

# MICHAEL COGAN

## Calm in the Midst of Chaos

by Pat Milhizer

For most teenagers, a part-time job doesn't include helping victims of gun shots, stabbings, heart attacks, and car accidents.

Needless to say, Michael Cogan grew up a little faster than most by working in the admittance department of Michael Reese Hospital.

"To see somebody at 17 brought into the emergency department, all but eviscerated, was obviously something that most 17-year-olds fortunately never get a chance to see," Cogan says.

"But after a while, like anything else, you get used to it. And I did. And I realized that most

three growing up in Skokie. It started with his father Sheldon, a professor of medicine at the University of Chicago.

"He played a major role in my upbringing and decision to do what I do," Cogan says.

At Michael Reese Hospital, Cogan worked with doctors and emergency department staff members.

He wanted to follow his father's footsteps into medicine, but it wasn't a realistic goal. He had to drop a chemistry class in high school. And he barely passed biology.

"My strengths were in business; I understood that I had my limitations," Cogan says.

taught classes to staff members on how to take preventative and reactionary steps to try to avoid medical negligence actions.

"I sort of fell in love with medicine. Again, I never quite grasped it the way I hoped I would," Cogan says. "But I sat (as legal counsel to) the board of directors—got to see how a hospital works and how a hospital doesn't work."

After nearly two years in that role, Cogan had heard stories from nurses about medical malpractice complaints that had affected their relatives. They asked Cogan to handle their cases, but as a general counsel for a hospital, he couldn't.



often in those types of cases, I'd be dealing with the family members."

"I think that time in my life was the first time that I played a role in trying to bring calm in the midst of chaos," Cogan says. "And frankly, that's what we do here."

"Here" is **Cogan & McNabola P.C.**, where Cogan is a partner who primarily represents plaintiffs in medical malpractice lawsuits.

Along with the hospital job, Cogan developed an attraction to medicine as the middle child of

After graduating from the University of Illinois in 1978, Cogan attended The John Marshall Law School.

The connections he made at Michael Reese Hospital paid off when he earned a law degree in 1981.

### Starting in Defense

The hospital hired him as an associate general counsel to defend the staff members against medical malpractice claims. He also

So he referred the cases to a few lawyers who had left the prominent personal injury firm of Corboy & Demetrio P.C. to open their own firm. In 1984, the partners at the newly-formed firm wanted Cogan to work for them.

Cogan accepted the offer and moved to the plaintiff's side of the courtroom. It wasn't like he hadn't previously thought about make this sort of switch.

"Every young lawyer who likes to be heard and likes to think on his feet, thinks about

being a trial attorney,” Cogan says.

For nine years at the firm, Cogan represented plaintiffs in medical malpractice cases. He also met Mark McNabola, a personal-injury attorney.

Cogan and McNabola opened their own firm in April 1992, which also happened to be the day of the massive flood in the Loop. The two lawyers had 180 cases that they took with them from the former firm.

“We hit the ground running,” Cogan says. “We started with cases that were about to settle, that were going to trial, that were far enough along the path where we really never had those hungry times.”

In his 19 years at Cogan & McNabola, Cogan has secured scores of settlements and verdicts for clients.

“As time passes, if one choose to stay in this very stressful business that we’re in, one needs to learn how to be calm in the face of a great storm,” Cogan says. “And one needs to learn patience.”

It also helps when one learns how to recruit talent.

John Power was a defense lawyer for 13 years when he switched sides and joined Cogan & McNabola.

“It’s been a great decision for me,” says Power, a partner at the firm.

Though he has his own caseload to manage, Power has worked with Cogan on medical malpractice cases that have included a child who died after two weeks and a young woman who suffered severe abdominal problems after surgery.

“In both cases, you could see the passion he has,” Power says. “When we try cases together, I don’t think there’s anybody better. He’s incredibly articulate.”

“When he steps out and starts questioning people, he commands and gets the attention that I think is fitting because he looks and feels comfortable in court. He delivers.”

Away from the courtroom, Cogan is a “pretty relaxed guy,” Power says. “But when he’s fired up and ready to go, he’s pretty darned focused and it shows in his passion and in his results.”

Cogan has also gained respect from his trial opponents.

“My feeling with him is he can cut through all the crap and go for the jugular, and I think he does a very good job doing that,” says Dick Donohue, a defense attorney at Donohue, Brown, Mathewson & Smyth LLC.

