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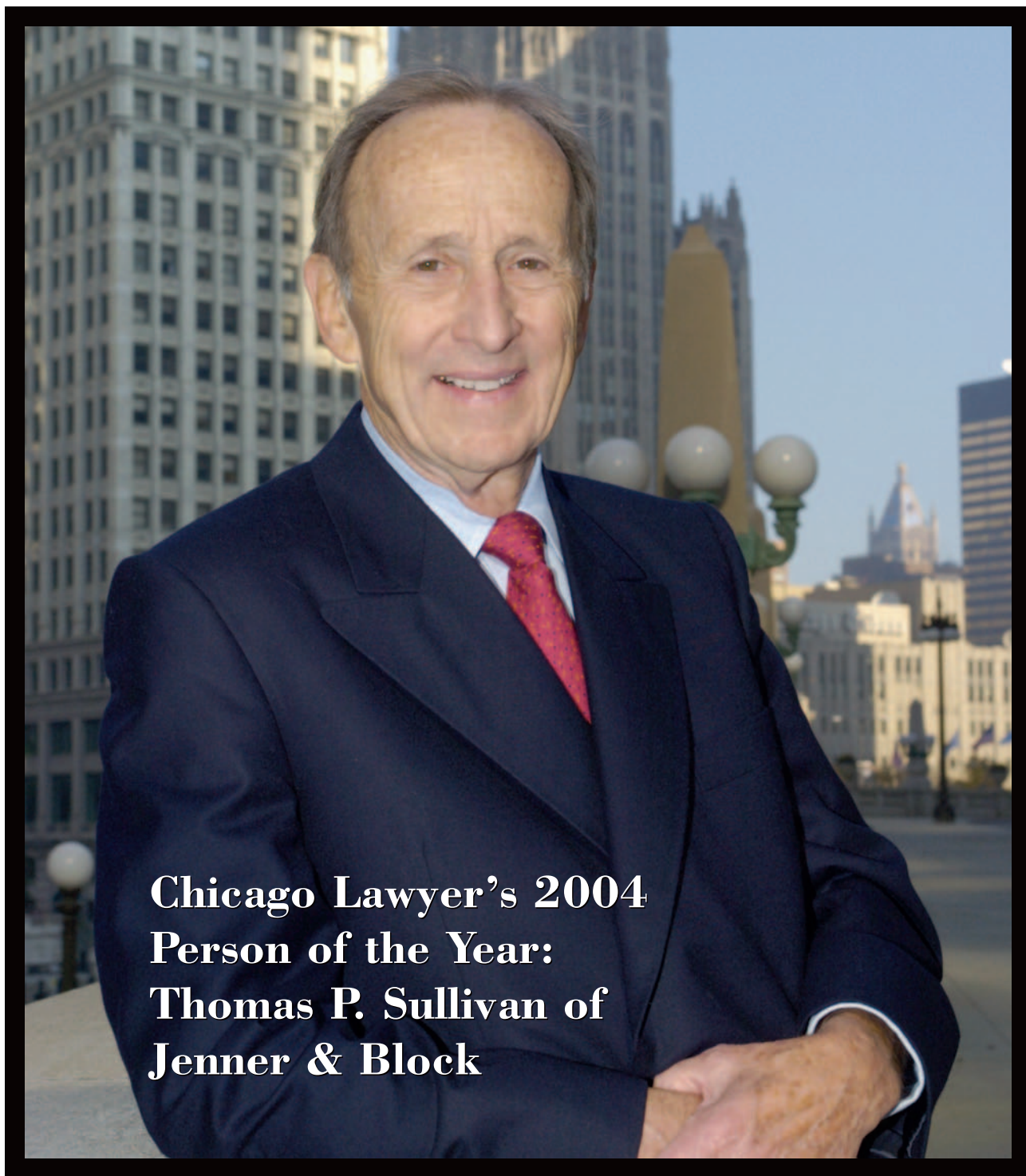
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**Chicago Lawyer's 2004  
Person of the Year:  
Thomas P. Sullivan of  
Jenner & Block**

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by Tom McCann

# Chicago Lawyer's Person of the Year: Thomas P. Sullivan

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**T**homas P. Sullivan is methodical and precise. He speaks in short, efficient sentences. He doesn't dilly-dally.

