

Hugh C. Griffin *Of Counsel*

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ILLINOIS

OVERVIEW

Hugh Griffin leads the firm's appellate practice group, with more than 45 years of experience in the reviewing courts across the country. Over the course of his career, Hugh has handled more than 500 appeals in the Illinois Appellate Court, the Illinois Supreme Court, over 25 other state courts, and U.S. Courts of Appeals throughout the country, and has argued 47 times before the Illinois Supreme Court.

Based on his 40+ years of handling all kinds of civil appeals, Hugh is able to bring fresh analysis, seasoned insight and often an innovative approach to appeal issues.

NOTABLE CASES

The following is a sample of notable cases:

- (Seventh Circuit): Court reversed district court and held that stacking was inappropriate and that excess policy was not triggered saving insurers \$100 million.
- (Circuit Court Cook County): Court ordered \$10 million remittitur in favor of hospital on post-trial motion.
- (Circuit Court of Cook County): Court ordered \$8.5 million remittitur in favor of trucking company on post-trial motion.
- (Ninth Circuit): Court upheld district court's 70% comparative fault reduction of aviation hull damage express warranty claim under California law – first impression issue.
- (Illinois Appellate Court): Court upheld \$10 million award for breach of coal car lease.
- (Illinois Appellate Court): Court ordered a \$1 million judgment vacated and judgment entered for defendant nursing home.
- (Illinois Appellate Court): Court ordered \$4 million emotional distress award reversed outright in legal malpractice case.
- (Illinois Appellate Court): \$3.4 million jury verdict against asbestos manufacturer reversed due to trial error.
- (Illinois Appellate Court): New trial order based on instruction error reversed; defense verdict for defendant physicians reinstated.
- (Illinois Supreme Court): Obtained reversal of permanent injunction that had been entered pursuant to a section of the Illinois Vehicle Code prohibiting defendant railroad from blocking the crossing for more than 10 minutes.

AREAS OF FOCUS

- Appellate

EDUCATION

Notre Dame Law School

J.D. (1968)

Case Editor, *Law Review*

Loyola University of Chicago

B.A. (1965) *Dean's List*

BAR ADMISSIONS

- Illinois (1968)

COURT ADMISSIONS

- U.S. District Court, Northern District of Illinois (1968)
- U.S. Court of Appeals, (4th Cir.) (1987)
- U.S. Court of Appeals, (5th Cir.) (1985)
- U.S. Court of Appeals, (6th Cir.) (1992)
- U.S. Court of Appeals, (7th Cir.) (1972)
- U.S. Court of Appeals, (8th Cir.) (1988)
- U.S. Court of Appeals, (9th Cir.) (1984)
- U.S. Court of Appeals, (10th Cir.) (1984)
- U.S. Court of Appeals, (11th Cir.) (1986)
- U.S. Court of Appeals, Federal Court (1999)

