

Jesse,

Thank you very much for your kind introduction and also, your moving nomination. Thank you for all you did in helping bring about the Vanderverter verdict.

I want to congratulate Chris on being honored as this year's Outstanding Young Trial Lawyer. I am very happy for him and sad for myself. Chris was one of my students in my Advanced Trial Practice class at MU Law School over a decade ago. When my ex students start winning outstanding lawyer awards, I feel like a high school teacher who is teaching a student whose mother or father was taught by the same teacher 25 years earlier. How do I feel --- in a word, old. Chris was an excellent student and I knew he would make an excellent trial attorney; I'm very proud of him.

I'm humbled to once again be the recipient of Bob's award. We all realize that our work and our fight for justice gets more and more difficult every year. This award was named after our state's greatest champion of justice --- Bob Habush. He successfully fought the battle we wage every day, for over 50 years. I saw him in action and learned from him for over 20 years. I am proud to say what was always a mentor / pupil relationship became a friendship between partners. Bob both emailed me and called me, full of pride over the

Vanderverter verdict. He, as much as anyone, knows the type of effort and dedication such a case demands. To have my efforts recognized with his award is deeply meaningful to me.

With as uniquely strange as 2020 has been, it's easy to be depressed about what Covid has thrust upon us and by the very nature of its contagiousness, acting as a separation between us and our clients, between partners in law firms, between workplace associates and families in general. It has forced us away from a wonderful evening on the 7th floor of the Pfister – an event I've enjoyed for 25 years. It has negatively affected our business, our practices and our bottom lines. When I begin to feel frustrated because I can't go out to dinner and eat in a restaurant, or do many other normal things, I quickly become ashamed of myself for losing perspective on what it's meant to many. Covid has taken the lives of over 270,000 people in the U.S. alone. There are between 21 and 30 million Americans who continue to receive unemployment benefits and there are over 30 million Americans that don't have enough money for food, on a daily basis. So perspective is important.

So, putting things into perspective, I want to focus this time we have together around the idea of thankfulness. I'm thankful for my team that brought about this historic verdict. Ken Jarvis has been the lead paralegal in just

about every products case I have run over the past 25 years and Vanderverter was no exception. There were constant and never-ending battles for 4-1/2 years, before we ever got to trial. Products liability litigation and specifically automobile crash worthiness litigation requires scorching earth discovery practices in order to have any chance at trial. The assistance that Ken brings to the table during the years of discovery process is unmatched. He is as good as they come.

I'm thankful for my trial team. We had a trial team of four attorneys, two paralegals and our in-house IT specialist. Six of us spent nearly a month in a Racine hotel and there were many more staff people back at the office, who provided support throughout the litigation and throughout trial. The defense had an in-trial team of approximately 12 – 15 people. To give everyone an understanding of the sheer volume of material that this case entailed, the defense's four main defense liability experts' files totaled 3.4 million pages of documentation – that's not counting the hours and hours of video sled tests produced.

My mindset early on was that this case was going to be tried --- it was the only way the Vanderverter's could possibly obtain the justice they deserved. My options were made easier when defense told me I was lucky that they offered \$1 million to settle the case at mediation.

We beat their last offer, by the way. I knew that the case demanded an effort that would require a different level of sacrifice and discipline. There is an author that discusses the pain of discipline vs. the pain of regret. The former is finite and the latter can be forever. I was not going to allow myself to ever feel I could have done anything more for the Vanderventers. Wins and losses are measurable and definable by those outside the storm ... nobody can judge effort --- effort is between you and you. For this case I was going to leave everything on the proverbial courtroom floor.

The trial was first adjourned in May because defense wasn't producing discovery and they were sanctioned by the court because of it. The trial was adjourned again when, 10 days before the October 2019 trial date, defense counsel's wife was diagnosed with an illness. All the while, my client would spend extended weeks in the hospital and almost died twice. The trial was then set to begin on January 21, 2021 and ended on February 12, 2021. In January and February, on average, I was working approximately 115 – 120 hours a week on the case. I was fueled by a combination of anger and fear --- anger over what Hyundai and their poor design had done to my client and fear that I may not be able to successfully prove what I believe happened.

I'm thankful for my partners and my friends at my law firm; for their advice and words of encouragement. The members of my law firm that I talked to on a daily basis during trial, provided a needed elixir for my tired psyche.

I'm thankful for the wisdom and ideas that Dan Rottier provided me leading up to and during trial. Dan and I have great respect for each other's ideas and trial techniques. When we exchange trial tactics or questioning ideas, it's a little like two guitarists riffing new solos asking what the other thinks or if you have ever tried to do a certain thing a certain way. An argument that I borrowed from one of Dan's closings was the one minute loss of society and companionship argument I made on behalf of Sue Vanderverter that helped move the jury to award \$7 million for Sue's loss of society claim. Talking to Dan before a trial is a little like a golfer following Tiger Woods around Augusta during a practice round at the Masters --- you can't help but learn a lot.

