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*Julius L. "Jerry" Loeser, of Winston & Strawn. Photo by David Durochik*

## Different perspective > feature

# Lawyers gain legal experience

By Amanda Robert

**C**ommon practice sends the majority of law school graduates directly into law firms, where they first become associates and expect to slowly, but surely, move up the ranks to partner.

But what about attorneys who take a different route?

This month, we talked with eight unique attorneys who chose to forgo law firms in favor of starting their careers in other venues. Some secured their first jobs in city, state or federal government. A few people continued their legal education by clerking in courtrooms or

working for legal aid, while others further developed legal skills by going in-house with banks or corporations.

These eight work for different Chicago law firms, but they share one common mantra — the early search and acceptance of diverse career experiences gave them an edge in their transition into private practice.

### Insider training

Julius L. "Jerry" Loeser graduated from Northwestern University School of Law and moved to Washington, D.C., where, in 1967, he began

advising the Board of Governors of the Federal Reserve System.

Loeser worked for the federal government for nearly eight years, writing regulations for companies that owned banks. The government paid scant salaries back then, he said, but young attorneys exercised extraordinary authority. During the course of his career, he also practiced as inside counsel for Comerica Bank and Wells Fargo & Co., as well as in banking regulation at corporate law firms in Denver and New York City.

In April, he joined as of counsel at Winston

& Strawn, and said he most enjoys the camaraderie. He compared private practice to a fraternity or sorority, and said working in-house at a bank or corporation isolates lawyers.

"You may not be as appreciated as much as when you're in a law firm, when the whole heart of it, the whole purpose of it, is doing what you do," Loeser said.

He also referred to several advantages of working in government and corporate law. Case facts are established, he said, whereas in private practice clients change their minds.

"You might be told the facts by someone, but the next time you talk to them, the facts are slightly different," he said.

"That can make a huge difference in the outcome."

Lawyers who practice in-house become experts on their clients, he said. They work with them eight to 10 hours each day and become immersed in their businesses. Clients come to depend on their in-house attorneys, and vice versa.

"You care an enormous amount about the client," Loeser said. "You are part of the company. If you hear about a business person doing something stupid, you speak up. In a law firm, you do the tasks you're given and give advice, but you're not asked if what you think they're doing is stupid."

### Twice upon a time

Jim Knibbs, a partner at Meckler Bulger Tilson Marick & Pearson, spoke from experience when he said it's unusual for an attorney to transition from public to private practice — not once, but twice.

Knibbs started his career in 1985 as a prosecutor in the Cook County state's attorney's office, where he worked from misdemeanors up the ladder to the felony trial division. He said he enjoyed criminal prosecution and serving the community, but then "reality kicked in with a couple of kids."

He switched to civil litigation to alleviate financial pressure and practiced at two Chicago law firms.

Knibbs later returned to the Cook County state's attorney's office, serving under Richard A. Devine and supervising the Public Corruption and Financial Crimes Unit.

"From my first stint in the state's attorney's office, I missed working on the victims and prosecuting criminals," Knibbs said.

In December 2009, he followed Devine to MBT, where he now practices white-collar criminal defense, investigations and commercial

litigation.

He pointed to several advantages on the public side, including team collaboration. He also tried court cases earlier in his career than if he had started on the private side, he said.

Knibbs admitted that he was out of his comfort zone when he first joined private practice. The firm expected him to be a self-starter, even when he was just learning civil litigation. He traveled often, he said, which was a big change from working daily in the same courthouse.

But, he said, he also worked on a wider variety of matters at a steadier pace. Knibbs now handles everything from internal investigations for large corporations to representing individuals in state and federal court on white-collar criminal and civil matters.

"If younger lawyers are making the transition to private practice, or even between firms, you have to realize that there is going to be a learning curve," Knibbs said. "Whether it's the area of the law or the courts that you practice in or the firm culture, you're going to be out of your comfort zone."

Knibbs also encouraged transitioning attorneys to stay connected to former colleagues and clients and to stay involved in the Chicago legal community.

