

will spend the next few working on details and tions and hopefully be able forward together in a way ers increasing breadth and our clients," Clements said tement.
firms have been through a of successful combina- at we think this one opens

such one in a better position to serve clients across a wide range of practice areas and in the U.S., Europe and Asia.
"It was critical that we find a firm similar to us not only in its commitment to client service, but also in culture and vision, as well as a shared commitment to diversity and community involvement," he said in a statement. "Locke, Lord

has nearly 60 attorneys.
Both firms have combined with other firms in recent years. Locke, Lord was formed in 2007 when Lord, Bissell & Brook LLP and Locke, Liddell & Sapp LLP combined.
Locke, Lord focuses on complex litigation, regulatory and transactional work.
Edwards, Wildman was created

The full-service firm is known for its work in private equity and venture capital, complex litigation, insurance and reinsurance, technology and intellectual property and public finance.
Kent M. Zimmermann, a law firm consultant with Zeughauser Group, called the combination a part of a larger trend of extensive
MERGER, Page 23



ConAgra avoids share of \$180M jury award

Contract's immunity language holds even without a signature

BY PATRICIA MANSON
Law Bulletin staff writer

ConAgra Foods Inc. is off the hook in a nearly \$180 million verdict a federal jury returned following a fire and explosion at a downstate grain elevator.

The 7th U.S. Circuit Court of Appeals on Tuesday held ConAgra is not liable for any part of the damages awarded to three workers who were severely injured in the incident.

ConAgra was indemnified from damages by West Side Salvage Inc., an independent contractor hired to salvage grain from a clogged elevator at a facility in Chester, Ill.,

the court wrote.

The court rejected the argument that the indemnity clause in a contract ConAgra submitted to West Side is not enforceable because West Side did not sign the document.

West Side signaled its acceptance of the contract's terms — including the indemnity clause — by working on the elevator, the court wrote.

Under Illinois law, the court wrote, "performance usually is as good as a signature as a way to accept a proposed written contract."

Illinois law applies to the case, the court noted, because the workers filed their lawsuit against ConAgra and West Side in federal court under diversity jurisdiction.

The court's ruling leaves it to the trial court to decide whether West Side is liable for the entire amount
CONAGRA, Page 23

Clifford names ex-judge new managing partner

BY JOHN FLYNN ROONEY
Law Bulletin staff writer

Clifford Law Offices has named Henry R. Simmons Jr., a retired Cook County circuit judge, the new managing partner of the plaintiff personal-injury firm.

Simmons started his new job Tuesday. He replaces Thomas K. Prindable, 70, who served as managing partner since 1997 and remains with the firm as a senior partner, primarily handling probate matters.

The 18 lawyers at the firm also primarily represent plaintiffs in wrongful-death and medical-negligence cases.

Simmons said he enjoys trial work based on his experience



Henry R. Simmons Jr.

Simmons that settled.

About four months ago, Clifford



Timothy W. Alberts



TURN
INSIDE

IN CHAMBERS

Chief judge of 11th Circuit set for retirement

PAGE 3

ASK SNAP-D

FROM THE FRONT PAGE

Merger

consolidation in the legal business. The moves have been driven by increasing competition, pricing

pressure and internationalization.

Firms have an incentive to build focused practice areas, he said, and they're doing so via mergers; adding laterals and groups of lawyers; and other combinations.

Zimmermann said he is currently working with several firms that are interested in creating or amplifying their Chicago presence.

"Chicago is a hot legal market, and there are many firms that aspire to grow greater breadth and

depth here," he said.

"With this deal, the two firms now double down on a hot market for legal services. Many other firms are very interested in growing here."

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ConAgra

of the damages or only that portion reflecting the percentage of fault assigned to it by the jury.

ConAgra, based in Omaha, Neb., sells packaged foods under brands such as Healthy Choice, Swiss Miss, Chef Boyardee and Hunt's.

In March 2010, a ConAgra employee noticed that a grain elevator at its Chester facility was smoldering.