As he works the phone in his corner office high above Wabash Street in the IBM Building, Sullivan moves to find an obscure file. It doesn't take long. His dozens of cases are arranged in neat binders and boxes: every report, every memo, every phone call catalogued to the minute.

"The law is a very dangerous business if you're not organized," Sullivan said. "I've been organized like this since I was a kid."

They say all great trial lawyers have a certain inimitable quality that puts them above the rest. For Sullivan, colleagues say it's his preparation, the uncanny ability to know every facet of a case better than anyone else in the room.

"Watching Tom take apart a witness on the stand is like watching a death of a thousand cuts," said Scott Turow, the novelist and lawyer who got his first job from Sullivan as a junior prosecutor in the Chicago U.S. attorney's office. "You can't catch Tom off guard. You can't ask him a question he doesn't know the answer to. Tom knows the record better than the witness. It doesn't matter that the witness was there and Tom wasn't. Tom catches *everything*."

Sullivan has parlayed that discipline and focus into a stellar 50-year legal career, working all but four of them at the same law firm — Jenner & Block.

He has participated in some of the most important cases and

issues in Chicago's legal history: He represented defense attorneys and protesters involved in the "Chicago 7" trial, spearheaded reforms in the capital-punishment system, fought for fair housing for minorities and battled the U.S. House Un-American Activities Committee.

As U.S. attorney for the Northern District of Illinois from 1977 to 1981, he began the Operation Greylord probe that rooted out corruption in the Cook County criminal courts and led to the conviction of 15 judges, 49 lawyers and dozens of court personnel. It is widely considered one of the most influential probes into Chicago government in the 20th century.

Sullivan has been a rainmaker at his firm, representing multimillion-dollar companies in civil suits and defending corporate executives and major figures in criminal cases. However, Sullivan's passion has always been his pro bono work. Soon after arriving in 1954, Sullivan helped found Jenner's pro bono program, now one of most prolific such programs in the country. Many young lawyers come to Jenner today specifically because of its pro bono opportunities.

In 2004, his efforts on three major projects came to fruition.

He previously served as co-chair of the Governor's Commission on Capital Punishment, which recommended 85 reforms to make Illinois' death-penalty system more accurate and just. Several of these

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**Thomas P. Sullivan of Jenner & Block is trying to spend more time with his family these days. To the left is daughter Mimi Landau, wife Anne Landau, son Tim Sullivan and daughter Liza Sullivan.**

recommendations were signed into law in late 2003 and began to be implemented this year. Some of the other recommendations, such as ways to improve eyewitness identification and police interrogations, go beyond the death penalty and are meant to improve the entire criminal-justice system.

In the summer of 2004, he released a report on the merits of police departments videotaping interrogations of suspects. The report has gained widespread attention, prompting Sullivan to speak around the nation as an advocate of videotaping confessions.

And from 2002 to earlier this year, Sullivan served as independent watchdog of the Chicago Housing Authority's effort to relocate more than 15,000 families in public housing.

"He was an articulate, forceful voice who really held the CHA's feet to the fire to make the process fair to tenants. He made a tremendous impact," said Richard Wheelock, a lawyer representing CHA residents. "The devil is in the details, and that's Tom's specialty."

Taken together, his accomplishments have created an enormous legacy that continues to the present.

"Tom is one of the most talented lawyers I've ever known, but what really sets him apart is his ethics," said Jenner Chairman Jerold S. Solovy. "He is impeccably fair and honest. Doing something underhanded in the courtroom would be anathema to him. Yet he still wins. Above all, he believes a lawyer has a duty to improve society. He is the model for everyone in our firm of what a proper lawyer should be."

Because of his work on behalf of indigent defendants, protecting the rights of the poor and disenfranchised, improving the fairness of the criminal justice system and his dedication to the ethical practice of law, Sullivan is *Chicago Lawyer's* 2004 Person of the Year.

#### **Becoming a lawyer**

On the afternoon of Sept. 27, Sullivan celebrated his 50th anniversary as a lawyer. Per Sullivan's wishes, it was a simple affair in the Jenner offices, some cake and soft drinks, a few speeches by friends, then back to work.

"It was hard to even get him down to eat cake. He's not really a guy who seeks out praise. But he's such a father figure around here, we had to mark the occasion," said

Jenner partner Charles Sklarsky, who has worked with Sullivan for 30 years.

