

The Fiewegers

Trio of Brothers Share Single Passion for the Law

by Mike Bailey



Jim



Mike



Steve

Chicago attorney Michael J. Fieweger learned to love the law growing up as the youngest brother in a family headed by a prominent Quad cities attorney. That appreciation wasn't just the lessons learned from his father, but a tactic he mastered growing up with older brothers.

"The law was an alternative to physical force," he smiles, something that became necessary when his brothers held him down to let the dog lick his face.

Fieweger and those brothers, Stephen T. and James P., all came to appreciate the law so much that all three have become highly respected attorneys in different fields. In fact, rare in any profession is the level of recognition and achievement the Fieweger brothers have realized in the crowded legal field.

Steve, 52, practices commercial litigation, employment law and personal injury law in the Quad Cities at **Stephen T. Fieweger PC**.

Jim, 50, is a partner at **Williams, Montgomery & John Ltd.**, a Chicago litigation firm. Jim focuses his practice on commercial litigation, including professional and product liability defense, and on the representation of individuals and corporations in state and federal investigations. He is "AV Preeminent" peer review rated by Martindale-Hubbell, reflecting the highest peer recognition for ethical standards and legal ability.

Mike, 48, is a partner at **Baker & McKenzie LLP**, concentrating on transactional matters for private equity, institutional investors and their portfolio companies in their global investment and fundraising activities.

Though the three Fiewegers followed their father, Peter, a highly successful Rock Island lawyer, into the practice of law, not all took the direct route, even though all three attended the University of Notre Dame as their father had.

Steve never considered any other field.

"I was a finance major and after graduation, I went right to law school. I never thought of anything else." After graduation, Steve joined his father's firm where he practiced for 25 years. The elder Fieweger retired two years ago.

"Three months after I started, the firm added my Dad as a named partner and people thought I had made partner in three months. They would ask, 'What big case did you bring in

to get your name on the door?”

Steve's reputation quickly grew to rival his father's. "Steve has handled a couple of cases in front of me," says Rock Island Judge Mark VandeWiele. "He is always completely prepared—he's done his discovery and his due diligence, and very little will surprise him. He's also a Domer (Notre Dame grad), so once in a while we'll talk about Notre Dame football."

Law wasn't the initial career choice for the other two Fiewegers, however.

Jim never intended to enter the legal profession after earning a bachelor's degree in English and sociology. Upon graduation, he went to work for a medical publishing company. He did not find the work intellectually stimulating, and he went back to school to study law at DePaul University.

Mike graduated *cum laude* with a degree in economics from Notre Dame and went to work for American National Bank in Chicago. He enjoyed the pursuit but wanted a greater challenge.

"I was a lending officer for two years," he says. "It was a great preparation for my work as a transactional lawyer. During that time I worked with many attorneys and gained an appreciation for their work, as well as an appreciation for the considerations of the client."

"Ultimately, I decided that the work the lawyers performed was more interesting than my work as a lender. Our Dad loved the law and loved his job immensely. That carried over to all of us. It is such an intellectually challenging profession."

In fact, if one is born a Fieweger, the brothers deadpan, his or her career path is essentially set. All three boys became lawyers. Their mother, Shirley, their sister Anne Marie Heinen, and her older daughter, Megan, are nurses.

The Fiewegers say their parents never pushed them toward any profession or any pursuit. The parents always supported them and continue to take an interest in their sons' careers and in the activities of their grandchildren.

The brothers were close growing up and even as teenagers, they displayed the ability to find solutions to problems—like how to compete in the Illinois High School Association state swim meet, even though their school did not have a pool or a team.

"We had been swimming competitively since we were kids," Steve recalls. "But Rock Island Alleman didn't have a swimming team."

Not a problem. Steve, a junior, and brother Jim, a freshman, rounded up a few friends, worked out diligently for several weeks, and convinced the school to allow them to enter the sectional swimming meet. They finished respectably.

Three Distinct Law Practices

As close as the three are, all have separate and distinct practices, virtually unrelated to each other.

