


*Livingston Barger
Brandt & Schroeder*
A PARTNERSHIP

Offices at:

115 W. Jefferson St., Suite 400
P.O. Box 3457
Bloomington IL 61702-3457
(309) 828-5281 Fax (309) 827-3432

2506 Galen Drive, Suite 108
Champaign IL 61821
(217) 351-7479 Fax (217) 351-6870

THE FIRM

The law firm of Livingston, Barger, Brandt & Schroeder has served central Illinois for more than sixty years. Although we are a general practice firm, we have primarily focused our expertise over the years in serving the interests of business and insurance clients. We represent clients throughout central Illinois from our offices which are strategically located at the crossroads of several major highways. As a result, the counties we serve are easily accessible and our centralization allows for cost-effective representation. Members of our firm practice at all trial and appellate levels in the state and federal court systems.

The strength of any organization is in its people. With capable and dedicated lawyers and a strong, skilled paralegal and secretarial staff, we are able to work closely with every client and to furnish expert and timely legal services at a reasonable cost. Our offices are modern and feature technologically advanced legal support equipment. We are proud of our excellent library and of our up-to-the-minute electronic research and drafting capabilities. Visit our web site at <http://members.aol.com/lbbsbmi/LBBShomepage.html>

PHILOSOPHY

Our goal is to provide a full array of modern legal services at a competitive cost for all of our clients. We are willing to discuss ways our firm can better serve our clients' needs and are always willing to discuss our fees and costs.

All of the members of our firm adhere to the highest professional and ethical standards. They are recognized for their contributions to their community and to the legal profession. Several members of the firm have served, and continue to serve, on advisory committees for the courts in which they practice. Members of the firm belong to dynamic professional organizations that are on the leading edge of legal developments.

We welcome the opportunity to work with the legal and claims adjustment departments of businesses, as well as with individual clients. We are also pleased to cooperate with other law firms who wish to associate with us to represent clients in our service area.

OUR PRACTICE

Our practice is concentrated in the following areas of law.

CORPORATE / BUSINESS / PERSONAL

- General Representation
- Business Litigation
- Real Estate Transactions
- Creditors' Rights, Bankruptcy
- Insolvency
- Employment Law, EEOC, ERISA
- Individual Tax Planning
- Estate Planning
- Partnerships, Joint Ventures
- Estates and Probate

LITIGATION

- Insurance-Related Litigation
- Product Liability Claims
- Medical Negligence Defense
- Pharmaceutical Litigation
- Construction Disputes
- Environmental Litigation
- Financial Litigation
- Employment Matters
- Labor Arbitration and Litigation
- Civil Rights Litigation
- Contract Law

FINANCIAL

- Commercial Loans
- Financial Institution Mergers, Acquisitions
- Foreclosure and Collection Litigation
- Lender Liability
- Loan Workouts

HEALTH CARE

- General Business Counsel
to Physicians and Hospitals
- Medical Negligence Defense
- Pharmaceutical Litigation
- Corporate Restructuring

INSURANCE MATTERS

- Professional Liability
- Insurance-Related Litigation
- Product Liability
- Coverage Disputes
- Occupational Diseases
- Workers' Compensation
- Officer's and Director's Liability

ENVIRONMENTAL

- Regulatory
Counseling
- Administrative Agency Procedures
- Rule-Making Activities
- Enforcement Litigation
- Toxic Tort Litigation

GOVERNMENTAL

- General Counsel Representation
- Eminent Domain
- Land Use Law, Subdivision, Zoning

