

DOUG COLBY

Determined to Succeed for Injured Workers

by Ruth Kaufman

Douglas A. Colby didn't realize it at the time, but while growing up in Des Plaines, he was a pretty determined kid. When he went out for basketball in seventh grade, he didn't make it. So, he developed a practice program for himself.

Fortunately, he lived across from the school and spent two hours a day practicing layups, free throws and jump shots. He made his eighth-grade team and continued playing through high school. This is when his parents knew there was no stopping him if he wanted something.

His determination carried on throughout his life and in his workers' compensation practice as senior partner at Anesi, Ozmon, Rodin Novak & Kohlen, Ltd.

Colleagues speak highly of Colby. "The wonderful thing I can say about Doug is his professionalism is paramount," says Nicole Milos, partner at Cremer Spina Shaughnessy, Jansen & Siegert, who has known Colby for about 10 years.

"We know each other through an adversarial system that by its nature is not going to see things eye to eye. He advocates for his clients, as I do mine, and he is always professional, courteous and respectful of the fact that there are some matters we're never going to agree on.

"I've always appreciated the courtesy and professionalism he's shown in his practice," Milos says. "It's good to know that even in an adversarial system, we can remain civil and courteous to one another. That's important, especially in today's day and age."

REALISTIC AND PRACTICAL

Joseph Garofalo, partner at Garofalo, Schreiber & Storm Chtd., agrees. "We've been friendly opponents for around 35 years and have enjoyed a civil, cordial and friendly relationship. Doug is an extremely capable and skilled trial attorney, which I know from trying cases with him. It's always fun to have a case with a worthy opponent who keeps you on your toes. He's very sharp. You always rise to the level of your competition, and Doug makes me a sharper lawyer."

Garofalo adds, "The nicest thing is that we're both realistic and practical. We know the



risks to clients of going to trial and are often able to work out an amicable settlement. That willingness to be realistic has characterized our relationship."

A sign of Garofalo's respect for Colby was nominating him for The College of Workers' Compensation Lawyers, an honored national organization that's educational as well as charitable. Not only does a lawyer have to be nominated, two members must support that nomination. Colby was inducted last year.

Colby knew he wanted to be a lawyer early on because he admired his cousin Jeff, who was four years older. So, he followed his cousin's progress and noticed Jeff got straight As, although Colby was only a B student in high school. "I looked at his life and said, 'I'll follow that.'"

But in his first couple of semesters at Northern Illinois University, Colby found himself unorganized when it came to meeting deadlines. A light switch went on, and he started making charts, noting when everything had to be done. He became so organized that

now a messy desk makes him uncomfortable. This approach has assisted his practice because in litigation one always needs to be prepared. "If anything, I was overprepared," Colby says.

He chose John Marshall for law school because of its reputation for practical knowledge. In his first semester, he wanted to clerk at a firm. His cousin was then in labor law litigation trying cases all around the country, so Colby thought he'd pursue that area.

Cousin Jeff advised him to gain some interviewing experience. At John Marshall's placement office, firms were listed in alphabetical order. Guess which was at the top of that list? Anesi Ozmon.

THOUGHT HE'D BLOWN INTERVIEW

Back then, the firm was bigger, with around 25 lawyers. At his interview, the personnel manager asked what kind of law Colby was interested in. After he replied, "Labor law," she said, "We don't do that." He didn't really care because he was there for the interviewing experience.

He left thinking he'd kind of blown it, but he was called back for a second interview. In the week before that meeting, he did some research and learned Anesi, Ozmon had a reputation as a preeminent personal injury firm.

Though at that time he had no desire to practice in that area and wasn't fully aware of the difference between the personal injury and workers' compensation sides, he accepted a law clerk position at Anesi Ozmon in 1980.

In his third year, he and four other clerks were competing for one associate position. Colby got it, on the PI side. But the firm said they were making a change in a couple of months. In the meantime, they wanted him to learn about the workers' compensation practice, where the vast majority of cases involved union workers who got hurt.

He fell in love with workers' compensation because it gets right to the heart of the matter. When the firm said it was time to go back to PI work, Colby requested to stay on the workers' compensation side.

"You pick up a file, review the case, then call and settle or move toward trial. There's no discovery, no depositions, etc. Workers' compensation is quick because workers need benefits immediately as they're off work and receiving medical care," Colby says. "It's exciting and unpredictable. You can go to trial but have no idea what the other side has— from a video to an eyewitness."

Colby enjoys being an advocate for his clients. "Even in workers' compensation where some payouts are smaller, that individual could see in a lump sum the largest amount of any time in their life. I've never lost sight of the importance of that."