The varied practice of the elder Fieweger brother has taken him to a fascinating case that appears headed to a jury trial early next year.

Steve Sandholm lost his job as coach of the

Dixon varsity boy's basketball team in April 2008, after some players' parents organized a campaign to get him fired. They alleged Sandholm, who was also the school's athletic director, verbally abused his players, an allegation Fieweger said is without merit.

"Look at the Dixon basketball team record over the years," he says. "It is mediocre at best. This guy won 19 games two years in a row. He is a very successful coach."

"The 2008 team underachieved, and some of the senior players' parents went to the newspaper about what they called abuse. They said he was yelling at his players. They also got together a petition and went to the school board, which essentially said he was complying with the school's code of conduct."

"When the school board wouldn't act, the parents started a website called savedixonsports.com and began a letter writing campaign to individual board members. Some of the parents got on the local radio station (where inflammatory comments were aired) and the station said it was taking up a collection to buy luggage to get my client out of town."

"There was no truth to any of these allegations," Steve says. "But ultimately, the school board removed him as basketball coach."

Sandholm sued 10 parents and the local radio station, subsequently filing three amended complaints, alleging multiple counts of defamation *per se*, false light, invasion of privacy, civil conspiracy to intentionally interfere with prospective business advantage, and slander *per se*.

But two courts—first a circuit court in July 2009, then an appellate court a year later—ruled that all of those named in the civil suit were protected by a law designed to encourage participation in democracy.

Fieweger argued that the act deprived Sandholm of his constitutional right to remedies for his injuries and violated his rights to due process and equal protection.

At the heart of the case is the Illinois Citizen Participation Act, enacted in 2007, which protects citizens from being sued for participating in government as long as their statements are made with a genuine goal of procuring a favorable government action. That act is often called the anti-SLAPP (Strategic Lawsuit Against Public Participation).

Not long after he was fired as basketball coach, Sandholm was also removed from the athletic director's position and was assigned to administration, a post from which he later retired.

Fieweger says the egregious manner in which Sandholm was treated inspired him to continue to pursue this case, even after lower courts rejected it. He wrote that the Appellate Court decision should be reversed because the Citizen Participation Act does not strike a balance between the rights of people to file lawsuits for injuries and the constitutional rights of people to petition.

Steve Fieweger:

Hard-nosed and Not Intimidated

"[The SLAPP] law is completely unconstitutional," Fieweger argued at the time. "It de-

prives all public employees ... from ever having the right of remedy in the courts if somebody goes after their job illegally."

The Illinois Supreme Court agreed to hear the case and unanimously reversed both the circuit and Appellate court. Their decision in essence said that this act does not protect people against slander. "The court said they are protected in participation but not in stating falsehoods," Fieweger says.

The case has been sent back to the trial court but has not lost any of its nastiness. "The defense is using a scorched earth approach," Fieweger says. "They've taken 60 depositions so far. They're just looking for anyone to say something bad about Steve." Discovery and depositions will continue for most of 2014.

Sandholm says he has great respect for his attorney. "He's hard-nosed, very intelligent and he is not intimidated."

"What I appreciate the most is that he has a high level of integrity, but he is also fearless. I asked around the area for the best attorney (for this type of case). Everyone who knew him said he is a straight shooter. It took a lot for me to go out of the area to hire an attorney I never met before. A lot of people said this was too big of a fight."

Challenging cases define the brothers.

After his stint in the medical publishing business, Jim graduated from DePaul and went to work at Jenner & Block. After a few years, he moved to Milwaukee and worked at a litigation boutique, Kravit, Gass & Weber. He returned to Chicago and eventually joined the United States Attorney's Office where he worked as an assistant under two U.S. attorneys, Scott Lazar and Patrick Fitzgerald.

"I was assigned to the civil division and handled a variety of cases including employment discrimination cases, tort defense, and health-care fraud," he says. "I also worked in the narcotics section and handled embezzlement and securities fraud cases. My safety or the safety of my family was not an issue in my decision to leave the office. It was all about income. I always joked that if I had a trust fund I'd have stayed there forever."

