

# chapman | spingola

ATTORNEYS AT LAW

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"For more than 10 years, Swift Engineering has turned to Bob Chapman to handle our litigation and advise us when disputes come up. Bob is passionate in his representation of our interests and the results he has helped us obtain reflect that passion." – Jan Refsdal, President, Swift Engineering Inc., San Clemente, California

First and foremost, I am a trial attorney. While no two cases are quite the same, I prepare each case so that it can be taken to trial. I do not litigate for litigation's sake as that rarely serves the client's interests. Instead, every step is taken to place our clients in the best position to win at trial or to win a case dispositive motion. This is the approach that leads to favorable settlements. If a favorable settlement is not to be had, I am (along with my colleagues) ready, willing, and able to go to trial.

The value I bring to the client is not just the ability to try a case, it's also the ability to examine a legal dispute and to develop innovative positions that many other lawyers would not have otherwise considered. I am known for my ability to "think outside the box," and to articulate arguments in well-written briefs and oral arguments that often lead courts to rule in our clients' favor before a trial is even necessary.

## **GETTING OUR CLIENT "FROM A TO B"**

Over the last 25 years, I have built a reputation as a commercial trial lawyer and litigator who can get his clients from "A to B." Numerous law firms, big and small (many of whom were our adversaries at one time) have referred hundreds of clients to Chapman Spingola because they know that we bring a creative and dynamic approach to complex business, securities and professional liability disputes that allow our clients to achieve their litigation goals.

Our clients are not in business to litigate – they are in business to do business (regardless of whether they are a large company or a sole proprietor). Through mediation and other forms of alternative dispute resolution, I have obtained meaningful results that allow our clients to put their efforts and attention into the future of their businesses and not into the past. On a number of occasions, I have persuaded

opposing parties to resolve disputes with our clients without the need for a lawsuit or claim to be filed. As an example, we recently, without filing a lawsuit, obtained a seven-figure settlement on behalf of a financial institution who claimed that its former counsel had mishandled a large action on the client's behalf. Again, it's about getting our clients from "A to B."

"When we needed help in Chicago, we were told to call Bob Chapman. Bob quickly analyzed our problem, developed a strategy, and obtained a substantial settlement for us within a matter of months without even having to file a lawsuit. Bob was creative in his approach, made sure he understood our litigation goals, and then helped us achieve them." –Thomas W. Gallagher, General Counsel, Citizens Republic Bancorp, Inc., Flint, Michigan

## EXPERIENCE MATTERS

I have participated in numerous jury and bench trials in state and federal courts, and in arbitrations before various venues (including FINRA, the AAA, and others). I have also appeared for oral argument before the Illinois Supreme Court, the United States Court of Appeals for the Seventh Circuit, and the Illinois Appellate Court. I have represented individuals in enforcement and disciplinary proceedings before the SEC, and other regulatory agencies, including the Illinois Attorney Registration and Disciplinary Commission (ARDC). I have been designated as an expert witness for plaintiffs and defendants in several legal malpractice actions, and have served as a party-arbitrator and mediator in commercial disputes.

Bob is a tenacious litigator and trial lawyer. When we are asked to recommend another lawyer for a matter, we often suggest Bob Chapman and Chapman Spingola. – Stephen Novack, Novack and Macey, Chicago, Illinois

## REPRESENTATIVE CASES

- \$4.1 million award for national automotive engineering firm in arbitration involving claims of breach of a joint venture agreement. Defeated all counterclaims raised by joint venture partner.
- \$1.2 million award, including \$750,000 in punitive damages, and judicial conveyance of property for client against other partner in real estate partnership.
- Confidential multi-million dollar arbitration award for client in claim for interference with contract involving competing medical practices.
- \$550,000 jury verdict for physician in medical partnership dispute.
- Not guilty verdict in jury trial involving multi-million dollar claim against client securities firm accused of wrongfully taking control of a competing business (affirmed on appeal)

