

# Dan Litchfield

## Insurance Lawyer Creates Respectful Atmosphere for All

by Daniel I. Dorfman



When Daniel G. Litchfield was growing up in the small town of Hays, Kan., he didn't know any lawyers, but he was drawn to the profession while watching television, where attorneys were cast in a glamorous—if somewhat unrealistic—light.

"The idea of competitive debate and competitive speaking was a lot of fun and somehow in my mind that was equivalent to being a lawyer," Litchfield says. "Because on TV they are always talking, they are not sitting at their desk at 9 p.m. writing a brief. That is the part you learn about later."

After a career filled with paying his dues that at one point had him digging through dirty boxes in sultry conditions in a quest for critical documents, Litchfield has become the standard bearer at **Litchfield Cavo LLP**, which has grown to 13 offices across the country. Litchfield remains very active, mostly concentrating his practice on insurance coverage and insurance bad faith litigation and by leading a firm that wins praise from his co-workers.

"He is pleasant and respectful to everybody," notes Litchfield Cavo partner Hope Nightingale. "That is harder and harder to find in the legal field. As a colleague you want to work with him, and as an opposing counsel you are not put off by unnecessary antagonism."

### Growing Up in the Heartland

It has been quite the ride for Litchfield who grew up in western Kansas. His father was a meat salesman for Armour & Co., and his mother was a teacher.

When his father was transferred to Kansas City about 300 miles away, the Litchfields settled down in Overland Park. He enrolled at Shawnee Mission West High School and played the trumpet in the school band. At one point he sat next to Curt Ramm, who rocketed to fame playing trumpet with Bruce Springsteen.

Litchfield thought about a music career but quickly realized the odds of success were daunting at best.

"I was first chair in the band in Shawnee Mission West, and then you realize how many high schools there are in America and how many of them have a band," he says. "There is a first chair trumpet player in each one of those bands. Being the big fish in a small pond is pretty irrelevant in a career decision."

Always on Litchfield's mind was an interest in law enriched by his TV-watching habits, specifically Raymond Burr as the formidable Perry Mason. He took a speech class in high school as a way of getting started, competed in debate and forensics, and enrolled at Drake University in Des Moines, Iowa, as a forerunner to law, majoring in political science and history.

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While at Drake, Litchfield met his eventual wife. Since she was from the Chicago area, the Windy City became a destination. Moreover, he was also intrigued at the prospect of coming to the University of Chicago Law School, given its solid reputation.

“What I had read about the school caught my imagination as it was the home of Enrico Fermi and Amos Alonzo Stagg,” Litchfield says.

So in 1980 Litchfield made his maiden voyage to Chicago and soon found himself in Hyde Park, which he heartily concedes was a far different cultural experience than Kansas and Iowa.

Litchfield also found the academic requirements far different than in college.

“I walked into law school with the same unsophisticated view of the practice of law that I had always had. That is what you saw on TV. They are always talking. I love to talk,” Litchfield says. “As I started to do the coursework and talked to my colleagues and listened to my professors, I learned I knew about a very small slice of a very big pie.”

But Litchfield persevered and eventually secured a summer clerk position at Bowles, Becker & Levine, where he worked in litigation, but also gained access to transactional and counseling law.

“That was a great way to learn about the law, and I learned about what is involved in doing transactions and in counseling businesses,” Litchfield says. “That was a good part of my development. It gave me insights, although I decided I really wanted to be a litigator.”

## A Key Personal Connection

Upon graduation from law school, Litchfield increasingly caught the attention of Alan Becker, a partner at Bowles, Becker & Levine and later at Burditt & Radzius. Becker hired Litchfield as a summer associate, then as a full-time associate. That was the basis of a relationship that has existed for over 30 years, as Becker now serves as managing partner at Litchfield Cavo.

“Dan was and is extremely intelligent and hardworking but, most importantly, he was able to grasp the meat of an issue,” Becker says of what impressed him about Litchfield. “With that ability, whether it was a fact or legal issue, he was able to get to the answers we needed very quickly. As a small firm, that was very important because our clients needed us to be careful in terms of how much we were going to bill.”

Litchfield spent his formative years working on antitrust cases. One that made a strong impression was *White v. Cessna*, a Robinson-Patman Act class action.

“That was my first experience with big case litigation,” Litchfield says.

The glamorous lifestyle he envisioned for a lawyer through TV came crashing down in that experience.