Jim now handles commercial litigation and defense work, often representing business owners.

Cristen Kogl, general counsel for National Express Corporation, says Jim has represented them in defense work including tort litigation, bid work and a full range of transportation-related issues, including arguing before the Indiana Appellate Court.

"Jim is very good in oral arguments," Kogl says. "He is very articulate and knowledgeable. He's the kind of guy a jury wants to believe. They are moved by his pitch."

The variety of cases he handles keeps him fresh, but once his attention is focused on a particular case, his devotion is laser-like. In late May, he was preparing witnesses for a trial involving a claim of breach of fiduciary duties, while also representing clients in other matters including a federal RICO claim.

(Continued on page 78)

(Continued from page 77)

Jim Fieweger: Quickly Grasps the Issues

Clients say his common sense approach and ability to quickly grasp the issues is one reason they keep coming back.

“Jim represented Grainger in a major federal government contracts dispute. He quickly gained deep knowledge of the law and Grainger’s business and was dogged in helping sort through mounds of documents and data,” says John Howard, General Counsel for W.W. Grainger.

“The company had a variety of firms and experts working on this matter, and Jim was a go-to person both for the facts and the law. In addition, he was extremely practical. Jim’s suggestions and approaches were sensible and yielded results, which isn’t always the case when dealing with government contracts. Several times I tried to get him to join me in-house, but he is with a very good litigation shop and really loves the give-and-take of going to court.

“Obviously, I am a big fan of Jim. He is all about client service and not about ego. You can’t go wrong when he is on your side,” Howard says.

Mike’s transactional practice remains somewhat of a mystery to his litigator brothers.

“I have no idea what he really does,” jokes brother Jim.

“I’ve been to court once in my life,” Mike smiles. “I had been a member of the bar for two weeks and a partner had to make an appearance in response to a motion that had been filed. The partner walked into my office and said, ‘Hey, you’re sworn in. Go over to the Daley Center and respond to this motion.’ Our client did not oppose the motion, so I stated, ‘Our client does not object, Your Honor.’ That was it.”

“Yeah,” says Jim, “but you got the result you went there to get, so you won. You are undefeated in court.”

After graduating from Northwestern University’s law school, Mike first worked as a corporate associate at Pedersen & Houpt where he represented a number of entrepreneurs, most prominently a group of families that started several internationally recognizable businesses, including Waste Management. He worked on several business ventures for that group as well as for Blockbuster Video, Boston Chicken (now Boston Market) and others.

In 2000, Mike moved to Baker & McKenzie where he concentrates on the corporate and securities law issues faced by his clients as they raise capital, invest in companies, and complete mergers and acquisitions around the globe. He is the co-chair of the firm’s North American Private Equity Steering Committee and a member of the firm’s Global Private Equity Steering Committee.

While Mike’s clients are often high profile, his visibility is not. As co-chairman of the firm’s private equity practice, Mike handles some of the most delicate and legally challenging work for some of the most sophisticated clients in



From left: Jim, Steve and Mike Fieweger

the world.

“Not a lot of people are enthralled by how much money we saved by utilizing a certain tax structure or whether we appropriately negotiated and drafted a closing accounts adjustment provision,” he acknowledges. Except for, of course, the clients.

“The private equity industry is increasingly global in both its fundraising and investment activities, and it is under increasing regulatory scrutiny. I advise our clients on the terms and structure of their funds and investments and on their compliance with the regulations governing their activities.

“Typically my work requires coordinating advice across multiple jurisdictions and assisting clients in understanding not only the legal differences but also the cultural differences as they seek to make, or attract investment from, a party outside the United States.”

That experience with complex investments is why One Equity Partners, the private equity arm of JP Morgan, hires Baker & McKenzie and Mike specifically. “I’ve known Mike for about 12 years,” says Managing Director Bill Wanergin. “We use him for mergers and acquisitions, often involving five to 19 different countries. He sees through the noise and resolves issues pragmatically.”

