

# MIKE REAGAN

## Small Town Life, Big Appellate Practice

by Barbara Long

It was not until his first week of law school that Michael T. Reagan knew he wanted to be an attorney.

Having earned a degree in Mechanical Engineering degree from Purdue University, Reagan's "half-baked" (his words) plan was to go to law school, obtain a business degree immediately thereafter, and then become a self-sufficient entrepreneur.

It would be an understatement to say that plans changed.

Reagan, a partner at **Herbolsheimer Lannon Henson Duncan & Reagan**, reconsidered his original plan while sitting on a bench outside of the Court of Military Appeals in Washington D.C. Having "just spent four years working hard for the engineering degree which I wasn't going to immediately put to use, and contemplating three more years of hard work for another such unused degree" he decided, there and

he argued a motion to dismiss a libel case in court.

While Reagan's practice has always been based in Ottawa, he has participated in appeals in every district of the Illinois Appellate Court, the Illinois Supreme Court, and the federal 7th Circuit Court of Appeals. On average he travels to Chicago once per week. During his visits he enjoys partaking in all that Chicago has to offer—particularly its cuisine, which he concedes is far better than that in Ottawa. While Ottawa is near Ronald Reagan's old stomping grounds, Mike Reagan concedes he's not related to the 40th President.

### "Last of the Generalists"

Early in his career, Reagan focused on trials, but gradually found himself arguing motions in the trial court and then defending those motions on appeal. He explains, "I've

cases present, and agrees with the adage that "if you aren't nervous you aren't thinking hard enough." He also enjoys the fact that appeals deal with "pure law," and that while he has the burden of dealing with the record, he does not have the burden of spending two to four years putting the facts together.

Although Reagan is predominantly involved in plaintiff work, he says "I want to be right on the issues, and the issues are party-neutral." He feels very fortunate to have such great clients with such wonderful cases, and that he gets to deal with issues he likes and that are on the "right side." He says that he would not go to the appellate court "with a position that I know is wrong" and would decline to take a case if he believed it was not meritorious.

Reagan points to the legal adage "the first thing is to know the law" with approval. "It is really the basis of the work," he says. "The courts don't have a basis for trusting you unless you carry out this responsibility."

Reagan also agrees with the notion that appellate lawyers are the last of the generalists, enjoying a wide-range of issues within the narrow specialty of appellate practice. A survey of his recent cases reveals just how wide-ranging and interesting the cases have been. Reagan has successfully appealed cases concerning workers compensation, the Illinois Dramshop Act, tort responsibility, products liability, punitive damages, and equitable estoppel.

Reagan has also argued and won many cases that were pivotal to the development of jurisprudence in Illinois. In 2007, for example, his clients prevailed in two (unrelated) cases in the Illinois Supreme Court. In *Murray v. Chicago Youth Center*, the Court unanimously reversed, on rehearing, a prior adverse result in the Supreme Court. In *Calles v. Scripto-Tokai*, the Court changed an aspect of product liability law.

In addition to his practice, Reagan is an active member of the Illinois Appellate Lawyers Association, for which he served as president from 1995–1996. He is also a member of the Illinois Association of Defense Trial Counsel and Illinois Trial Lawyers Association. In 2003, he was named a Fellow of the American Academy of Appellate Lawyers.

He has lectured and prepared numerous written submissions for state and local bar organizations and other legal organizations. He has also authored or co-authored numerous articles, and lectured extensively. Recently, he co-authored a chapter within *Commercial and Professional Liability Insurance* for the Illinois Institute of Continuing Legal Education.

### Non-Legal Waters

Given the breadth of his practice, bar association involvement, and his writings and lectures, it is somewhat surprising that Reagan has time left over to pursue his favorite hobby: sailing. From big boats to small boats, Reagan loves it all. From the thinking about what the wind is doing and will do, to the decisions regarding the right of way, to the proper shaping of sails, Reagan says that "sailing is the only thing in which I don't think about the law." Reagan also particularly enjoys the crew work aspect of the sport. Last summer, he participated for the first time in the Chicago to Mackinac Sailboat race, one of the largest fresh-water races in the world.

Not surprisingly, Reagan's favorite author is Patrick O'Brien, author of the *Aubrey-Maturin* series, from which the 2003 film *Master and Commander* is based. Set during the Napoleonic Wars, the series is comprised of 21 books which, taken as a whole, contribute to one long story. Reagan has read all of them at least twice, some as many as four or five times. He says that "the writing is exquisite; it has spoiled me," and particularly enjoys the way in which the books address the relationships of people on the crew, and finds the "courtesy in which they treat each other in even violent situations" remarkable.

He also believes that reading O'Brien, like reading any good writing has a "halo effect" or carryover to his own writing. He does, however, somewhat jokingly admit that right after reading O'Brien, his writing can end up resembling that "of an elder statesman in 1809."

Reagan also enjoys directly legal-related reading and credits the book *Logic For Lawyers: A Guide to Clear Legal Thinking* as really jump-starting the second half of his legal career. Written by the Hon. Ruggero J. Aldisert, the text combines theoretical underpinnings and crafty, practical insight. It is not surprising, he says, that judges have admonished attorneys, on the record, to read this book. Reagan was pleased to contribute a section to the most recent edition of Judge Aldisert's *Winning on Appeal*.

Given Reagan's impressive appellate practice, the question becomes: might we someday see him on the appellate bench?

Reagan says—in his characteristically reasonable and sober tone—that "anybody who spends a significant amount of time in appellate court would think that being a member of a reviewing court would be a very challenging and rewarding existence, but the opportunity is not presenting itself at the moment." ■



then, to become a lawyer. "I went back into the classroom that afternoon, and haven't looked back."

After graduating from Georgetown University Law School, Reagan accepted an offer to practice in Ottawa, Illinois, a town of approximately 20,000, located 80 miles west of Chicago, where his parents and siblings lived at the time.

The attorney whose offer he accepted, Andrew J. O'Connor, followed through on his promise to get Reagan into the courtroom immediately—in fact, Reagan's swearing-in as an attorney happened on the same day

always felt that it was my responsibility as a lawyer to finish a case."

Although Reagan says that he "still thoroughly enjoys trial work," as a practical matter, most of what he does now are appeals, nearly all of which come to him by way of referrals from other attorneys. The advantages to hiring an appellate lawyer to argue the appeals are numerous. Indeed, Reagan has experienced first-hand the difficulty of transitioning between taking depositions all day and appearing in court, to then sitting down and writing an appeal.

He relishes the continuous challenge the