

JOHN F. KENNEDY

Priceless Trial Lawyer When Clients Face Existential Threats

by Keith D. Picher



History took over when his parents gave him the middle name Francis in 1958.

“Nobody named their son after a senator from Massachusetts back then,” says John F. Kennedy, an accomplished trial lawyer from Taft Stettinius & Hollister LLP. “But I’ve been getting jokes about it since third grade, and I cannot buy a drink in Boston, ever.”

For more than 30 years, Kennedy has engaged in high stakes and bet-the-company litigation. He also has seen unusual action before the Illinois Supreme Court.

His sweet spot is offering clients their best options during business emergencies. “You’re dealing with people who are scared, angry, anxious, confused, and they have no idea what the future looks like. You explain the short and long horizons.”

He has handled commercial disputes, pension reform issues, trade secret theft, partnership disputes, trust and fiduciary disputes, unfair business practices, restrictive employment covenants, unfair government regulation, sexual harassment, environmental

litigation, energy litigation, construction litigation and land disputes.

BLUE COLLAR CHICAGO START

Kennedy grew up in West Englewood, which then housed blue-collar immigrant families—first generation Irish, German, Polish and Italian Catholics. His Irish father was a carpenter and his English mother was a Teamster who worked nights as a trucking company billing clerk.

His parents met in England during World War II while his father was repairing destroyed airfields. In 1950, the couple crossed the ocean to Chicago, and Kennedy became their fifth of seven children.

After graduating from St. Justin Martyr School and the Quigley South high school seminary, he explored the priesthood at Niles College of Loyola University. He left the program and taught religion for seven years at Marist High School.

One day as Kennedy and a fellow teacher monitored the lunchroom, the other teacher

said he was in night school at DePaul College of Law. It was an epiphany for Kennedy, who decided right then to apply there.

“To me, being a lawyer back then was like being an astronaut. We had no lawyers in the family. I thought it was beyond my reach.” He gained admission, went downtown at night, and taught days.

Never having clerked at a law firm, Kennedy was a bit of a stranger in a strange land at first as a Coffield & Ungaretti associate. Routine tasks like writing a legal memorandum were new, and law firm culture was far different than teaching high school students.

But teaching helped Kennedy hold a crowd. “I was seven years ahead in that respect,” he says. “When we did mock trials, I was able to do opening statements without notes and connect with jurors.”

Mentors such as Brian L. Crowe helped Kennedy appreciate how lucky he was to practice law in Chicago.

“The Chicago legal community is an outstanding group of men and women,” he

says. “The federal bench and the Circuit Court bench are outstanding.

“I can’t think of a more dedicated group of people as a community than Chicago’s legal community. They will drop anything and everything to help someone in need, even though in the normal day they’re against each other.

“I love practicing here. I have a pretty good sense of how the city works, and that’s very helpful as a lawyer who tries to solve business problems.”

INTENSELY DEMANDING CASES

On Casimir Pulaski Day in 1994, Chicago’s Department of Environment shut down the landfill of Land and Lakes, blocking the gate with chains and police.

Kennedy had never been on the front lines of a temporary restraining order, and his mentor, William R. Quinlan, enlisted him. Kennedy and the team had 26 hours to write and file the TRO papers. A nine-month slugfest ensued, and his side prevailed.

That’s when Kennedy says he learned what it means to be an advocate. It helped him understand how to position a case and understand judges. “I’m grateful to Bill Quinlan for putting me on that case.”

Some of Kennedy’s cases are emotionally demanding. One day, a woman living nearly 1,000 miles away called. She cried and asked for help. She said her brother, who then was an Illinois lawyer, had threatened to kill her, her mother, her children and his ex-wife.

After bringing in an outside colleague and meeting with the woman, they secured an order of protection for the family—just the beginning of a four-year case. Kennedy’s team determined the lawyer had embezzled nearly \$3 million from trusts intended to benefit family members, including his children and his mother.

