



# JOURNAL

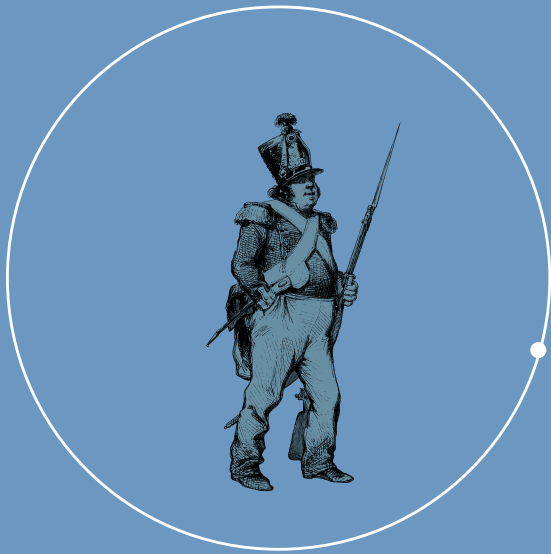
THE AMERICAN COLLEGE OF TRIAL LAWYERS

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## INCOMING PRESIDENT SUSAN HARRIMAN HAS REAL MOXIE

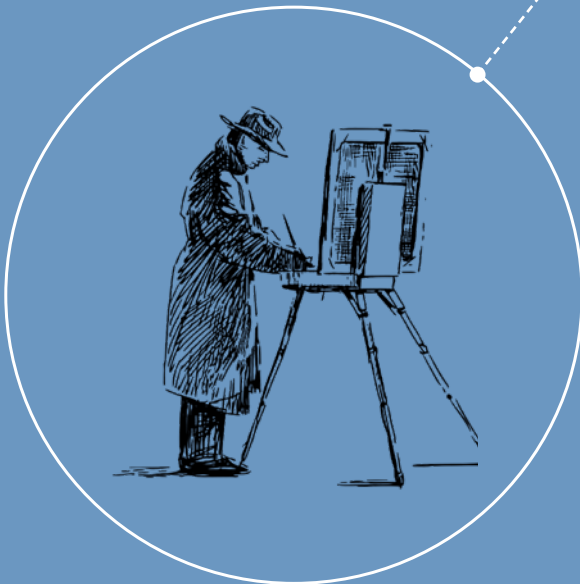
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# FROM WAR TO COMMERCE TO ART

## THE EVOLUTION OF A CAREER



JOHN QUINCY ADAMS FAMOUSLY MUSED “I HAVE TO STUDY POLITICS AND WAR SO THAT MY SONS CAN STUDY MATHEMATICS, COMMERCE AND AGRICULTURE, SO THEIR SONS CAN STUDY POETRY, PAINTING AND MUSIC.” WHAT A THOUGHT. IN THREE GENERATIONS, HE HOPED, A FAMILY CAN EVOLVE FROM WAR TO COMMERCE TO ART.<sup>1</sup>

BUT OUR FELLOW, STEVE PATTON, HAS MANAGED TO ACCOMPLISH ALL THREE STAGES IN A SINGLE LIFETIME. IN HIS FIRST CHAPTER, STEVE WAS A WARRIOR, A TRIAL LAWYER, AN EXCEPTIONAL TRIAL LAWYER. IN HIS SECOND CHAPTER, STEVE SERVED COMMERCE IN THE PUBLIC SECTOR. AND IN HIS THIRD CHAPTER, HE HAS BECOME A PRO BONO ARTISAN, ENRICHING AND IMPROVING THE LIVES OF THOUSANDS.

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## CHAPTER ONE – WAR

Steve Patton graduated from Indiana University in 1975. He earned his JD from Georgetown University Law Center, *magna cum laude*, in 1978; he was an Editor of the *Georgetown Law Journal*. Steve joined Kirkland & Ellis in 1978 and, during his thirty-three-year stint running up to 2011, became Chairman of Kirkland’s Firmwide Litigation Management Committee and its Firmwide Client Development Committee. Steve was the lead lawyer in jury and bench trials in federal and state courts and arbitration proceedings throughout the country, including large-dollar and high-profile cases in Atlanta; Cheyenne, Wyoming; Chicago; Cleveland; Miami; Tampa; Texarkana, Texas; and Washington, D.C.