“I’m in warehouses in Wichita, wearing a suit, looking at documents, working at a table with a temporary help firm,” Litchfield remembers as he describes the heat of a Kansas summer. “You would pull out a box, and you



The Litchfields pose for a family photo.

would have to be careful because there might be a snake there.”

While technology has advanced to the point that such scavenger hunts are not as necessary today, Litchfield notes the lessons of his first cases are still relevant.

“You have to get your hands on the small number of documents that really matter. I’ve tried cases where the trial has lasted three months. Even in a trial that long, a relatively small number of documents really matter,” he says. “In a long trial, the same 10 to 20 documents come up again and again. It is just funny how that happens.”

As his career at Burditt & Radzius flourished, Litchfield was assigned to antitrust work, Truth in Lending Act cases, commercial litigation, and Superfund cleanup cases. But, as time moved on, he became overwhelmingly involved in cases of insurance coverage and accusations of bad faith on the part of insurance companies.

“Representing insurance companies is a challenge in and of itself. A lot of jurors come in with biases. I think most people’s interactions with the insurance industry are with the health insurance arena, and you find a good number of people who have had unfavorable experiences that they report,” Litchfield says.

“I think insurance companies are seen as a big bank, and they are not going to miss a few million here and there. The fact is they do, and I am responsible for that if the case doesn’t go well.”

That work in the insurance world led to a career highlight involving a case in Milwaukee, where his client was found not to have acted in bad faith. The jury also returned a verdict of reverse bad faith, finding that the policyholder was a bad actor.

## Setting a New Course

Eventually Litchfield became a shareholder at Burditt & Radzius, but in 1998 he was forced to embark on a new chapter. With the firm facing an expiring lease, the partners decided it was time for the firm’s three distinct practice groups to go their own separate ways.

Litchfield started talking with some of the other attorneys in the firm to see if they would like to form their own firm. He also sounded out a former client of his, Rick Cavo, who was based in Connecticut and was trying to take his own career in a new direction.

Cavo decided to sign up with Litchfield and soon Litchfield Cavo was taking shape.

They were also joined by Becker, who became managing partner. What started out as a 14-attorney operation has grown to over 180 lawyers in 13 offices around the country.

Many of the partners attribute the success of the firm to Litchfield’s leadership and his concern for colleagues and the firm’s employees.

“He is younger than I am, yet in a lot of ways he is more sophisticated and mature in terms of management,” notes partner Mitchell Frazen, who worked with Litchfield at Burditt & Radzius and is one of the current firm’s original attorneys.

“His strength is his management, which he does a lot of by walking around. Every week he is in my office—and I presume in everyone’s office—taking people’s pulses, checking to see how everything is going, and asking if there are issues.”

Litchfield describes Litchfield Cavo’s growth as “organic,” as there were no specific goals when the firm began 16 years ago. All these years later, he must produce high quality work just like everyone else.

“We are the same in that we have the exact same business plan and approach. We have an objective, numbers-driven compensation system that is in our partnership agreement,” he says. “I don’t make anything for being the Litchfield in Litchfield Cavo.”

With his successful career, Litchfield has become an elder statesman. He observes how the legal world has changed with an emphasis on big firms and big money.

He remembers how, when he took up law in the early 1980s, a competitive starting annual salary for an associate was in the \$30,000 range. Now it is closer to \$200,000.

“You have relatively green associates stepping in front of the judge who make so much more than the judge,” Litchfield says.

Despite the high salaries, he acknowledges it is very difficult to become a lawyer today. He has first-person experience on that subject because son Phil just graduated from IIT Chicago-Kent College of Law.

“I know very personally from him and his friends that there are too many lawyers, and there are too many law students coming out of law school,” Litchfield says. “My perception is there is not enough legal work for all the lawyers in America.”

Litchfield and his wife, Mary, live in Darien. In addition to Phil, they have two other children. Liz is a Foreign Service officer who presently works the Libya Desk. Ted is a University of Chicago student.

One of Litchfield’s interests is golf, as indicated by flags from the Masters Tournament adorning his office.

Litchfield shows no signs of slowing down as he continues working mostly in the insurance law realm. He envisions practicing at least another 10 years and hopes the firm he helped create in 1998 will still be going strong long after he works his last case.

“If I came back in 100 years, I’d love to know that Litchfield Cavo still exists,” he says. “That would be my personal goal.” ■