

## MIKE MONICO

### Getting 'Great Satisfaction' from Defending White-Collar Clients

by John Flynn Rooney

Michael D. Monico, a highly-respected criminal defense lawyer, says every new case presents a learning opportunity.

Monico, of **Monico & Spevack**, has represented politicians, businessmen, and employees of corporations under criminal investigation. Monico's current clients include several BP employees under investigation by the federal government as part of the BP oil spill in the Gulf of Mexico.

"Every time I open a new case, I have to learn about a new business, I have to learn about a new industry," says Monico. "So, it's a fascinating job."

Regarding the BP oil spill case, Monico says, "It seems clear from all the evidence that this was a terrible accident. But it shouldn't be a criminal case."

Monico represents individuals in civil, criminal or regulatory investigations.

"The people who come to see me are normally facing the most difficult time in their life. They are facing federal criminal indictments. None of them have ever been in trouble before."

Monico's clients include defendants facing

criminal charges or civil actions involving allegations of public corruption, white-collar offenses, antitrust violations or Medicare or securities fraud.

He's proud of the firm's work when clients wind up not facing charges.

"So, if we're successful in either avoiding an indictment or winning a trial, it brings periods of great satisfaction from helping individuals out of their difficulties," he says.

"A lot of our work is done trying to avoid a trial, trying to avoid a charge or trying to avoid a forfeiture of funds received. We've been lucky in that regard."

Monico won acquittals in three different criminal antitrust prosecutions in Chicago, Peoria, and Kansas City. He recalls a recent antitrust case in Detroit where, due to a plea agreement, the client, a Japanese citizen, will spend less than a year in prison and remain in the United States rather than face deportation.

Partner Barry A. Spevack says that Monico "for a long time has been one of the most highly regarded white-collar criminal defense attorneys in Chicago. He also has acquired a national

reputation trying cases and being involved in investigations throughout the United States."

The firm also takes on international cases; on a recent work day, Spevack worked on cases involving China, Japan, and the Middle East.

"I think this is a result of the government's increased focus on foreign corrupt practices, antitrust involving foreign corporations and import, export violations," he says.

As for why the firm receives international cases, Spevack says, "I think it's because of (Monico's) national reputation."

Monico represents clients doggedly, says Mark R. Filip, a Kirkland & Ellis LLP partner, also involved in the BP case.

"He's also got a lot of compassion, which is very important when dealing with clients," Filip says.

#### 'I Assumed I Would Be a Lawyer'

Monico, 64, grew up on Chicago's southeast side, as the older of Don and Lucy Monico's two sons. His father, who died in 1999, worked for the Veteran's Administration handling human resources and personnel matters in Chicago.





Tricia Monico, Brian Monico, Barbara Conn, Roe Conn, and Monico at the Lawyers Lend A Hand Youth Spring Awards Dinner, which Monico co-chaired. Conn, a close friend of Monico's, is one king of afternoon drive radio on WLS AM 890 with Richard Roeper from 2–6 p.m. weekdays. Monico is a regular guest on the show and sometimes fills in for Roeper.

Until Monico turned 10, the family lived in south Chicago. They then moved to the far southeast side to a home where Lucy Monico, a retired bank secretary, continues to live.

Don Monico lost his left arm while serving in World War II, and the family's annual summer vacation took them to the national meetings of the Disabled Americans Veterans, including car trips to Miami, Arizona and California. Don Monico acted as a public speaker for various veterans groups and once received an award from President Richard Nixon for promoting the hiring of the disabled.

Monico attended Annunciata School for his elementary education. His father encouraged him to attend St. Ignatius College Preparatory High School, and he became the first Annunciata School graduate to attend St. Ignatius. His father drove him to and from school every day.

Monico graduated from St. Ignatius in 1965. He enrolled at Georgetown University and received his undergraduate degree from there in 1969.

According to family legend, Don Monico announced at his older son's first birthday party that Michael would become a lawyer.

"Ever since I was a little boy, my dad always talked about me being a lawyer," Monico says. "So, I just assumed I was going to be a lawyer."

He attended Northwestern University School of Law and received his juris doctorate from there in 1973. He became a member of the Illinois bar on April 24, 1973.

While attending law school, Monico participated and did well in moot court competitions.

In a semi final moot court competition, James R. Thompson served as one of the judges. At that time, Thompson headed the U.S. attorney's office in Chicago. Thompson suggested that Monico apply to become a federal prosecutor.

