

LAWDRAGON

Making Sense of the Senseless: Leadership and Personal Injury Law with Patrick A. Salvi II

By Emily Jackoway

As a personal injury lawyer, the situations in which Patrick A. Salvi II's clients find themselves can feel nonsensical. Why has this injury happened – why to them? Why do some companies have stronger protections to skirt responsibility? Why are insurance companies so difficult to negotiate with? And in a wrongful death case, Salvi asks, “What is the fair market value of losing your soulmate?”



So, he has devoted his career to righting the things that don't make sense where he can.

Salvi is the managing partner of the Chicago office of leading personal injury firm Salvi, Schostok & Pritchard. Salvi joined the firm – which his father, Patrick A Salvi Sr., founded in 1982 – right out of law school in 2007. His younger brother Brian joined the firm in 2013. Salvi quickly secured head-turning wins, including a \$148M verdict on behalf of a woman who was left paralyzed after an incident at Chicago's O'Hare International Airport. In the 18 years since he joined the firm, Salvi has recovered more than a staggering \$1.4B in verdicts and settlements.

With that success has come leadership – not only within his firm, but within the legal community. In 2022, Salvi was elected president of the Illinois Trial Lawyers Association (ITLA). Salvi began his yearlong term by talking with the executive committee about the problem areas in the law that were creating inequities. “We are not trying to tilt the scales so that the system is unfair to defendants – quite the opposite,” Salvi says. “Rather what we're trying to do is identify those areas of the law where it really just doesn't make sense.”

The two most glaring issues for 2022: the lack of punitive damages in wrongful death cases and rideshare companies' exemption from common carrier status. Salvi was able to spearhead meaningful change on both issues in the legislature – not only practicing law, but shaping it.

That same year, Salvi lead the first jury trial against medical device sterilization company Sterigenics. His client was a woman who developed breast cancer after being exposed to the toxic chemicals emitted from the company's plant in Willowbrook, Ill. Salvi and his team won a \$363M jury verdict – the largest jury verdict for an individual plaintiff in Illinois history at the time. Salvi took point as co-lead counsel in the ensuing ethylene oxide litigation, where he later served as lead negotiator for a global settlement of \$456M for nearly 900 plaintiffs.

In recent standout trials, last year Salvi secured a \$75.8M jury verdict in a birth injury case for a now seven-year-old girl who has permanent physical injuries and brain damage from the medical care she received in delivery. Then, in December, he secured a \$79.85M verdict for the family of a 10-year-old girl who was killed in a car crash during a Chicago Police Department vehicle pursuit. He is currently litigating cases in Chicago and the surrounding area. He recently secured a provisional settlement in a hazing litigation on behalf of former Northwestern student-athletes against the university, and is currently litigating a case in Portland, Ore., arising out of the 2020 wildfires there.

Cancer from unseen chemicals, permanent birth injuries, the death of a 10-year-old girl – none of it makes sense. But Salvi takes the law to its furthest extent to try to bring at least some justice to the chaos, ensuring that victims and their families are supported through the next phases in their lives.

Salvi is a member of the Lawdragon 500 Legends, made up of attorneys who have been recognized as Lawdragon 500 Leading Lawyers at least 10 times.

Lawdragon: Tell me a bit about your work on the Sterigenics litigation and the initial case. How did you become involved?

Patrick Salvi II: In the late summer of 2018, there was this big announcement that Sterigenics, this local company, had been determined by federal regulators to be posing a greater than appropriate cancer risk in the community. Our firm had a significant number of cases. We had the first filed case, which ultimately became the first trial. From there, it was just day by day becoming more and more invested in it and digging deeper and deeper to better understand the facts and the science and everything that was required to appropriately try that case.

LD: Were toxic torts an area that you'd spent much time in before that?

PS: None.

LD: None? Wow.

PS: When we started getting a lot of cases through referrals or through our network, once there was an identified need, I was interested. Not that you always have to be obsessed with the next best thing, because that's a tough way to go through life, but it is true that as you feel as though you've developed some competencies that you want to take on new and interesting challenges. Sterigenics was certainly that. These were folks that were harmed and needed someone to roll up their sleeves and help them. There was also a broader context to it because so much of our work to date had been for individuals. This one had a bit of a broader scope.

LD: Tell me about your leadership role in the litigation. What was rewarding about that for you?

PS: Certainly one thing I learned is good, sustainable leadership is really not by edict; it's not by title. No doubt you got to have roles and organization. But true leadership is where the folks that are charged with that responsibility work as hard or harder than everybody else. You have to rely on your team, but you have to also show your team that you're making sound judgments based on true knowledge – not based on ego, not based on knee-jerk visceral reactions, but based on hard work and the input from your team members. So even though we had leadership within the litigation, frequently the lawyers across many firms would gather as a big team to talk through what the best approach to any given issue would be. Building that consensus and trust between team members was critical.

LD: Do you feel that that outlook on leadership carries over to your role as managing partner of the Chicago office of your firm as well?

PS: No doubt about it. Everybody at the office is here for a reason. They are skilled; they have good work ethics; they have integrity. So, their input matters. Everybody understands that we're all in this together, and we can help clients by working together. So it does carry over in the sense that I like to think that my style of leadership is one that's very inclusive and about building coalition and buy-in to what we're doing.