At 74, Sullivan should be slowing down, but he still maintains a busy practice. He's representing several major pharmaceutical companies in civil suits. He just got back from interviewing a witness in London. He is head of the advisory board for Northwestern University's Center on Wrongful Convictions. He's working on five or six cases as an arbitrator.

"The guy works out every morning. When he's driving to and from work, he's listening to books on tape," Sklarsky said. "There's seriously not a wasted moment in this man's life. He lives it more fully than anyone I've ever known."

As part of the anniversary festivities, the firm blew up and displayed Sullivan's first pay stub. It was \$300 a month, far less than his hourly rate these days.

But money has never been Sullivan's object, he said. In a profession that has more than its fair share of cynicism, Sullivan actually likes what he does for a living.

"Most of my work has been for paying clients, but I've always had a penchant for the underdog,"





(Above) Sullivan argues before the Illinois Supreme Court in 1966. (Right) Sullivan enjoys a Cubs game with his daughter Maggie Cescolini and grandchildren Andi and Corinne.

Sullivan said. "I'm lucky. I have a job that both pays the bills and allows me in some small measure to help the disadvantaged. After 50 years, I'm still enjoying myself. I'd do this work for free."

Sullivan grew up in Glen Ellyn, the second oldest of six kids. He was always the youngest and shortest boy in his class. For that he may thank the divine intervention of his local nuns.

"My mother went to St. Petronille to enroll my older brother, John, in second grade. The school didn't have a kindergarten, so my mom was going to put me in public school for a year," Sullivan said. "Well, the nuns were appalled. They thought I'd get corrupted by the Protestants. So they sent me straight to first grade."

Sullivan's father was a direct-



mail advertiser who had a love for writing and served for a time as Glen Ellyn's postmaster. Tom worked for him in the summers delivering mail. His mother stayed home to take care of the kids.

"Tom was always a very competitive person. He liked to win," said his brother John, now

senior pastor at St. Petronille. "He was always reading. Other kids would read comic books. He'd be reading biographies, the classics."

Even as a teen, Sullivan was exhibiting the debate skills that would serve him well later in life.

"He simply loved to argue. He had an opinion on just about

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everything, and we'd get into these heated debates for hours. He'd take the opposite side just to be ornery," said his sister, Mary Comstock. "My girlfriends would say Tom could talk the tail off a horse."

The arguments would really heat up when John brought home his fellow seminarians for the weekend. The biggest challenge was one of John's friends, the Rev. Andrew Greeley, now a novelist and columnist for the *Chicago Sun-Times*.

"Tom and Andy would go at it all night, arguments on religion, politics, everything. They both gave as good as they got," the Rev. John Sullivan said.

Sullivan attended Loras College in Dubuque, Iowa. At the start, he was a good student but not particularly driven. Then in his sophomore year, he took a constitutional law course taught by a local lawyer.

"Something just clicked. I was fascinated by the law, the whole process. It was endlessly interesting to me," Sullivan said. "I had never taken my studies too seriously. But after that class I worked double time. I found my true calling."

After two years at Loras, Sullivan took advantage of a special program that allowed him to apply straight to Loyola University Chicago School of Law.

"You could see a big change in him once he went to law school. He was a different person. He'd study night and day," said sister Mary. "He was a man on a mission."

He became editor of the law review and in 1952 graduated first in his class at the age of 22.

Sullivan then put his law career on hold when he was drafted into the Army. He spent a year in Taegu, South Korea, where he did mostly office work. After hours he had "nothing to do," so Sullivan started a program in which soldiers tutored Korean high school students in English. He has a commendation from the Mayor of

Taegu in his office.

### Starting out

Upon returning to Chicago in 1954, Sullivan immediately started applying to law firms thinking he'd be a labor lawyer. He went down the list of places that were hiring and came across Johnston, Thompson, Raymond & Mayer, soon to be renamed Jenner & Block. They offered him a job and, because the firm focused on litigation, so did Sullivan.

"It was the best decision I ever made. It really determined my career," Sullivan said. "Bert Jenner took me under his wing. He was one of the biggest influences in my life."

Sullivan started working with business clients under partners Charles O'Loughlin and Albert Jenner. He also started getting experience in criminal court by offering his services for free with another young Jenner lawyer, Prentice Marshall.

