



LAWYER LIMELIGHT: JOSEPH SIPRUT

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By John Ryan | Lawyer Limelights | No Comments



Photo provided by the firm.

Joseph Siprut has been in the news on a regular basis since starting his own firm in early 2011 thanks to an impressive string of high-profile consumer class actions. An early case against Southwest Airlines, which settled in 2012, resulted in the company replacing tens of millions of dollars in drink vouchers that did not have expiration dates. Last year, Siprut was co-lead in the \$75 million settlement with the NCAA over its handling of concussions, and he is now attempting the same legal strategy at the high school level. Chicago-based **Siprut P.C.** has played a lead role in lawsuits targeting major corporations over data breaches while also expanding outside the consumer arena, including patent litigation.

The 2003 **Northwestern Law** graduate credits much of his success to an aggressive approach that credibly threatens the possibility of a trial – he has been in trial at least once a year over the past decade – as well as to the training he received at litigation boutique **Schopf & Weiss** before switching over the plaintiff-side. Being on his own has allowed him to foster his own unique firm culture, which Siprut says values authenticity and allows associates to strategize over cases while playing pool in the office game room.

Lawdragon: Can you talk about your switch to the plaintiffs' side?

Joseph Siprut: I spent the first part of my career doing blue chip corporate litigation. A lot of it was defense side. That was good training for me to learn the litigator tool kit, but ultimately when I got more senior and started focusing more on developing business, that's when it became clear to me that I really should be on the plaintiff side. That was more my natural temperament and instincts anyway.

There are two parts to that. One is I'm very aggressive as a lawyer. I would say I'm very civil and very measured, but by the same token, I push cases very hard. I think that kind of approach works well when you're on the plaintiff side. I also think that, just on a personal level, I'm full of righteous indignation – so of course it's more in my wheelhouse to be taking on the underdog against the big guy, the David versus Goliath dynamic.



JS: Once I got to a point where I knew that I wanted to focus more on plaintiff-side work, which includes not only class actions but also commercial contingency cases, I figured that I was either going to make a lot of money or not based on my ability to originate cases – whether I worked for a different firm or started my own. The reality is I always wanted to start my own firm at some point anyway. I just never knew exactly when or how it would be. Once the pieces started coming together and I could see how everything would fit, I was off and running pretty quickly.

LD: Did you have mentors early in your career that you modeled yourself after or really learned a lot from?

JS: At Schopf & Weiss, which is a commercial litigation boutique, I spent very important formative years at that firm. I think it's critical for a lawyer, when they're about four or five years out of school up through about eight years, to have good mentorship during that period of time, so that you can learn the craft of litigation the right way. Those are really the years when a lawyer grows up and becomes an adult attorney. If you don't learn things and if you're not taught the right way, you may have bad habits for years.

I was very fortunate during that period of my career to learn from some of the best lawyers that you'll ever see anywhere, not just in my opinion but in the opinion of anyone else that you would ask. In particular, Steve Weiss, Peter Baugher, Pat Heneghan, those are some of the best guys I've ever seen. I'm still in touch with them and I would consider those guys to be my mentors.

LD: Once you were on your own, was there a case that established the firm's reputation and signaled that you'd be a force to reckon with?

JS: The first major case we had that got a lot of media attention and that was one of our first major settlements was the Southwest Airlines drink-voucher case. That was the one that really got my name out there because the underlying issue was interesting and colorful. I think that was very helpful in establishing the brand of the firm. When people saw that we took on a large airline like Southwest and ultimately settled it the way that we did, that established us as a force to be reckoned with. That put us on the map.

LD: What type of attorneys have you been trying to grow the firm with?

JS: In the earlier years of the firm, the growth was vertical, meaning that I was hiring younger people to work under me. Maybe it was different combinations of two or three associates and me, but I was at the top of every case. However, once we got to a certain point where we had too much business to have me be involved with every case, I realized that we had to grow horizontally. That has involved hiring other senior, established lawyers as partners who could also bring in new practice areas. For example, in the last year alone we've hired four new partners, one of whom is a patent specialist, one who specializes in False Claims Act litigation and another in antitrust. That allows me to be less involved with the operations of the cases on a daily basis. It liberates me to spend more time on things like settling cases, developing new cases and running the firm.

