

by Wendy L. Werner



QUINCY—Opposing counsel on the East Coast or in Atlanta or Los Angeles might think Delmer R. Mitchell is simply a lawyer from a small Illinois city. To conclude he will be an easy adversary is to do so at your peril.

Mitchell, the chairman of **Schmiedeskamp, Robertson, Neu & Mitchell LLP**, is proud to have called Quincy home for 45 years. Although it has just 40,000 residents, Quincy thrives with two NYSE corporations, the largest utility truck body manufacturer in the country, the largest agricultural wheel manufacturer in the world, and the third largest animal feed manufacturer. Not bad, considering it is more than 100 miles from any other population center its size.

His law firm has served many local businesses and families since 1914 and Mitchell has represented many of these same businesses and families in Adams County, surrounding counties and throughout Illinois. But in recent years, he can found almost as often in such venues as Wilmington, Del., Youngstown, Ohio, or Washington, D.C.

Mitchell is a true trial lawyer and gentleman when taking on the role of a courtroom adversary. His word is his bond and his southern Midwestern accent has served him well in front of juries across the country.

From a Family of Carpenters

Mitchell comes from a family of carpenters, and his father told him he had better study hard because he would starve as a carpenter. Mitchell laughs as he explains that his wife concurs. “She thinks I am the worst person in the world to fix anything or even hang a picture.”

“The day I received my notice that I passed the bar exam, I took my union carpenter card, put it on inactive status, and gave my tools away,” he says.

Mitchell learned a number of lessons while working in construction, including that many talented people lack a formal education. Those experiences helped Mitchell gain real respect for blue collar workers, and it still assists him today in picking juries and choosing the best approaches for presenting cases.

Mitchell grew up in Johnston City, a small coal mining town 20 minutes from where he went to college, SIU-Carbondale. He was the first person in his family to attend college, and SIU seemed a logical and financially reasonable choice.

Looking back on the experience, it was far from glamorous. Mitchell lived off campus in an old two-story house with 12 guys, two to a

room. Each had an army cot and a desk for a rent of \$5 per week.

“We went to the widow’s house each Sunday afternoon to pay her in cash. Four people chipped in \$5 a week for food, and the kitchen was in the basement. We had lunchmeat for lunch, and we cooked Monday through Thursday nights. We rotated the cooking: Two would cook, and two would clean.”

Although Mitchell enjoyed sports, he knew he would never be a professional. He was a small school athlete who had four uncles who coached basketball and football. Mitchell always seemed to be competing, whether playing football, basketball or baseball. But from the age of 16, he knew he wanted to be a trial lawyer.

“My wonderful wife Barb put me through law school,” Mitchell says. “When I went to the University of Illinois College of Law, I had never been in a law office. We had no law offices in our town.”

In his second year, Mitchell got a job working for John Alan Appleman, a sole practitioner in Urbana and a top plaintiff’s trial lawyer who he calls “a brilliant guy.” Mitchell was more of an investigator, taking statements and chasing down information, though he also did some

(Continued on page 146)

(Continued from page 144)

law clerk work.

Appleman was friends with Melvin Belli and Craig Spangenberg, a few of the great trial lawyers Mitchell had the chance to meet there. As vice president of the student body at University of Illinois College of Law, Mitchell got Belli to talk at the university about the Jack Ruby trial.

Mitchell worked for Appleman for 1½ years. Appleman was at Barnes Hospital for a deposition when he had a heart attack. He never returned to work, but he did get Mitchell his first summer law clerk job with Stanford Meyer, a Belleville plaintiff's lawyer who was president of the Illinois State Bar Association.

"I took a job there after I graduated and was there for three years," he says. "It was a great experience. I was able to be involved in a lot of trials, even though some were real dogs."

A Sudden Relocation to Quincy

Some older Belleville lawyers recommended Mitchell to Schmiedeskamp, Robertson, Neu & Mitchell LLP when they needed a trial lawyer. A few weeks later, he was in Quincy. He had never been there before.

"We had six lawyers, and now we have 17 and are celebrating our 100th year. It has been a great place to live and to practice law. We have great lawyers, great people and great clients," says Mitchell, who has been the firm's managing partner or chairman for more than 30 years.

Having seen cases from a plaintiff's viewpoint was helpful when Mitchell moved to a defense firm. It now has four trial lawyers, five associates, and the rest of the attorneys focus on transactions, corporate law, real estate, estate planning, school law and employment.