After Kennedy’s team secured the TRO, the lawyer and his girlfriend fled the jurisdiction. Kennedy obtained further orders of protection and testified about the lawyer’s misconduct before the Attorney Registration and Disciplinary Commission. After additional personal threats in the case, Kennedy sought and obtained a true bill of indictment from the grand jury in Cook County against the lawyer for threatening Kennedy’s own family and for tampering with a witness. The lawyer is now disbarred.

Kennedy has had uncanny success in bet-the-company litigation, which is intensely emotional and personal in another way.

Such was the case when Wisconsin-based Fontana Flavors, a nascent father and son business focusing on food flavoring,

faced a TRO from the global giant Kerry Foods. The injunction sought to shut down Fontana Flavors for alleged misappropriation of trade secrets.

“We were this little start-up with no sales at all, and we were getting sued by a \$13 billion company,” recalls the son and owner, Peter Krug Jr. “John understood we didn’t have a lot of resources and were fighting for our survival. He said, ‘I trust you guys, you guys are good for it, and we’re going to work through this.’”

“John wasn’t arrogant, and he was very supportive,” Krug says. “We were going through a horrible thing, and yet he and his local counsel in Wisconsin were funny and even made us giggle a little bit.”

After a battle of 10 months, the judge found the alleged trade secrets were not secrets at all but were a matter of public record. Despite that vindication, the competitor buried the business in legal fees. While it took the company some time to pay off the bills, it is now prospering.

“What I like about that kind of work is you become intensely involved with the client and the family,” Kennedy says.

“**We were this little start-up with no sales at all, and we were getting sued by a \$13 billion company. John understood.**”

“I tell the younger lawyers who work with me on TROs that they have to live with the work for a long time. They’re going to talk to the client, get to know them, and see them at their worst, so they have to understand that and have patience.”

Kennedy remembers a case where he was awake for 38 straight hours restoring electricity to an aluminum smelting company. He succeeded in getting a TRO against the Bonneville Power Administration.

“I was making sense at the end of 38 hours, but not so much after 40,” he jokes.

HIS FAMILY AND NAMI CHICAGO

Kennedy has “three great kids” who are in school: Joshua, Jessica and Colleen, who is now applying to veterinary schools.

Joshua speaks prominently and openly about his experiences with narcotics addiction and bipolar disorder. He teaches the police department about mental illness at their academy and does hospital outreach.

Kennedy performs pro bono work for a mental health advocacy group, National Alliance on Mental Illness, Chicago (NAMI

Chicago), serving as general counsel and vice president of their board. He joined in 2015 after meeting Alexa H. James, the executive director.

“John is a big advocate for mental health reform and treatment and for the reduction of stigma,” James says. She recalls how quickly he offered his services when they met.

“I think he was floored that I was running an organization and had no legal counsel. He said he would talk to his partners and make it happen. Within an hour, he sent us a very formal email saying he was ready to serve.”

The timing was fortuitous for NAMI Chicago, which then had a half dozen staff. The video of Laquan McDonald’s shooting had just been released, causing chaos for the group whose mission includes training police officers in de-escalation. The staff now numbers 21.

“I needed a thought partner who understood the dynamics and the politics of the city, who understood unions, contracts and the police department,” James says. “He supported me through my work on the Police Accountability Task Force.”

Kennedy, she says, is a committed listener, a helpful decision-maker who can weigh optics, and an invaluable asset for the group’s emergency and mundane concerns.

Sometimes, Kennedy’s role includes selling a building. He’s a trial lawyer who can handle personnel issues, but he knows enough to call in a real estate lawyer when property must be sold or a commercial lease needs examining.

“You start to see the world through a different prism when you think about all the people who are ill who are not treated as ill,” Kennedy explains. “They’re treated as other, crazy, homeless. It’s easy for us to disregard these folks. NAMI’s mission is to try to bring hope to those who suffer from or are impacted by mental illness, which is everybody because we all know somebody or we suffer from mental illness ourselves.”

