

Racking up wins

Closure for Sterigenics cases
and leading major legislative
plaintiff's bar victories earn
Patrick Salvi II Chicago Lawyer
2023 Person of the Year honor

By Cailey Gleeson



*Photo by
Ben Speckmann /
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Photography*

Patrick Salvi II's earliest memories of the Illinois Trial Lawyers Association stem from childhood, when he accompanied his father to the inauguration of the association's new president each summer.

"They would always have the TVs on, and because it was June, the Bulls games would be playing," he recalls, remembering Michael Jordan-led championship-winning runs.

His father, Patrick A. Salvi, was sworn in as ITLA president in 1993. Nearly three decades later, on June 17, 2022, Salvi II took the stage, looked out into the same crowd where he once sat as a child, and accepted the gavel as ITLA's 69th president.

Salvi II, a managing partner of Salvi, Schostok & Pritchard's Chicago office, first considered running for ITLA president five years ago, though he didn't fully understand his unconscious drive.

"I'd say my motivation to do it evolved as I was doing it," he said. "Certainly, as I got into it, it was about service."

An active ITLA member since 2007, Salvi gradually rose through the organization's ranks – serving on its board of managers and executive committee prior to being selected as its third vice-president in 2019.

"It was almost like there was no other choice," he said. "It just seemed very natural and necessary."

Salvi has touched the lives of individuals he's encountered since entering the industry nearly two decades ago – whether it be his clients, colleagues, legislators or opponents. After securing the October 2022 record-breaking \$363 million jury verdict award for Sue Kamuda against Sterigenics, followed by an overall \$408 million settlement in January as lead counsel for the hundreds of remaining lawsuits against Sterigenics and helping deliver significant legislative changes as ITLA president that allow punitive damages in wrongful death lawsuits, Salvi shows no signs of slowing down.

He is Chicago Lawyer's 2023 Person of the Year.



Salvi with J. Mathew Dudley who served as ITLA president before Salvi took the gavel.

MENDING A DEFECT

Salvi's ITLA presidency term was filled with many notable accomplishments, but he said the most "gratifying moment" was the passage of HB219. The new law applies standards for seeking punitive damages in personal injury cases under the Illinois' Wrongful Death Act.

"It was a long time coming. I stood on the shoulders of all the giants of the past," he said of getting the law enacted.



Salvi II, right, and firm colleague Jennifer Cascio, left, have a press conference with their client Sue Kamuda. In October 2022, Kamuda was awarded \$363 million from a jury against Sterigenics, a state record for an individual plaintiff.

Salvi said the past precedent allowing punitive damages only when a victim survives was "a defect in the law."

"This should serve as another reminder that the law is there to punish and deter people who do not act responsibly," he said. "People should be protected."

State Rep. Jay Hoffman, D-Swansea, who serves on the House of Representative's Judiciary Committee, worked closely with Salvi while trying to pass HB219 – and several other legislative measures. Hoffman was impressed with Salvi's preparedness and empathy, saying he "instinctively understands the plight" of victims and their families.

"But as important as that empathy is his vast knowledge of the law," Hoffman said. "I don't remember having a witness in front of the judiciary committee who was as prepared as Pat was."

Salvi's ability to balance his duties as ITLA's president – which include general leadership responsibilities and providing expert testimony – made him stand out to Hoffman.

"Being able to not only establish your position, but being able to articulate the deficiencies in your opponent's position is something that Pat certainly possesses," he said.

Hoffman added: "If it wasn't for (Salvi's) steadfastness, I don't think (the law) would have been reality."

ESTABLISHING TRUST

While Salvi is no stranger to managing a full plate of responsibilities, he was at capacity while suing Sterigenics on behalf of nearly 250 clients for ethylene oxide emissions from its Willowbrook facility. Litigation against Sterigenics spanned nearly five years and involved more than 800 plaintiffs.

Salvi's client Sue Kamuda was the first to take her case to trial. She was diagnosed with breast cancer in 2007 after living near the Willowbrook plant for many years. She felt lucky to have Salvi represent her, but didn't expect to be the first person to take her case to trial. Salvi's preparedness coupled with his seriousness and kindness made her comfortable to be in the spotlight of such a high-profile trial.

