he received from family and friends.”

But Perrecone’s work for this family did not stop there. Concerned that sometimes people who come into a large amount of money have no experience investing it properly, he suggested three reputable financial management companies, one of which the family hired to manage the assets to ensure the money would provide for the family for years to come.

Practicing law is not just about large cases for Perrecone. He lives what he believes and is very conscious of his ability to help people in times of crisis or uncertainty.

“Jody and I volunteered at a homeless shelter for about 10 years before it closed. About four or five years ago, I was reading about a local pastor who was allowing 20 to 25 homeless people to spend winter nights in his church. A municipality was giving him a hard time, saying he wasn’t zoned for that, and threatening legal action. I reached out to him and asked him if he needed help. He accepted, and I instructed him to hold an all-night church service. These homeless people had nowhere else to go. It was cold, and he was trying to help them. The municipality never bothered him again. I had a lawsuit all set to file if they did.”

His compassion runs deep. Although he does not like to share his many and impressive victories, with prodding he speaks quietly about them—but only in terms of the help he provided to families who were in the throes of unspeakable tragedy.

On a dark night in Winnebago County just outside of Rockford, a county deputy sheriff was responding to a non-emergency call. According to reports, he was traveling nearly 100 mph without his mars lights activated or his siren sounding.

A young woman in a car with her two brothers stopped at an intersection. Seeing nothing coming, she pulled out and was struck

by the squad car in a horrific collision. Pieces of the automobiles were strewn across the roadway. The woman driver suffered massive and permanent brain injuries. Her two brothers were killed. The deputy lived, and the Winnebago County State's Attorney charged him with reckless homicide.

Perrecone represented the family on behalf of the older brother who died. Rockford attorney Daniel McGrail represented the family on behalf of the young woman who survived and the younger brother who died.

"Because of the different elevations of the road, the driver had no opportunity to avoid the crash," Perrecone says. "When she pulled away from the stop sign, the squad car was not in her field of vision." Suits were filed against the sheriff, Winnebago County and the deputy.

After emotional litigation, the suit was settled in 2009 for a total of \$15.5 million. "The county did not have sufficient insurance to cover the settlement, so they had to issue bonds to pay the balance," he remembers. So invested in the case was Perrecone that even though his case settled first, he stayed to assist McGrail to be sure the family was adequately compensated for the tragedy.

"He offered to stay on," McGrail says. "He loves litigation and trial law. We have a give and take that works to the benefit of each other. Sometimes, other people see things we don't see. It's great to have two sets of eyes on a case."

What is the genesis of this comfortable camaraderie? "Frank was an excellent baseball player," McGrail says. "He and I played on the same team at Boylan High School. He was a year older than me. He was a second baseman, and I was a first baseman and a catcher. We turned some double plays together."

The Winnebago County accident was not the first time the two worked together, and it will not be the last. Like Fabiano, McGrail's office is also in the Talcott Building, two floors below Perrecone. McGrail feels comfortable discussing approaches with his long-time teammate.

"Frank has such great instincts and trial skills. He is an excellent attorney in every respect. What I admire about him is that he is able to see the big picture but also focuses on the small details that make up a case. He is a very polite litigator and is always respectful. He proves you can be a great lawyer and still be civil."

While a framed newspaper article of the settlement hangs on his conference room wall, Perrecone's pride in that outcome was solely based on what it meant for the family.

"The settlement allowed the family to bring in caregivers for the woman," he says. While the parents are also helping with her care, the

money will give the family some relief from the caregiver stress associated with having to care for someone 24 hours a day.

The deputy was tried but acquitted on charges of reckless homicide. Perrecone says he remains a Winnebago County deputy and was promoted after the accident.

EMBRACING ITALIAN-AMERICAN ROOTS

Though cases like that stay with him, Perrecone says he maintains a center of balance by his involvement in the Greater Rockford Italian-American Association (GRIAA). In August, the group that promotes Italian culture and heritage held its 40th annual Festa Italiana, a three-day fundraiser at Boylan Catholic High School.

"We had Italian bands and crooners and even a hip-hop band. The place was packed for that," he says.

To date, the group has raised more than \$700,000 in scholarship money for Italian students to attend local Catholic grade schools and Boylan High School. But his involvement is closer to total immersion than a passing interest.

He co-edits GRIAA's biannual newsletter, and he helped edit and write the history of Italian immigration to the Rockford area. That seven-year project traces the background and history of 76 local Italian families — including his own, which is rich in detail and emotion.

"Italian immigrants were attracted to Rockford because of the availability of jobs. Once people settled here, others from the village or region followed. Most of the immigrants here are Sicilian and settled in that same south Rockford neighborhood."

In addition to fashioning a history of immigration and actively participating in nearly every GRIAA activity, Perrecone helps organize trips to Italy. In addition to a fairly recent trip to Sicily, his tour group visited Rome, Venice, Florence, Sienna, Lake Como and Milan in late August.

When he is not practicing law or planning GRIAA activities, Perrecone and Jody, a nutritionist and his wife of 26 years, stay busy with volunteer work while faithfully practicing a vegan lifestyle. That level of energy is difficult to maintain, but Perrecone says he still loves what he does.

"After all these years of doing this type of work, I still don't see the end of the road. I see burnout in some of my colleagues, but I still love this." However, he says, there will be a time when he is ready to step away.

"(Lawrence Ferolie) was active with the firm until his late 80s. Not me," he laughs. "So, I'll (retire) sometime between now and when I'm in my late 80s." ■