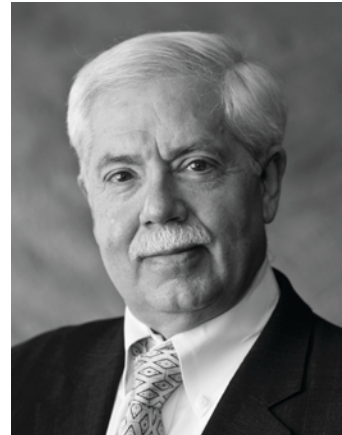


## Ernest W. Irons

SHAREHOLDER

The consummate team member, Ernest Irons plays to win. His dedication to clients, respect for colleagues and can-do attitude secured him a significant victory early in his tenure at Schuyler, Roche & Crisham, momentum on which he has continued to build. Recruited to help litigate on behalf of a large Wall Street brokerage firm regarding national recruitment matters and restrictive covenant enforcement, Ernest is skillful at handling the variety of often-thorny legal and business challenges this representation entails. Over the course of his career he has won every litigated claim tried to a final decision.

Friendly and approachable, tenacious and aggressive, Ernest began practicing law as a business litigator, but spent several years in corporate leadership before returning to litigation at Schuyler, Roche & Crisham. His range of experience has helped him focus on what is most important to clients-effective representation to avoid or prevail in disputes. As his practice developed, he concentrated increasingly on employment matters, employment discrimination and employee benefits litigation.



### CONTACT INFO

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E-MAIL eirons@SRCattorneys.com

### PRACTICE AREAS

Securities and Commodities Litigation  
Commercial and Employment Litigation



Originally Ernest chose litigation as an opportunity to use his analysis, negotiation and public speaking skills to resolve conflicts and to create cost savings for his clients. He elected to join Schuyler, Roche & Crisham, he says, because our clients share a profound interest in resolving matters in a decisive and professional manner and because of Schuyler, Roche & Crisham's reputation for retaining skillful litigators who focus on the issues and, when possible, guide parties to resolution without going to trial. Our record of wins at trial and on appeal also contributed to his decision to join us.

Immediately before coming to Schuyler, Roche & Crisham, Ernest was chief operating officer and general counsel with Norfolk Medical Products, Inc., an FDA-regulated Class III medical device manufacturer pursuing technological advances in vascular access products for infusion therapy. His leadership role there gave him a unique perspective regarding the issues and concerns small-to-medium-size businesses face each day. His responsibilities included managing acquisitions and negotiating and documenting the sale of Norfolk's vascular access product line, whose purchase price proved more than four times its sales and 20 times its earnings. In addition, he encouraged competing bids, which enabled leveraged negotiations resulting in a 50 percent higher sales price.

At Norfolk, Ernest also cleared up outstanding litigation, helped position the company for sale through ISO9001 approval, introduced new products and negotiated an international distribution agreement. During the time Ernest oversaw manufacturing operations there on a transitional basis, production more than doubled.

Ernest acquired in-depth legal experience early on, working at a highly successful private law firm where he advised and represented corporate and individual clients as lead counsel in business transactions and litigation involving employee benefits and employment law in state and federal courts throughout the country. He worked closely with client management regarding budgetary concerns and cost containment measures and in developing legal strategies, corporate policy and procedures to eliminate or minimize loss.

## EXPERIENCE

Schuyler, Roche & Crisham, P.C.  
Chicago, Illinois

*Shareholder*  
2002 to Present

*Partner*  
1999 to 2002

Norfolk Medical Products  
Skokie, Illinois

*Chief Operating Officer and General Counsel*  
1997 to 1999

Davidson, Goldstein, Mandell & Menkes  
Chicago, Illinois

*Partner*  
1994 to 1997

Peterson & Ross  
Chicago, Illinois

*Partner*  
1984 to 1994

*Associate*  
1976 to 1984

## AREAS OF PRACTICE

Counseling brokerage firms, insurance companies and employers of both large and small businesses, Ernest concentrates today in securities and commodities litigation and commercial and employment litigation. Attracting him to these practice areas was the opportunity to litigate issues that call into question complex business and employment issues, particularly issues involving the Employee Retirement Income Security Act of 1974 (ERISA) and the Racketeer Influenced and Corrupt Organizations Act (RICO).