"He is very prepared, and he surrounds himself with great people," she said. "All his staff is wonderful, and everybody he brought in from the outside to help with the case."

Kamuda said it was easy to trust Salvi. "He was always honest with me," she said. "And I could pick up the phone and talk to him anytime I wanted."

On Sept. 19, 2022, a Cook County jury awarded Kamuda \$363 million — an Illinois record for an individual plaintiff. The total was \$38 million in compensatory and \$325 million in punitive damages.

Brian Kamuda, Sue's son and a Salvi client, said Salvi's drive made him the right person for his mother's case.

"You just knew he was going to be the most prepared person in the room and when he was in court it showed," he said. "During my mother's trial it seemed like he knew the science better than the scientists and was able to go from one subject to another with eloquence and ease."

Brian Kamuda was diagnosed with lymphoma three years into his mother's case. Without missing a beat, Salvi undertook him as a client and Brian felt well represented. Most depositions occurred during Brian's treatment, but Salvi was aware of his fragile health and the stress a case can put on his body and family. Brian said Salvi was always willing to work around his needs.

"Even though things got down to the wire, I never felt pressured or overly stressed," he said.

Salvi emphasized how much Sterigenics consumed his professional life and how he couldn't pick up some files a month before the trial date. He had to familiarize himself with every scientific data sheet, expert consultation and a litany of other documents to prepare for the Kamuda trial and future settlement discussions.

"It was a process and over those years, particularly the last year leading up to the trial, I was entrenched in it," he said.

LASTING IMPACT

Salvi's team for Kamuda's trial consisted of firm colleagues Lance D. Northcutt and Jennifer M. Cascio, Collins Law Firm's Shawn Collins and Margaret Galka, and Miner, Barnhill & Galland's Scott A. Entin, Roisin Duffy-Gideon and Deanna N. Pihos.

"It felt like we as a group got closer and closer, and worked together better and better, to the point of closing argument," Salvi said. "It was just a crescendo of really outstanding work from a lot of people."

Though some may view the Sterigenics verdict as a career-high, Salvi has no plans of scaling back his commitment to clients. Salvi recalled a conversation with his father and brother following the verdict in which he said "well, the biggest verdict of my career can't be at age 35." Though he hopes another instance like Sterigenics doesn't



Salvi with Illinois Senator Dick Durbin.

occur "for people's health and safety," Salvi said, "there may very well be opportunities" given "the real world."

"If there is, I look forward to perhaps another opportunity in the event somebody's been harmed due to egregious conduct to eclipsing the Sterigenics verdict," he said.

The legacy of the Kamuda verdict is twofold for the legal industry and beyond, according to Salvi. "In society at large, we should have bigger verdicts, but less negligence," he said.

The verdict should serve as a warning for decision makers in corporate America who think only about their company's financial records.

"The bottom line can be significantly impacted if you don't do the right thing," he said. "One way or another, we hold that the Kamuda verdict does serve as a reminder that bad corporate behavior will be punished."



Salvi honored with the Above & Beyond Award from the American Association of Justice in 2021.

CHICAGO LAWYER *Person of the Year* Honorees

1991

DONALD P.
O'CONNELL

1992

DONALD
HUBERT

1993

CONSTANTINE
TRELA

1994

CHRISTINA M.
TCHEN

1995

MARVIN
ASPEN

1996

KIMBALL R.
ANDERSON

1997

JUDITH
COHEN

1998

TODD A.
SMITH

1999

MICHAEL W.
COFFIELD

2000

ANN CLAIRE
WILLIAMS

2001

ANITA M.
ALVAREZ

2002

TYRONE C.
FAHNER

2003

MARY ANN G.
MCMORROW

2004

THOMAS P.
SULLIVAN

2005

JOEL M.
FLAUM

2006

CAROL A.
KELLY

2007

JEROLD S.
SOLOVY

2008

DAN K.
WEBB

2009

TONY
VALUKAS

2010

THOMAS R.
FITZGERALD

2011

GEORGE N.
LEIGHTON

2012

ROBERT A.
CLIFFORD

2013

RITA
GARMAN

2014

KATHLEEN
ZELLNER

2015

LLOYD
KARMEIER

2016

PATRICIA
BROWN
HOLMES

2017

TIMOTHY C.
EVANS

2018

HAROLD
KRENT

2019

LORI
LIGHTFOOT

2020

J. TIMOTHY
EATON

2021

ANTONIO
ROMANUCCI

2022

LISA HOLDER
WHITE

2023

PATRICK
SALVI II

Ultimately, Sterigenics and its parent company Sotera Health reached a \$408 million settlement for the remaining plaintiffs, which Salvi said was a significant portion of the company's overall value.

