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**MYRON
"MIKE"
CHERRY**

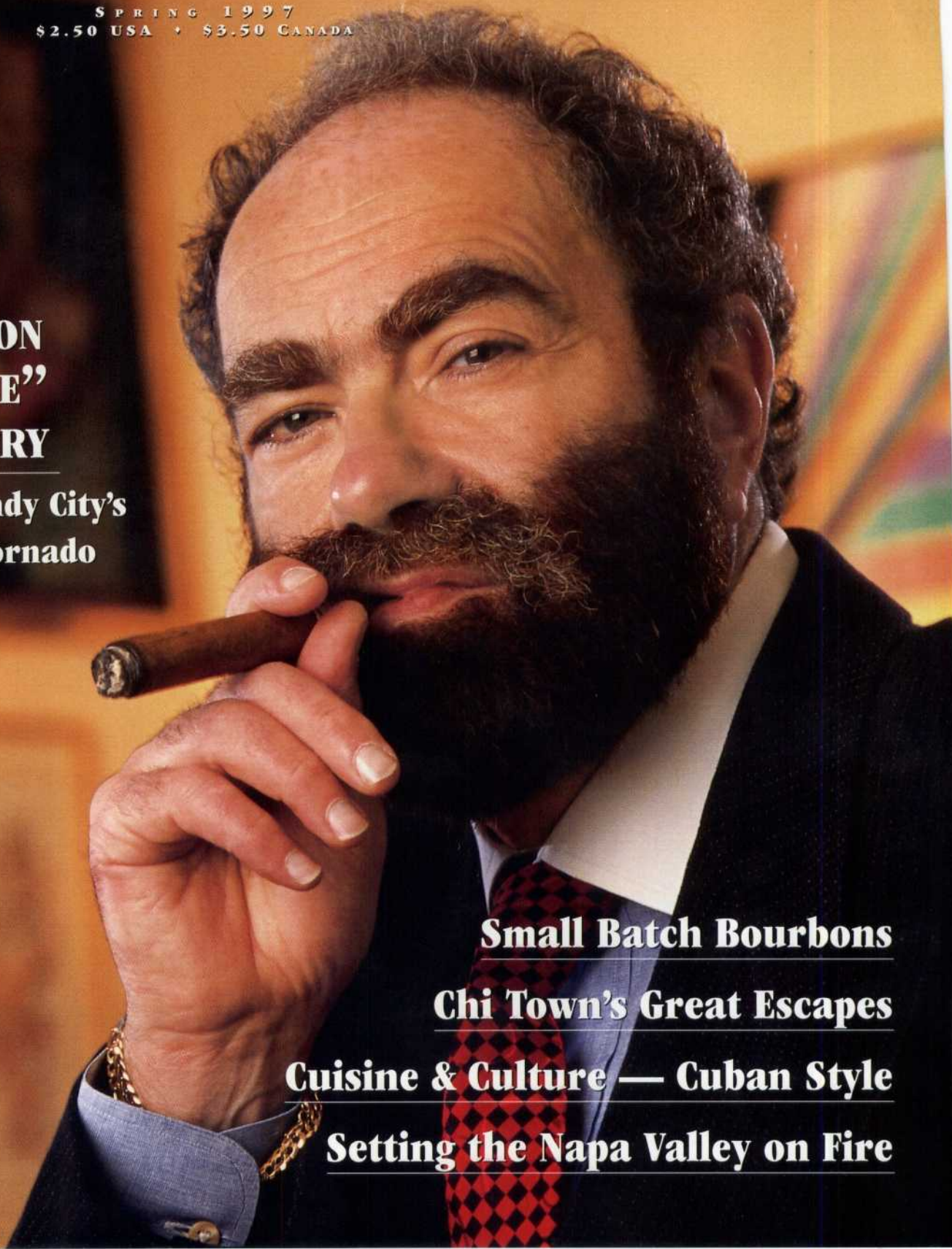
**The Windy City's
Legal Tornado**

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TENACIOUS. LOYAL. CREATIVE.