Ernest has represented and advised employers in all phases of the employment relationship, including negotiating and drafting employment contracts, restrictive covenants and employment termination agreements, as well as in helping to draft personnel policies and manuals. He has litigated disputes involving compensation and personnel records and has defended employers in administrative proceedings and lawsuits alleging all manner of employment discrimination, sexual harassment and wrongful termination.

Ernest also has counseled employee pension and welfare plan participants, sponsors, administrators, trustees, investment managers and other fiduciaries regarding the establishment and operation of ERISA pension and welfare plans. He was lead counsel for pension and welfare plan fiduciaries in claims concerning plan benefits and the appropriate investment of plan assets. Most noteworthy, he has won cases of first impression concerning the status of insurers as ERISA fiduciaries and the development of federal common law governing ERISA plans.

In addition, he has assisted clients in a diverse variety of other corporate matters, commercial affairs, mediation, arbitration and litigation, including insurance coverage issues involving comprehensive general and fiduciary liability policies, punitive damage liability, securities fraud and statutory consumer and business fraud claims brought as class actions, as well as trademark and copyright issues.

## EDUCATION

J.D., Washington University, St. Louis, Missouri, 1976.

Associate Editor, Washington University Law Quarterly, 1974 to 1975.

B.A., Wabash College, Crawfordsville, Indiana, 1970.

## PEER RECOGNITION

Illinois *Super Lawyers*, Law & Politics, 2005 and 2006.

Leading Lawyers Network, Law Bulletin Publishing Company, 2005 and 2006.

Martindale-Hubbell, "peer review rated for ethical standards and legal ability," since 2005.

## PUBLICATIONS

"RICO: Get Ready For The Onslaught" (*The Brief*, Fall 1986).

"Environmental Law: What is "Major" in "Major Federal Action"" (485 *Washington University Law Quarterly*, 1975).

Cases on which Ernest has served as lead- or co-counsel include:

- *PEB Financial Group, Inc., v. Cahill & Waterstone Financial Group, Inc.*, NASD ID No. 04-02821 (Chicago, March 27, 2006)
- *Bartholet v. Reishauer A. G.*, 953 F.2d 1073 (7th Cir. 1992)
- *Associates in Adolescent Psychiatry, S.C., v. Home Life Insurance Company*, 941 F.2d 561 (7th Cir. 1991)
- *Boisvert v. American Service Bureau, Inc.*, 1996 U.S. Dist. LEXIS 12503 (N.D. Ill. August 22, 1996)
- *Fountain Marketing Group, Inc., v. Franklin Progressive Resources, Inc.*, 1996 U.S. Dist. LEXIS 10025 (N.D. Ill. July 12, 1996)
- *In re VMS Ltd. Partnership Securities Litigation*, 1996 U.S. Dist. LEXIS 4165 (April 2, 1996); 1995 U.S. Dist. LEXIS 16921 (November 9, 1995); 1995 U.S. Dist. LEXIS 12146 (August 21, 1995); 1995 U.S. Dist. LEXIS 8079 (June 9, 1995); 1995 U.S. Dist. LEXIS 8081 (June 9, 1995); 1995 U.S. Dist. LEXIS 7841 (June 6, 1995); 1995 U.S. Dist. LEXIS 2876 (March 8, 1995); 1995 U.S. Dist. LEXIS 1971 (February 16, 1995); 1995 U.S. Dist. LEXIS 1858 (February 15, 1995); and 1995 U.S. Dist. LEXIS 1858 (N.D. Ill. February 14, 1995)
- *Donato v. Metropolitan Life Insurance Company*, 822 F. Supp. 535 (N.D. Ill. 1993)
- *Harbin v. Sun Life Insurance Company of Canada*, 710 F. Supp. 1167 (N.D. Ill. 1989)
- *Armbruster v. Benefit Trust Life Insurance Company*, 687 F. Supp. 403 (N.D. Ill. 1988)
- *P-K Tool & Manufacturing Company v. General Electric Company*, 612 F. Supp. 276 (N.D. Ill. 1985)
- *Prudential Insurance Company of America v. Umlauf*, 1979 U.S. Dist. LEXIS 8507 (N.D. Ill. Nov. 16, 1979)
- *Western-Southern Life Insurance Company v. Aron*, 1979 U.S. Dist. LEXIS 15200 (N.D. Ill. Jan. 9, 1979)
- *Watroba v. Prudential Insurance Company of America*, 1979 U.S. Dist. LEXIS 15201 (N.D. Ill. Jan. 9, 1979)
- *Swanberg v. Mutual Benefit Life Insurance Company*, 79 Ill. App. 3d 81, 398 N.E.2d 299 (Ill. App. 1st Dist. 1979)