I'm thankful for my parents and all they have done for me and that they are alive and able to be virtually watching tonight. They rightfully should take pride, not so much in what I have been lucky enough to accomplish, but more so for the person of empathy and integrity that they helped form me, to become.

Most of all, I want to thank my wife Karyn for being my everything. I could not do what I do without her love, understanding and support. When I talked earlier about the effort, the work, and the hours, and this concept of the pain of discipline vs. the pain of regret --- in undertaking the type of effort these types of cases demand, the collateral sacrifice that disciplined preparation brings about, is the sacrifice which my family takes on, due to my absence. It's a sacrifice of which many spouses and significant others on this Zoom platform are well aware. Family problems, illnesses, deaths of pets and all types and varieties of family crisis (some serious, some not so serious) don't take a vacation because I'm in all night Korean depositions until 5:00 or 6:00 a.m. or when I'm deposing experts in California for 3 days or in Texas for 3 days or because I'm out of town for a month. Issues and problems that are normally divided and dealt with between the two of us have only one of us available to handle --- and that falls on Karyn. There are also times when even though I am physically present, I am probably a little emotionally absent, thinking about and strategizing over issues of a case. I thank Karyn for allowing me to be the type of attorney I need to be. It is her sacrifice and willingness to take on additional pressures and additional roles, that allow me the go ahead to put in the many hours of effort, certain cases require. It is also the knowledge, experience, and understanding of our love that provides me the foundation to articulate all that loss entails when a

life changing injury destroys a wonderful marital relationship, like occurred in the Vanderverter case.

There were many wonderful, unforgettable aspects to this verdict. First and foremost was obtaining justice for two people who so richly deserved it. Kicking the lead defense attorney's butt was a close second. He did things in trial you don't think can ever happen in a trial and should never happen in a professionally tried case. A third, cosmically sublime aspect was that this trial took place in the very same courtroom in which I experienced my first trial victory as a high school mock trial attorney, in 1984, 36 years earlier. It was very, very special.

I want to beg your indulgence to share a one-minute video we showed the jury in closing arguments. It was meant to encapsulate how quickly and how drastically one's world can change from normalcy to horrific, in 140 milliseconds; just over one-tenth of a second or in the blink of an eye. [show video].

As trial attorneys, you all do great things for your clients and for society as a whole. I am thankful for the fighting that all of you do, day in and day out. Over the past four years, and especially the last month, we have seen an assault on our democratic norms and ideals unlike anything we have ever seen in the history of our republic.

In the trenches, we see similar assaults on justice and fundamental fairness on a daily basis. Without making you into superheroes, you are the guardians of justice. You are all that stands between the formidable forces of power and money and everyday people, simply yearning for fairness. We fight on the side of angels. In this difficult year, I wanted to focus this speech on my thankfulness and our collective blessings that all of us share.

We should all be thankful for the privileges our profession bestows upon us. There is a wonderful, mythical law of nature that the three things we crave most in life --- happiness, freedom and peace of mind --- are always attained by giving them to someone else.

Most of us are familiar with the story of the little boy on the beach and the starfish; but it bears repeating here for those who may not be familiar with its lesson. There was an old man who walks the beach every morning. One morning, after a storm had passed, he found the vast beach littered with starfish, as far as the eye could see. Off in the distance he saw a young boy approaching, every so often the boy would pick up an object and throw it into the sea. As the boy drew closer, the old man said “May I ask what you’re doing?” The boy replies, “I’m throwing starfish back into the ocean. The tide has washed them up and they can’t return to the sea by

themselves. When the sun gets high, they will die, unless I throw them back into the water.” The old man replies, “There’s thousands and thousands of starfish on this beach, I don’t think you’re going to make much of a difference.” The boy bends down, picks up another starfish and throws it back into the ocean, he turns to the old man, smiles and says, “I just made a difference to that one.”

The blood, sweat and tears that you put into your efforts -- into your cases, make society a better place, one case at a time --- regardless of a win or a loss; the fight and the process itself is an advancement of justice.

I want you all to be proud of what you do and take measure, that in dedicating your professional life to bettering the lives of others, through a wonderful process of reciprocal osmosis, you are enhancing and enriching your own soul.

Over the last four years, the national narrative (due to our country’s leader) has been dominated with spitefulness, rudeness, vitriol and downright ugliness. We approach a new beginning, a new year, a new president and, hopefully, a new mindset. As with all times of change, we need to initiate that change in and around our own lives.

I want to close by quoting Pope Francis. Hopefully, you find it, as I do, both inspirational and aspirational.

“Rivers do not drink their own water.

Trees do not eat their own fruit.

The sun does not shine on itself.

Flowers do not spread their fragrance for themselves.

Living for others is a rule of nature.

We are all born to help each other.

No matter how difficult it is ... life is good when you are happy.

... but much better when others are happy because of you.”

Thank you for honoring me with this wonderful award and thank you all, for doing what you do for your clients and making this a more just world --- thank you.