"We joined the Chicago Bar Association's Defense of Prisoners Committee and started to represent indigent defendants: murders, drug cases, violent crimes," Sullivan said. "For young lawyers just out of school suddenly doing a murder trial, it really opened our eyes."

Sullivan became a leader of the committee. He got firm leaders to buy into the idea of letting associates use pro bono to gain experience. He also convinced the chief judge of the criminal court to appoint committee members to the most serious cases, said former Jenner partner John Tucker.

"Before long, the more experienced defendants started demanding a bar association lawyer instead of their public defender or the lawyer their family hired. That's when we knew it was a success," Tucker said. "That was the start of pro bono at Jenner."

In 1959, Sullivan made his first, and his last, foray into politics. He managed the campaign of his friend Marshall, who ran for DuPage County State's Attorney. Their opponent and the eventual winner

was William J. Bauer, a young assistant prosecutor who later would become close friends to both.

"Sullivan's a great lawyer, but politics was not his forte. They set up a series of debates, and I refused to go. So Prentice would debate an empty chair," said Bauer, now a judge on the U.S. 7th Circuit Court of Appeals. "I still rib Sullivan about it today."

Sullivan quickly gained a reputation as a gifted trial attorney. His polished, stately demeanor and down-to-earth speaking style resonated with juries. He had a special knack for the cross-examination.

"I remember one case Tom tried in front of me. He did one of the best crosses I ever heard in my life," said Bauer of a case in the 1970s, when he was a federal district judge. "He was lead [defense] counsel in a Teamsters union case. Six different defendants charged with pension fraud. Tom's client didn't have a chance, then Tom crossed the government's star witness. He won the case all by himself. It was a thing of beauty."

Former U.S. Attorney Anton Valukas remembers a similar experience.

"We thought we had a foolproof case, and then Sullivan came along. Our star witness was a University of Michigan law review grad, and after Sullivan was through, he would have confessed to starting World War II," said Valukas, now a partner at Jenner. "I never forgot how good he was."

Sullivan distinguished himself with several cases in the 1960s. Bert Jenner and he represented Dr. Jeremiah Stamler, a prominent Chicago cardiologist, when he was subpoenaed to testify before the House Un-American Activities Committee. Sullivan argued that the committee's investigations were overly broad and chilled free expression.

Sullivan and Jenner advised Stamler when he appeared before the committee. Stamler refused to testify, and Sullivan was forcibly restrained by marshals,

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Sullivan said.

“I kept getting up to object, and they kept throwing me back down again,” he said.

After eight years of litigation, Congress dropped its contempt charges against Stampler and eventually abolished the infamous committee.

In 1969, Sullivan and Jenner argued a death-penalty case, *Witherspoon v. Illinois*, to the U.S. Supreme Court, which ruled that judges and prosecutors could not peremptorily exclude potential jurors solely because they were opposed to the death penalty. More than 350 death sentences around the country were reversed.

About the same time, he began representing thousands of African-American homeowners in the “Contract Buyer’s League” cases, in which blacks were denied mortgages and forced to buy land contracts on their homes that gave them few property rights. The *Atlantic Monthly* magazine at the time called them the most important civil rights cases since *Brown v. Board of Education*.

Sullivan also took part in the famous “Chicago 7” trial after the 1968 Democratic National Convention. He represented several of the protesters’ lawyers when they were jailed for contempt and assisted on the successful appeal from the seven protesters’ convictions.

### **Joining the prosecution**

By this time, Sullivan was becoming a well-known defense advocate and a thorn in the side of Chicago’s federal prosecutors. So it came as a surprise to many people in 1977 when Sen. Adlai Stevenson III asked Sullivan to lead the U.S. attorney’s office.

“I was taken aback,” Sullivan said. “Not long before, I had been offered a chance at a federal judgeship, but I turned it down because it was a lifetime commitment. This time I accepted.”

Many of the young prosecutors were distrustful of Sullivan at first.

“There were suspicions on both

sides. He was much older than us, a straight-laced private firm guy, a lifetime defense lawyer. We thought he’d be soft. He thought the office sometimes used its power unfairly,” said former assistant U.S. Attorney Daniel Reidy, now a partner at Jones Day. “Over time each side completely won the other’s respect.”

Walter Jones Jr., eventually Sullivan’s criminal division chief, thought it would be a case of “the fox running the hen house.”