**BAR AND COURT ADMISSIONS**

Illinois, 1976

United States District Court for the Northern District of Illinois, General Bar, 1976

Illinois Supreme Court, 1976

United States District Court for the Northern District of Illinois, Trial Bar, 1984

United States District Court for the Central District of Illinois, 1991

United States Court of Appeals for the Seventh Circuit, 1991

New York, 1996

New York Court of Appeals, 1996

**PROFESSIONAL MEMBERSHIP**

American Bar Association

Lawyers Club of Chicago

**FOREIGN LANGUAGES**

Conversational French and Spanish

- *Nabor v. Occidental Life Insurance Company of California*, 78 Ill. App. 3d 288, 396 N.E. 2d 1267 (Ill. App. 1st Dist. 1979)
- *Margie Bridals, Inc., v. Mutual Benefit Life Insurance Company*, 62 Ill. App. 3d 542, 379 N.E.2d (Ill. App. 1st Dist. 1978).

## ACHIEVEMENTS

To date, Ernest enjoys a 100 percent success rate in employment claims he has litigated and tried to a final decision. He thrives on the opportunity to overcome difficult obstacles to business success and counts among his achievements having:

- successfully defended on appeal an employer with respect to a claim filed under the Age Discrimination in Employment Act
- defended on appeal a grant of summary judgment with respect to claims against ERISA, RICO and common law
- obtained a summary judgment dismissing a claim of breach of contract by an insurance company for failure to pay proceeds upon the death of an insured person on the grounds that no policy was shown ever to have been issued
- obtained a summary judgment for an insurance company in an ERISA action on a contested claim for disability benefits and secured a partial rebate of the amount previously paid under the policy in a counterclaim
- obtained a summary judgment for an insurance company in an action to deny the policy to the defendant due to misrepresentations made in application
- represented many of the nation's largest life, health and disability insurers and HMOs in evaluating, litigating and resolving claims
- won cases of first impression involving termination of the obligation to pay plan benefits when eligibility for plan participation ended
- represented and advised insurers and HMO's in mergers and in regulatory and legislative activities
- conducted pre-litigation claims analysis and negotiated settlements

- increased revenues by overseeing a contract generating \$500,000 in fees for the client, by providing a 50-state survey of the state insurance law and regulations relating to long term care insurance and, on a tight two-month timeline, by providing information in a searchable database format
- saved \$350,000 in litigation costs by mediating a dispute concerning a self-insured health insurance plan sponsored by a trade association; achieved a workable compromise and convinced all parties concerned to reach a mutually acceptable resolution
- successfully acted as mediator in an increasing number of employee benefit disputes.

Ernest Irons is a litigator and trial attorney whose experience in legal and operational management has permitted him to help produce highly profitable and unprecedented legal and business solutions for corporate clients. If his background and experience match your needs, we invite you to contact him.