REPRESENTATIVE CLIENTS

American International Group
American States Insurance Company
American Universal Insurance Group
Aon Corporation
Associated Physicians Insurance Group
Bituminous Casualty Company
Bloomington-Normal Airport Authority
Bloomington-Normal Water Reclamation Dist.
Bloomington School District #87
Brandt Truck Lines, Inc.
BroMenn Healthcare
The Budd Company
Carle Clinic Association, P.C.
Cincinnati Insurance Company
Citizens Savings Bank
Colonial Insurance Company
Constitution States Insurance Company
DPIC Companies, Inc.
Digital Teleport, Inc.
The Eaton Charitable Trust
Employers Insurance of Wausau
The Eureka Company
Federal Land Bank
Federated Insurance
Financial Security Insurance Groups
General Accident Group
General Motors Corporation
Glaxo Wellcome Company
Grinnell Mutual Reinsurance Company
Hamilton Resources Co.
Illinois Central Gulf Railroad
Illinois Power Company
Illinois Provider Trust
Illinois State Medical Insurance Services, Inc.
Indiana Insurance Company
Interstate Insurance Cos.
Kemper Insurance
Laidlaw Transit, Inc.
Lederle Laboratories, div. of American Home Products
MMI
Medical Claims Management Group
Miller's Mutual Insurance Company
Mitsubishi Motors North America, Inc.
Northern Illinois Gas Company
Novartis Pharmaceuticals Corporation
Ohio Casualty Company
Ohio Hospital Insurance Company
Pantagraph Printing & Stationery Company
Pekin Insurance
ProNational Insurance Company
Royal Globe Insurance Company
St. Paul Insurance Company
Self Insurance Service, Inc.
Sentry Cos.
State Farm Insurance Cos.
The Bank of Illinois in Normal
Travelers Insurance Companies/Aetna
Underwriters Adjustment Company
Union Oil Company of California
Union Planters Bank
United Fire and Casualty
USF&G Company
Utica
Windsor Group

MEMBERS OF THE FIRM

WILLIAM R. BRANDT – OF COUNSEL

Born Atlanta, Illinois, January 3, 1925; admitted to bar, 1950, Illinois. Education: U.S. Naval Academy; University of Illinois; University of Chicago (J.D., 1950). Lecturer, Civil Trial Practice, University of Illinois, 1979. Instructor, Trial Advocacy, University of Illinois, 1980, 1981, 1982. Author: W. Brandt, *et al.*, *Illinois Evidentiary Foundations* (1991). Member: McLean County, Illinois State and American Bar Associations; Illinois Association of Defense Trial Counsel. Fellow, Society of Trial Lawyers; American College of Trial Lawyers; Chairman, Supreme Court Committee for Pattern Jury Instructions (Civil), 1977 to 1992. E-Mail Address: wbrandt@lbbs.com

JAMES T. FOLEY – OF COUNSEL

Born Chicago, Illinois, April 2, 1931; admitted to bar, 1958, Illinois. Education: University of Notre Dame (A.B., 1958); DePaul University (J.D., 1958). Phi Alpha Delta. Member: McLean County, Illinois State and American Bar Associations; Federation of Insurance and Corporate Counsel; Illinois Association of Defense Lawyers; Trial Lawyers; Past President of the McLean County Bar Association.

WILLIAM C. WETZEL

Born Bloomington, Illinois, December 16, 1939; admitted to bar, 1964, Illinois. Education: University of Notre Dame (B.A., 1961); University of Illinois (LL.B., 1964). Phi Delta Phi. Member: McLean County, Illinois State and American Bar Association. E-Mail Address: wwetzel@lbbs.com

THOMAS M. BARGER, III

Born Bloomington, Illinois, July 6, 1940; admitted to bar, 1965, Illinois; 1965, U.S. District Court, Central District of Illinois. Education: Northwestern University (B.S. in B.A., 1962); DePaul University (J.D., 1965). Delta Theta Phi. Member: McLean County, Illinois State and American Bar Associations; American Bank Attorneys; Commissioner, State of Illinois Appellate Defender (1983-89). E-Mail Address: tbarger@lbbs.com

CHRISTOPHER L. NYWEIDE

Born Chicago, Illinois, March 11, 1951; admitted to bar, 1977, Illinois; U.S. District Court, Central District of Illinois, 1978; Education: Illinois Wesleyan University (B.A., 1973); John Marshall Law School (J.D., 1976). Phi Alpha Delta. Member: McLean County, Illinois State and American Bar Associations; Illinois Association of Defense Trial Counsel; Defense Research Institute; International Association of Defense Counsel. E-Mail Address:

cnyweide@lbbs.com

SUSAN H. BRANDT

Born Bloomington, Illinois, December 20, 1950; admitted to bar, 1977, Illinois; U.S. District Court, Central District of Illinois, 1978; Education: University of Colorado (B.A., 1973); University of Georgia (J. D., 1977). Member: McLean County, Illinois State and American Bar Associations; Illinois Association of Defense Trial Counsel. E-Mail Address: sbrandt@lbbs.com

