

# Chicago Daily Law Bulletin®

Volume 160, No. 123

## Man of steel

Ironworker represents his union brethren as plaintiffs in personal-injury cases

BY JACK SILVERSTEIN  
Law Bulletin staff writer

Jay R. Luchsinger knew he was ready to start his law career the moment he was nearly crushed in the Loop by 15 tons of steel that fell 30 stories from a crane.

Luchsinger, an ironworker at the time, was part of the welding crew working on the building at 181 W. Madison St.

As a married man in his late 30s attending The John Marshall Law School at night while raising two daughters, Luchsinger switched from the raising gang — whose requirements include climbing columns while carrying upward of 30 pounds of tools and steel — to the detail gang.

"These young connectors are athletes," Luchsinger said recently from his office at Horwitz, Horwitz & Associates where he is a plaintiff lawyer focusing on personal-injury and construction-injury cases.

"You talk about pumping iron? You're literally pumping iron all day long, only you're getting paid for it."

Shortly before the accident, Luchsinger and his buddy, Ernie Calabria, were up 30 floors welding when they heard that there was a bad weld at the building's base. They went down to fix it.

While Luchsinger and Calabria welded at the base,

trucks entered the site carrying tons of steel. The crane reached down to hoist the steel up to the raising gang, who would set it.

"Now Ernie and I are right at the base," Luchsinger said. "So they bring in a truckload of steel, 15 tons worth of columns, up they go — up, up, up, up, up, up, stop. The load nested — which means you get all that momentum — and now you're going to have a little bit of drop because there's no tension on the chokers."

The load shifted, and 15 tons fell to the street.

For some reason — Luchsinger still doesn't know why — Calabria looked up. He leaped out of the way and smacked Luchsinger on the back, who was kneeling by the building's base, torch lit, goggles

*"That union put me through law school. If I didn't have a union wage, my family wouldn't have had a roof over their heads. And if I'm any type of person, what am I supposed to do now, walk away?"*

on, cutting steel.

"Get out!" Calabria yelled.

Luchsinger threw his torch and jumped to safety inside the building.

One thought flashed through his mind: "I gotta get done with law school."



Jay R. Luchsinger

### Ironworker, Local 1

A Beverly native with a Chicago accent as thick as they come, Luchsinger has been an attorney since 1989. He's been a union man since birth.

"I made a mistake once of introducing Jay and saying, 'Jay's a lawyer. He's formerly an ironworker,'" said Mitchell W. Horwitz, a partner at Horwitz, Horwitz & Associates.

"Jay corrected me saying, 'No Mitch, I'm a dues-paying member of Local 1. I'm an ironworker, and I'm a lawyer.' I always laugh because I introduced him incorrectly. I think he's an ironworker first and then a lawyer."

A third-generation ironworker, Luchsinger is still active in the union in Forest Park.

"You're not going to find anyone who is more pro-union than me. Unions are wonderful ... things," Luchsinger said, using an expletive, as he often does, which forces this ellipsis and several others into his quotes for this story.

"They made America. They make the middle class."

There's a saying among ironworkers that if someone makes an error that requires a reprimand, he gets "plumbed up." Well, ask Luchsinger why he still pays union dues 25 years after he left the trade and he looks like he's ready to plumb

somebody up big time.

"I'm a union guy. My grandfather and dad would roll over in their grave, but it wouldn't cross my mind not to be a member of the union. I'm going to be there on Saturday morning at 8 o'clock in the morning voting. That's my union," he said, stressing the last word.

"That union put me through law school. If I didn't have a union wage, my family wouldn't have had a roof over their heads. And if I'm any type of person, what am I supposed to do now, walk away?"

He won't be doing that any time soon. His hard hat is prominently displayed in his office, as are framed photos of Luchsinger on job sites.

While the bar exam was the greater mental challenge, he said, becoming a journeyman is overall more difficult.

