

## DAN BOHO

## Enjoying the Human Element of Defense Litigation

by Amanda Robert



When Dan L. Boho represented building management in litigation arising from the 2003 Cook County Headquarters fire, he considered whether he would submit his clients to state and county commissions set up to study the fire.

"I had to decide if I would allow my clients, who would later be witnesses potentially at trial, to testify in a very public setting with TV cameras following the whole thing and putting it on the news at night," he says. "While I was hesitant in the beginning, we thought we had a decent story to tell."

Boho, 59, a 24-year member of **Hinshaw & Culbertson LLP** executive committee and leader of the firm's defense litigation department, calls his decision a turning point in the case. He used the hearings to show that the Chicago Fire Department should take blame for the fire that killed six people and injured 16 others.

"Our story was that people were evacuating the building naturally and not one person was harmed until the fire department opened the

stairwell door to the 12th floor and allowed smoke to go up into the building," Boho says. "But for the actions of the fire department in fighting the fire before securing the stairwell, no one would have been injured."

Boho also pointed to the role the city's 911 center played in the disaster. Before the fire department arrived on scene, someone in the building called 911 to report that people were trapped in the stairwell. The operator told the caller that help was on the way but failed to alert the fire department.

"After eight minutes, the phone just went silent, and the 911 operator went on to her next call," Boho says. "There really was an opportunity for people in the building to be saved, even beside the fire department making a decision to fight a fire while people were still evacuating."

The city later became the largest defendant in the case, taking pressure off Boho's clients and the other seven defendants. The case

settled on the day of jury selection, with the city paying the largest amount of the award.

Cases like the Cook County Headquarters fire allow him to experience the strong human element of the law.

"You deal with people under extraordinary stress and pressure and devastation," he says. "That includes your clients who are caught up in these catastrophic matters, who oftentimes have had people that they deal with every day become injured."

### 'Serendipitous Situation'

Boho always wanted to be a lawyer, even as a child growing up on the south side of Chicago. His father, who worked as a mechanic in his own shop and then with the Chicago Park District, and his mother, who stayed at home, pushed him to pursue that dream.

"It was just something that was in me as a kid," Boho says.

He graduated from Mendel High School and

went to Loyola University Chicago for his bachelor's degree in political science and his law degree. In 1977, he joined Hinshaw & Culbertson and began developing his passion for personal injury defense and business litigation.

As a fifth-year associate, Boho got the chance to first-chair a case against Philip H. Corboy, now co-founder and name partner at Corboy & Demetrio. He received both a directed verdict in favor of his client and an early reputation as a trial lawyer.

"It was a fortuitous or serendipitous situation where I had this opportunity to square off against someone who at that point was clearly the most well-known and tremendously talented trial lawyer in the city," Boho says. "Having an opportunity to work on that stage gave me confidence. Once you have a good base, the rest seems to build from there."

Boho spent five years on his Cook County Headquarters fire case, collaborating with nine other defendants and taking nearly 300 depositions. He also worked closely with Robert A. Clifford and Kevin P. Durkin, the two lead plaintiffs' counsel from Clifford Law Offices.

Durkin met Boho 15 years ago and describes him as a courteous lawyer who speaks the truth but maintains his sense of humor.

"He acts in a professional way, but on the other hand, he doesn't take himself too seriously," Durkin says. "He's a good guy to have a case with because of his personality. You know you can call and talk to him."

He commends Boho for the time he takes to prepare for depositions and trials, as well as his unique approach to questioning witnesses. The combination of those characteristics sets Boho apart from other opponents, Durkin says.

In 2004, LaSalle Bank contacted Boho after a large fire broke out at its headquarters at 135 S. LaSalle. The bank knew of his work on the Cook County Headquarters fire and received a referral from his clients in the case. In representing the bank, he saw that the city and the fire department learned a valuable lesson—they cleared the stairwells before actively fighting the fire.

