Spotlight on Success: Katten Attorneys Secure Civil Rights Wins in Federal Court Settlements

From Intellectual Property to Civil Rights

Katten Attorneys Provide Top Quality Service to Pro Se Plaintiffs in Federal Court Settlements

Pictured left to right: Floyd Mandell and Bari Nathan of Katten Muchin Rosenman LLP
Internationally renowned Intellectual Property Lawyer Floyd Mandell, a partner at the Chicago office of Katten Muchin Rosenman, might not seem the most obvious choice to take on two tricky federal civil rights cases. Floyd is widely praised for building an IP counseling and litigation practice that covers trademarks, trade dress, unfair competition, trade secrets, copyrights, high-tech disputes and e-commerce/Internet disputes.

But in 2017, Floyd proved his legal acumen and negotiation skills extend far beyond the IP world, when he and first-year Katten attorney, Bari Nathan, joined forces to help low-income plaintiffs in two cases referred to the federal court’s Settlement Assistance Program win just resolutions of claims brought against separate law enforcement agencies.

Coordinated by Chicago Lawyers’ Committee for Civil Rights, the Settlement Assistance Program provides access to justice for indigent litigants (translation: people who can’t afford to hire a lawyer) in federal civil rights lawsuits. The judges and magistrate judges of the United States District Court for the Northern District of Illinois refer cases to the Settlement Assistance Program when the parties have asked for a settlement conference or when the judge has determined that one is appropriate, and the unrepresented litigant agrees to accept counsel for the limited purpose of settling the case. Program Director Cunyon Gordon, herself a veteran attorney with Chicago Lawyers’ Committee, reviews the complaint, contacts the plaintiff, and then places the case with an attorney volunteer. All stakeholders agree that the adversary process works more effectively if both parties are represented by capable counsel.

Two Cases of Injustice

As the son and grandson of police In August 2017, Bari met with LM
officers, Floyd Mandell has utmost respect for law enforcement professionals, but when he reviewed the two cases that Cunyon forwarded to him, Floyd knew that he had to get involved. Part of his motivation was helping pro se (unrepresented) plaintiffs see that the justice system can work even for “the down and out.” In the first and more challenging of the two cases, plaintiff LM claimed that police officers in Lynwood, Illinois, improperly handcuffed her, used excessive force, and unlawfully arrested her and her teenage son in violation of her civil rights. She had already fired her first attorney and had little faith that she would get a fair shake from the court system. But Floyd and Bari spent hours with LM and her family, assuring them of their commitment to her case. After a successful mediation with Magistrate Judge Schenkier, ultimately Floyd and Bari helped the parties reach a settlement that restored their client’s faith in the justice system.

and presented her with her the payout for her settlement.

In the second case, Floyd helped client RM reach a settlement with Will County, where he claimed jail officials refused to accommodate his religious diet requests, used excessive force in trying to get him back to his cell during a lockdown (which resulted in breaking two of his ribs), subjected him to unsanitary conditions of confinement, and failed to adequately address his medical needs. Once again, Floyd and Bari worked many hours to assess the merits of their client’s complaint and to assess his goals. Floyd reaching out to opposing counsel to establish a respectful dialogue enabled the parties to reach a settlement without court participation or mediation. According to Settlement Assistance Program Director Cunyon Gordon, Floyd and Bari attained another favorable settlement with Will County, ultimately enabling RM to find a stable home after months of living on the streets.
Asked why they dedicated over one hundred hours to these two cases, Floyd and Bari offered several reasons.

For Bari, working with SAP clients gave her wonderful face-to-face experience with a client, something often missing from a first-year attorney’s work. She was also able to follow these cases through to settlement in a relatively short time period, while meeting pro bono obligations and assisting the federal court.

For Floyd, participating in SAP helped advance his view that lawyers should give back to the community. He notes that both of his pro bono clients, “had
good reasons for not trusting the system, the law, and were truly injured physically and mentally. But they learned that we really cared about them and the result. We wanted to give them some justice and we feel that we did.”

For these reasons, both Floyd and Bari recommend that other attorneys—veterans and newbies alike—take a leap out of their comfort zone and sign up to work with the Settlement Assistance Program. With support and expert advice from Cunyon Gordon, Floyd says the work is simultaneously challenging and rewarding. Will he take another case or two? “You bet . . . just give me a few months!”

To get involved with the Settlement Assistance Program, contact Program Director J. Cunyon Gordon at cgordon@clccrul.org