### First-person account

Susan Conner graduated from Loyola University Chicago School of Law in 1984 and joined Cassiday Schade in 1985. But she referred to the year in between as the one that made the difference.

Conner clerked for Judge Thomas J. O'Brien in Cook County Circuit Court, gathering responses, motions and case law, assisting in article writing and discussing issues and cases with the judge. She also observed the judge and listened to the attorneys in the courtroom.

"It gave me an appreciation of the perspective of the bench, and, when being an advocate, how to present the issues and arguments," Conner said. "When I joined Cassiday, I was very effective at going in the courtroom. I could stand up and present a case before the judges."

She learned how to handle motion calls and how to write briefs and other courtroom documents. She met several judges, as well as plaintiff and defense attorneys, and studied their work ethic and attitudes.

"It gave me an opportunity to see both the good and negative practices of attorneys," Conner said. "I learned how to respect the judges and respect my fellow colleagues, both plaintiff attorneys and defense attorneys."

"Sometimes demeanor and professionalism go through blips. I realized as a profession the appropriate conduct and appropriate communication that should be followed."

Conner decided after recognizing positive traits in Cassiday's attorneys that she wanted to join that firm. Now a partner, she practices primarily in medical malpractice defense.

She noted that while lawyers promote their clients' interests, judges and their staff focus on facts and precedent. She said she still calls on that impartiality to understand the opposing side's arguments and to improve her case.

### How to deal

Dale Matschullat, of counsel at Schiff Hardin, started in a law firm but spent nearly all of his career in the corporate world.

After graduating from Stanford Law School in 1970, he first clerked in the U.S. District Court in the Eastern District of New York for one year and then was a litigation associate in a New York City firm for five years.

He joined the corporate law department of Allis-Chalmers Corp., a worldwide manufacturer of industrial equipment, in 1977. He negotiated and administered contracts in areas of industrial equipment and machinery and focused on working in China to obtain contracts for hydroelectric equipment.

In 1989, Matschullat became the first in-house lawyer at Newell Rubbermaid Inc. He managed and negotiated several acquisitions, he said, which grew the company from \$1 billion to nearly \$7 billion. He also created an in-house legal department, bringing on 20 new lawyers.

"Practice in connection with a company of size and global reach is quite varied, and in that sense, quite exciting," Matschullat said. "You get yourself involved in different matters — it isn't just endlessly processing one set of issues."

After 20 years with Newell Rubbermaid, Matschullat decided to transition to the next stage of his career. He often encountered an unproductive use of time and energy in commercial litigation, he said, so, in April, he joined Schiff Hardin to promote mediation and early dispute resolution in the practice.

Matschullat anticipates differences between private and corporate practice, such as working for various clients rather than one client. He expects to enter already-developed legal situations, he said, where as inside counsel he dealt with situations in their early stages.

He knew Schiff Hardin, Newell Rubber-

maid's principal outside counsel, and recognized the firm's abilities and strengths. Matschullat recommended that transitioning attorneys also identify specific career goals to discuss with potential employers.

"I knew [Schiff Hardin] was flexible in their approach to litigation and, therefore, would be open to my ideas," he said.

#### **Years of experience**

Cezar M. "Cid" Froelich credited a course in securities regulation at Loyola University Chicago School of Law for propelling him into a position with the U.S. Securities and Exchange Commission rather than with a private firm.

"I decided that the SEC was more interesting, that I would get more responsibility more quickly, and I would become an expert on securities regulation more quickly than in a practice," Froelich said.

After graduation in 1970, Froelich started as a staff attorney in the SEC's enforcement section, working on investigations and trial work. He then moved into corporate finance, where he approved registration and no-action letters. After three years, he prepared for private practice.

"I was anxious to do more," he said. "In those days, you didn't move up quickly, so it would take a lot longer for me to get broader experience."

Froelich, a shareholder at Shefsky & Froelich, joined the firm in 1973. He quickly gained experience and responsibility, he said, advising at least seven public offerings in the first two years he was with the firm.