Monico began work as an assistant U.S. attorney in Chicago during 1973. At that time, lawyers including Dan K. Webb, Anton R. Valukas and James S. Montana Jr., worked in the office.

"It was a terrific time to really learn the right way to try a lawsuit," Monico recalls.

Monico handled numerous fraud cases and worked on the appellate team in the case involving former Otto Kerner Jr., a former Illinois governor convicted on charges that included bribery, conspiracy, and perjury. He also prosecuted defendants accused of other crimes, including airplane hijacking and theft from interstate shipments.

"I just thought it would be a great thing" to open his own practice, Monico says.

He started out representing criminal defendants in Chicago as a sole practitioner. But shortly thereafter, Monico began representing clients in New York and other jurisdictions. In the late 1970s, Spevack joined Monico's practice. Several years later, Robert J. Pavich joined the law firm and it became known as Monico, Pavich & Spevack.

In late 2010, the Monico, Pavich & Spevack firm split amicably into two small law firms. The Pavich Law Group concentrates on civil litigation, including personal-injury and medical malpractice matters.

One of Monico's first cases as a defense lawyer involved a client convicted of selling secrets to the Russian government.

In another case in 1978, Monico represented a Croatian national, who along with another man, both armed with machine guns and other weapons, seized the West German Consulate on Michigan Avenue in Chicago. The men demanded to free another Croatian national who got arrested in West Germany.

"We did a good job of convincing the jury that these fellows did not intend to harm anyone and that they had a real interest in



Monico's family at Christmas 2011 (back row, from left): Son Dan; son-in-law Rohan Ward; son-in-law Kris Langager; and son Brian; (front row from left): daughter Tina; grandson Myles; wife, Tricia; Monico; grandson Maddox Ward; daughter Vanessa Ward; and daughter-in-law Rachel Kiley holding grandson Jackson.

**'Brilliant and Resourceful'**

But after working for four years as a federal prosecutor, Monico decided he wanted to hang out his own shingle as a criminal defense lawyer in 1977.

"Since I graduated from law school in 1972, I've had two jobs," he says.

Monico said he considered George J. Cotsirilos, a renowned criminal defense lawyer now deceased, an important role model. William J. Martin and Warren D. Wolfson, both criminal defense lawyers at that time, also impressed him.

getting this fellow out of jail," he says.

The jury acquitted the defendants on all major counts in the indictment. And that case resulted in Monico representing another Croatian man from Chicago at a trial in New York.

That case consisted of 10 Croatian men accused of soliciting money from Croatian businessmen to fight against Joseph Broz Tito, the president of Yugoslavia. Evidence against Monico's client included videotape of the client buying guns and dynamite, he says. Monico's client and three other defendants got acquitted

in the case.

Ira London, a New York City lawyer, also represented a defendant in the case involving the Croatian men.

Monico “is brilliant and resourceful,” London says. “He’s creative in his approach to framing the issues for the jury.”

In the Croatians case, “he made an otherwise unlikeable client palatable to the jury and got an acquittal against all odds,” he says.

Monico possesses a great sense of humor that is on display in the courtroom, London says. “He’s always been able to use humor as a weapon and uses it successfully and appropriately.”

During the trial of the Croatian defendants, prosecutors introduced three shopping carts of weapons as evidence against Monico’s client, London says.

Monico “saw the carts filled with weaponry, looked at the jury and said, ‘You call this evidence?’” he says. “The jury loved it. The prosecutor didn’t.”

### Tough Cases

Cases involving multiple defendants prove difficult, Monico says. For example, in the 1990s, Monico represented a defendant in a three-month trial in which a jury convicted 10 Chicago Board of Trade soybean traders on fraud charges and eight of the 10 on racketeering charges. The 7th U.S. Circuit Court of Appeals upheld the convictions.

“You have one of a number of clients, and it’s very difficult to separate your client from the other clients,” he says.

As his career advances, “the bigger the cases, the fewer the trials because there’s so much at stake, because corporations want certainty and because individuals want certainty,” he says.

Monico represented the only lawyer acquitted in the Operation Greylord undercover investigation that targeted corrupt judges and lawyers.

Among other clients Monico defended are politicians, including former aldermen Edward R. Vrdolyak and Jesse Evans.

