

# STEVEN LEVIN

## Practicing a Sort of ‘Litigation Judo’

by Paul Dailing



Steven M. Levin isn't done.

The partner at **Levin & Perconti** has already had a career that would lead many lawyers to rest on their laurels.

His firm has brought its clients more than \$400 million in verdicts and settlements, with about \$130 million of that coming from cases involving nursing homes. He was honored in 2012 by the Law Bulletin Publishing Company, which publishes *Leading Lawyers* magazine. He won for the Highest Reported Illinois Verdict in the field of nursing home litigation, a field in which he is nationally recognized.

“He’s protecting the rights of probably the weakest, frailest members of our society,” says David Cohen, shareholder at New Jersey-based Stark & Stark.

He is well-respected by both bar and bench.

“I think he is among the very best,” Judge Lynn Marie Egan says. “It’s always a pleasure when he appears because he’s always a professional and a gentleman.”

His clients find him responsive and caring.

“We had the sense throughout the process that Steve cried the same tears we did,” says Norman Nissen, Jr., the brother and legal guardian of a man Levin represented.

His successes aren’t only professional, but personal. Levin, 62, has built a family with the woman he’s loved since childhood. They have four grown children and 11 grandchildren.

But Levin isn’t done. He tries some cases, strategizes on others, and is heavily involved in training the next generation of lawyers to represent injured people.

“I try to approach business like there are still

more challenges to overcome,” he says. He downplays the successes he’s had, seeing them as just the chance to build the next step.

“It’s a little bit of breathing room that we didn’t have before,” he says.

### Steven and the Patrol Girl

Levin was raised in Skokie, one of three children. His mother was a homemaker and his father worked a variety of jobs, most recently a remodeling salesman.

Many people have a childhood friend or two who pass the test of time. One person Levin has kept with him since his youth is wife Marsha, now 61.

“We met when we were 11 years old and I was entering elementary school and she was the patrol girl,” he says.

Levin and the patrol girl dated on and off through high school and college. They both went to the University of Wisconsin. They’ve been together since their junior year in Madison.

After college, they returned to Chicago. They got married while Levin was in law school at Loyola University Chicago. After graduation, Levin started at Chicago-based Ackerman, Durkin & Egan in 1976. The first few years brought Steven and the patrol girl challenges many young lawyers will find familiar.

“When I first started practicing law, it was a struggle,” Levin says. “My wife started working as a teacher. I think she was making \$5,000 a year. Then we had a baby—and three other children over the next few years.”

Levin started his career doing criminal defense work. He jokes that it was a natural fit, given his family history.

“A number of people in our family were in the sports bookmaking business, so they were on the other side of the law,” Levin says, laughing.

In 1980, he formed his own practice, continuing his criminal defense work, but adding civil work to the mix.

“It combined my love of trial law with helping people who needed help,” he says.

Then came a case that would help set Levin’s career path, the case of a woman who allegedly murdered another woman in a dice game.

The woman was convicted, but Levin helped

get her a new trial, which resulted in a reduced sentence. She was out in a year.

“One year to the day after I represented her in the other trial, I got a call from her that she allegedly murdered her husband, whom she had married during the first trial,” Levin says.

Shortly after, the woman committed suicide, cementing in Levin’s mind that he wanted to leave criminal work.

“Despite the fact that she was probably a criminal, I had grown fond of her and I decided this was not the work I wanted to do,” Levin says.

In 1983, he and his sister, attorney Susan Novosad, formed Steven M. Levin and Associates. There would spend the next nine years doing solely civil work. The firm merged with John Perconti’s practice to form Levin & Perconti in 1992. Perconti says Levin’s skills and reputation made the possibility of joining forces an appealing one.

“Steve is an incredibly smart attorney and very well-respected in the legal community,” Perconti says.

Although merging the two practices involves an adjustment period—Perconti jokes that the transition was “like any marriage”—the firm and its caseload have grown steadily over the last 21 years.

“We took a firm that was relatively small firm with a few cases and I think we have evolved into a very successful personal injury practice,” Perconti says.

### “Levinning” the Case

In 1988, four years before merging with Perconti, Levin’s firm represented a woman whose son died after falling down the stairs at a nursing home where he was receiving care.

Their research uncovered the then-obscure Nursing Home Reform Act of 1979, sponsored by Democratic state Sen. Richard M. Daley, who would later become mayor of Chicago, and Rockford Republican state Sen. Lynn Martin. Later re-titled the Nursing Home Care Act, it outlined enforcement and standards with which few lawyers at the time were familiar.

At the time, few attorneys other than Levin would accept nursing home cases. In those days, plaintiff personal injury lawyers wouldn’t take cases from nursing home residents because they felt they had no value, Levin says.