ConAgra contracted with West Side, an Atkins, Iowa, company that bills itself as an expert in handling "hot bins," to salvage as much of the grain as possible.

West Side, in turn, hired A&J Bin Cleaning in Cleveland, Minn., to help with the task.

Work began several weeks after the problem was discovered — a delay caused by ConAgra's negotiations with West Side and West Side's own schedule.

On April 27, 2010, workers detected smoke coming from the bin but were unable to discover the source.

West Side's foreman asked

ConAgra to call the fire department. He then sent two workers into a tunnel to remove tools that might be in the path of firefighters.

The workers were in the tunnel when there was an explosion which resulted in severe burns to the two workers. Another worker in a nearby elevator also was injured.

The injured workers sued ConAgra and West Side in federal court in East St. Louis.

Following a monthlong trial in 2012 before U.S. District Judge Michael J. Reagan of the Southern District of Illinois, a jury awarded actual and punitive damages to the workers.

The jury assessed the damages at about 60 percent against ConAgra and 40 percent against West Side.

In its opinion, a three-judge panel of the 7th Circuit rejected the argument that ConAgra was liable for damages because it purportedly failed to provide a safe workplace for West Side. The panel also reversed the \$1 million in punitive damages against West Side.

Under Illinois law, Judge Frank H. Easterbrook wrote for the panel, "someone who engages an independent contractor to redress an



John W. Patton Jr.

unsafe condition is not liable when the feared event occurs."

Joining the opinion were Judges Daniel A. Manion and Ilana Diamond Rovner. *John W. Jentz, et al. v. ConAgra Foods Inc., et al.*, Nos. 13-1505, 13-1542, 13-1543 and 13-1544.

Andrew H. Schapiro of Quinn, Emanuel, Urquhart & Sullivan LLP argued the case before the 7th Circuit on behalf of the plaintiffs.

John G. Schultz of Franke, Schultz & Mullen P.C. in Kansas

City, Mo., argued the case on behalf of West Side.

Neither could be reached for comment.

Christopher Landau of Kirkland & Ellis LLP in Washington, D.C., argued the case on behalf of ConAgra.

ConAgra's lead trial attorney, John W. Patton Jr. of Patton & Ryan LLC, said he is pleased the verdict against his client was thrown out.

"We fought before the trial court to seek justice for ConAgra," he said. "I am deeply appreciative of the just and well-reasoned opinion of the 7th Circuit."

West Side and A&J were represented at trial by attorneys who included Schultz and Jason B. Moore of the same firm.

Two of the plaintiffs were represented at trial by Robert A. Clifford, Kevin P. Durkin and Colin H. Dunn, all of Clifford Law Offices, and Brad L. Badgley of Belleville.

The third victim was represented by Marc A. Taxman, Sean P. Murray and Julie L. Pustilnik, all of Anesi, Ozmon, Rodin, Novak & Kohen Ltd.

Neither Clifford nor Taxman could be reached for comment.

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Simmons

Simmons, 58, graduated from DePaul University College of Law in 1980.

For the next dozen years, he worked as an Cook County as-

sistant state's attorney. That included an eight-year stint in the office's criminal division.

The Illinois Supreme Court appointed Simmons as a judge in 1992. For the next year, he sat in traffic court.

Simmons was elected to the circuit court in 1994 and was retained

twice, most recently in 2006.

For 13 years, Simmons served in the Criminal Division. From 2006 to 2011, he presided over about 50 Law Division jury trials.

"He brings a perspective to the law firm and our office that we have not had, based on his judicial experience," Prindable said. "That experience will

help immensely in deciding what cases to take or not to take."

Simmons said he is fortunate to "come into a well-oiled machine" at the firm.

"They have a very proficient system in place," he said. "I expect to keep it going on the same path."

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FROM PAGE 3

Chambers

week this summer to watch the local independent professional

need a pro baseball team here," Robb said.

But whether it's a retirement