LD: The NCAA litigation got a huge amount of attention last year. Can you discuss the significance of the settlement?

JS: The NCAA concussion litigation is really important because it was the first case of its kind – the first-ever class action against the NCAA over the concussion issue and one that really challenged the concussion protocol policy on a global level. The settlement is very significant because it implements return-to-play guidelines that are binding and mandatory on all of the member schools. In that sense, our settlement has changed college sports forever; it's historic. The medical monitoring piece of it, which is what the \$75 million is for, is also the first of its kind.

In addition, just recently our firm has filed the first-ever class action over concussions against a state high school association. Essentially what we did with the NCAA, we're now hopeful that we'll do that at the high school level. That was filed against the Illinois State High School Association.

JS: Yes, if I have anything to do about it, because I'm going to be focusing on other states in the very near future. We wanted to file in Illinois first because we're here, but shortly down the line, we will be filing other cases in other states against other state associations.

LD: What is the status of the cases against companies for breaches of data?

JS: The data breach landscape is at an interesting juncture right now because the law has evolved – slowly – but just now reaching a point where I think the pendulum will swing. It has been very difficult for plaintiffs in some cases to survive motions to dismiss based on this premise that there's no actual harm if your identity hasn't been stolen yet or if no unauthorized withdrawals have actually occurred out of your account. Just being a member of the class and having your data compromised is often not enough. I think that a couple of key decisions have now either started to tip the pendulum or it's about to happen, and that's going to be incredibly important. For example, in *Neiman Marcus*, I'm co-counsel in a case that is now fully briefed and was recently argued before the Seventh Circuit. There's been no decision yet, but I'm fairly optimistic that we will prevail and that will turn the tide.

LD: How do you choose what types of cases to handle?

JS: A lot of the cases fall into the consumer class action umbrella. The NCAA case is not a typical consumer-type class action, but it is still a class action, and thus within the general profile. That being said, though, there are many cases that won't fit that profile. We've got plenty of non-class cases: patent litigation, malpractice litigation and higher-end personal injury cases. The reason why we have that diversified portfolio is, number one, having good diversification in your portfolio is just good business sense. You're not too heavily invested in one area. You're not going to be wiped out by a bad Supreme Court decision. It's much like having a stock portfolio in that sense.

The other part of it is that, fundamentally, litigation is litigation. The same skills that make a lawyer successful in a garden-variety consumer class action are largely the same skills that would make you successful in a bilateral commercial case. If you're good, you're good. The difference is areas like patent litigation, when you need someone on the team who actually understands patents or who has a mechanical engineering degree.

In terms of choosing cases, I think that for me there are one or two reasons why a case makes sense. One is because it's a really interesting or important issue. The second is because it presents a good economic opportunity. If you're really lucky, you'll get both of those at the same time on the same case. Sometimes it doesn't work out that way and you only get one or the other, and that's OK, too.

LD: What is the culture of the firm like?

JS: First and foremost, I'm a big believer in just being authentic and real. I think that people have to have the courage to be themselves, and the ones that have the courage to do that are able to excel. That's a very broad statement but it's true in many different contexts. For example, when you're arguing with the court, I think the best oral advocates are the ones who are completely honest, and that honesty allows them to establish and maintain credibility in the course of their oral argument – and then over the long term, for their whole career. When a judge asks you a question, you have to be able to give an authentic, honest answer that doesn't reek of BS. That's a skill, believe or not, that a lot of lawyers just simply don't have.

Overall, my philosophy is to just be yourself. I encourage people here to think the same way. I think that comes through in the culture. If it's not for you, then you shouldn't work here. If it is for you, congratulations, welcome to the firm.

LD: What do you do for fun when you're outside the office?

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JS: I like to play golf. I'm a member at Olympia Fields Country Club. I smoke cigars. I've been known to drink every now and then. If I'm able to combine all three of those things, that's a pretty good day. Business development-wise, I think there are also

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advantages to the fact that you can mix business with pleasure. It would be a lot harder for me to do all the things I need to do in a given day if I weren't killing two birds with one stone from time to time. If I'm playing golf with an important referral source or an important client, or having dinner with him and his wife, or whatever it may be, those are things that are fun, it's part of what it means to be human, but at the same time, it's also doing my job because relationships are an important part of business development.

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