



Edward M. Kay

PARTNER

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Biography

Edward M. “Ed” Kay is a partner in the Appellate Practice Group, and has practiced at Clausen Miller for over 30 years.

Ed is a nationally recognized post-trial and appellate attorney who has prosecuted over 500 appeals throughout the United States at all state and federal appellate court levels. Ed is routinely retained as appellate counsel following the bad verdict to either rehabilitate the case via appeal or leverage out a favorable defense settlement. Some examples of Ed’s work: *Turner v. Williams*, 762 N.E.2d 70 (Ill. App. 2001) reversing and remanding for a new trial a \$5.8 million verdict; *Siler v. Montague Associates*, 652 N.Y.S.2d 315 (N.Y.A.D. 1997) reversing on liability and remanding for an apportionment of fault between negligent and intentional tortfeasors; *Williams v. Browning Ferris*, 93-L-4590 (Circuit Court of Cook County) plaintiff persuaded to settle \$6 million wrongful death verdict for \$3 million during post-trial briefing.

Ed acted as lead counsel in *Ready v. United/Goedecke Services, Inc.*, 238 Ill. 2d 582 (2010), which the *Chicago Daily Law Bulletin* described one of the most significant decisions because it confirmed the right of a non-settling defendant to point the finger at the so-called “empty chair” in cases involving multiple defendants.

Ed has also developed a “litigation triage” practice for clients facing difficult trials or plaintiffs making unreasonable policy limit demands. Ed’s skills at oral and written advocacy are used by clients to “soften up” plaintiffs prior to trial to make them more receptive to settlement on defense terms. Moreover, Ed’s work during all phases of a trial in preparing motions for a judgment as a matter of law, motions *in limine* and for directed verdict, and jury instructions are essential for laying the necessary groundwork for a successful appeal.

Ed is a fellow in the prestigious American Academy of Appellate Lawyers, founded in 1990 to advance the highest standards and practices of appellate advocacy and recognize outstanding appellate lawyers. Academy membership is restricted to a person who possesses a reputation of distinction as an appellate lawyer.

Ed is AV® Preeminent™ rated by Martindale-Hubbell. Ed's AV® rating of a 5.0/5.0 by his peers is a reflection of his expertise, experience, integrity and overall professional excellence.



Education

J.D. Northern Illinois University
College of Law, 1979

B.A. Loyola University, 1974

Bar Admissions

Illinois

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals, First, Second,
Third, Fifth, Sixth, Seventh, Eighth,
Ninth, Tenth and Eleventh Circuits

U.S. District Court, Northern District of
Illinois

Memberships

American Academy of Appellate
Lawyers

Illinois Appellate Lawyers Association

Illinois Association of Defense Trial
Counsel

Seventh Circuit Bar Association

Awards

Martindale Hubbell AV® rating

Super Lawyers® 2021

Best Lawyers in America Appellate
Practice, 2020

Chicago's Top Rated Lawyers, 2014

Matters of Note

Ready v. United/Goedecke Services, Inc.,
238 Ill. 2d 582 (2010) (tort litigation/sole proximate cause)

Ahmed v. Pickwick Place Owners' Ass'n and Vista Property Management, Inc.,
896 N.E.2d 854, (Ill. App. 2008) (premises liability/wrongful death)

Jackson v. Commonwealth Edison Co.,
105 Ill. 2d 501, 475 N.E.2d 879 (1985) (employment law)

Department of Revenue v. Heartland Investments, Inc.,
106 Ill. 2d 19, 476 N.E.2d 413 (1985) (tax)

Peoples Gas Light and Coke Co. v. Illinois Commerce Comm'n,
175 Ill. App. 3d 39, 529 N.E.2d 671 (1988) (administrative law)

Fidelity & Casualty Co. of N.Y. v. Mobay Chemical Corp.,
252 Ill. App. 3d 992, 625 N.E.2d 151 (1989) (liability insurance coverage)

Landstrom v. Department of Children & Family Services,
892 F.2d 670 (7th Cir. 1990) (civil rights)

TIE Systems Inc. v. Telcom Midwest,
203 Ill. App. 3d 142, 560 N.E.2d 1080 (1990) (intellectual property)

Libby-Owens-Ford Co. v. Ins. Co. of N.A.,
9 F.3d 422 (6th Cir. 1993) (first-party property insurance)

Hatch v. Durocher Dock & Dredge, Inc.,
33 F.3d 545 (6th Cir. 1994) (admiralty and maritime)

Siller v. Montague Associates,
652 N.Y.S. 2d 315 (N.Y. App. 1997) (casualty defense)

Sacramona v. Bridgestone/Firestone, Inc.,
106 F.3d 444 (1st Cir. 1997) (products liability)

West v. The Budd Co.,
167 F.3d 776 (2d Cir. 1999) (products liability);

St. Paul Fire & Marine Ins. Co. v. Honeywell, Inc.,
611 N.W.2d 51 (Minn. App. 2000) (subrogation/loss recovery)

Turner v. Williams,

326 Ill. App. 3d 541, 762 N.E.2d 70 (2001) (casualty defense/reversing \$6.5 million verdict)

First Ins. Funding v. Federal Ins. Co.,

284 F. 3d 799 (7th Cir. 2002) (fidelity/surety coverage)

Atwell v. Lisle Park Dist.,

286 F. 3d 987 (7th Cir. 2002) (public employment/civil rights)