



Pretzel &
Stouffer
Since 1946



Michael A. Barry

PARTNER

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Mike Barry has quickly earned a reputation as a formidable opponent at trial. Well prepared, focused and trustworthy are how adversaries, jurors, and trial judges have described Mike as he has advocated for his clients in courtrooms throughout Illinois.

In the last 8 years, Mike has second-chaired 26 medical malpractice trials to a verdict against several of the most distinguished plaintiffs' firms in Illinois. He has litigated a wide range of other matters through discovery and successful resolution, including legal malpractice, insurance broker liability, 1983 civil rights actions, general negligence claims, product liability, and personal injury matters. He also represents professionals before the Illinois Department of Financial and Professional Regulation.

As most cases are resolved outside the courtroom, Mike utilizes his courtroom experiences to gain leverage in discovery and expose an opponent's weaknesses, often reducing risk exposure and efficiently resolving matters either through early dismissal or settlement, where appropriate.

As Mike's career has been focused on litigation, he has taken and defended approximately a thousand depositions of professionals, lay witnesses, and experts. He has consulted several hundred expert witnesses over the course of his career to frame the issues and refine the themes of the complex matters he litigates.

At trial, Mike enjoys connecting with jurors during the selection process. He works to build trust and never makes promises he can't keep. Jurors respond favorably to Mike as he does not hide behind the difficulties in a case but acknowledges the weaknesses and addresses them head-on.

Clients enjoy working with Mike. Mike knows the emotional toll that litigation can take on a client and works from the outset to provide counsel and to build the necessary trust and respect to develop a collaborative relationship that facilitates successful outcomes.

Mike began his career at Pretzel & Stouffer while in law school, was hired on as an associate in 2008,

and joined the ranks of partnership in 2016. Mike has been recognized as a Rising Star and as an Emerging Lawyer for the past five years, distinctions reserved for less than 2.5% and 2.0%, respectively, of all lawyers licensed in Illinois under the age of 40.

While in law school, Mike completed two judicial externships, serving under Illinois Appellate Justice Robert E. Gordon of the 1st District and under U.S. District Judge John W. Darrah (deceased) of the Northern District of Illinois. Mike served as an editor for *The John Marshall Law Review* and was a member of a moot court team.

Mike grew up in a near Southwest suburb of Chicago as the eldest of five siblings. He attended St. Laurence High School. Mike currently resides in the Bucktown neighborhood of Chicago with his wife Becky, a pediatric physical therapist, their two children and their dog and bunny.

Education

- The John Marshall Law School, J.D. 2008, *cum laude*
- Saint Joseph's College, B.A. and B.S. 2005, *summa cum laude*

Bar Admissions

- Illinois
- United States District Court for the Northern District of Illinois
- United States District Court for the Central District of Illinois
- United States District Court for the Northern District of Indiana

Professional Experience

Recent Jury Verdicts

- September 2018; Successful defense of an orthopedic surgeon and physician assistant for prescribing an allegedly excessive duration of post-operative antibiotics following an orthopedic hand surgery in which the post-op course was complicated by a *Clostridium difficile* infection. The jury determined that the duration of the prophylactic antibiotics was appropriate to prevent surgical site infection.
- August 2018; Defense of an orthopedic surgeon for allegedly failing to timely operate on a disc re-herniation at L4-5 and for failing to obtain the patient's informed consent for the plan of care. The defense successfully convinced the jury that the conservative treatment approach was reasonable and did not cause the plaintiff any further injury.
- November 2017; Defense of a pulmonologist in a wrongful death case of a 65-year-old female who developed metastatic lung cancer. The jury determined that the pulmonologist's decision to monitor a pulmonary nodule in the upper lung as opposed to recommending surgical resection complied with the standard of care.
- June 2017; Defense of critical care physician in a wrongful death case of a 54-year-old male. The jury found the physician's decision to continue a blood thinner given the risk factors for DVT/PE was appropriate, despite the presence of rectus sheath hematoma and the risks of additional bleeding.
- May 2017; Defense of an OB/GYN in a shoulder dystocia case resulting in a brachial plexus injury with torn nerve roots. The jury determined that this type of injury could occur without any negligence on the part of the delivery team.

Published Decisions

- Mike was a part of the trial team that preserved the right to a 12-person jury in the State of Illinois. <http://www.illinoiscourts.gov/Opinions/SupremeCourt/2016/120377.pdf>
- Mike successfully argued before the Second District Illinois Appellate Court that Section 12 of the Illinois Condominium Act did not impose on an insurance producer a duty giving rise to a

statutory cause of action.

<http://www.illinoiscourts.gov/opinions/appellatecourt/2014/2nndistrict/2131311.pdf>

Lectures

Practicing Medicine: An Introduction to the Law. Mike has lectured on several occasions to resident physicians at a University based hospital on the dynamics of a lawsuit in Illinois.

Awards

- Illinois Super Lawyers Rising Star, 2014-2019
- Illinois Leading Lawyer Emerging Lawyer, 2014-2019

Related News

- Leading Lawyers Magazine Names Barry, Burgland, Draths and Reddy as Emerging Lawyers
- Pretzel & Stouffer Attorneys Named as Rising Stars
- Pretzel & Stouffer Attorneys Named as Emerging Lawyers for 2019 by Leading Lawyers Advisory Board
- Pretzel & Stouffer Partners Present on Legal Implications of Open Disclosure by Doctors
- Trial Victory for Pulmonologist

Related Results

- Pretzel & Stouffer Attorneys Obtain Defense Verdict for Orthopedic Surgeon Against Delay of Surgery Claim
- Pretzel & Stouffer Attorneys Obtain Not Guilty for Orthopedic Surgeon
- Defense Verdict against Plaintiff Patient/Lawyer
- Defense Verdict against Plaintiff Patient/Dentist