“I’m currently working on a rather complicated joint venture, the combination of two businesses which will likely endure considerable anti-trust scrutiny,” Mike says. He also currently represents a client in the acquisition of a company in South America and another in the formation of a fund to acquire partnership interests in other funds.

Mike Fieweger: Detail Oriented, Behind the Scenes Guy.

Kogl also worked with Mike, but on matters unrelated to the work brother Jim was doing. “We used Mike for corporate mergers and acquisitions and some international work, including the acquisition of a Japanese company,” Kogl says.

“Michael is very detail-oriented and extremely knowledgeable. He is a behind-the-scenes-guy, preparing everything. Jim is more out front. They complement each other remarkably well.”

In addition to multijurisdictional leveraged buyouts, financings and fund formation, Mike

continues to act as a trusted adviser to managers of startups and other closely held companies.

“I’ve known Michael since 2002,” says Harry Eschel of mFluent. “A colleague and I were forming a venture-backed mobile technology company and we needed a corporate attorney to advise and assist us with forming the company, structuring and executing funding rounds, and as it turns out, eventually selling the company.

“My co-founder and I were both first-timers at this, and so we were seeking someone who was experienced in startups and venture-backed companies and who could counsel us as we launched and grew the company. We selected Michael after interviewing a handful of qualified attorneys. He helped us immensely from 2002 through the sale of the company to BlackBerry in 2007.”

Both Jim and Mike wanted to practice in Chicago. “It isn’t uncommon really for people from the Quad Cities to come to Chicago,” Jim says, also citing the further Notre Dame-Chicago attraction. Steve, however, never wanted to work in Chicago. “I’m really happy where I am.”

The variety of legal expertise in various legal fields might seem to invite some sort of high-powered, legally potent Fieweger brothers law firm.

Not a chance, the three laugh. They all agree their wives would never allow it.

The families see each other a few times a year. When their children were young, they used to vacation together. It is still special for all three brothers, their sister, mother and father to gather, generally in Rock Island.

Their individual success in exceedingly difficult areas of law is stimulating and rewarding. But the Fiewegers never talk about the law when they are together, intent instead on catching up on each other’s lives, their children and interests.

As it was when they were younger, family is essential.

Jim’s wife Kathy is the chief marketing officer for ArcBest Corporation, a national shipping and logistics solution provider. Their three children are Anna, a senior at Boston College who studied this summer in Berlin and Istanbul; Luke, a junior in a dual degree program at Harvard and the New England Conservatory; and Connor, a senior at St. Ignatius College Prep.

Steve’s son John is a senior at the University of Iowa (“He is earning his summer money umpiring Little League games,” his dad says.) Steve also has twins, Claire and Thomas. Claire is a sophomore at Chapman University in Orange, Calif., where she studies pre-med and is a member of the swimming team. Thomas is a sophomore at Loyola University Chicago, studying physics and engineering.

Mike’s wife Liz is the director of development for Horizons for Youth, an organization that helps inner-city youth achieve academic success through need-based scholarships, one-on-one mentoring, and enrich-

(Continued on page 587)

FIEWEGER

(Continued from page 78)

ment programs. His daughter, Greta, is a sophomore at St. Ignatius College Prep, and son Walter is an eighth grader.

While there is an underlying current of competitiveness in the three brothers, all obviously have deep respect for each other and are proud of what each has accomplished—especially the reputation the Fieweger family enjoys in law circles. The comments from peers about the three reflect that standard of excellence.

“What sets Jim apart from other lawyers is that he has this wonderful, easy-going personality and a common sense approach,” says Chuck Sklarsky, an attorney at Jenner & Block. “He gets along well with opposing counsel. His legal ability, writing and research are all excellent. He’s very effective, but in a way that doesn’t make enemies.”

“We can all be proud that Steve is a member of the legal fraternity,” says retired 14th Circuit Court Judge Tim Slavin. “He was always very professional every time he appeared in my courtroom.”

“Mike understands the unique needs and concerns of the founders of startups, says Eschel. “In all of our undertakings, Michael managed the legal execution with expertise. He was always punctual, attentive to detail, and conscious of managing in a cost-effective way.” ■