

# JOHN WOMICK

## Equalizing the Odds for the Injured

by Wendy L. Werner

John Womick is in possession of a dry wit and a self-deprecating manner. In easy conversation he laughs and makes others laugh as well. Although he claims to have a well-developed ego—and that he needs one to try cases—in fact, he leads with modesty.

At a deeper level, he is possessed with a great passion for his work, and a deep commitment to long-held ideas of justice. “The important thing about what we do is that we help people who can’t get help without us. We can help equalize the odds” he says.

Womick, of **Womick Law Firm, Chtd.**, has no hesitancy or second thoughts about his career choice. “I truly decided at the age of nine that I wanted to be a lawyer.”

There was a combination of factors that contributed to his decision. “My dad was in the trucking business and he always spoke very highly of his attorney. As a child I was an amateur historian and as I studied presidents, I learned that many of them were lawyers by training. And at an early age, despite the fact that there were no lawyers in my family, people often told me that I would end up practicing law.

“Besides that,” he says chuckling, “I don’t have any math or science skills. I certainly did not turn down a scholarship to attend Harvard Medical School, so what else could I do?”

He attended the University of Illinois for both college and law school, studying history and political science in college. “Within my first semester, I had made the clear decision that I was going to attend law school so I wanted to make sure that I completed my bachelor’s degree in 3½ years. I had a clear direction and I simply didn’t want to waste any hours,” he says.

Initially, he found law school to be quite a challenge. “Much of my previous academics were easy in comparison, but I did come to enjoy it. I enjoyed and continue to enjoy the research, the writing, and reading of the law.”

The direction his career in the law would take was not at all clear to him when he graduated. “I had no idea what I would do when I graduated. I had no close contact with lawyers nor were any of my family members in the law. I clerked for a firm in Champaign while I was in school, and took many business and

tax courses. It helped me decide it wasn’t my forte.”

In law school, he was influenced by the now-deceased Judge Prentice H. Marshall who served in the federal district court. Known later as a pro bono attorney for a large Chicago firm, he was also a renowned professor. “He taught trial advocacy and I became totally enamored of that class. Although he may not have known me as a student he had a significant impact on my interests. I knew I wanted to get into the courtroom.”

role there was both a tremendous variety of practice and the opportunity to deal with constitutional issues.”

It also offered significant professional opportunity. “I argued a case in the Supreme Court against one of my law school professors when I was 27.”

He stayed in the position for seven years. His trial experience left him wanting more time in the courtroom, so he started his own firm. “I have always had much more courage than sense,” he says, laughing. “I had some



There are of course, many lawyers who dread the prospect of going to court. Not Womick. “I like the competitiveness of being in the courtroom. I ran track in college at the University of Illinois and although I didn’t win frequently, I enjoyed the competition.”

After a short stint in private practice in his home town of Anna, Illinois, Womick became the city attorney in Carbondale.

In 1970, Illinois adopted a new constitution providing for home rule, which allowed cities greater control over their own affairs. As city attorney, Womick found himself on the front lines of the legal questions that arose as a result of the new law.

“I took a number of cases to the appellate and state Supreme Court,” he recalls. “I was in the position of being able to make law. In this

notoriety because of my work with the city, and I had lots of trial experience. I had a sense of confidence that I could make it work.”

### Representing the Little Guy

The results have been more than he could have imagined. “It was much more than I expected it to be, and so very interesting. As a plaintiff’s lawyer you work with people that have no money, no voice, and really no choice except for what you can potentially do for them. I wanted to equalize the chances that plaintiffs would have in court. I wanted to represent people who had never been in a lawyer’s office before.”

Womick notes that as a plaintiff’s lawyer, he serves a wide variety of individuals, rather than the small group of institutional clients that his

opponents represent. “I like the fact that I am not beholden to anyone in my practice,” he says.

The firm, with three other attorneys and a large support staff, practices in worker’s compensation, personal injury, and medical malpractice law. Increasingly Womick has been representing physicians in these medical malpractice cases. “I am getting more doctors as clients who have issues with insurance companies and hospitals,” he says.

Womick, too, has issues with insurance companies. “They are running ads that talk about accidents being caused to make money through fraud. If you say it loud enough and long enough it will have an impact on how people see cases, and it will eventually influence people who will be on your juries.