Levin’s practice opened up the field. The timing couldn’t be better. As lifespans get longer, more people will find themselves in nursing homes and other forms of long-term care, Levin says.

According to a March 2012 report by the U.S. General Accounting Office to the Senate Special Committee on Aging, Americans spent \$137 billion on long-term care in 2000. Those figures include all those requiring long-term care, not just the elderly.

The report predicts that by 2050, Americans will spend \$379 billion on long-term care just for the elderly. This trend is on a huge upswing and is expected to continue that trajectory as baby boomers age.

Speaking by phone from his office in New Jersey, Cohen, who also specializes in nursing home cases, says Levin is one of the giants of their area. Levin, Cohen says, is one of the lawyers who has set and will continue to set the best practices for handling cases involving nursing homes and long-term care facilities.

Part of that impact is the result of Levin’s inimitable courtroom style, Cohen says,

“It’s almost like litigation judo,” Cohen says.

A few years ago, Levin and Cohen were both speaking at a conference on nursing home litigation. While Levin gave his talk, Cohen was giving his PowerPoint slides a last-minute check. Soon, however, Cohen found himself ignoring his own preparation to listen to Levin’s talk on how to handle witnesses.

“I was watching him that day and I thought, ‘You know what? We all need to Levin our cases,’” Cohen recalls. He added a PowerPoint slide on “Levinning” then and there.

Cohen describes “Levinning” as “a way of looking at your witness in an unconventional way.”

While some attorneys look at fact-witnesses as people who get on the stand to recite facts and figures—the patient received such-and-such medication at such and such time, for example—Levin likes to use these witnesses differently, Cohen says.

“What he does is he looks at a fact-witness and rather than thinking, ‘What does that person know?’ he looks at it in a big-picture context and sees how he can use that person to help the overall case,” Cohen says.

For example, Levin will ask a nurse about the policies and procedures at a nursing home. He’ll ask how shifts are handled, how medicine is distributed, and other questions that can bring out the practices—and gaps—that can lead to bad care for nursing home patients.

His partners also praise Levin’s ability to conceptualize and build a case from facts other lawyers might miss entirely.

“He has the ability to assemble the information at such a high level,” Novosad says. “He’s able to assemble the information and get the big picture and see the details.”

Egan says this diligence and preparation comes through when Levin is arguing a case.

“He is thoroughly prepared on not only the facts, but the law,” she says. “He’s very smart and very professional.”

### Treating Client Much Like Family

The settlement money from his brother’s malpractice case isn’t just a dollar amount for

Norman Nissen Jr. It’s the fund that will provide the 24-hour care his brother will need for the rest of his life.

After his brother suffered a catastrophic head injury in 2005, Nissen found himself serving as his brother’s legal guardian. He hired Levin to represent his brother following a malpractice suit that resulted from his brother’s treatment. He says Levin wasn’t just a diligent advocate, but a caring one.

“He had the same concern for family members as he did for the client,” Nissen says.

Levin dug deep into the research while preparing, Nissen says, recalling how Levin would always be “double-, triple-checking” while gathering facts for the case.

“He was constantly researching different arguments, different cases,” Nissen says.

It was a trying time for the family, Nissen says. He says the responsiveness and care Levin gave the family was a source of comfort.

“I’m a police officer and I deal with a lot of attorneys and they tend not to communicate with the client. That’s not what I found with Steve,” Nissen says. “He’s a family man. I think he brings that to the table. He sees things as they would affect his own family.”

Family is important to Levin. His sister has been his law partner since the 1980s. His wife used to do the books for the practice.

“It’s the best of all worlds,” says his sister. “You not only respect each other as attorneys, but you trust each other as family.”

Novosad, who graduated cum laude from the John Marshall Law School, says her older brother helped her along in the early stages of her career.

“He basically raised me as a lawyer,” Novosad says.

Mentor and teacher are roles Levin doesn’t just fill for family, she says. Levin takes particular care to train young attorneys in his practice on the ins and outs of the law—or how to “Levin” a case, if you will.

“He’s continued to do that with so many young attorneys that there’s a legacy,” Novosad says.

In addition to speaking and publishing on nursing home care and litigation, Levin also serves on the Leadership Council of the National Consumer Voice for Quality Long-Term Care and is active with the Nursing Home Litigation Group of American Association for Justice.

But Levin isn’t done. Despite all the “litigation judo” and “Levinning,” despite the growing family and the life he has built over 50 years with the patrol girl, despite the respect of peers and judges, Steven Levin isn’t yet ready to rest on those very inviting laurels.

His reason is simple.

“I still enjoy what I’m doing,” he says. ■