*That's what his clients —
and his friends —
say about him.*

BY BECKY JOHNSON

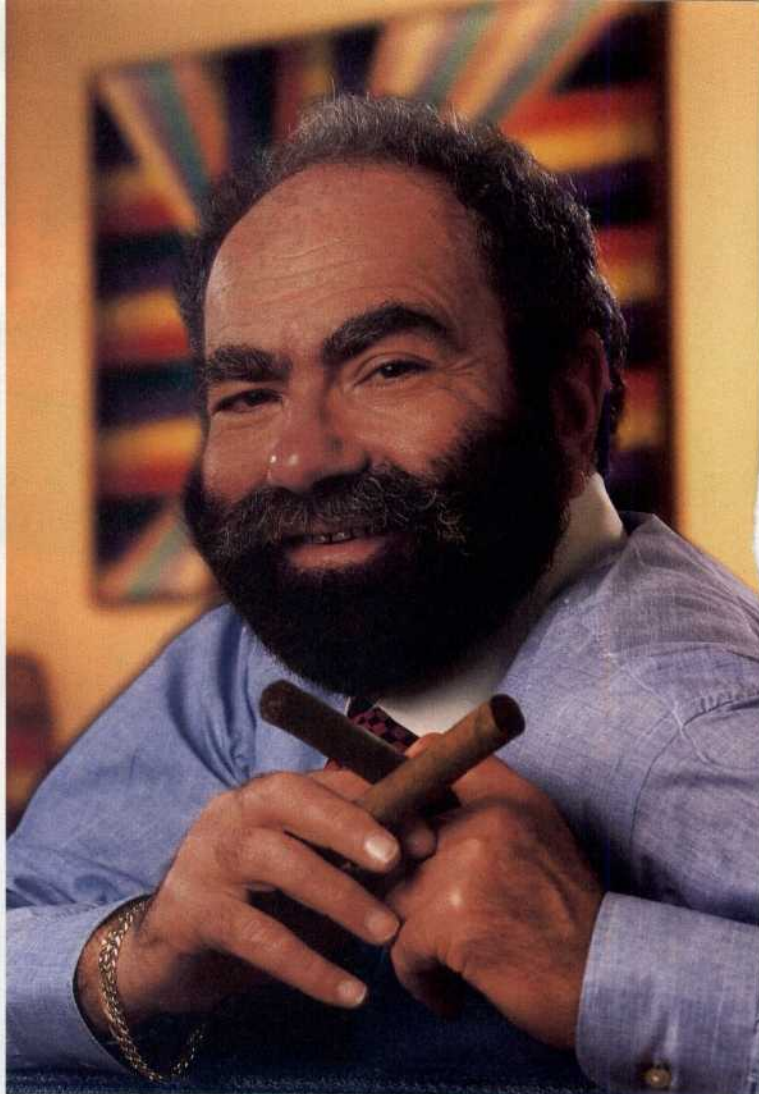
BRIGHT. DEDICATED. MEAN. THAT'S WHAT THE WALL STREET JOURNAL AND HIS OPPONENTS HAVE TO SAY ABOUT HIM. THEY'RE TALKING ABOUT MYRON "MIKE" CHERRY — the tough, highly successful trial lawyer from Chicago, who has built a reputation by taking cases that other attorneys have turned down as losers, and then winning them. In fact, during the past five years his busy little firm has only lost one case at trial, and that one is on appeal.

The firm of Cherry & Flynn, which Mike founded in 1973, has six lawyers who specialize in high-risk commercial litigation around the country; and 80 percent of the cases are taken on a contingency basis.

"In every case," Mike says, "there are one or two, maybe three key issues — or facts — that represent the essence of the dispute. You have to find that tripod as quickly as possible and make it the platform on which you stand. This means that you can shape the dispute, and that you can force other people to become players in the drama that you have created."

Former utility executive Don Dunlop, one of his recent clients, says that "Mike is brilliant. He really knows his business. He always gets the job done, which is what counts. He can be very subtle. But if I had to pick the one word to describe Mike Cherry, it would have to be relentless. Relentless in the way that he pursues his cases. Relentless in the way that he cross-examines people."

When we caught up with Cherry, he was smoking one of his choice cigars in his paper-littered office in the heart of Chicago's downtown Loop area. "The lawyers I know who are neat and clean usually have ideas that are very neat and clean," Cherry said with a touch of derision in his voice. "The trouble with this is that the world is not so neat and clean. And neat and clean doesn't always work."



PHOTOGRAPHY BY MARTIN H. SIMON

One of the first things you notice when you're in his office, is that his walls are full and his shelves are stacked with photos of Mike and a host of politicians — most of them Democrats — from President Clinton on down. Mike became a substantial backer and a heavy fundraiser for Bill Clinton at the beginning of Clinton's first run for the presidency and has been a visitor to the White House.

Mike Cherry began to make a name for himself back in the 1970s when he launched a one-man legal campaign against the powerful nuclear power industry in an attempt to make it safer and more responsible. As a result, the proponents of nuclear power were forced to build so many safety features into their plants, including cooling towers, that nuclear power plants simply became too expensive to build in this country.

One exasperated electric utility executive was heard to say, after a lengthy series of hearings that doomed his plans to build a big nuclear power plant, "This Cherry is an S.O.B. But he's the best trial lawyer I've ever seen. And if I ever get charged for murder, I want him to be my attorney."

Mike's legal stock in trade are the questions he asks. And it was his questions that literally stopped the nuclear power industry dead in its tracks. That's why he notes with a touch of amusement that he's now getting a good dose of his own medicine at

home. "I woke up one day," he says, "to realize that all my kids (he and his wife Pat have three; a boy and two girls) have been trained to question. In our house, the kids know that eventually I will succumb to a reasonable argument. So they keep pressing. My son Jacob, who is thirteen, now drives me crazy, but I know it will be an asset to him when he's eighteen."