“We were all on pins and needles. One of the first cases he worked on was with me. I was prosecuting the taxi cab commissioner, and Tom volunteered to send over his opening statement to the defense lawyers. I almost died,” said Jones, now a partner at Pugh, Jones, Johnson & Quandt. “But that was indicative of how fair Tom thought the game should be played.”

Sullivan turned out to be a very aggressive prosecutor, Jones said. He just thought the system could be more fair without being any less effective.

“He never raised his voice, but he was tough as nails, even tougher than Sam ‘The Hammer’ Skinner. He was also one of the most rigorously principled prosecutors I’ve ever known,” Jones said. “If you were a defendant, you got the best break you were ever entitled to with Tom, but that didn’t mean you’d win. He was adamant that nobody leak to the press and that the indictment be to the point. He didn’t want to smear people in public before they were even convicted of a crime.”

Sullivan took on some high profile defendants. Shortly after taking office, he indicted Illinois Attorney General William Scott for tax fraud.

“Bill Scott vowed he was going to destroy Tom, and he was the most popular Republican in Illinois,” Turow said. “A parade of the powerful testified on Scott’s behalf. But instead of running and hiding, Tom didn’t back down. He tried the case himself. Everybody

respected that. It was a gutsy move.” Scott was convicted and sentenced to a year and a day in federal prison.

In 1979, Sullivan got a call from Cook County State’s Attorney Bernard Carey, who was concerned about the rampant corruption in the county’s criminal courts. Sullivan soon started Operation Greylord.

“It was very risky. We were making up cases, wiring lawyers, tapping a judge’s chambers for the first time in our history. If we failed, we could have been disbarred,” said Reidy, the lead prosecutor in the Greylord probe. “Tom was genuinely courageous. He helped persuade everyone from the attorney general to the FBI director that this was the right thing to do. He knew he’d be out of office when these cases came down; he’d get no credit and all of the risk. It didn’t matter to Tom.”

Valukas said the operation was a watershed moment in restoring public faith in the judicial system.

“It was one of the Justice Department’s most significant cases of the last 25 years, and Tom had the courage, perseverance and intelligence to pull it off,” Valukas said.

Sullivan also brought some big firm organization to the U.S. attorney’s office, instituting its first case management system and special committee meetings for all indictments, Reidy said.

Whenever he promoted staff, he’d send letters to their parents. “My mom was floored,” Reidy said. And though he was known as a serious fellow, he was a good sport during the office’s notoriously mocking Christmas skits.

“In the last 20 years, I don’t think Tom has ever told a joke. He’s not exactly a back slapper. But he laughed louder than anybody,” Jones said. “He really earned his stripes with us. As prosecutors, he also made us more tolerant and less smug. For a defense lawyer, he was all right.”

After his term as U.S. attorney, Sullivan picked up right where he left off at Jenner. He quickly took

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on a case by then-state Sen. Carol Moseley Braun challenging Illinois' legislative redistricting map for racial gerrymandering. In 1981, a District Court panel agreed, said Jenner partner Jeffrey Colman, who worked with Sullivan on the case.

"We obtained the only finding outside the Deep South of intentional race discrimination in redistricting," Colman said. "We had only a few weeks to come up with our case, but Tom has a razor-sharp mind and the ability to see through the minutia to the bigger picture. He drew his own drawings and was able to convince the judges that these districts were engineered to disenfranchise people."

Sullivan was retained by former Chicago Mayor Harold Washington to investigate corruption in City Hall. He represented Cook County in its efforts to reduce overcrowding at the county jail. Throughout the 1990s and 2000s, Sullivan took on more pro bono cases and monitoring roles, in addition to his business clients. He even testified before the U.S. House of Representatives as an expert witness in President Bill Clinton's 1998 impeachment hearings.

In playing a role in such cases over the course of decades, Sullivan has become known as a voice of truth, Valukas said.

"Tom has evolved into this elder statesman role, a trusted independent voice on everything from the CHA to the death penalty. The community looks to him as being a truth sayers," Valukas said. "You know that a report by Tom will be thorough, balanced and tell the truth. His opinions have considerable heft."

### **Still fighting**

From 2000 to 2002, Sullivan revisited the death-penalty issue as co-chair of Gov. George Ryan's Commission on Capital Punishment. Its report advocated 85 reforms to reduce the chances that any innocent people would be put to death. These recommendations

included the creation of a state forensic lab, the development of a comprehensive DNA database, additional pretrial discovery procedures and reducing the factors that qualify a defendant for the death penalty.