“ *These were folks that were harmed and needed someone to roll up their sleeves and help them.* ”

LD: Thinking back to that first case where you and your team represented the woman who had been diagnosed with breast cancer, are there any specific moments that stand out from trial?

PS: The witness that perhaps was the most important to me and who I felt was really a very critical witness in terms of winning the case was the corporate representative for Sterigenics. I spent a significant amount of time preparing that adverse examination with my team, which would include my paralegal, my assistant, my IT person and other lawyers

at our office. When it was time to call this witness to the witness stand, the plan was all in place and then the execution I felt was very, very strong. And it was so effective because of that preparation, not just by me, but by that entire team that I just mentioned. I think that examination highlighted some of the flaws in the defense's argument insofar as the primary liability argument was that they did not use the pollution controls available to them despite the fact that this was a very dangerous chemical that was being emitted into the air. Driving home that point in spite of some of the defenses was critical.

LD: Looking back, aside from growing up with the firm, what drew you both to trial work and personal injury work specifically?

PS: I was very much drawn to mock trial in law school. Then I went into practice with my dad. I've been at this law firm for almost 18 years, and early on I went through some healthy contemplation of, "Is this really for me?" Because you don't know what you don't know when you start out. And so it was really more as I got into late into the first decade of my practice where I really felt as though, "This is great work, and I want to get really good at it." I wanted to become a student of psychology and trial and persuasion and how jurors absorb and apply evidence, how they deliberate – the psychology of it. All of the things that go into how human beings make decisions became a real passion of mine, and it's in part what allowed me to get better at what I do.

LD: How would you advise early career trial lawyers who maybe want to get that insight?

PS: First of all, nothing can supplant experience. If you want to be a trial lawyer, you have to try cases. In terms of study outside the courtroom, I would suggest a combination of materials. On the one hand, certainly you can study case materials, read other people's depositions, opening statements, closing arguments, cross examinations, et cetera. And you're going to learn a lot from that. You're going to learn a lot from trial philosophy type books, trial books that help you understand how to approach those various aspects of trial. But on top of that, to really set yourself apart, think carefully about little bits of what you're trying to do. Understanding the different ways that people make decisions. If it's a wrongful death case, studying grief. If it's a forklift case, meeting with individuals that have spent their lives working on forklifts. Those deep dives into subject matter are so important.

LD: Can you tell me a bit about your ITLA presidency and the work that you were able to do in the legislature?

PS: We had certain ideas that we thought would be important to roll out to some of the legislators as good ideas to fix problems within the law. One of them was the fact that in Illinois until recently, you could not get punitive damages in wrongful death cases, and that didn't make sense. Punitive damages are designed to punish the wrongdoer when the wrongdoer acts with recklessness, with intent recklessness or just a conscious disregard for safety. So if a defendant acts that way and the person survives, why should that be any different than if the person suffers the ultimate harm, which is death? It didn't make sense. The purpose of punitive damages is to punish and deter that defendant and others like that

defendant from engaging in despicable conduct. That was not being served by that inequity of the law, so we fixed that. That got passed and Governor Pritzker signed it.

Another thing we did was focus on the fact that rideshare companies had previously had an exemption from common carrier status. A common carrier is held to the highest duty of care. So what happens in a rideshare case, because of the exemption under the transportation network company statute that previously existed, is those drivers were not being held to the highest standard of care. A taxicab, an airplane, a train, any sort of transportation for hire – they're treated as a common carrier and held to the highest standard of care. This exemption was written into the law initially, and we felt as though not only had rideshare companies been given every opportunity to compete in the market, but they're now dominating the market. So why should they have a favorable legal exemption over these other transportation methods? That also didn't make sense. So, we changed that. The common carrier exemption was taken out of that statute. Those were the two big examples in terms of ways in which I think we did things in the legislature to make victims more fairly compensated as well as to be able to pursue causes of action that had an impact on society.

LD: A hallmark of your firm is the resources you devote to trial. Can you tell me about why considerable staff and resources are an important focus for the firm?

PS: A motto of ours is, "Everything needs to be done with excellence." We don't want anybody spread too thin. Certainly there are instances where you got to take on more work than maybe you even think you can handle, but at the same time, if there's an opportunity for us to go from two lawyers to three lawyers, we're going to do that. Or from three to four. We're going to make sure that everybody can do that which is their role in the trial with excellence, whether it's a couple of lay witnesses, whether it's the most important liability witness from the defendant, whether it's very complicated experts opening, closing jury selection – we like to spread out the responsibility so that the execution is just outstanding.

“ Everything needs to be done with excellence.

LD: How would you describe your style or approach as a lawyer?

PS: I think that my approach in every, say, closing argument, is really the things we're talking about, which is the loss of life, the loss of function, feeling physical pain and suffering, having significant economic needs, whether it's medical or an inability to work – that those things are really sacrosanct. It's what makes us human beings.

A closing argument I just came back from involved a husband who lost his wife. What is more valuable? What is the fair market value of losing your soulmate, the person in life that you couldn't wait to see next, that whether you were happy or sad you needed a hug from that person – what's that worth? I firmly believe it's worth a lot. And that should inform

how people conduct themselves in society, whether it's a company making corporate decisions, whether it's individuals making decisions on the level of carefulness, whether it's a doctor or a healthcare system making decisions for a patient, just being mindful of how important those things are in life.



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