RICHARD E. STITES

Born Marshall, Michigan, June 7, 1954; admitted to bar, 1979, Illinois; 1980, U.S. District Court, Central District of Illinois; 1982, U.S. Court of Appeals, Seventh Circuit; 1984, U.S. Supreme Court. Education: University of Illinois (A.B. cum laude, 1976); Indiana University (J.D. magna cum laude, 1979). Phi Beta Kappa; Phi Kappa Phi; Order of the Coif; Phi Alpha Delta. Administrative Editor, Board of Editors, Indiana Law Journal, 1977-1979. Author: "The Moment of Inadvertence Concept in Strict Products Liability; The Seed of Destruction for the Assumption of the Risk Defense?," *Indiana Law Journal*, Vol. 53, No. 3, 1977-78; "Instructions and Special Interrogatories," *Illinois Civil Practice*, Vol. III, Ch. 11, 1991, 1995 Supp., 1997, 2003 (Illinois Institute for Continuing Legal Education); "Catastrophic Injury and Structured Verdicts—Confronting the Healing Art Malpractice Act," *IDC Quarterly*, Vol. 2 No. 2 (1992). Member: McLean County and Illinois State Bar Associations; Member, Central District of Illinois Federal Court Local Rules Committee (1984-1985); Leading Lawyers, 2003 - ; Defense Research Institute; Illinois Association of Defense Trial Counsel; Federation of Insurance and Corporate Counsel; International Association of Defense Counsel; The Society of Trial Lawyers; The Bar Association of the Central and Southern Federal Districts of Illinois. E-Mail Address: rstites@lbbs.com

PETER W. BRANDT

Born Bloomington, Illinois, October 25, 1955; admitted to bar, 1983, Illinois. Education: University of Illinois (B.A., 1978); Southern Illinois University (J.D., 1983). Author: "Instructions and Special Interrogatories," *Illinois Civil Practice*, Vol. III, Ch. 11, 1991, 1995 Supp., 1997; 1999 (Illinois Institute for Continuing Legal Education); "Catastrophic Injury and Structured Verdicts—Confronting the Healing Art Malpractice Act," *IDC Quarterly*, Vol. 2, No. 2 (1992); "Defending Misdiagnosed Ovarian Cancer," *IDC Quarterly*, Vol. 4 No. 2 (1994); "Making the Case for the Discovery Deposition," *IDC Quarterly*, Vol. 9, No. 3 (1999). President-Elect of the Illinois Association of Defense Trial Counsel (President for

the year 2000), Editor-in-Chief of the Illinois Association of Defense Trial Counsel Quarterly journal, appointed Federal Court Civil Justice Reform Act Committee (1996-1998). Appointed (1997) Illinois Supreme Court Committee for Pattern Jury Instructions (Civil). Member: McLean County, Illinois State and American Bar Associations; Board of Directors, Illinois Association of Defense Trial Counsel, Chair, Professional Liability Committee; International Association of Defense Trial Counsel; Defense Research Institute, Federation of Insurance and Corporate Counsel. E-Mail Address: pbrandt@lbbs.com

THOMAS B. BORTON

(CHAMPAIGN OFFICE)

Born Champaign, Illinois, September 12, 1963; admitted to bar, 1988, Missouri; 1989, Illinois; 1988, U.S. District Court, Eastern District of Missouri; 1989, U.S. District Court, Southern District of Illinois; 1994, U.S. District Court, Central District of Illinois. Education: Illinois Wesleyan University (B.A., 1985); Washington University School of Law (J.D., 1988). Articles Editor, Washington University Law Quarterly. Author: "The IDC Monograph: Standard of Care Witnesses," *IDC Quarterly*, Vol. 8, No. 3 (1998). Member: McLean County, Champaign County, Illinois State, Missouri, St. Louis Metropolitan and American Bar Associations; Illinois Association of Defense Trial Counsel. (Co-Chair, Medical Liability Committee, 1997-present). Prior legal experience: Bryan Cave (St. Louis, 1988-1992). E-Mail Address: tborton@lbbs.com