"If you ever stand up on a beam 50 floors above a street, and everything's waving because it's loose, and here comes a column in, and a column weighs a ton, and you're standing on a spud wrench ... and it's you and the beam. And you better make it happen. And by the way, it's only 7 o'clock on Monday morning and you're going to be doing this for the next 40 hours?"

He paused. Then he laughed. "You tell me."

### A lawyer, too

As a journeyman ironworker, Luchsinger was licensed to work anywhere in the country. Throughout his 14-year career, he worked jobs in Illinois, Wisconsin, Minnesota and Colorado.

But the bulk of his work happened in the Loop, in the very buildings where he now conducts depositions. Along with his work on 181 W. Madison, Luchsinger worked with crews that built the Loop Pedway, Franklin Center at 227 W. Monroe St., the Dan Ryan Expressway and the CTA's Orange Line.

It was during that last job that the late Andrew Horwitz hired Luchsinger.

"I got lots of lawyers," Horwitz told him at his interview. "I don't got no ironworkers. I'll try you."

While other firms may have shied away from Luchsinger's background, the elder Horwitz saw it as a benefit, hoping that Luchsinger could secure cases from his construction contacts. He could — and does — estimate that 10 to 15 percent of his cases involve ironworkers.

His largest ironworker case success came in November 2012 when he, Clifford W. Horwitz and Michael D. Carter Jr. represented Ronald Bayer, a man injured on a site after falling 15 to 20 feet to the ground from the steel structure. As a result of the fall, Bayer is quadriplegic.

The defense argued that Bayer should never have gotten out of the aerial lift while he was working.

Luchsinger disagreed.

"You can't do what ironworkers do out of an aerial lift," he said. "Why? Because you have to pry. You have to pound. You have to have leverage. You have to be right in there.

"And aerial lifts, they move. Aerial lifts are good for getting you where you need to go, but you can't do ironwork from an aerial lift."

To prove this point to the jury, Luchsinger walked to sites throughout the city and interviewed ironworkers, filming them doing the kind of work that Bayer did and asking if they could do it in an aerial lift. One by one, the responses came back: No.

"So my closing argument," Luchsinger said, "I was actually able to say to the jury, 'Ladies and gentlemen, part of their defense is that Ron should never have climbed out of that aerial basket. We showed you video after video and ironworker after ironworker who testified that they do their work from the steel, not the basket. In five years of this litigation, they have not showed you one video or one photo of an ironworker making a connection like this from a basket. Not one.' You know?"

Cook County jurors awarded \$64 million to Bayer, the largest verdict in Illinois history involving quadriplegia.

"We're all in this together," Luchsinger said about his worldview. "It's not just about me. It's not about stepping on your neighbor. And that led to this idea about the law. Because isn't that what the law is supposed to do? Make sure everyone is treated fairly?"

#### **Chicago works**

At the southeast corner of the Michigan Avenue bridge over the Chicago River is Luchsinger's favorite piece of public art in the city. Carved in 1928, the sculpture depicts the city's ironworkers rebuilding Chicago after the fire. The piece is called "Regeneration."

"The goddess of regeneration floats above our fair city in the wake of Chicago's fire of 1871," Luchsinger said, describing the piece. "Like a phoenix rising from the ashes comes Chicago

anew. And below her are these two brawny, muscular ... ironworkers, driving rivets in a steel column with beams, with all the block and tackle, the spud wrenches in their sheathes.

"That's why Chicago's local is Local Number One," he said, slapping the desk with each word. "Because it's here that we pioneered in the ... use of structural steel to build buildings. Chicago."

He looked out of his office window at the L tracks circling the Loop.

"I'm not trying to sound falsely idealistic, but we live in a cutthroat ... world here," he said. "And in every case we got, we're up against the best and most well-paid attorneys in the country by the most powerful organizations, insurance companies, in the country. We have the burden of proof. And we gotta win 12 out of 12.

"OK," he said, smiling. "I'll take those odds."