"The city must be commended for acting based on prior lessons learned," he says. "While the fire might have burned on for a little longer, everyone was cleared out and got out of harm's way."

Boho points to other memorable personal injury cases, including one he worked on with partner Michael J. Cunningham and associate Conrad C. Nowak. For eight years, he represented the East Bank Club in a case involving a plaintiff, represented by Corboy & Demetrio, who claimed that he was rendered an incomplete paraplegic after using an exercise

bench at the club. The plaintiff asked for \$16.5 million, but the jury returned a no liability verdict in favor of the club in 2008. After the trial, the East Bank Club thanked Boho by chopping off the end of the exercise bench and giving it to him as a memento.

As an example of his media-related litigation, Boho refers to a case in which he represented a radio station after a plaintiff claimed she was

lawyers, and their success rate remained high even in the recent economic downturn when many firms lost some lateral partners and associates.

"One thing that most marks us as a law firm is we get along with one another as partners," Boho says. "Every time we have outsiders join us, they're shocked at how comfortable they are here and how well we treat one another."



The Boho family in Napa, California (from left): Son-in-law Ed Marincsin; daughters Courtney and Ashley; Boho's wife, Sheri, and Boho.

sexually assaulted during one of the station's "Bachelor-style outings." National media like Inside Edition, CNN, and Fox followed that case, which was settled in mediation.

Most recently, Boho represented the Sugarland concert producer in litigation after strong winds knocked over the country music group's stage at the August 2011 Indiana State Fair, killing seven people and injuring nearly 50 others.

He sees himself as an informal adviser to other lawyers in the case, since he handled several cases involving multiple deaths that were followed by the media.

"There's nothing more exciting than to have a matter covered regularly in the press and looked at as the hot case and be a part of it," he says.

#### Empowering Everyone on His Team

Since Boho started at Hinshaw & Culbertson 35 years ago, he has helped grow the firm from 57 to 500 lawyers and from two to 24 offices. He became integral in recruiting groups of lawyers to Rockford, Minneapolis and San Francisco and building the corporate and litigation sides of the firm.

Boho's firm worked hard to keep those

"You have to be able to play nicely with other children, or you're not going to get along well with us," he adds. "We don't want people warring with one another or people with out of place egos."

Boho calls on a diverse team at Hinshaw & Culbertson to handle all of his different cases and requires that members get along well and accept that the best idea—not the best person—wins.

"Everybody has a pretty equal seat around the table, and when we think about a case, consider a strategy, anybody's idea can carry the day," Boho says. "If that's real, and not just a tagline, it really empowers everybody."

Boho also calls on lawyers who possess what he calls "good ego," in other words, those who strive to perform at a high level in public ways; lawyers with "bad ego" play games and make decisions that don't benefit other people.

"So the first thing I ask is no bad ego," he says. "I want bright and motivated people, and I want people who have a lot of heart for what they do. If they really strive to do a great job, they usually will."

In Boho's cases, credibility on people issues becomes just as important as credibility on legal issues. He pays attention to the

personality of his clients, and unlike most defense lawyers, he likes to use emotions to share their side of the story.

"At times, our cases can look somewhat like an Oprah show," he says. "They are fact-intensive and people are moved much by emotion."

Boho also uses humor to get a message across to his opponent or the jury. He says injecting fun into the practice eliminates tension from the courtroom and helps parties more effectively communicate with one another.

Because Boho tries to get along with everyone, his enemies often become his "frenemies," he says. Even though he enjoys fighting aggressively on significant legal issues, he avoids making an issue out of minor details such as when or where a deposition will take place. He finds the approach not only benefits his opponents but his clients as well.

"It's much more efficient, because if you are not fighting over unnecessary procedural things, you can focus your energy on the things that really matter to your clients," he says. "Clients are not well served by lawyers arguing over things that don't need to be argued over."