Steve came of age in what he calls the “old days” – what some call the “good old days” – when the lawyer who tried the case also handled the appeal. So Steve also argued appeals in federal and state appellate courts throughout the country. This included, in one particularly active two-year period, twenty appeals before the highest courts of Connecticut, Delaware, Maine, Massachusetts, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Vermont and West Virginia, and appellate courts in Kentucky, Louisiana, Maryland, Michigan, New York, North Carolina and Ohio. Steve also advised senior management in connection with a number of “bet the company” exposures and was the lead negotiator in several large and complex settlements, one of which was the \$206 billion tobacco industry settlement with forty-six State Attorney Generals.

Steve was inducted as a Fellow of the American College of Trial Lawyers at the 2003 Annual Meeting in Montreal.

An admirable career. But what makes Steve’s story a bit out of the ordinary is that it is merely Chapter One.

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<sup>1</sup> Adams’ quote is timeless, but his real-life family did not exactly achieve his dreams. John and Abigail Adams had six children, four of whom survived to adulthood, three sons and a daughter. The only acknowledged success among them was our sixth President, John Quincy Adams. John Quincy himself had four children, three sons and a daughter, and only one became successful, Charles Francis Adams, 1807-1886. Charles served in the Massachusetts legislature from 1840-45; in 1848, he was the Vice-Presidential candidate of the Free Soil Party, running with Martin Van Buren. He served in the U.S. House of Representatives from 1859-1861, when President Lincoln appointed him U.S. Minister to the Court of St. James (England). Charles’ sons, John Quincy’s grandsons, were highly successful. Charles Francis Adams, Jr. (1835-1915), president of the Union Pacific Railroad. Henry Adams (1838-1918) was a professor of history at Harvard and editor of the *North American Review*. Brooks Adams (1848-1927) wrote many works on the economy and correctly predicted that by 1950 the United States and Russia would be the two major powers in the world. So unlike his quote’s aspiration, John Quincy’s sons did not study commerce; they stayed in family business of politics. His grandsons finally got to commerce, but they did not become artists. Well, no matter. The quote remains remarkable as an ideal; and the Adams’ family remains extraordinary.

## CHAPTER TWO – COMMERCE

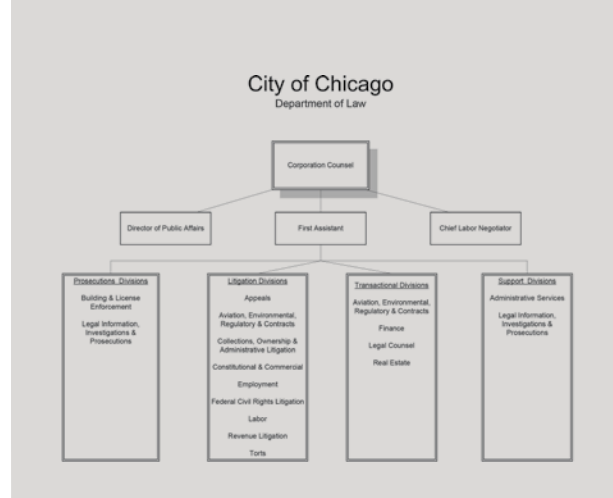
When Rahm Emanuel was elected Mayor of Chicago in 2011, he needed a lawyer.

The City’s Law Department employs approximately 270 lawyers and scores of support personnel, managed by the Chicago Corporation Counsel. Mayor Emanuel needed to fill that top slot. Among the people that he trusted to suggest candidates was Steve Patton’s partner, Bill Singer. Singer had been an independent Chicago Alderman in the early 70’s who had the temerity to mount an election challenge to Mayor Richard J. Daley, the father of Mayor Richard M. Daley, who was Emanuel’s immediate predecessor in office. Singer approached Steve and asked whether Steve might be interested in the job.

Steve *was* interested, simply because public service had always interested him. He was fifty-eight. The window for public service opportunities was closing. So he was interested. But he was leery. He had some questions. Is Emanuel as abrasive and as hard to work for as his reputation? Will the role be meaningful? Will he actually listen to advice?

An interview was arranged. Mayor Emanuel, not surprisingly, thought he was the interviewer. And some discomfort arose when it developed that Steve was asking questions too. But Steve’s questions were real, they were important. If he took this job, he and Linda (luckily, the kids were grown) would have to move from their home in Evanston (the suburb immediately north of the City) to establish Chicago residency. He would have to take a gigantic pay cut. He needed answers.

The answers were satisfactory. Steve took the job, which he describes as “jumping off the high board in the very deep end.” Steve recalls that he worked harder and longer hours for the City than he had at Kirkland, and if you know anything about big firms, that would be hard indeed.



The Law Department is responsible for providing legal counsel and representation for the Mayor, but also to more than forty City Departments, Boards, Commissioners, and the City Council – fifty Aldermen. Cats? That’s easy. This was like herding eels.

