will spend the next few working on details and forward together in a way increasing breadth and our clients," Clements said.

I firms have been through a of successful combinations we think this one opens

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.

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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

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Clifford names ex-judge new managing partner

BY JOHN FLYNN Rooney

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 in Clifford that settled.

About four months ago, Clifford
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.”

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 million against ConAgra and $40 million against West Side.

In its opinion, a three-panel judge 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 unsafe condition is not liable when the feared event occurs.”


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 Franko, Schultz & Mullen PC 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 his client was 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. Badgerly of Belleville.

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

Neither Clifford nor Taxman could be reached for comment.

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

For the next dozen years, he worked as an Cook County as­sistant 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.”

Chambers
week this summer to watch the local independent professional need a pro baseball team here,” Robb said.

But whether it’s a retirement baseball team. But whether it’s a retirement baseball team...