He began private practice as a securities lawyer and eventually expanded into finance, mergers and acquisitions, and gaming. He said he enjoys the variety of private practice and the ability to move on to new issues and people every few months.

Froelich encouraged young lawyers to begin their careers in government, especially given the tough economy.

"You become more valuable to your clients and your law firm if you get that experience first and then move into a law firm," he said.

#### **Don't settle for less**

Early in his career, Charles Bernardini decided that he didn't want to "settle down."

The Ungaretti & Harris partner graduated from the University of Illinois College of Law in 1972 and first was a legislative assistant to the

speaker of the Illinois House of Representatives.

Bernardini next became inside counsel for the American Hospital Supply Corp. but later returned to public practice, becoming a prosecutor in the Cook County state's attorney's office. He then moved again to corporate practice at Allstate Insurance Co. He also served as a commissioner on the Cook County Board and an alderman for the City of Chicago before joining Ungaretti & Harris in 2003.

He refused to be "pigeonholed" into one specialty, he said, and instead benefited from gaining broad experience in government prosecution and corporate litigation. Both areas are similarly different from private practice, he said.

"You're more focused on getting tasks done without the time pressure," he said. "There is more time to learn some things, since you don't have to be productive all the time.

"A law firm is a great environment to force productivity, because every single moment has to be accounted for. I'm fortunate I had those experiences early on."

Bernardini also pointed to forced productivity as a positive factor in private practice. Salaried lawyers can collect paychecks without completing work, he said. He said private practice, however, is the "most intellectually honest way to make a living."

"If you work for a client and produce, you get paid for the time you spent on it," Bernardini said. "If you want to go fishing or something else, you don't get paid for that."

Bernardini suggested that young attorneys heed his advice and approach their careers in a similar fashion — first seeking experiences in government or corporate law before settling into a specialty practice.

"The more you can broaden your experience, the better you will be careerwise, until it leads to something that you get really excited about," he said.

#### **Aid and abet**

Kathleen Sweitzer moved to Honolulu after graduating from California Western School of Law in 1994.

Sweitzer started as a staff attorney at the Legal Aid Society of Hawaii, she said, since few private law firms existed in the city. She worked in the domestic violence unit, handling cases involving restraining orders, paternity and even kidnapping.

In 1996, she moved to Chicago and entered private practice. She focused on insurance cover-

age and ERISA matters, and became a partner at Tressler after joining the firm in 2002.

Sweitzer said private sector attorneys handle larger caseloads than their public sector counterparts, based on differing expectations between paying clients and non-paying clients.

In Legal Aid, Sweitzer added, grants support lawyers while billable hours support private practice lawyers.

She participated in community events as part of her job at Legal Aid, but in private practice, she said, attorneys sacrifice their inclusion in billable time.

Despite any misconceptions about the public sector, Sweitzer found her experience with Legal Aid to be as equally rewarding as her experiences in the private sector.

"I've met really organized, really professional people at every place I've been," she said. "You should expect to find great lawyers in both types of positions."

#### **"Life, law and politics"**

In 1978, after graduating from The John Marshall Law School and working in his neighborhood law office for a year, Joe Gagliardo started in the Office of the Corporation Counsel for the City of Chicago.

He began handling employment disciplinary matters before the city's personnel board and worked up to first deputy corporation counsel. In 1988, he joined Laner Muchin Dombrow Becker Levin & Tomlinberg as chair of the firm's litigation department.

Gagliardo, now the firm's managing partner, calls his time with the City of Chicago a lesson in "law, life and politics." The experience pushed him to handle matters with significant responsibility early in his career, he said, and, later, helped him build a good base of public-sector clients.

In public service, lawyers effectuate change on a wider scale, he said. Public practice lawyers can also focus on job tasks, he added, while private practice lawyers must also focus on generating clients and billing time.

Gagliardo encouraged transitioning attorneys to match their personalities to the personality of their potential employer.

"It's really important that you understand how the firm functions, how attorneys interact with each other, and the kind of work they're expecting you to do," he said. "I would also be thinking, what's the stability of the firm?" ■