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# Johnson & Bell places three attorneys on list

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# Top 20 Tort Defense Lawyers

by Kristi O'Brien  
and Nathaniel Hernandez

**T**he stakes are high; emotions surge even higher.

On one side is the plaintiff's attorney — representing the family of an airline crash victim, the child who was brain injured at birth, the electrician burned over three-fourths of his body.

On the other side is defense counsel — the attorneys who try to prove their clients blameless or limit the financial damages for businesses, insurance companies, doctors, hospitals and others.

The defense walks a fine line, trying to serve clients while being sympathetic to the injured party.

Tort defense attorneys in Chicago are among the best in the nation, but their accomplishments are often unsung. It is the plaintiff's attorney who garners coverage in the general press, whose face appears on the 10

o'clock news.

It's the nature of the legal beast. And, it's the nature of the legal beast that defense attorneys — making far less money than their successful counterparts in the plaintiffs' and corporate trial bar — work quietly, trying to limit "bad press" as well as lower the hammer on ever-increasing damage awards.

They're quite successful at it, according to Cook County Jury Verdict Reporter, owned by Law Bulletin Publishing Co.

Between Sept. 1, 2001, and Aug. 31, 2002, Cook County Circuit Court Law Division alone tallied 419 tort cases tried to verdict. Of those, the defense prevailed with 166 "not guilty" verdicts — 39.6 percent. The jury deadlocked in seven cases.

These figures do not account for the cases in which defense attorneys succeeded in limiting financial awards, both in verdicts and in settlements.

To recognize these lawyers, Chicago Lawyer invited the legal community to submit nominations for the Top 20 Defense Lawyers. Nominations flooded in for a host of strong candidates; choices were difficult. Each winner listed here had more than one nomination — and often a half dozen or more.

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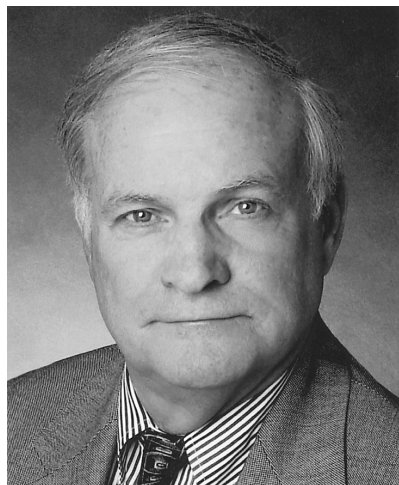
Each of the winners was asked to list and describe one or two of his or her cases; comments about the attorneys came from plaintiffs' counsel and others in the legal community.

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**Below are profiles of the three attorneys selected from Johnson & Bell.**

**John W. Bell**, 56, shareholder, Johnson & Bell.

*Education:* Loyola University



William V. Johnson



John W. Bell



Brian C. Fetzer

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School of Law, 1971.

*Experience:* 1971, clerk for Judge Donald O'Brien Sr., then presiding judge of Chancery Division; Kirkland & Ellis, 1972-1975; Johnson & Bell, 1976-present.

*Concentration:* product liability and personal injury.

*Other:* fellow, American College of Trial Lawyers; member of various bar associations, including the Society of Trial Lawyers and the International Association of Insurance Defense Counsel.

*Comments:* Robert A. Clifford, Clifford Law Offices, said Bell relates well to juries.

"He's called upon to try a lot of cases that are very difficult to defend on liability, so the real goal is to keep the damages low," Clifford said. "He's been very effective in doing that because he's a common-sense, plain-spoken guy from the neighborhood that juries can relate to."

Patricia C. Bobb of Patricia C. Bobb & Associates called Bell "a very well-regarded and respected trial lawyer."

*Cases:*

*Santana, et al. v. Seagrave Fire Apparatus Co., et al.*, No. 63/95, product liability case tried in Kings County, New York. Lawsuit alleged ladder on a fire truck manufactured by Wisconsin-based Seagrave was improperly constructed, causing the ladder to buckle and collapse during a rescue, killing a man and injuring his wife and two children.