"It wasn't difficult to make the shift," he says. "Sometimes I still do plaintiff's work, plaintiff's antitrust litigation, in the federal courts in D.C., Delaware, Philadelphia and other federal districts."

"I love the competition and the action of being in court. You have to be nervous to make the adrenalin flow—you need that to be your best."

Mitchell, whose practice includes defending hospitals and doctors, says few significant local cases go to trial nowadays outside of the medical malpractice area. As a fellow of the American College of Trial Lawyers, he says most of the lawyers elected today to the organization mainly handle med mal work because jury trials still occur there.

"A settlement against a doctor goes into the national databank, so they are hesitant to settle cases, and they often win if they go to trial," he says.

A professional colleague, David Drake, also a fellow in the college has been co-counsel with Mitchell. They have worked together for more than 30 years.

"He is an outstanding trial attorney, and extremely professional," Drake says. "I have enjoyed the opportunities we have had to work together."

Mitchell is also highly thought of by his clients. Brad Billings, the president and CEO of Blessing Health System, has worked with Mitchell for 34 years in many legal capacities.

"He has been our lead malpractice insurance counsel and has worked with us on a numerous business relationships," Billings says. "He has always been very professional and

demonstrated high integrity, and has provided us with excellent results and a great track record in defense litigation. He has been a great proponent for our organization. He is also a great community citizen."

Mitchell's national exposure as a teacher of trial law and as a lawyer for major businesses means he is nearly as likely to be referred a client or a matter from a lawyer in Georgia or Florida or St. Louis as he is from a western Illinois lawyer or law firm.

Mitchell is sincerely humble and grateful for all of the opportunities and success he has had. He is quick to recognize his partners and his firm's staff for their role.

"I have had the good fortune to have a first class professional legal secretary for over 35 years. This has allowed me to travel throughout the country in my practice while knowing that she would keep things under control and moving forward."

Ever quick to offer praise for those who have assisted and mentored him along the way, Mitchell mentions another important influence in addition to both Appleman and Meyer. "Carl Schmiedeskamp was a great trial lawyer, and I was his fair-haired boy. He made sure I had good clients and good cases," he says.

An Advocate of Trial Advocacy

"Our chief judge, John T. Reardon, was a great judge and president of the National Conference of State Trial Judges and a board member of the National Institute for Trial Advocacy (NITA). He asked Schmiedeskamp that I be in the first NITA class. It was a four-week course in Boulder, Colorado. There were top trial lawyers teaching a week at a time at the program. It was a fabulous experience.

"Five or six years later, they asked me to teach in the program, which I did every other year for about 20 years. As a result, I met a lot of the trial lawyers who volunteered at those programs, and they invited me to other programs."

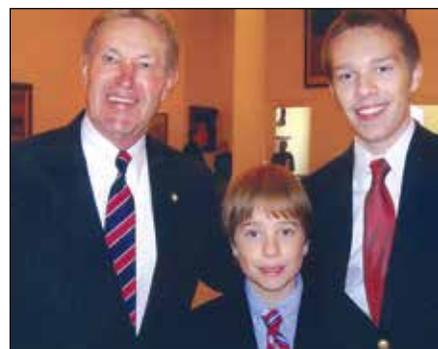
"Jo Ann Harris who served under Janet Reno as head of the criminal division of Justice invited me to teach at Harvard, which I did for a number of years. I was asked to teach at the Emory program by one of my colleagues at the NITA program. I taught at the Federal Trade Commission in D.C.

"I taught at the Benjamin N. Cardozo School of Law at Yeshiva University through an invitation from Barry Scheck and also at Notre Dame Law School. I have met a lot of great trial lawyers, and I have had a chance to see them in action. I stole some of their ideas and adapted them to what I did. It has been a very fortunate and rewarding experience."

Mitchell says teaching has been enjoyable because he can watch young trial lawyers become very good trial lawyers. It is also one of the few times a busy trial lawyer can reflect on why he or she does certain things and assess the alternatives.

"You get pushback during explanations, and this helps you consider alternatives. Virtually all of our trial lawyers in our firm have gone through the NITA program. The teaching method is a demonstration-performance-critique format. If you are asked to do the closing argument demonstration, you are doing it in front of the students and the experienced trial lawyer instructors. It creates even greater pressure than a jury."