ASSOCIATES

RICHARD T. MARVEL

(BLOOMINGTON OFFICE)

Born Bloomington, Illinois, November 15, 1975; admitted to bar, 2001, Illinois. Education: Illinois Wesleyan University (B.A., 1998); St. Louis University School of Law (J.D., 2001) Phi Alpha Delta. Member: McLean County, Chicago, Illinois State and American Bar Associations; McLean County Inns of Court, Illinois Defense Counsel and Defense Research Institute. E-Mail Address: rmarvel@lbbs.com

KIRK A. HOLMAN

(BLOOMINGTON OFFICE)

Born Joliet, Illinois, July 30, 1961; admitted to bar, 1986, Illinois; 1986, U.S. District Court, Northern District of Illinois; 1987, U.S. District, Central District of Illinois. Education: The Monmouth College (B.A, 1983; honors scholar); John Marshall Law School (J.D., 1986); co-editor: Securities and Exchange Law Journal. Member: McLean County and

Illinois State and American Bar Associations; Defense Research Institute. Prior legal experience: Stephens and Schlickshup (Peoria, IL); Hinshaw & Culbertson (Bloomington/Peoria, IL – Partner); State Farm Mutual Automobile Insurance Companies (Bloomington, IL – Assistant Counsel). E-Mail Address: kholman@lbbs.com

MICHAEL A. WOZNIAK

(CHAMPAIGN OFFICE)

Born Chicago, Illinois, April 10, 1959; admitted to bar, 1984, Illinois; 2001, Ohio; 1985, U.S. District Court, Central District of Illinois, Seventh Circuit Court of Appeals. Education: Illinois State University (B.S. high honors, 1981, Alice Ebel Honor Graduate Award); University of Illinois College of Law (J.D., 1984). Member: Illinois State, Ohio and Champaign Bar Associations. Prior legal experience: Private Practice (1985-1992); Illinois Special Assistant Attorney General (1985-1992); TTC Holdings, Inc., and TTC, Illinois, Inc. – Corporate Counsel and General Counsel (1992-2001). E-Mail Address: mwozniak@lbbs.com

KENNETH S. WEISS, M.D.

(CHAMPAIGN OFFICE)

Born New York City, New York, August 27, 1949; admitted to bar, 2001, Illinois. Education: University of Michigan (B.S., 1971); University of Michigan (M.D., 1975); Northwestern University (OTOL., 1979); University of Illinois College of Law (J.D. cum laude, 2001). Attending Emeritus Surgeon, Carle Clinic Association, Head Division of Otolaryngology/Head and Neck Surgery, 1979-1987, Chairman, Department of Surgery (Chief of Surgery, 1987-1994). Fellow: American Academy of Otolaryngology, American Academy of Facial Plastics and Reconstructive Surgery, American Society of Head and Neck Surgeons, American College of Surgeons. Member: Champaign County and Illinois State Bar Associations, member Health Law Section. Clinical Assistant Professor, University of Illinois College of Medicine. Publications: "Serratia Marcescens in Tracheostomy Cultures," *Laryngoscope*, Nov., 1979; Co-Author: "Dermatofibrosarcoma Protuberans of the Face," *Ear Nose and Throat Monthly*, March, 1979; "Airway Management in Craniofacial Anomalies," *Otolaryngologic Clinics of North America*, Nov., 1981; Co-Author: "Otolaryngologic Lightning Bolts," *American Journal of Otolaryngology*, Aug. 1981; "Transient Hearing Loss with Metrinidazole," *Laryngoscope*, Jan., 1985; Co-Author: "Velopalatine Incompetence After Tonsillectomy," *Otolaryngology-Head and Neck Surgery*, Jan., 2000; Co-Author: "Life in the Enemy Camp: A Surgeon Goes to Law School," *Care Selected Papers*, Vol. 44, Spring, 2001; "Physician Unionization in America," accepted for publication in Univ. of IL College of

Law, *Law Review*, Fall, 2002. President's Council, University of Illinois, President's Club, University of Michigan. Champaign West Rotary Senior Active, Past Board Member. Practice concentrated in medical malpractice, health law. E-Mail Address: kweiss@lbbs.com