“NAMI is a spiritual grounding, and it helps me be a better person, a better lawyer,” Kennedy adds. “I love working with these people and doing whatever I can to help.”

MAY IT PLEASE THE COURT

Kennedy is not an appellate lawyer, but he has appeared before the Illinois Supreme Court in three unusual cases.

During pension reform litigation, he represented the pension fund for Chicago laborers. Because the city and the municipal pension fund also had aligned interests, the three parties shared 15 minutes of oral argument before the court.

Chicago’s corporation counsel, Steve Patton,

took nine. That left three minutes each for Kennedy and Vincent Pinelli, who represented the municipal fund. No one cut Pinelli off as he ran the clock out.

The court granted Kennedy one minute. After the presentation, he told his client it was the most expensive minute of advocacy ever, based on his preparation. Kennedy later was told it was also the best minute of advocacy ever in the history of advocacy, which maybe was a slight exaggeration.

Two other recent Illinois Supreme Court cases involved Judge Daniel Lynch, a former Cook County prosecutor. The first, *Bangaly v. Sissoko*, began as a civil case arising from the 2007 death of a young woman struck by a tractor trailer on an Indiana highway. After the GWC law firm secured a judgment of nearly \$5 million, the judge authorized post-judgment discovery. The defendants challenged heirship, claiming the wrong heir had been identified.

Saying a fraud might have been perpetrated upon the court, Judge Lynch unsuccessfully sought to have the Cook County state's attorney's office prosecute the signer of the affidavit of heirship for perjury. He was the decedent's uncle, who had no stake in the estate. Judge Lynch appointed a private attorney to prosecute him for criminal contempt. When a jury found him guilty, the judge sentenced him to six years out of a Law Division case.

Concerned that the judge might act against GWC's lawyers, Kennedy and attorney Lance Northcutt filed papers with the Illinois Supreme Court. Citing the jurisdictional basis for a supervisory order under Rule 383, they asked the court to remove Judge Lynch from the civil case because of a wide range of conduct. The court removed him, the first time it had taken such a step. The case settled when it was reassigned to another judge.

In 2017, Judge Lynch also claimed to have uncovered conduct among the litigants in an asbestos case. The plaintiff's lawyers hired Northcutt and Kennedy. The two complained that, among other things, the judge engaged in a two-year "rolling inquisition" after a settlement had been reached and then released a 270-page preliminary ruling threatening lawyers on both sides with contempt. Without comment, the court removed the judge from a second wrongful death case in two years in *O'Connell, Tivin, Miller & Burns, LLC v. Honorable Daniel J. Lynch*.

"I've been a lawyer for 31 years, and I've never filed papers against a judge," says Kennedy. "Had we lost, there would have been hell to pay. So, it was a pretty high stakes situation."

ENJOYING A MATURING PRACTICE

At 59, Kennedy appreciates the benefits of a seasoned trial lawyer. "When I walk into

court, I'm older than most of the judges now, and that's new. I'm also older than most of the lawyers in the room—and I'm not doddering yet."

Kennedy believes trial lawyers eventually learn they don't have to fight every fight because it's not worth it and it doesn't serve clients well.

"I just wrote a younger attorney the other day and said, 'Life is too short, and our legal community is too small.' He wanted to fight about everything, including where a meeting would take place.

"This is a very good time in a trial lawyer's life when you're in your late 50s and early 60s because you have a certain amount of credibility and skills you've developed. When I was younger, I didn't know what I didn't know. I feared failure, and I still do. But I know how to prepare against it now."

For that reason, Kennedy enjoys preparing young lawyers and law students for success. Besides CLEs for his firm and others, he has taught an accelerated trial advocacy course at John Marshall Law School with Retired Judge James Holderman. It focused on intellectual property law, trade secrets and copyrights.

Its weeklong scope included a preliminary injunction hearing, a Markman hearing and a jury trial.