- (Pennsylvania Supreme Court): Upholding denials of coverage for environmental claims on various grounds including fraudulent concealment, known loss, and late notice.
- (Kansas Supreme Court): Summary judgment against insurers reversed in hearing loss cases.
- (Minnesota Supreme Court): Court entered a favorable ruling re allocation of environmental claims over various years of insurance coverage.
- (Oklahoma Supreme Court): Court upheld a pollution exclusion barring multimillion- dollar environmental claims against insurers.
- (Michigan Appellate and Supreme Courts): Court upheld aviation exclusion in a life insurance policy.
- (Minnesota Court of Appeals): Court held that an excess insurer's policy had no duty to drop down and cover a shortfall due to the primary carrier's insolvency.
- (Illinois Supreme Court): Court upheld the constitutionality of amendments to the Hospital Licensing Act permitting ex parte conversations with treating physicians and hospital attorneys.
- (Illinois Supreme Court): Court held a doctrine of strict liability in tort did not apply to a hospital's use of x-radiation.
- (Illinois Appellate Court): Court upheld a Jehovah's Witness release and reversed a jury verdict against the hospital.
- (Illinois Supreme Court): Court reversed a \$5 million medical malpractice judgment because of the misconduct of plaintiff's counsel.
- (Illinois Supreme Court): Court ruled that a hospital owed no duty to third parties who were not hospital patients – passenger in patient's vehicle could not recover based on failure to warn patient.
- (Illinois Appellate Court): Court rejected \$9 million claim for contractual indemnity against utility company.
- (Illinois Appellate Court): Court reversed trial court's refusal to enforce arbitration/no class action clause in consumer credit agreement.
- (Ninth Circuit): Court reversed summary judgment in trademark infringement claim.
- (Supreme Court of Georgia): Court held that an accountant owed no duty to a third-party bank that subsequently relied on the accountant's audit of its client.
- (Illinois Appellate Court): Court reversed a judgment against a detective agency on the grounds that the agency's negligent hiring of a guard who murdered a store cashier was not the proximate cause of the murder.
- (Illinois Appellate Court): Court reversed a \$6 million judgment against tire manufacturer because of the plaintiff's claims of military heroism.
- (Illinois Appellate Court): Court reduced a verdict against a trucking company from \$16 million to \$2 million.
- (Illinois Appellate Court): Court upheld reversal of a \$3 million punitive award against utility company.
- (Fourth Circuit - supervisory): Court reversed a \$16 million verdict against the railroad in a crossing accident.
- (Eleventh Circuit): Court affirmed a summary judgment in favor of insurers on the ground that environmental claims were intended and expected.

- (Eighth Circuit): Court reversed a verdict against the manufacturer of a bulletproof vest that a police officer was wearing at the time of his death.
- (Fourth Circuit): Court held aviation policy void because of material misrepresentations in an insurance application.
- (Ohio Supreme Court): Court upheld insurers' late notice defense to multi-million dollar environmental damage claim.
- (Illinois Appellate Court): Court reversed a \$3 million verdict against manufacturer of pick-up truck that caught fire.
- (Illinois Supreme Court): Court reversed compensatory and punitive damages awards against a tractor manufacturer.
- (Illinois Appellate Court): Court confirmed the inadmissibility in Illinois civil actions of testimony enhanced by hypnosis.

PROFESSIONAL BACKGROUND

Prior to his time at HPS, Hugh also led the appellate practice group at Lord, Bissell & Brook LLP.

Hugh has taught appellate practice at the John Marshall Law School, and has given numerous speeches on appellate practice at the local and national level. His presentations over the years on oral arguments have been republished in the TIPS practice Journal as well as other law journals.

AWARDS & RECOGNITION

Hugh has been selected as an "Illinois Leading Lawyer," an Illinois "Super Lawyer," a "Best Lawyer" in appellate practice and was named as the "2011 Chicago Best Lawyers Appellate Lawyer of the Year." In 2015, he was listed as one of the top "100 Super Lawyers in Illinois."

In 1991, he was nominated and accepted as a Fellow of the American Academy of Appellate Lawyers. He served nine years on the Illinois Supreme Court Rules Committee and was appointed by the Supreme Court as the Committee's Vice Chairman from 2003-2006.

PUBLICATIONS & PRESENTATIONS

- "Emotional Distress in a Bodily Injury Case – Not Another Line on the Verdict Form," *IDC (Illinois Defense Counsel) Quarterly*, Second Quarter 2012, p. 18.
- "The Dillion Proportionate Damage Rule," *IDC (Illinois Defense Counsel) Quarterly*, Vol. 14, Number 1, 3/8/2004.
- "The Standard of Review in Civil Cases in Illinois: More Than Meets The Eye," *Appellate Review*, Vol. 8, Winter 2002-03, p. 1.
- "Preparing For Oral Argument," *1987-Fall Brief* (ABA – Tort and Insurance Practice Section), p. 54.

MEMBERSHIPS

- American Academy of Appellate Lawyers, *Director* (two past terms); *President* (1997-1998)
- Illinois Appellate Lawyers Association

MEMBERSHIPS (CONT.)

- American Bar Association, *Chairman of the Appellate Advocacy Committee of the Tort Insurance Practice Section (1989-1990)*
- Chicago Bar Association
- Illinois Defense Counsel
- Illinois State Bar Association
- National Association of Railroad Trial Counsel