Durkin realized from his first cases with Boho that his opponent went out of his way to build relationships with everyone around him. He says it not only makes Boho special but puts him in high demand in the Chicago legal community.

"There are a few unique ones like Dan, who found the real way of being a strong advocate for clients, but still finding a way to have a good relationship with counsel," Durkin says. "Ultimately to me, it helps his client that he can communicate well and you trust him on a case."

Boho often steps outside of his defense work to represent plaintiffs in pro bono cases. A few years ago, he represented a 13-year-old girl who was sexually assaulted while attending a summer camp at the U.S. Air Force Academy. He obtained a settlement for his client, who later became the subject of a 20/20 episode and *New York Times* front-page article.

"This was at the same time the Air Force was having a problem with sexual assault on female cadets, and it had a devastating effect on her life," Boho says. "The family was just absolutely crushed by it."

Boho considers his own family as the most important part of his life.

He and his wife, Sheri, live in Ivanhoe in the northwest suburbs. The pair grew up in the same neighborhood and married in 1977. They have two daughters, Courtney Boho Marincsin, who works as a lawyer at Clifford Law Offices and is married to Edward Marincsin, a VP at Goldman Sachs, and Ashley Boho, who handles advertising and marketing for Mercedes Benz of Chicago.

He spends a lot of time with his wife and

daughters, traveling extensively to locales like Italy and Thailand. He also describes himself as a "nut about collecting wine."

### Building the City's Vitality

Between his work and family, Boho volunteers as general counsel to The Chicago Bar Association and the Chicagoland Chamber of Commerce. He serves as a senior counselor to both organizations, advising their executives and boards of directors on contracts and other legal matters.

Terrence M. Murphy, the CBA executive director, says Boho was active in the CBA as both a member and board member before he became general counsel. During that time, he earned a reputation as someone who was well respected for his views on legislation and other bar issues.



Boho addresses news media regarding the Cook County Headquarters fire case.

Murphy adds that since Boho stepped into his new role, he not only meets the CBA's legal needs, but outlines the consequences of the organization's business decisions.

"His integrity is absolutely impeccable," he says. "He literally tells it like it is. Whether it's a member benefit that the member committee has approved or is looking at, he will give us the pros and cons and tell us, 'Gee, I think what we're doing here may not be enough.' You get from Dan the complete package."

Similarly, Gerald J. Roper, president and CEO of the Chicagoland Chamber of Commerce, says Boho served on the organization's board of directors before signing on as its general counsel. He stood out as a real leader for his reputation as a lawyer and commitment to Chicago, as well as his outgoing personality and willingness to move outside his comfort zone.

Since then, Roper says, Boho has

implemented a growth agenda for the Chamber and convinced its board to create an emerging leaders group.

"That's begun over the past six months, with a focus of not telling the emerging leaders what we as a chamber want them to do, but extracting their thoughts on public policy, education, crime and safety in the community, and more importantly, the economic growth of Chicago," Roper says.

Boho also recognized the need for the Chamber's 160 board members to interact outside of their meetings and organized dinners from them at restaurants around the city.

"It's been a huge hit," Roper says. "In a larger environment like Chicago, if you're lawyers only dealing inside the bar associations, this gives board members and Dan an opportunity to meet a lot more of our larger board members."

Even though the work requires a lot of time, Boho takes pride in participating in advancing the city's interests.

"It helps to build business vitality in the city and helps to bring jobs here," he says. "That's really the most important thing we can do."

Boho also serves as the state vice-chairman for the American College of Trial Lawyers. He sees becoming a fellow in the college as the greatest honor, so he logs more hours looking through potential candidates to determine who fits well with the organization and its mission.

Where does he find those hours? On the train ride home and in the evenings.

"These organizations will tell you that the turn-around time is very fast," Boho says. "The reason is that I don't have time to move it from one pile to another and play with it. I have to address it and address it quickly; otherwise, it would eat me alive." ■