“Insurance companies have also been more involved in politics and spending to influence judicial elections. Their pockets are always deeper than those of the plaintiff’s bar. It makes the plaintiff lawyer’s job harder to help people understand what is going on for the injured party. It makes it more challenging to overcome the media onslaught about fraudulent cases,” he says.

Statutory changes in the name of tort reform have also affected clients, such as construction employees. “There was a law passed that revoked certain safety regulations for these employees that has resulted in injuries and death,” he explains. “If the law had not been changed, these employees would not have received these injuries because safety precautions would have been taken.”

Womick recognizes the difficulty his clients have in even beginning to find answers. “Consumers choose lawyers, which is a difficult decision because they do not know what they are getting, or what to look for in a lawyer to determine if they are good or not. My business is mainly word of mouth. Because we try cases we are visible.”

## A Humbling Experience

Womick has good reason to call himself a trial lawyer. He may try up to 12 cases a year, and although the average is usually closer to six, that’s more than many of his peers. “I try to get into the courtroom as often as I can. I

like to stay sharp, though of course it is up to my client to decide whether or not we are going to trial.”

And even though Womick enjoys the trial atmosphere, he admits that he still cannot predict how a jury will decide any given issue.

“I had a case,” he recalls, “where we were offered, at the end of the case prior to deliberation, what we had asked for before trial. I didn’t want to take it. But it isn’t my decision—it’s the client’s decision and they decided against my objections to accept the offer.”

After the settlement, Womick approached the jury foreman and asked him what he would have done. “You’re nothing but a crook,” the foreman said, “I wouldn’t have given you a damn dime.”

“It was a powerful lesson,” Womick says.

He still finds the trial process humbling. “I am amazed every day that I try cases just how difficult it is and how much I don’t know. I attend seminars, I keep up with the case law, and I learn about medicine.

“The chemistry of the personalities in the courtroom is always changing. You aren’t going to know the people who are impacting your case and you can’t learn about them in the time permitting,” he says.

Womick’s office is in downstate Herrin, Illinois, with a second in nearby Carbondale and a third office in the St. Louis suburb of Fairview Heights. He recognizes some of the differences—and benefits—of working in a smaller community. “You know the people that you are practicing with and lawyers here give their word and keep their word. I am not saying they don’t do it elsewhere, but there is more respect because we will see each other again. The youngest lawyer in St. Louis will think he knows more than I do because of where he practices. It’s a mistake. The good lawyers in St. Louis are very good lawyers, but they would be good lawyers everywhere.

“I like this community and the people. They are good, solid, and honest. I thought I would be a small town general practice lawyer and didn’t anticipate what I am doing now. I realized that is almost impossible to be a small town general practice lawyer and I truly enjoy trying lawsuits.

“I do believe that the judiciary has improved. The judges on the bench are now more broadly educated and they do well. I am not saying that judges were not competent in the past, just that they are more competent now. But the foundation we must always return to is life and liberty, and that all men are created equal. It is the basis of what we do. It isn’t based on fact alone—and emotion is a significant part of it.”

Although Womick acknowledges that technology has made some changes in the practice of law, he believes that the basis of the practice remains what it has always been. “The bottom line is the lawyer in front of the jury,” he says. “When I am in Springfield, I frequently go to Lincoln’s office. He was eloquent without a copy machine. Right or wrong, justice or injustice—these notions have not changed.”

When asked about the origins of his own commitment to justice, his response is quick. “Family. My dad had a great sense of right and wrong. And my wife. She is a good person who has straight and clear values. She is a clear thinker, and she has been a tremendous positive influence on me and my practice.”

Womick practices with his daughter and his two sons-in-law. “My daughter met her husband while she was in college and my older daughter’s husband also joined us. It wasn’t planned, although I had always assumed my youngest daughter would become an attorney—we have some similarities.”

His other two children have different callings. “My son is a chef in St. Louis where he is the director of education at L’Ecole Culinaire. My daughter is a school teacher and working on a doctorate in education. Each of them has two children, so I am a grandparent of six ranging in age from seventeen to five months and my wife and I spend a lot of our discretionary time with our family. We also play some tennis and enjoy travel.”

But there is no talk of retirement or cutting back. “I have no intent or desire to retire or slow down. I enjoy what I am doing too much. I still get nervous before I try a case. I am less so than I once was, but it is important to have that edge. If you’re not nervous you should get out.”

John Womick is staying in. ■