Monico’s father provided such a regular presence in the courtroom that he got described in a *Chicago Sun-Times* article as his son’s personal court buff. “He came to all my trials. He loved going to see me try cases.”

It was Monico’s father who introduced him to Vrdolyak as alderman and committeeman of Chicago’s 10th Ward.

In 2007, Vrdolyak, then a lawyer, got indicted on federal fraud and bankruptcy charges related to a \$1.5 million real estate kickback scheme involving a local medical school. Vrdolyak subsequently pleaded guilty to conspiracy to commit mail and wire fraud.

U.S. District Judge Milton I. Shadur sentenced

Vrdolyak to five years’ probation, fined him \$50,000, and ordered him to perform 2,500 hours of community service.

In early 2010, a 7th U.S. Circuit Court of Appeals panel issued a 2-1 decision ordering that Vrdolyak be resentenced before a different judge other than Shadur.

In October 2010, U.S. District Judge Matthew F. Kennelly sentenced Vrdolyak to 10 months in prison.

Vrdolyak, now disbarred by the Illinois Supreme Court, finished serving his sentence in April.

Monico said he took great pride in representing Vrdolyak.

“I thought we did a good job,” he says.



Monico with his wife, Tricia, at the Paul McCartney Concert at Wrigley Field.

### Focusing on the Set-up, Not the Punchline

When asked about how he handles clients who receive prison sentences, Monico says, “You try to get people prepared for it. You try to make sure they understand the options.”

Monico mentioned that a 2005 U.S. Supreme Court case, *United States v. Booker*, that helped defense lawyers at sentencing hearings. In *Booker*, the high court ruled that the U.S. Sentencing Guidelines are advisory rather than mandatory.

“Thank God for the *Booker* case, which allows us to do a great deal of lawyering at sentencing,” Monico says. “It’s no longer a straight mathematical formula under the sentencing guidelines. Now, you’re able to make arguments about loss (and) about the quality of a person’s life.”

The worst part of his job involved representing businessman Christopher Kelly, who worked as the chief fund-raiser for former Illinois Gov. Rod R. Blagojevich. The U.S. attorney’s office in Chicago indicted Kelly three separate times on corruption-related and income tax charges.

“It put him at great risk,” Monico says. “The government really wanted him to cooperate.”

In 2010, following Kelly’s guilty plea to two counts of mail fraud for his involvement in an illegal scheme that resulted in him getting \$8.5 million in contracts at O’Hare International Airport, Kelly took his own life. Kelly is the only one of Monico’s clients who committed suicide, he says.

“This shows you the stress that these cases take on people’s lives,” Monico says. “People don’t understand it; people don’t appreciate it, unless they’ve been involved.”

In 2004, Monico represented a client in charge of sales for TAP Pharmaceuticals Inc., which paid the U.S. government nearly \$850 million, including a record \$290 million criminal fine, to settle a major Medicaid and Medicare fraud case in Boston.

Chicago lawyer Royal B. Martin represented another defendant in the TAP Pharmaceuticals case. All 10 defendants in the case got acquitted. Monico possesses extraordinary trial skills, he says.

“He’s very thoughtful. He’s very careful and meticulous to his approach in a case,” says Martin, a partner with Martin, Brown, Sullivan, Roadman & Hartnett Ltd. “His oral argument skills and (ability of) arguing to a jury are clearly at the very top.”

“I think the single greatest quality that (Monico) has is his cross-examination skills.”

Martin pointed to the TAP Pharmaceuticals case as an example. Monico “cross-examined an FBI agent who, by the end of the cross, would basically agree with anything Mike suggested to him. It was masterful.”

In the book, *Your Witness: Lessons on Cross-Examination and Life from Great Chicago Trial Lawyers*, Monico writes about cross-examination. “My first series of questions is always the setup—the setup is always more important than the punch line.”

Monico writes about the trial involving the Croatian defendants and other cases.

"In each of these cases, these little things—that seemingly had nothing to do with the main issue in the case—played a major role in turning the tide in favor of my client," he writes.

Valukas, a Jenner & Block LLP partner, calls Monico a spectacular trial lawyer.

Monico "is different than most in that Mike is equally adept in civil and criminal cases," Valukas says. "You could send him a securities case, a personal-injury or a criminal case and be confident that you're sending it to a person who is an expert in those areas."

Valukas also calls Monico personable, "without question, one of the most genuinely liked individuals in the practice of law that I've seen over the last several decades. When something good happens, you'll receive a phone call of congratulations. If there's some problem, he would be the first to call and offer assistance."