Cherry is a religious Jew, and his wife Pat, an Irish Catholic with an MBA from Notre Dame who converted to Judaism before they got married, is the one who makes sure that their house stays Kosher. And like many law firms in Chicago, with their Irish and Jewish names, the union of Cherry and partner Peter Flynn have brought the teachings of the Jesuits and the Yeshiva school to full bloom. And when Bill Coulson, formerly of the U.S. Attorney's Office, joined the firm, he brought another dimension to Cherry & Flynn.

Along with his reputation for being totally absorbed in the cases he handles, Cherry is also famous for asking his clients what they want. Which brings to mind the client who owned a business that manufactured large score-keeping clocks for sporting events. One day, the man came to Cherry bent out of shape. It seems there was a stadium in the Midwest that still owed him \$100,000 for a clock he installed; but when he tried to collect his money, they told him to get lost (in words much rougher than that). "What do you want?" Mike asked. "I want my money," his client replied. At that point, many lawyers would have started grinding the old legal mill. But Mike, as usual, began to ask questions. He wanted to know all about the clock, and how it worked. And then he came up with a plan. The hockey season was just about to open, so he got his client to send a maintenance crew to the stadium in question to "service" the clock. Instead, they took the working guts out of the clock, and brought them back to Chicago. The next day, Mike got a furious call from the people who owned the stadium, stating that they wanted to get their scoreboard clock working "or else." Mike told them that they could get their clock working for the opening of the hockey season but only if they gave him a cashier's check for \$100,000. And his client got his money. It was fast. It was smooth. And it was pure Cherry.

Another time, there was a young lady who claimed that ABC television stole an idea of hers and turned it into the "Fantasy Island" TV show. She went to some other lawyers, but none of them wanted to touch her case. Mike Cherry did. And after suing, he was able to squeeze a \$1 million settlement out of the network producers.

Another Cherry case involved some employees who had a pension plan that a corporate raider was proposing to grab so he could use it to finance the takeover of the public company that the employees worked for. Mike took their case and the employees

were not only able to hold on to their pension fund, but Mike was also able to arrange a bank loan so that they — rather than the raider — could buy the company.

Then there was the case of a small manufacturer who was getting clobbered by the television ads that Bristol-Myers was running at a time when Bristol-Myers dominated the field in which Mike's client was competing. Before arriving at Cherry's office, he had been told by other lawyers that he didn't have a case; and that he would have some serious difficulties trying to stop a television ad because of constitutional reasons. After a lengthy, and highly complicated court battle, Cherry was able to stop Bristol-Myers and NBC and ABC television from showing these damaging ads, and Cherry was able to trade on

this decision to obtain a lot of money for his client.

It's rather ironic, considering the fact that Mike is often thought of as a terror in the legal field, that a large portion of his business comes in the form of referrals from other lawyers, including many who have gone up against Mike in the courtroom. Jerome (Jerry) Shestack, a prominent Philadelphia attorney who is the President-Elect of the American Bar Association, puts it this



FOR A MAN WHO TACKLES LEGAL MOUNTAINS ON A DAILY BASIS, THIS CLIMBING EXPEDITION IN ASPEN WAS PROBABLY A PIECE OF CAKE!

way: "A really good cigar is rare, and a really good litigator, like Mike, is also rare, because he's tough, imaginative, brilliant and fair."

The word "fair" is a good indication to many people who hire Mike as a litigator discover that he can be an effective peacemaker as well, in that he makes it a point to bring conflicting parties together, which gives them a chance to put their strengths and their weaknesses on the table, and to find some common ground. In this regard, Cherry says that "a good percentage of the cases that I take are won by settling before they actually go to court."

Cherry has also been recognized for his judgment in the political community. He recently served on the U.S. Senate Commission on Judicial and Other Appointments, having been appointed by Senators Simon and Moseley-Braun. Of the hundreds of hours he expended on that commission, Cherry says, "We're very proud of the selections made for new judicial appointments, as well as the current United States Attorney, Jim Burns."

Cherry, who's usually up to his ears in good causes, has been

on the Board of Directors of Jobs for Youth/Chicago for a good many years. Jobs for Youth, which is the largest not-for-profit organization of its kind in the Midwest, has trained and placed

thousands of young people from the inner-city in good paying entry-level jobs, and has then stuck with them until they have a firm grip in the job marketplace.

Now it looks, like he'll be able to join Jobs for Youth together with his latest venture — Windy City Players, a Chicago-based First National Entertainment subsidiary, which wants to draw on the vast amount of talent that Chicago has to offer to make movies in the Windy City. And Cherry is slated to join the cast of *Chicago Blues* (the Players' first full-length feature) in the

role of a River North art dealer, and as a co-producer of the film.

This should be a natural role for Cherry. As an art collector, he has dealt with a number of art dealers; and his years in the courtroom as a trial lawyer have certainly honed his dramatic skills. And Cherry, who will act in *Chicago Blues* for union scale, plans to donate his wages to Jobs for Youth/Chicago, which should give him a lot of personal satisfaction. ■



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