In his first days on the job, Mayor Emanuel told Steve that he needed to attend to a little personnel issue. One of the longest serving, most powerful Aldermen had somehow managed to have a police bodyguard detail personally assigned to him; the Mayor wanted it eliminated. So Steve eliminated it. Cold Turkey. Steve doesn’t remember the exact conversation when the Mayor found out, so I’m making this up, but it likely went something like “What the [expletive]!?” “What the [expletive] were you thinking? I didn’t mean just [expletive] cutting it off! I meant, give him some [expletive] notice, let him [expletive] negotiate a [expletive] transition. [Expletive]!!!”

But Steve did plenty of real work, important work, too.

In 1969, there were almost 40,000 public jobs in Chicago and Cook County that were filled on the basis of Democratic political patronage. Anyone who wanted a job had to apply to an Alderman or Committeeman. Job openings were not posted; they were kept secret, so that the candymen knew how much candy they had to dole out. It was simple – there was only one qualification for these 40,000 jobs: if the Committeeman sponsored the applicant, the applicant got the job. But in return the new employee often had to pay part of his or her salary

back to the Committeeman and had to do election work for the candidates supported by the Committeeman — in perpetuity. Commerce? The cost of patronage to the City and its citizens was literally billions of dollars.

A series of lawsuits were filed which led to the entry of consent orders in 1972, collectively known as the “Shakman Decree,” which outlawed this patronage. Yet when Mayor Emanuel and Corporation Counsel Patton assumed their offices almost forty years later, patronage remained a problem and the City’s efforts to achieve substantial compliance with the Decree were at an impasse. Under Steve’s guidance, they changed that, fixed it. With the implementation of strict hiring restrictions and automatic involvement of an Inspector General in case of deviation, the City is finally in full compliance with the Shakman Decree; patronage in Chicago is dead.



During his six years as Corporation Counsel, Steve played a lead role advising the Mayor and working on myriad other issues, including:

- Renegotiating the City’s parking meters concession agreement to eliminate a \$1 billion past liability
- Negotiating a landmark reparations agreement resolving thirty-year-old claims of torture and coerced confessions by more than seventy African-American men
- Quarterbacking the City’s cooperation with, and various reforms in response to, the U.S. Department of Justice’s civil rights investigation of the Chicago Police Department
- Successfully defending, against union challenges, Chicago Public School’s (CPS’s) lengthening of its school day by almost two hours, resulting in students receiving the equivalent of two full academic years of education
- Negotiating a landmark agreement with the ACLU in which the City agreed to cease illegal stop and frisks
- Investigating and filing the first suit filed by a City against the pharmaceutical companies that manufacture and sell OxyContin and other opioids; negotiating a landmark settlement with one of the largest pharma companies

Steve had planned to take the City job only for a couple of years. He tried to leave three times, and each time, Mayor Emanuel persuaded him to stay, to work on the crisis *de jour*. Two years became six. But Steve made a real difference in those years. The commerce of Chicago thrived.

## CHAPTER THREE – PRO BONO AS ART

Steve has been an adjunct professor at the University of Chicago Law School since 2017, teaching courses on Law and Public Policy, Appellate Advocacy and Advanced Evidence. And when Steve returned to Kirkland a few months after he had left the City job in 2017, there was no thought about whether or how much Steve might do pro bono work. It just sort of happened. But in the five years since he rejoined the firm, he has spent 90% of his time on pro bono matters, *important* pro bono matters.

Wilmer Garcia Ramirez started working in the coffee fields of Guatemala when he was six. Facing extreme poverty, he risked his life to come to the United States for a better life. He arrived in the US at age seventeen, was identified as an unaccompanied alien child (UAC), and was placed in a shelter by the Department of Health and Human Services (HHS), the agency with jurisdiction over alien minors. When Garcia turned eighteen, jurisdiction was assumed by US Immigration and Customs Enforcement (ICE), which immediately took him into custody at an ICE adult detention facility – a prison.

Sulma Hernandez Alfaro came to the United States at the age of sixteen to escape severe violence and abuse in Honduras, was identified as an UAC, and placed in a shelter. On her 18th birthday, she was transferred from the shelter to an ICE adult detention center.