- Successfully defended national automotive engineering firm in arbitration of multi-million dollar claim relating to client's production of exotic automobiles. Arbitrator awarded client full costs of arbitration.
- Full award of \$1.5 million tax increment financing payment for real estate partnership in dispute with former managing partner.
- Summary judgment on behalf of national law firm against recruiter who was seeking six-figure placement fee for lateral partner hiring.
- Summary judgment obtained for a Fortune 500 company requiring its excess insurer to provide \$15 million in coverage.
- Successfully argued appeal before Illinois Appellate Court and Supreme Court arising from personal injury of client in Mexico, establishing leading case in Illinois on choice-of-law analysis.
- Successfully obtained various forms of injunctive relief and defeated similar claims.
- Advised law firm in internal partnership dispute resulting in favorable settlement for remaining partners.
- Favorable confidential settlement for client business owner relating to claim that insured designated counsel and insurer failed to settle within policy limits, resulting in \$1.6 million excess verdict.
- Favorable settlement for financial institution in appraisal malpractice and accounting action arising from multi-million dollar refinancing.
- Favorable settlement for venture capital firm in accounting malpractice action arising from failed audit of Portfolio Company.
- Favorable settlement for client business owner in legal malpractice claim relating to valuation of ESOP interest
- Favorable settlement on behalf of law firm in claim of embezzlement against former firm CFO.
- Favorable settlement for regional bank in legal malpractice arising from law firm's handling of accounting malpractice action.
- Favorable settlement for client in claim involving improper freeze-out in real estate partnership.

"As the leading provider of alternative dispute resolution services in Chicago, we have looked to Bob Chapman and Chapman Spingola to serve our legal needs for many years. Bob is a staunch advocate for our company and someone who I look to for advice whenever we make a major decision. –Marc Becker, President, ADR Systems of America, LLC, Chicago, Illinois

## ARTICLES

I have written or contributed to the following articles:

- Litigating the Legal Malpractice Case, Illinois Institute for Continuing Legal Education (IICLE), Attorney's Legal Liability (2002, 2007, 2010 (supp.)).
- Negligence: Professional Appraiser Malpractice, Illinois Institute for Continuing Legal Education (IICLE), Causes of Action (Illinois): Tort Actions (2004, 2007, 2010 (supp.)).
- Confronting Breach of a Settlement Agreement, 87 Illinois Bar Journal 217 (1999).
- Trial as a Law School Exam: Esser v. McIntyre, 41 Trial Lawyer's Guide No. 3 (1997).
- Panelist, Tipping the Scales in Favor of One Side: The Jury is Still Out on the Motivations for Using Trial Consultants, 10 Illinois Legal Times No. 106 (February 1996).
- Recent Decisions Concerning the Use of Experts--Rules 703 and 705 Do Have Their Limitations, 39 ISBA Trial Briefs No. 4 (June 1994).

## SPEECHES

I have also spoken at, among others, the following seminars and meetings:

- Non-Competition Agreements, Management of an Accounting Practice (MAP) (2005).
- There must be a Way out of This Place: Dispositive Motions, 615, 619, 1005, ISBA Law Ed Series (2003).
- Preventing Legal Malpractice, Chicago Bar Association CLE Seminar (2000).
- North American Society of Pacing and Electrophysiology, 19th Annual Scientific Sessions -- NASPE Expert Consensus Conference on Arrhythmias and the Athlete, Lessons from the Big Case (1998).
- Everything You Need to Know About Settlements, ISBA Law Ed Series (1997).
- Arrhythmias: Common Problems in Clinical Practice -- Arrhythmia in the Athlete: When is Restriction Necessary, Loyola University Chicago (1997)

## **PROFESSIONAL ACTIVITIES**

I am the past Chairperson of the Committee on the Prevention of Legal Malpractice of the Chicago Bar Association and have been a member of the Civil Practice and Procedure Section Council and the Standing Committee on Judicial Evaluations of the Illinois State Bar Association (both appointed positions), the Illinois Appellate Lawyers Association, and the Chicago Lincoln American Inn of Court.

I recently completed a nine-year term as a member of the Illinois Attorney Registration and Disciplinary Commission (ARDC) Hearing Board.

I also served as the co-editor of The Trial Lawyer's Guide (West) (1997-1999) and served as a member of the Editorial Board of the CBA Record (Chicago Bar Association).

## **EDUCATION**

I graduated from the Berkeley School of Law (Boalt Hall) of the University of California, perennially ranked among the top ten law schools in the United States, where I was an Associate Editor of the California Law Review.

## **COMMUNITY SERVICE**

For the last four years, I have volunteered as a middle school basketball coach at the Frances Xavier Warde School in Chicago.

I also was one of the founding members of the Associate Division of the Jewish Council on Urban Affairs, which provides educational, social and volunteer opportunities to young professionals in the greater Chicago committed to working for social justice.