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Q & A



# DEFENDING THE DEFENSE BAR

Michael Resis of the IDC talks about the issues facing the defense side of law

BY DUSTIN J. SEIBERT

**M**ichael Resis determined very early in his career that he wanted to do something greater to contribute to the practice of law instead of just working for billable hours. So, very shortly out of law school and into full-time private practice, he joined the Illinois Association of Defense Trial Counsel, which goes by IDC, a nonprofit committee of defense attorneys dedicated to improving the judicial system and practice throughout the state.

Resis is the current president of the IDC, which was established in 1954 and has more than 800 members across the state. He also co-founded the Chicago firm of SmithAmundsen more than 20 years ago and still works for the firm today. He concentrates his focus on appellate cases and insurance coverage.

During his first year in private practice at Querrey & Harrow, Resis was asked by the IDC to write the tort law update for the 1984 seminar that year. Nearly 3½ decades later, he talks to us about the IDC and what the council has in mind for the future.

*This interview has been edited for length and clarity.*

**CL:** What is the mission of the trial council?

**Resis:** It's twofold: We want to provide our members with value to make them better lawyers in the courtroom and in the marketplace. We do that through a series of Continuing Legal Education programs. For example, this year we've been very active in putting on programs in punitive damages, medical malpractice, legal writing, employment insurance and ethics, for Continuing Legal Education credits.

We are also trying to roll out some videos that are more specific to certain aspects of legal practice that our members can view at their convenience. We want to always stay relevant as far as the legal education of our members. We are also big on advocacy. We have an amicus committee so that we can file briefs on issues in the Illinois Supreme Court. We have a legislative committee so then we can keep our members informed on what's happening or not happening in Springfield and who supports or opposes bills that are of interest to our members.

**CL:** What do those Continuing Legal Education classes look like?

**Resis:** We don't have one set standard. We have programs that are presented in different law firms around the state. We have them in Chicago and Edwardsville and everywhere in between. We've also recently placed presentations online via webinar so that even if you're not able to get to a particular venue, you're able to attend online.

**CL:** How does funding work with the association?

**Resis:** We have membership dues that are age-based, which is the bulk of our income. We also have very loyal sponsors in different litigation support areas that help us, especially when it comes to putting on seminars and programs or publications.

**CL:** What are some of the challenges the association deals with?

**Resis:** One long-term challenge is economics. There are a few issues with that. One is law firms want to be approved to get cases from insurance

companies. They're called panel counsel, and over time, insurance companies have been consolidating their panel counsels. So as there are fewer law firms that are able to achieve the status of panel counsel, you've got more in-house lawyers who are employees of insurance companies staffing the cases.

You see lawyers wanting to diversify their practice so that they are more competitive in the marketplace and aren't overly reliant or dependent on one type of client or practice. That makes it challenging for law firms as they scale up and want to develop different practice groups.

We also encounter legislative challenges, some of which are based on political gridlock, and now an enormous amount of money has to be spent to fund any type of judicial campaign. That is a worrying trend. When we see that it takes more money for any lawyer to run for judge, I don't think that's good for the system. More money doesn't mean better judges.

**CL:** What other judicial issues have you encountered?

**Resis:** It's not a problem in Illinois, but nationwide I've seen more criticism of judges and less respect for judicial independence over the past couple years. We saw that in the 2016 presidential campaign and we've seen it in other states where outside groups spend a lot of money to try to unseat judges running for re-election based upon a particular case or decision that offends a special interest group.

There was a famous example going back about eight or nine years now where three justices on the Iowa Supreme Court lost retention based on their vote in a particular case. That's something that, whether you're a defense lawyer or a plaintiff's lawyer, whether you're in private practice or, if you're in public interest, should be worrisome when judicial independence is under assault.

**CL:** What does the IDC have planned for the future?

**Resis:** The first set of how-to practice videos will be rolling out to our members in a month or two. We have also been weighing in on certain proposed amendments to the Illinois Supreme Court rules, particularly Rules 202 through 212, dealing with the proposed elimination of discovery depositions. We have been asked to weigh in with judges and we will have someone from our group testifying on March 26.

**CL:** Why is the IDC important to you personally?

**Resis:** I have been a member of the IDC since 1984. I have written for publications that the [IDC] puts out, I have presented at seminars, been a member of the amicus committee and chaired that committee for about 10 years. I think part of being a lawyer is volunteering your time to the legal community and to think beyond yourself as a lawyer.

For me, the council was always welcoming. If there's one thing I want to tell your readers, it's that the [IDC] is a great organization because it offers opportunities at every stage of your professional career. If you're not a member and you're a defense lawyer, you should be. And if you're not a defense lawyer, you should join whatever organization will have you as a member so you can do something that will benefit others instead of just yourself. **CL**

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*Photo by Rena Naltsas*