The Trafficking Victims Protection Reauthorization Act of 2013 states that when unaccompanied immigrant children turn eighteen, ICE “shall consider placement in the least restrictive setting available after taking into account the [individual’s] danger to self, danger to the community, and risk of flight.” But ICE had routinely and systematically failed to comply with the law and simply locked up people like Garcia and Sulma. Partnering with the National Immigrant Justice Center, Steve brought a class action. After an eighteen-day trial in 2020, a federal district court in D.C. issued a 170-page decision which ruled in the class’s favor on all liability issues. After fourteen months of further proceedings, the Court granted the relief sought by the class, including a nationwide injunction permanently barring illegal detentions. The case continues, but to date Steve has devoted more than 4,000 hours of his time; Kirkland has devoted more than 17,000 hours.

And here’s a little bonus. Steve and his team have done meaningful and impactful work which has freed thousands of young people from illegal detention. And in doing it, Steve was able to use the trials to give five different young lawyers the opportunity to examine their first witness in a trial.

Steve's other pro bono activities have covered a vast range of causes. Since 2018, he has served as chairman of the board of the Illinois Gun Violence Prevention Action Committee (GPAC), the leading advocate and sponsor of state legislation to stem the flow of illegal guns flooding the City and to keep guns out of the hands of criminals and others who should not have them. He is also one of the founders and the Chairman of the Founders Circle, a group of thirty civic leaders who have each committed to contribute at least \$10,000 per year to fund GPAC's legislative efforts. During his tenure, GPAC has led successful efforts to enact the 2019 Gun Store Licensing and Straw Purchaser Act, which includes a number of common-sense reforms to prevent straw purchases and reduce the sale of illegal guns. In 2021 GPAC helped pass the Fix the FOID/Ban Illegal Ownership Act, which requires universal background searches with respect to all gun sales in Illinois. In the most recent legislative session, GPAC quarterbacked efforts to enact legislation banning "ghost guns" and other untraceable firearms in Illinois.



Steve led a team in a nationwide suit on behalf of current and prospective transgender service members challenging a 2017 ban on transgender persons serving in the military. After three years of hard-fought litigation, the ban was reversed last year by the new Administration.

Steve was a member of the board and Chairman of the Chicago Bar Foundation, the leading funder of pro bono organizations in the City. He also served for more than two decades as a volunteer attorney at a neighborhood legal clinic sponsored by the Chicago Volunteer Legal Services Foundation (CVLS), as a member of CVLS's board, and for many years, chairman of its Advisory Board. CVLS is the largest volunteer pro bono organization in the City.

Since 2018, Steve has worked with Three Angels, a faith-based orphanage and grammar school in Port-au-Prince, Haiti. In 2019, he solicited the donation of a shipping container load of perlite, a soil supplement needed by Three Angel's farm on the outskirts of Port-au-Prince, and then paid for the shipping container and its transportation to Port-au-Prince. But Steve doesn't just give time and money. During a 2018 trip, he got his hands dirty installing a water purification system which his church paid for.

Trial lawyer, public servant, pro bono – for the good of – the many. War, commerce, art. A nice evolution, in a single lifetime. Hopefully, Steve has a fourth chapter ahead.

**EDITOR'S NOTE:** Steve's life work is remarkable, but not all that much more so than pretty much every Fellow of this College. We have all had remarkable careers; we would not be Fellows if that were not so. And many of us have started in, or took time out for, or ended up in public service. And many – most – of us have done significant pro bono work. So why single Steve out for recognition?

And then there is the firm thing. The careful reader of the *Journal* will have observed that we go to some lengths not to mention a Fellow's firm by name. Fellowship is an individual accomplishment and the *Journal* tries not to be caught up in firm marketing. So why so strongly identify Kirkland by name?

Good questions. [Thanks, Bob, I thought so too.]

Kirkland? My own firm has a pretty impressive pro bono program, but I'm not going to publish its name. Here's my rule. When a firm doesn't simply give its time away, when it gives up significant revenues it has earned, that deserves a shout-out. In our last issue, we highlighted Mike Jones, Steve's partner, who won a half-billion-dollar settlement for his pro bono clients after twelve years of litigation. The settlement came with \$12.5 million in statutory fees. Kirkland *earned* those fees. But the firm gave the fees to a group of charitable organizations to continue the work. Steve's immigrant rights case is now in the stage of determining statutory fees, and it is likely that Kirkland will be awarded something substantial. Nothing is definite yet, but it is Steve's expectation that whatever fee is awarded will be donated back to immigrant rights organizations.

That deserves a shout-out.

Steve? Why did we tell his story as opposed to any of the thousands of others we could have told? C'mon. Could you have read his story without thinking "Hmmm. Have I done enough good in my career? Should I do another pro bono case? Should I think about public service?" We told Steve's story simply because it's a good one. And if it inspires any of you to do a little more, then it's a great one.