Spevack says Monico possesses "a very outgoing personality. He likes meeting people and he likes talking to different people."

When asked about his presence in public and his graciousness, Monico says, "That's one of the things you need in this business both as a trial lawyer dealing with juries and when dealing with potential clients.

"I do think it's something you have to cultivate both as a trial lawyer dealing with juries and in terms of dealing with potential clients because every day you have to sell yourself to a client or a potential client. I try to be engaging when I'm talking to someone and fully engaged in the conversation," he says.

When it comes to picking juries, Monico relies now more on jury research and mock trials than during earlier in his career. But "you still have to rely on your gut instincts," he says. "It's always a shot in the dark to pick a jury."

Monico also handles pro bono matters. Among clients Monico represented without charging is Father Michael Pflieger, pastor of St. Sabina Parish on Chicago's South Side.

Monico successfully defended Pflieger when the priest got charged with defacing inner city billboards advertising alcohol and tobacco products. Pflieger became a friend and baptized Monico's grandchildren.

### On the Pulse of Modern Culture

Monico regularly comments on radio and television about legal issues of the day. He's a frequent guest on the Roe & Roepel Show on WLS AM featuring Roe Conn and Richard Roepel.

"It's fun to sort of banter with them about the various cases of the day," Monico says.

Monico also appears on WTTW11's *Chicago Tonight* program occasionally.

"I think it's important to help people understand concepts of reasonable doubt and concepts of legal issues that pertain to criminal

cases," he says. "I think I'm good at explaining those concepts."

Contributing to the radio program, keeps Monico in contact with the younger generation. "As a trial lawyer, I like to say you have to keep your finger on the pulse of modern culture," he says.

But Monico avoids most social media outlets such as Facebook, which he joined briefly before removing his profile.

"If you're on trial, you cannot have that kind of exposure that Facebook requires," he says. "As a trial lawyer, you don't want juries to learn about you and investigate you and find out what other cases you represented someone in. "It just strikes me as risky."

Monico & Spevack also consists of associates

*Practice: A Seventh Circuit Handbook.*

And he remains in demand as a speaker at various events, including as a roaster at birthday celebrations for friends. Monico filled that role at Royal Martin's 50th birthday party.

"If you've ever seen Mike roast someone, you would never forget it," Martin recalls.

Monico "completely tattooed me," Martin says of the birthday party roast. Monico's jokes and barbs "were done in a hilarious fashion without going overboard."

Monico doesn't see himself slowing down or retiring. "I enjoy doing what I do as much as ever."

He and his wife of 39 years, Tricia Tevington Monico, met while they both attended college in Washington, D.C. They have four children and are the proud grandparents of three.



Monico with sons Dan and Brian.

Jacqueline S. Jacobson and Theodore R. Eppel. When the firm's lawyers are on trial in case, they work 18 to 20 hours a day, Monico says. The same is true if the lawyers are on the road for a case

But it's different when the lawyers are not on trial, he says.

"We don't have the same mindset that a lot of the big firms have where people are working 20 hours a day," he says. "If we're not on trial, we're not putting that many hours in."

Monico has racked up numerous honors and awards during his career. He is a past president of the 7th Circuit Bar Association and the American Board of Criminal Lawyers.

In 2008, he received the Lifetime Achievement Award from the Illinois Association of Criminal Defense Lawyers. He was elected as a member of the American College of Trial Lawyers and International Academy of Trial Lawyers.

With Spevack, he wrote *Federal Criminal*

"I cannot say that there is anything I enjoy doing more than hanging around with my grandchildren," he says.

Vanessa Monico Ward heads the human resources department for Golub Capital. She and her husband, Rohan Ward, have two children.

Christina Monico, a nurse at Northwestern Memorial Hospital, is married to Kris Langager; they expect their first child in early June.

The Monicos' sons are following their father's path. Brian T. Monico is a litigator with Burke, Wise, Morrissey & Kaveny. His wife, Rachel Kiley Monico, is with Bollinger, Ruberry & Kraus. They have one child.

Dan Monico graduated in May from the University of Chicago Law School and continues preparing for the Illinois bar exam. He expects to begin working at Kirkland & Ellis LLP in the fall.

Monico and his wife watch their son Brian "try cases, like my father came to watch me try cases. It's really quite remarkable." ■