

Chicago Daily Law Bulletin®

Volume 163, No. 66

Serving Chicago's legal community for 162 years

Ex-prosecutors take 26th Street skills to the Loop

Four years after leaving felony trials, trio says firm is thriving — and underestimated

BY LAUREN P. DUNCAN
Law Bulletin staff writer

Little did Sean O'Callaghan, Peter O'Mara and Richard Gleason know when they were sworn in as assistant state's attorneys on the same day in 2005 that eight years later they would each tender resignations on the same day.

The three former prosecutors took a leap in 2013 and left the stability of the state's attorney's office to form their own civil litigation firm, an area in which they had little experience.

In the nearly four years since O'Mara, Gleason, O'Callaghan LLC was born, one critical element of their practice that hasn't changed, they said — the ability to apply investigative and trial skills from the criminal side in the civil courtroom.

"I think all of us had a belief that our skill set would transfer to the civil realm, and that's turned out to be true," said Gleason. "The ability to try cases, the ability to investigate our own cases, the ability to craft a story from the facts of your case and our collaborative approach to working together — those core skills that are kind of in our bones as a result of working at the state's attorney's office together — those are transferable, as we've found, and they've stood us in good stead on some weighty cases we've had come our way."

None were friends before the state's attorney's office and none

attended the same law school, let alone ones in the same state.

O'Mara and O'Callaghan started in the appeals division and Gleason in child support. They all later ended up working together in the 4th Municipal District in Maywood, where they were tasked with handling criminal matters, including traffic and domestic violence cases.

The three were then transferred to felony review before they ended up in the felony trial division, trying cases at the Leighton Criminal Court Building at 26th Street and California Avenue.

"We became very close in the office by being trial partners," Gleason said. "You see the best of people and the worst when you work with them everyday."

"We all knew that we could make it through tough times and had a good work ethic and were sharp in the courtroom," O'Mara added.

O'Mara and O'Callaghan began teaming up on outside work, including operating agreements and lease reviews for trading companies, soon after they started as prosecutors. Gleason later joined them, and they found themselves getting busier in the evenings and on weekends handling matters for outside clients.

"We were all in the felony trial division doing jury trials, bench trials everyday," O'Mara said. "None of us really wanted to leave at that point — it was so much fun — but it got to the point where we



Sean O'Callaghan, Peter O'Mara and Richard Gleason each started at the Cook County State's Attorney's Office in 2005, leaving together in 2013 to form the firm of O'Mara, Gleason, O'Callaghan LLC. Photo provided.

were turning away work from paying clients, and I think [Gleason] was the one who said, 'What are we doing?'"

About a year before leaving, they began making plans to form their own firm. When they announced the move, O'Mara said, some people in the office thought it was a joke.

O'Mara said departures from the state's attorneys office are frequent but tend to follow a singular path.

"I would say 80 to 90 percent of them go right into criminal defense. It's a big additional risk, on top of leaving the security of the

"I think all of us had a belief that our skill set would transfer to the civil realm, and that's turned out to be true."

office, to leave to go into an area of law that is not your area of expertise," he said.

It helped that they had already established a client base, and the enticement of a new challenge propelled them to take the plunge.

They didn't have start-up money, O'Callaghan said. What they could afford at the start was a small office at the Chicago Board of Trade Building. They started in

one room with mismatched furniture brought from the building's basement.

"It's remarkable ... that we actually had a couple of clients see that office and still agree to retain us," O'Callaghan said.

Despite the fact that the switch from criminal to civil work involved some learning curves, the ex-assistant state's attorneys credited their backgrounds as criminal trial attorneys in bringing unique takes to their civil work.

In one of the first major cases, O'Callaghan described how the firm received a call late one afternoon from a client it had done transactional work for who said he believed he had an employee that was stealing from his business.

They went straight to the office and stayed until 2 a.m. going through files, discovering that the individual had indeed been stealing. By 6 a.m., they met with the employee and got a signed confession. They had his assets frozen and turned the case over to the FBI.

Within six months, they said, the employee was convicted and sent to federal prison — and the client recovered about half of the \$1.1 million that was stolen.

"Our ability to go out within 12 hours of getting the call and obtaining the evidence, that seemed

like a matter of course for us — but all of us know that is not normal as far as civil firms in the city are, by and large,” Gleason said.

O’Mara and O’Callaghan enrolled in IIT Chicago-Kent College of Law’s LL.M. program in financial services law, allowing them to gain more information on the practice area and making new connections.

While taking a class on mergers and acquisitions, O’Callaghan said, their firm was working with a client on an M&A deal — perfect timing to ask their professor “hypothetical” questions about such deals.

In addition to transactional and M&A work, the firm handles

financial services litigation, employment matters, business counseling, white-collar work including Securities and Exchange Commission subpoena responses, fraud investigations, personal injury, arbitrations and joint-defense agreements.

What they seek are cases that require their trial and investigative skills, Gleason said.

One affirming moment came when the team was up against a large firm in a civil matter and opted to cross-examine a witness rather than deposing the party.

Opposing counsel was unsettled, they said — caught off guard, shuffling for papers and looking for deposition transcripts.

“A lot of water-sipping, a lot of hands through the hair, a lot of collar-pulling,” Gleason said.

Their client won a multimillion-dollar award in the case that had initially been passed on by four other firms.

Since starting in June 2013, the team has secured more than \$7 million in awards, settlements or verdicts, they said. They recruited their former supervisor at the state’s attorney office, Maureen O’Brien, to serve as of counsel with the firm, and they have one paralegal, Alexandra Pizarro.

In August, the three moved into an office at 230 W. Monroe St. In the lobby hangs a photo of the Board of Trade Building, where

they started.

O’Mara said the venture continues to raise colleagues’ eyebrows. And he doesn’t mind surprising those who underestimate them when they meet in court.

“Even still, I have colleagues who work for big law firms, and they don’t want to hear it that it’s possible that somebody who came through 26th Street could have a skill set that’s on par with these senior litigation practice folks,” he said.

“It’s a great expectation to continually confront, which is that people dismiss you when they see your pedigree: ‘Oh, this guy is from 26th Street? This is going to be easy.’”