

ATTORNEYS OF THE YEAR 2004

EDWARD J. MATONICH:

HIBBING LAWYER WHO WARMS JURIES UP NORTH

By Jane Pribek

Despite an impressive history as a plaintiffs' trial lawyer, Hibbing attorney Edward J. Matonich says he's really just an amateur.

Matonich explains that, as a litigator, he has acquired amateur knowledge of the sciences, but relies upon experts—professionals within those disciplines—to further his clients' causes. Moreover, the derivation of the word "amateur" is from the Latin word for "love"—and that certainly describes Matonich's attitude toward his life's work.

In 2004, Matonich scored a \$1.9 million verdict in Itasca County in *Johnson, et al. v. Blandin Paper Mill, et al.* That verdict was appealed and some of the issues will be retried, opening the door for further appeals. Still, obtaining a verdict of that size from greater Minnesota jurors, known for their fiscal conservatism, is a triumph in and of itself—particularly given the defendant is a large regional employer.

Matonich's clients in the case were two electrical workers who were exposed to a chemical used to clean papermaking machines. One of the workers developed severe lung problems, and the other developed severe eye and respiratory problems.

Matonich is no stranger to sizeable verdicts. In 1982, he obtained a \$13.4 million verdict for his client in *Kempa v. Clark Equipment Company*. It's Matonich's largest verdict. Interestingly, he and his client had asked for \$1.1 million right before trial to settle. The defense offered \$1 million. Luckily, they turned it down.

The two cases are a sample of the dozens of courtroom victories Matonich has achieved over the last four decades. He has lost at trial only a handful of times. As Matonich puts it, he has a penchant for "comforting the afflicted, and afflicting the comfortable."

In addition to his courtroom victories, he has chalked up many conference room recoveries. Matonich, of Matonich & Persson Chartered, negotiated along with Minneapolis attorney James Lord an \$8 million settlement a few years ago in a case where his client, a young mother of six, was in an auto accident with an 18-wheeler, rendering her a quadriplegic.

While big-money verdicts and settlements are, of course, important to him, Matonich also values helping his clients in ways that can't necessarily be measured in dollars and cents. He keeps a file of thank-you cards from clients.

One letter, from 2004, comes from a woman who wrote that, in 1974, as a result of his efforts, she started a new career. She retired in 1996 on comfortable financial footing. Incidentally, his legal fee in her case was \$22.50.

Another recent card comes from a client he represented in a DWI case early in his career. He states that, upon Matonich's urging, he turned his life around.



Born: Jan 10, 1940; Hibbing, Minn.
Education: University of North Dakota School of Law, J.D., 1964
Employment: Matonich & Persson Chartered, 1972-present; Nickoloff, Bischoff and Matonich 1968-1972; Standard Oil of Indiana 1964-1968
Bar admissions: Minnesota, North Dakota, U.S. District Court District of Minnesota, 8th U.S. Court of Appeals
Affiliations: Minnesota State Bar Association, Range Bar Association, American Trial Lawyers Association, American Board of Trial Advocates, International Society of Barristers, American College of Trial Lawyers, MN Judicial Selection Committee

Photo: Bill Klotz

WORKING CLASS ROOTS

Matonich is a Hibbing native who grew up in a neighborhood populated by Irish, Finns, Italians, Serbians, Croatians, Swedes, Poles, Russians and Jews. From the start, he was fascinated by other cultures and connected easily with people, he says.

His grandfather had been killed while working the nearby mines, and Matonich's father was an electrician who worked in the mines as well. And while Matonich was taught to appreciate the opportunities that mining and other industries brought to the area—namely, jobs for his family and neighbors—he also developed a strong sense of justice for workers and “the little guy.”

While enrolling at Hibbing Junior College, he read the school brochure and came upon the pre-law program. The words struck him immediately; this would be his life's direction. He was accepted at the University of North Dakota Law School. “I'm eternally grateful to that institution,” he quips. “Not only did they let me in—they let me out.”

After law school, he worked for three years as a tax attorney for Standard Oil of Indiana. There were only two things wrong with that job: It was in tax, and it wasn't in Hibbing. So in 1968, he came home.

Harkening back to his early years in practice, he explains that as a new lawyer practicing in a small town, his practice focus was, not surprisingly, “anything that came through the door.” But he soon gravitated toward plaintiffs' personal injury law exclusively, concentrating in product liability, medical malpractice and automobile cases. He never considered taking a defense case and turned down work from the mining companies.

“I believe in the adversary system, and that both sides have an absolute right to present their case to a jury. But no one has the right to their own interpretation of the facts and law,” he says. “When I was growing up, family and friends were all working-class. That's where my roots, and my heart, are. So I knew I could never represent both the insurance industry or big business, and people who've been wronged at the same time.”

Indeed, it is standing firmly by his convictions that has led to Matonich's success. He explains that he is very selective about his cases, and only takes the clients whose causes he believes in. And while some lawyers might reason that establishing a personal connection with clients can be dangerous, leading to either incivility or burnout, or both, Matonich isn't convinced. “I think lawyers give themselves too much credit for good results. It's OK to wear your clients' causes on your sleeve when you believe in them. When you put your heart in the matter, that conviction comes through in your advocacy.”

FAMILY MATTERS

The importance of putting yourself heart and soul into your work is something he believes he taught his only child, Julie Matonich. She joined his practice in 1997, running a Minneapolis branch office. “The first time we tried a case together, and she said, ‘May it please the court,’ my heart just burst with pride,” he recalls.

Matonich adds with great pride that not only is Julie a passionate advocate for her clients; she is also a new mother. This means that, for now, their conversations about cases have been supplanted with talk about 3-month-old Amelia Rose—and that's fine by him.

“I've been accused of being a workaholic, but that's not true. I work hard, and I play hard, too,” he observes.

He confesses that his wife of 37 years, Judy, has had to put up with his long work hours, and him missing an occasional family function. But she has never complained. She has listened to him prepare opening statements and closing arguments for countless cases, serving as both “critic and inspiration.” Her most recent project is to assist him in planning the March 2006 meeting of the International Society of Barristers (ISOB). Membership in the ISOB is by peer invitation, and it is limited to 600 advocates from across the globe for both plaintiffs and defendants. Matonich will be president of the group this year, and the central duty of the job is helping to promote, perpetuate and protect the jury system, as well as preserving the independence of the judiciary.

What he enjoys about the group the most is its “no war story” rule, and that spouses are urged to attend and participate fully. The meetings feature speakers on a wide variety of topics, including spirituality, politics and the law.