*Catron v. Grove U.S. LLC*, No. 4:99 CV-13AS (N.D. Ind. 2000), a product liability case. Lawsuit alleged toggle switch on scissors lift was not properly protected after a worker in a scissors lift basket was crushed when he inadvertently activated the lift switch.

In both cases, Bell's clients were found not liable.

"I take what I do very seriously because my clients need the best representation possible," he said. "This company that supplies all fire trucks in New

York could have gone [bankrupt]. It's a high calling, what [tort defense lawyers] are doing here."

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**Brian C. Fetzer**, 52, shareholder, Johnson & Bell.

*Education:* Northwestern University School of Law, 1975.

*Experience:* Johnson & Bell, 1975-present.

*Concentration:* medical malpractice, product liability.

*Other:* past president, Trial Lawyers Club of Chicago; fellow, American College of Trial Lawyers; member of several bar associations.

*Cases:*

*Yolanda Conley v. Advocate Health & Hospital Corp., et al.*, No. 97 L 3535. After delivering a healthy child, the mother allegedly received an overdose of medication, resulting in brain damage.

Fetzer represented Bethany Hospital.

"We made a decision ... to admit liability," he said. "We had offered \$11 million, and the jury returned a verdict of \$7.6 million. The plaintiff was cared for, and it was a number that was within what we felt was reasonable."

Fetzer said when defending in a medical malpractice case, the attorney needs to balance putting forth a liability defense and taking steps to hold down the ultimate verdict.

"That's a difficult balancing act to perform," he said. "I've probably been a little more aggressive than other defense attorneys in admitting liability in cases where I feel the prospects for getting a not-guilty verdict are slim or nonexistent."

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**William V. Johnson**, 63, shareholder, Johnson & Bell.

*Education:* Chicago-Kent College of Law, 1966.

*Experience:* Johnson & Bell, 1975-present; prior to that Johnson was at Pretzel & Stouffer for a year, on his own for a period of time and did some plaintiff's work.

*Concentration:* hospital law, medical malpractice, product liability, catastrophic injury.

*Other:* past director and past president, Society of Trial Lawyers; past member of board of directors, Trial Lawyers Club of Chicago; International Academy of Trial Lawyers; fellow, American College of Trial Lawyers; fellow, International Society of Barristers; panel member, Professional Trial Lawyers College of Advocacy, Champaign; American Board of Trial Advocates.

*Comments:* Robert A. Clifford of Clifford Law Offices said attorneys from his office have opposed Johnson in several large lawsuits.

"Bill recognizes the need to attain the very best in each field of expertise in order to convince a jury, as well as to zealously represent his client," Clifford said. "He is a diligent advocate, one whom his clients trust is giving his all."

Joseph Power of Power, Rogers & Smith said Johnson "is always in the fight, always in the hunt. He's very tenacious."

Patricia C. Bobb of Patricia C. Bobb & Associates called Johnson "a stalwart of the defense bar."

*Cases:*

*Roberta Moldawsky, et al., v. Simmons Airlines Inc., et al.*, No. 96 Civ. 4641 (S.D. N.Y. 1998); American Eagle flight 3379 crashed outside Roselawn, Ind., and plaintiff filed suit seeking damages for wrongful death and pre-impact fear. Damages awarded were less than what plaintiff requested.

*Bogalusa Chemical Spill Litigation v. Union Tank Car, et al.*, No. 251-96-000493-CIV (Miss. Cir.Ct. 1999).

Plaintiff alleged railroad car was overloaded and caused a spill emitting toxic fumes that caused permanent neurological, upper respiratory and lung injuries to nearby residents. Johnson represented Union Tank Car, which the jury found not liable.

Asked about his style, Johnson said he's "an aggressive cross-examiner of expert witnesses."