When Mitchell was running around the



At Governor's Mansion with grandsons, from left: Grant and Mitchell Gilchrist.

country teaching, his wife took care of everything at home. "She is a saint," he says. "She was an outstanding student in high school and college. She basically gave up her career and stayed home and raised our two children, who are now adults. She became our in-house contractor and ran the family while I was practicing law."

Mitchell says he has always put in a lot of hours and worked at least some part of almost every day. "She has always been one of my biggest fans, and she knows how much I love the practice."

"My definition of success is finding something you love to do, that you do well, and getting paid reasonably well to do it. I found it. I love to come to work every day."

Mitchell says it takes a lot of hard work and a certain mindset to be a successful trial lawyer. That includes enjoying the competition, having the discipline to be prepared, liking people and gaining satisfaction from helping them, he says.

"Things that are simple for lawyers can make a big difference in other people's lives. Life is a struggle for a lot of people. If you are lacking in education or financial resources and there are things you don't understand, life can be tough and frustrating. Lawyers are in a position to help people."

The Big Break of His Career

Mitchell has represented the agriculture industry, running around the country handling mainly large product liability cases for animal feed manufacturers including Land O'Lakes, Purina Mills and ADM. That niche practice evolved and led to his work representing opt-out plaintiffs in antitrust cases.

He remembers the importance of his big break in the mid-'90s when some of his animal feed clients were price fixed by the manufacturers of feed additives. The exceptional result Mitchell achieved in the litigation helped him develop a nationwide reputation for representing major agribusiness, fertilizer and livestock feed manufacturers.

He has been on trial teams that achieved multimillion dollar recoveries as well as a recent trial that returned \$500 million for his clients.

"The animal feed manufacturers were price fixed and didn't want to be represented by plaintiff's class action lawyers. Those have been very big cases. There was a vitamin price-fixing case around 2000 that was, at the time, the largest antitrust case in America. There have been larger cases since."

Mitchell believes the practice of law has be-

(Continued on page 590)

MITCHELL

(Continued from page 146)

come a job rather than a profession for too many people. When he interviews young lawyers and asks why they became lawyers, often they say they were good students, didn't have a career plan, took the LSAT, scored well and went to law school as a default.

"It is hard to be successful as a lawyer if it is just a job," he says. "To be really good, you have to put in a lot of hours. I have never figured out how to practice law as an 8 to 5 job.

"In a place like Quincy where you have 17 lawyers, you can make a big difference in the community," he says. "We can put 17 bright, well-educated, good people into the community, where they serve on boards and in organizations, and they can make a tremendous difference.

"Our firm believes that you have to be one of the best members on a board, or you shouldn't serve. It is part of our professional responsibility. It is an aspect of our firm of which I am very proud."

Proving the point, Mitchell has several community roles himself. He has been general counsel for the local hospital for at least 30 years. He is chairman of his church, The Crossing. He also chairs the Quincy Area Project that helps families in lower economic neighborhoods help themselves succeed. He is on a foundation board that provides funds to the Quincy community and surrounding areas. He also serves on the board of trustees at Quincy University.

In his free time, Mitchell likes to golf with his buddies. "We act like we are 25 years old—my wife says 15—and we harass each other, bet and smoke cigars. My son is also a golfer and we often play together."

Mitchell also likes to hunt birds, including quail, pheasants, duck and grouse.

He reads classic literature such as Hemingway and Robert Service. Mitchell's library contains 40 to 50 books written by or about Winston Churchill. He enjoys some current nonfiction books on politics, economics, history and sports.

Mitchell's daughter graduated from the University of Missouri in finance, worked as a banker, and she now cares for their two boys. She married her high school sweetheart, the head golf pro at Illini Country Club in Springfield. Mitchell's son is involved in real estate in Quincy, and he and his wife just had their first child.

"We represent school systems, and a partner has written the recognized texts on education law. We work hard at providing first class, quality service. We are responsive to our clients' needs, and we charge reasonable fees. That is why we are still here after 100 years, and I am proud to be a part of that legacy."

He loves his wife and family, with pride showing as he speaks of each of them. But he also loves his trial practice. While sitting on the patio after dinner with his wife on the Sunday of the Fourth of July weekend, Mitchell reflects for a moment. He just concluded a lengthy and very successful out-of-state trial. Even after more than 40 years of practice, he says, he is still excited to get to work on his next big case.

Mitchell is a true trial lawyer worthy of all the respect and admiration those words convey. ■