SURPRISE START, SHOCKING END

The year 1982 was exciting for Colby. He passed the bar in July, was licensed in October, and got married on November 14 to medical technologist Phyllis Kaplan.

Though they'd attended the same high school and were the same age, they never knew each other. He happened to be at Lutheran General for emergency surgery when she recognized his name on his urine specimen. She came to see him in the hospital. Colby broke up with the woman he'd been dating the next day.

Fast forward to 2011—after they married, had a daughter and son, and were new empty nesters in Arizona, driving after dinner with friends. A woman ran a red light and hit his wife's side of the car at 50 miles per hour. She died instantly.

Colby, who'd flown out of the sunroof and was found 20 feet from the car, suffered injuries including 10 fractured ribs and a lacerated diaphragm. He was put on life support and spent nine weeks in the hospital.

He has no memory of the accident. Later he learned that someone at the intersection got out of her car. She checked his wife in the crashed car but found no pulse. She looked around the desert for the driver until she found Colby trying to get up. She held him until the paramedics came.

Later, he looked her up on the police report. He contacted her, saying he didn't want to bother her but wanted to see her and say thank you. They met for coffee and became the best of friends to this day. "She's my angel," Colby says.

Colby had to start life over. About a year later he had recovered physically, in part by being vigilant about his rehab. Insurance only covered six months, but he went six more. "I knew I had one chance to get back to 100 percent."

Eventually, he was ready to start living his life again. His group of friends, who'd known each other for over 40 years, had taken him out every night to dinner, but being a party of three, five or seven was getting old.

Everyone seemed to have someone for him. He was introduced to Debbie DeZonna, an independent insurance agent with whom he had an immediate connection. She, too, had a son and a daughter, and was also a widow, losing her husband in 2010.

After dating over four years, the couple married last October in Scottsdale and now live in the north suburbs.

Colby, who made partner in 1994, loves to golf and still maintains a single digit handicap. He also loves cars and travel, though he'd never been to Europe before meeting DeZonna. They've been to Italy three times in the last five years.

DOING THE RIGHT THING

Thanks in part to the amazing assistant he's had for 16 years, Colby calls his work environment most enjoyable. He still wakes up and loves coming to work. Colby considers his firm neither high volume nor a boutique, but somewhere in the middle. "We're not just moving cases to move them. We have resources available to always do the right thing on files. The only pressure is to do 100 percent on every case."

He brings that point home when mentoring young lawyers. "Never walk away from a case without knowing you've done that," Colby tells them.

There is one difficult aspect of his work, however. "It's frustrating that you could do everything right and still lose a case. That's the burden you carry on every one of these files. You have to be able to handle disappointments."

Fortunately, he says those disappointments are outweighed by the gratification of knowing he did the right thing for that individual and

by getting good or great results.

Colby's business is based on referrals. He says that when you take in a new client, you also take in their family, their friends and their associates. So, the blueprint for the firm is to always increase the client base because you never know when the next big case will come in.

"I particularly like handling catastrophic cases that may only entitle the attorney to a \$100 statutory fee." If someone becomes a quadriplegic or brain injured, they're automatically entitled to benefits for the rest of their life.

"I have the opportunity to do things that will improve their quality of life, from handicap accessible homes through the insurance company, vans if they can drive for independence, and state of the art medical equipment to improve their lives. It's very gratifying." One case remained active for 19 years. Not only did he help the client get a house, he helped him get his third van.

Colby's car accident, resulting injuries and recovery gave him a perspective few other workers' compensation lawyers share. "I have seen how split seconds change people's lives forever. And when it actually happens to you... As a very compassionate person, I always believe in my clients, so I spend the time explaining the process because they've never been through it."

Colby is a proponent of physical therapy and rehab for clients. "I've personally experienced some of what they're going through, so I know what the new normal becomes for these individuals and how you have to press the reset button and move on from a debilitating injury."

Frank Gildea, managing partner of Gildea, Coghlan & Regan, Ltd., has been an opposing counsel to Colby for around 15 years. He calls Colby a phenomenal lawyer and says it's life-affirming to see how he bounced back after the accident.

"Doug has always been devoted to his practice and his clients, but after going through personal tragedy, he's been a different character since he appreciates everything more. I'd say he's a better guy because he gets the other side. Doug is very persistent, but he understands my side as well as his, and he works with people very well. He's what we call a worthy opponent. Definitely bring your A game if going against him. He's a class act and a gentleman."

Colby says that in this practice, two-thirds of a career is proving yourself and developing a reputation among the defense bar and insurance companies. "Now I enjoy the products of that in the last third. I find it so much easier to work through difficult cases, as defense lawyers I've worked with for over 30 years know I'm willing to go to trial on any case. My firm has encouraged that luxury." ■