Sullivan said he has come to the conclusion the death penalty can never be truly foolproof, and even so, it's a waste of time and money.

"I'm not taking a moral line. It's just not an efficient use of criminal law. With the years of trials, retrials, appeals and petitions, it costs less and causes less angst to just give them life in prison," Sullivan said. "I'm not as interested in whether or not we still have a death penalty as much as how these reforms could improve the entire system. If we have all these mistakes in our small amount of capital cases, imagine how many errors there are in non-capital cases. We're talking a serious risk of having thousands of people in jail on false charges."

Sullivan said the state has adopted some of the commission's reforms, but not enough. In October, Illinois House Speaker Michael Madigan named Sullivan to a new committee charged with pushing for more of the reforms. He has taken special interest in the videotaping of police interrogations. He found that police detectives were resisting the idea, so he interviewed officials at hundreds of police stations around the country who currently record confessions. Sullivan found that once they try it, they overwhelmingly support it.

Illinois will begin recording interrogations in all homicide cases in 2005. "We're going to see a big change, especially in Chicago," he said. "It's going to work for everybody: fewer wrongful convictions and tighter cases for police. They'll have an unassailable record and much less suspicion of foul play."

Sullivan's work on the commission has attracted national attention.

"He went out on the front lines, interviewed everyone from

prosecutors to police officers to defendants. His solutions were thoughtful and practical. They've become a national model," said former U.S. Attorney General Janet Reno. "He just impressed the daylights out of me."

Sullivan also became the CHA's independent monitor in 2002 as part of a contract between the agency and the main tenants' group. His job was to oversee the process of moving thousands of CHA families as their old buildings were being demolished.

He reported that the move-out process was starting too late, giving residents little time to prepare and making the move chaotic. The agency had an inadequate number of staff and insufficient social services to help residents adjust, he advised. The report was so strongly worded that there was doubt the CHA would reappoint Sullivan to a second year, but he got the job after residents exerted pressure to keep him.

The CHA made noticeable improvements in 2003, Sullivan reported, making the whole process much smoother. But there are still problems, including the failure to locate more public housing residents into integrated neighborhoods and away from high crime and poverty areas, one of the program's stated goals.

"The tearing down of the high-rise buildings was a good idea. They were just horrible places to raise families or control crime," Sullivan said. "The CHA is trying very hard. They have their hearts in the right place, but by moving people here and there, you're not really doing anything to change the habits. The guns and drugs will follow. It's a very serious social problem, and I don't think we have the answers yet."

"The next issue will be the new housing and how many public housing residents will qualify to live there," Sullivan said. "It's going to be one-third public housing, one-third affordable housing and one-third market rate. The real estate developers will want

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to make a lot of people ineligible, and the tenant advocates will want everyone to have a shot. There will be a lot of tension.”

Sullivan wanted to begin overseeing that move-in process during his term as watchdog, but the CHA would not give him that access, he said. He hopes that former Cook County Public Defender Rita Fry, who replaced him as independent monitor earlier this year, will be more successful. “Overseeing the move-in is vitally important,” Sullivan said.

### **Next up**

After five decades of relentless trial work and public service, Sullivan is trying to slow down. For

him, that often means working a 60-hour week.

He lives in Wilmette with his wife, Anne Landau, a French lecturer at Northwestern University. They try to see as much as they can of the grown children — Tim, Liza, Mimi and Maggie — and two grandchildren, Andi and Corinne. He goes fishing, hiking, plays tennis and spends time at his home in Santa Fe, N.M. He also enjoys being a mentor to Jenner’s younger partners and associates.

“I stay away from long trials these days. I was on trial almost continuously in the ’70s, and I’ve had enough,” Sullivan said. “One of the biggest problems in firms is when old lawyers just can’t let go. I

decided long ago that wasn’t going to be me. The young ones do most of the work, they should get the credit.”

Jenner managing partner Robert L. Graham, though, says Sullivan continues his hectic schedule. He still has that laser focus, the attention to detail and those superb trial skills, things very much in demand by his clients.

“He has managed to combine a great career with great service, great success with rigorous ethics. I don’t know anyone who has done it as well,” Graham said. “He has left a tremendous legacy in this city, but he’s not through building that legacy yet.”★