"We (felt) strong about our arguments," he said. "And that it was a fair trial and the jury's verdict was reasoned based on evidence, and appropriate in terms of punitive damages."

Each plaintiff was offered some amount based on an allocation methodology, Salvi said, which included factors such as distance from the plant, years of exposure and type of cancer developed.

Only three of the plaintiffs opted out of the settlement, according to Salvi, which is important as mass torts "need to hit a certain participation rate" for settlements to be triggered.

"But even beyond that, three out of roughly 880 is a remarkably high percentage, which I think speaks to the quality of the global settlement," he said.

A NEW CHAPTER

Not even six months after Sterigenics reached a \$408 million settlement for the remaining cases, Salvi was preparing for another significant moment in his career – passing the gavel of the ITLA presidency to Kathy Byrne in June.

Byrne said Salvi helped assist her in the run up to her term. "For the last six or seven months of his term, he brought me in on all decision making," she said, adding he ensured she had the opportunity to meet as many ITLA members as possible.

Byrne said Salvi's authenticity is incredibly apparent.

"Typically, we meet our clients when they are in the most devastating straits of their life," she said. "To have a lawyer who reaches out as kindly and compassionately as Pat does, I think is really good for them and really good for our profession."

Salvi is "naturally talented," according to Byrne, but he also "does the work to take it up to a whole other notch," recalling several instances where she watched him in the Sterigenics courtroom.

"He just inhaled all of the discovery and all of the facts," she said. "He's ferocious ... but again, he's still kind."

Salvi imparted to Byrne that she must listen to her ITLA staff members during her term.

"He said that trial lawyers have the best staff in Springfield," she said.

Succeeding Salvi was an honor – and seamless – for Byrne. "I could not have asked for a better predecessor," she said.

Even though his presidency is over, Salvi's relationship and commitment to the ITLA is far from finished. He will remain on its executive committee and serve as a sounding board for the organization whenever it seeks his advice.

"There is something to be said about sitting in that chair, getting the experience directly as a president as opposed to just observing, that provides you some additional insight that you can impart on others," he said. "So I plan to do that for the rest of my career."

Aside from financial and intellectual resources, Salvi said he is willing to continue lobbying efforts in Springfield "in terms of protecting the rights of our clients and ensuring that Illinois remains a place where there is civil justice."

"That doesn't exist everywhere," he said. "And it's a shame that it doesn't."

THE PATH FORWARD

Salvi's experiences – whether it be tackling a case as large-scale as Sterigenics or leading the ITLA – have allowed him to amass a voice and impact within the public sphere.

"And my argument is that as people go about their lives personally and professionally, be kind, be respectful of others and be careful, so people don't get hurt," he said.

Salvi is currently in the midst of preparing for yet another high-profile trial against Northwestern University. The Big Ten school is facing numerous civil cases involving allegations of sexual abuse and hazing within its football program.

"There's a line to be crossed, and it seems very evident to me that for a long time, Northwestern was crossing it," he said.

The firm filed the first lawsuit on behalf of a former player in July. As of early November, it filed more than 20 suits against the university. The cases are still in the discovery phase, according to Salvi.

CONTINUAL GROWTH

The Northwestern case isn't Salvi's only focus at the moment, as the firm continues to grow. The Chicago office, which once had vacant rooms, is now full of a "highly capable" staff, according to Salvi.

"We have, between the lawyers and the other support staff, just an outstanding team of people that have (shared) values like work ethic," he said. "There's a synergy and a symbiosis here that really allows you to just focus on the work."

Salvi is eternally grateful for the well-oiled machine of his team.

"Part of our growth as a firm reflects what we've learned and our readiness going forward to handle whatever might come our way," he said.

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Salvi, Cascio and firm colleague Lance Northcutt were finalists for the Public Justice's 2023 "Trial Lawyer of the Year" award for their work on Sue Kamuda's trial.