

City paying lawsuits with citizens' money

Lawsuits against Chicago total \$182 million, half directed at Police Department

By James Ewert
Assistant City Beat Editor

To a city with a nearly \$6 billion budget, \$50 million a year may not break the bank, but it's not exactly chump change.

According to a Chronicle analysis of data obtained through the city of Chicago's Law Department, Chicago spent nearly \$182 million settling lawsuits filed against various departments over the past four years, with data from 2005 not yet fully compiled.

The city generally pays out around \$50 million each year to settle claims ranging from \$50 for a woman who slipped on a vaulted sidewalk to \$6 million for

excessive force by the Police Department that resulted in a wrongful death.

The Police Department paid out more than \$92 million in claims over the past four years, more than any other department. The Transportation and Fire departments were second and third in terms of monetary settlements, paying out slightly more than \$30 million and \$21 million, respectively.

Claims against the Building Department consisted mostly of wrongful demolition, something that occurred 19 times over the past four years and many of claims against all departments consisted of city vehicles being involved in traffic accidents.

The overwhelming majority of the cases were resolved through settlements rather than verdicts and many of the other claims against the city were damaging

underground utility lines, false arrests, excessive use of force or falling down on public property.

"It's either going to be a settlement or a judgment, and most cases are resolved through settlements instead of taking them to trial. It's just the way it works; it's less expensive," said Jennifer Hoyle, spokeswoman for the city's Law Department.

Hoyle said it is important to

See **Lawsuit**, Page 19



Erin Mash/The Chronicle

Brianna Santiago, who is in training to be a floral designer, arranges a bouquet on Feb. 9 at A New Leaf floral shop, 1818 N. Wells St. Valentine's Day is one of the busiest holidays for A New Leaf, and employees expect to do six to 10 times more business than in a typical day.

Valentine's business in full bloom

More people buying mixed bouquets over roses for valentines

By Alan J. Baker
City Beat Editor

By Feb. 8 A New Leaf's floral shop manager Laurie Dunphy said she was ready for the big rush, and all she had to do now was wait for customers to come.

A New Leaf, 1818 N. Wells St., is among more than 22,000 florists nationwide preparing for one of the industry's busiest

holidays of the year: Valentine's Day.

In preparation for Feb. 14, Dunphy hired extra staff to help fill floral arrangements among the store's four locations, as well as an additional 10 cars and 20 drivers for a delivery day expected to be extremely busy.

Dunphy expects Valentine's Day sales to be six to 10 times more than what her

shop would generally bring in on a given weekday.

"[Roses] have become so trendy. You can find them at Costco, Jewel, anywhere really. There is a lot more out there when it comes to exotic and different flowers"

—Laurie Dunphy, manager at A New Leaf

shop would generally bring in on a given weekday.

"It's going to be grueling work, but it's relatively easy when it comes to what needs to be put out," Dunphy said. "We just need enough staff to meet our supply and demand."

Jennifer Sparks, vice president of the Society of American Florists, said that

since the holiday falls on a Tuesday this year florists are expected to do even more business.

Because people generally don't take the day off most floral purchasers rely on the deliveries, and in turn it has more of an impact because there is an "awe" factor attached, Sparks said.

"People feel good and like to be seen receiving flowers at their workplace," Sparks said. "Everybody wonders who they're for and who they're

See **Floral**, Page 23

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See **Floral**, Page 23

See **Trafficking**, Page 20



180 Million
Number of Valentine's cards distributed annually

100
Number of single men who are in their 20s for every 120 single women

2.2 Million
Number of marriages annually. That's more than 6,000 a day.

2.4 Billion
Worth of merchandise purchased from jewelry stores in February 2005.

Source: U.S. Census
Josh Covarrubias/The Chronicle

Lawsuit:

City weighs cost-effectiveness of litigation

Continued from Back Page

note that the numbers are not representative of all lawsuits filed against the city but, only lawsuits in which there was a payout of money.

An attorney familiar with the city's policy regarding the lawsuits said the city tends to settle not only because it may be less expensive at times, but also because it is a matter of risk management.

The attorney, who did not wish to be named, said city officials and lawyers get together and assess the risks of taking a case to trial. The attorney said that the city basically tries to find a solution that avoids having to admit liability.

Mark Rosen, a professor at Chicago-Kent College of Law and an attorney knowledgeable in municipal law, said it's not unusual for a city the size of Chicago to have so many settlements for such large amounts of money. But he said there can often be other motivations for settling.

Rosen said officials "should be motivated by just trying to guard the treasury," but they may also "be concerned about getting bad publicity."

"In that case, they might be led to settle for reasons that really

Taxpayer dollars the city has paid out in lawsuits 2002-2005



Buildings \$1,002,160
Transportation \$22,126,261
Fire \$21,144,690
Police \$92,547,437
Sewer \$1,018,132
Streets and Sanitation \$1,018,132
Water \$4,720,648

2005 data not a full year

aren't in the taxpayers' best interests," he said.

City governments will most likely try to avoid lengthy legal proceedings that could go on for years and accrue extensive litigation costs, but Rosen said the issue of who's responsible is more important than money in such cases.

"The issue from the city's perspective is not generally going to be how much the litigation costs themselves could be, but what the potential liability of the conclusion of the litigation could be," Rosen said.

—Mark Rosen, attorney and professor at Chicago-Kent College of Law

not usually sympathetic when the city spends large amounts of money over and over. In this case, though the city will be criticized no matter what it chose to do.

"The point about a settlement is that you can control your own fate," Stewart said. "The city loses one mega-huge lawsuit and everyone's going to say, 'Why didn't you settle?' To some degree the city's law department works like a large corporation: you've got to pick your cases wisely."

One case the city may want to look into more, according to Peoples Energy spokeswoman Elizabeth Castro, is utility line damage. Damaged lines can have

a number of dangerous and costly consequences, Castro said.

According to the law department's data, the city paid Peoples Energy nearly \$1 million over the past four years for the damage of utility lines, something Castro said was easily avoidable. Law Department data revealed roughly 800 cases of damaged underground utility lines.

The cases involving Peoples Energy suing the city have nothing to do with the recent case requiring the company to refund its customers for overcharging them for gas.

Hoyle said it is not always the city hitting utility lines, but that utility companies also strike city lines.

"It's an ongoing issue because we're working underground, and things are not always clearly marked," Hoyle said. "We have claims against them, and they have claims against us."

In the event of an accident, the city does not usually take action against specific employees, Hoyle said. Instead, it is normally a procedure or policy that goes under review when mistakes happen.

"It's usually not an issue of someone's misconduct, where someone screws something up; it's just that things are not clearly marked or posted about where they're located," Hoyle said. "I'm sure [repeated individual misconduct] happens sometimes, but we're constantly working with the departments on these types of issues."

When there does appear to be a problem, Hoyle said the department will be contacted and address whatever is wrong.

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Phone: 312.726.2811

Cell: 312.494.1969

Email: shepherd@shepherdlaw.com

55 West Monroe Street, Suite 3330
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