Donohue has had at least a dozen cases against Cogan that have either reached a verdict or settlement.

“Mike is extremely smart, in particular, in the medical area. I think he’s very well-focused on the weak issues for the defendants in their cases, and I think he does a hell of a

good job of directing his attack appropriately,” Donahue says.

## Doing a Greater Good

About 10 years ago, Cogan represented a couple from a small town in Nebraska.

The husband, Terry Graves, came to a Chicago hospital for a cervical fusion to keep his spinal cord intact.

Graves’ head was held in place by a half moon-shaped device that was supposed to help rotate the spine.

“Nobody used this head holder before, and nobody should have because they didn’t know how to work it,” Cogan says.

While trying to rotate Graves’ spine two millimeters, the hospital staff accidentally went too far and tore the spine. The staff immediately knew that Graves was likely to be rendered a ventilated quadriplegic.

After Graves was transferred to a facility near his home in Nebraska, Cogan visited about every six weeks.

“I wasn’t practicing law per se during those visits. I was keeping Terry company,” Cogan says. “Terry’s greatest concern was that he was going to die, which he ultimately did, and that his wife would be alone. And he was scared to death.”

“He wasn’t scared for himself but was scared for his wife and scared for his family. So I was out there to do what I could do.”

Three months after Graves died, the case settled for \$11.4 million.

In 2000, Cogan represented Jeanine Carmody, who died after doctors prescribed extra-strength Vicodin after she underwent a routine bunion surgery.

After two days of taking the drug, she digressed into liver failure. The doctors—and many medical professionals who Cogan talked to—didn’t realize that the drug contained 750 milligrams of acetaminophen.

“It’s got too much Tylenol,” Cogan says. “That much Tylenol doesn’t do you any good.”

Carmody died, and Cogan represented her husband Bob. The case settled for \$3 million.

“My mission, and Mike knew it going in, wasn’t the money,” Bob Carmody says. “My mission was to change the way things happen. The mistakes that were made by the factors in our situation were mistakes that didn’t have to be made.”

After hiring Cogan, Carmody realized that he had more than just legal representation. Cogan was more than an advocate; he became a friend.

“He was 100 percent concerned about me and my family,” Carmody says. “He was just a really caring thoughtful guy. We were going through this terrible nightmare.”

The two aforementioned cases had an impact. Hospitals stopped using the head

brace mechanism, and physicians ceased to prescribe extra-strength Vicodin.

“We hope a lot of what we do is for the greater good: greater than just finding remedy for a family. That’s important, but we hope sometimes in some cases, we do a greater good,” Cogan says.

His colleagues have noticed.

“As a person, he’s incredibly caring. We make a lot of tough decisions in med-mal cases because the odds are stacked against us and the doctors get the benefit of the doubt,” Power says.

“When he sees that something is just wrong—it shouldn’t have happened and you know it, he digs and finds the little things that are buried deep that I think are meant to be hidden. And he uncovers it. So he really fights hard for people that have horrible outcomes that when it’s just, that justice is done.”

“In our business, it’s not just medicine, it’s about people. He helps the people that truly need help. It just speaks volumes to Michael as a friend and a man. It’s not just a job or a passion; it’s a commitment to changing their life,” Power says.

## A New Start Every Day

Cogan also enjoys working with the clients and the relationships that develop.

“The fact that literally dozens of my former clients call me, e-mail me, invite me to stuff—that makes me feel really good. It’s the reason why it’s not only a privilege but still a pleasure to get up for work every day,” Cogan says.

Cogan, 55, is a married father of three children including a recent college graduate, a college student, and a high school student.

He’s not the only lawyer in the family. His older brother, Brian, is a federal judge in the Eastern District of New York.

Back when his brother was a lawyer, Cogan visited the Manhattan firm. There, he met Deborah, another associate at the firm.

“I literally bumped into her,” Cogan says. “We went out the following night, and we were engaged the following weekend.”

The Cogans have been together for 25 years. Cogan has no plans to slow down his law practice.

“My wife,” Cogan says, “she asked me, ‘How do you wake up with a smile on your face doing the same thing you’ve been doing for 30 years?’”

“Well, I meet probably three to five new potential clients every week and everyone has a story.”

“And after 30 years, I haven’t heard the same story twice. I haven’t met the same personality type twice.”

“So,” Cogan says, “it’s like starting over every day.” ■