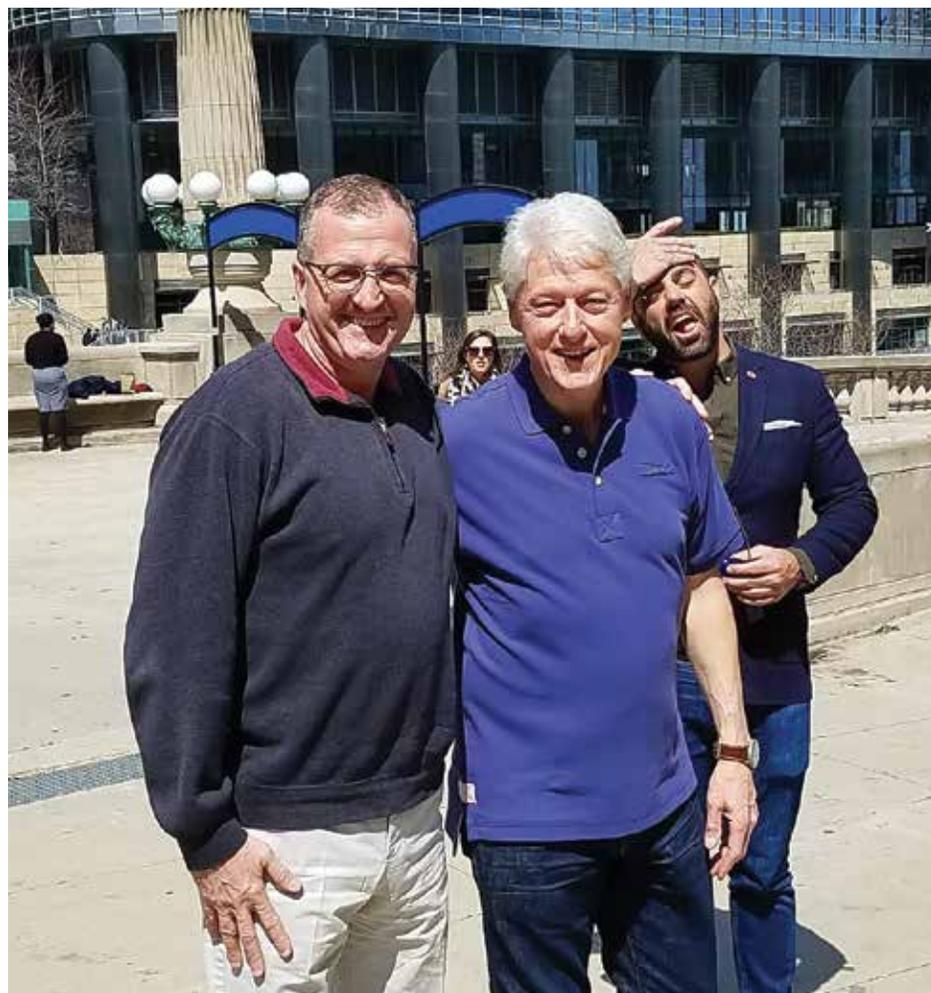
With Northcutt, Kennedy also participates in legal and cultural exchanges between Chicago-Kent College of Law students and barrister students from the King's Inn in Dublin, Ireland.

"It's an exchange of ideas about how cases are tried, but more than that, it's relationship building for the students and for us," he says of the weeklong classes in Dublin. "It's amazing the way justice is perceived by the Irish and by us. Even though we come from the same common law, the way we practice has manifested itself much differently over the years."

It's like the way the working values of Kennedy and his parents manifested themselves through different professions.

"John is a little bit of an everyday man," says Krug. "He's a blue-collar guy who worked his way through night school to get his law degree. He is nice, and he held our hands and walked us through the litigation.

"And he was kind of tough to the other guys and stood up to them." ■



Nearly 55 years after meeting President Kennedy, President Bill Clinton has a chance encounter on Wacker Drive with another JFK. A passerby and Trump Tower photobomb.