

Stodghill, Mark, Duluth News Tribune re: Edward J. Matonich, "Lawyer takes the side of the little guy," 15 August 2004, Page 1.

Lawyer takes the side of the little guy

COURTS: Personal injury lawyer Ed Matonich is known for fighting - and winning - for his clients.

BY MARK STODGHILL
NEWS TRIBUNE STAFF WRITER

HIBBING - A watercolor painting of a yellow Labrador retriever -- looking like a man's best friend -- hangs in lawyer Ed Matonich's Hibbing office.

Matonich, a personal injury lawyer, identified the dog to a visitor by deadpanning: "That's Max. We met chasing an ambulance."

It's easy for a guy to stick a needle in himself when he's had the success Matonich has had.

This 64-year-old Iron Ranger does much more than chase ambulances. He goes after products, companies, doctors, drunken drivers and liquor stores whose negligence cause wage loss, medical bills, pain and suffering for others.

Matonich said he has two goals: to encourage reasonable conduct and to compensate those hurt by the negligence of someone else.

He once talked a jury into awarding a client more than \$13 million in a personal injury case. He's been able to win \$1 million or more in another dozen cases. Just last month, an Itasca County jury returned a verdict of nearly \$2 million to two Matonich clients who sued Blandin Paper Co. for injuries they received while working there.

Many say that no personal injury lawyer in northern Minnesota, or maybe anywhere in the state, does it better than Matonich.

Even fellow members of the briefcase brigade who argue against Matonich in court call him a compassionate man who likes to help people and one who has never forgotten the working-class roots he sprouted from.

"Eddie is truly a legendary trial lawyer," said Minneapolis lawyer James Schwebel, founder of Schwebel, Goetz & Sieben, Minnesota's largest law practice specializing in personal injury litigation." He is a ferocious advocate for working-class people and has always championed the rights of the poor and injured against whatever large corporate interests might have injured them. "I don't know that there is another lawyer that I can recall in the last 40 years in Minnesota who has done the kind of job he has done for his clients," Schwebel said.

A RAW DEAL

Matonich said a law school joke is that the definition of a lawyer's dream is a frightened client in possession of cash. But it's not all about the money with Matonich. On Nov. 16, 1996, 16-year-old Dani Pogorels of Hibbing was deer hunting from a tree stand. A fellow hunter accidentally shot her

twice. Matonich took Pogorels' civil case against the other hunter for free. The family of the boy who shot her was poor and didn't have anything, Dani Pogorels said. "He did my case pro bono because he just felt bad because I was getting such a raw deal," Pogorels said. "He got the insurance to help pay for all that they could. "He was always concerned with my future and very adamant that I go to college and make something of my life, and I have," she said. "I try to send him a Christmas card every year to keep him updated."

Pogorels, now 24, has had eight surgeries since the shootings, but she's made her life a success. She lives in Blaine, Minn., and is working on a master's degree. She has a career as an art therapist. Pogorels designed a piece of copper into an art piece of a forest of evergreen trees and presented it as a gift to Matonich for what he did for her. It hangs on the wall of his law office conference room. "It's one of my most important and treasured possessions and my most important piece of art," Matonich said. "It's something that when I quit I'm taking with me."

MATONICH'S MONEY

Like other lawyers around the country who take cases on contingency, Matonich gets about a third of what his client gets. It seldom happens, but he also receives one-third of nothing if that's how his client fares. He remembers investing more than \$100,000 preparing a case only to be shut out by the jury.

The guy whom some of his peers call "Fast Eddie" was wearing a Rolex watch on this day. He downplayed the jewelry by saying it was 30 years old. "I've got a better one, but I quit wearing it when I saw every punk stockbroker wearing one," he said. "It probably costs 10 times more than this one, but it offended me."

Matonich drives what he calls simply a "truck." A search of Minnesota motor vehicle records indicates that he and his wife drive matching black "trucks": Cadillac Escalades. When asked whether his net worth is seven figures or eight figures, Matonich barked: "None of your blankety-blank business, and you can quote me on that! But you know I'm not being malicious when I say that." He used a little stronger language than "blankety-blank."

Matonich paused for nearly 20 seconds to compose an answer when asked how much he is motivated by money. It was as if he were weighing how every prospective juror on the Iron Range would judge his response. "I couldn't tell you with any degree of certainty what I have right now, what I'm worth," he said. "A friend of mine, Dolores D'Aquila, said that when the pig dies you weigh it. In other words, don't be concerned with what you have. I guess as a youngster I was motivated because I didn't have enough."

BOYHOOD

Matonich grew up in the Brooklyn neighborhood of Hibbing in an ethnic melting pot populated by Italians, Serbians, Croatians, Swedes, Poles, Russians and Finns. "The United Nations should have met there," he said. His father, John, was an electrician in the mines. His mother, Rose, was a homemaker. While he loves his 86-year-old father, who lives in Hibbing, it was his late mother who had the greatest influence on his life. Rose's father was killed in an underground mine explosion when she was 5 months old. She, two siblings and their mother had to fend for themselves. "In spite of that hardship and everything they went through, my mother never taught me to hate the mines, or anybody, for what happened," Matonich said. "On the other hand, she inspired me to go on and make sure I helped people wherever and whenever I could."

Matonich was the first-born of four children in his family. He remembers being skeptical and a truth seeker at a young age. "I had three sisters and I'm glad I had them, because they're beautiful, but I always wanted a brother," he said. "My mother would say: 'You got a new sister. Want to come and see your new sister that the angel brought?' And I'd say, I'd rather see and talk to the angel about a brother."

Matonich said not to bother looking at a 1958 Hibbing High School yearbook because there was nothing in it about him except for his senior class photo. He worked and didn't have time for sports. But the book gave a hint of Matonich's appeal to the opposite sex. The yearbook's published line under his class photo read: "A cute catch." When reminded of it, the quick-witted Matonich said, "Well, I didn't get caught enough." He didn't want to talk about his grades in high school. He said his parents never knew what his grades were because he signed his own report card for four years. Matonich said he had no direction in high school. The only real activity he was involved in was as president of the Jokers Car Club. "I had it all, a ducktail, a '55 Ford convertible," he said. "I worked but I had nothing better to do than hotrodding around."

One of the Hibbing teachers that got through to Matonich was his senior year English teacher, George Peterson. Matonich calls Peterson a source of guidance and inspiration. Peterson is retired and living in Golden Valley, Minn. When told that Matonich described himself in high school as a "smartass kid and a street-fighting little s---," Peterson wryly said: "Who am I to deny his words? "He was kind of a wise guy. He had a pretty good image of himself, but I thought justifiably so because he was very intelligent. That was apparent to me. He was a thinker, even if he didn't think he was. I enjoyed his writing. He displayed a skill and intellect that went far beyond his wise-guy attitude."

FINDING A DIRECTION

Matonich went to Hibbing Junior College because his mother expected him to and he had to live up to her expectations. He didn't have a clue what he wanted to do until he was flipping through a school brochure one day and saw the pre-law program. "I believe in fate," he said. "That brochure turned my life around. I got involved in school and became a class officer. I liked the varied class load."

During high school and junior college, Matonich worked as a summer relief driver for Zinsmaster Baking Co., traveling around the Iron Range. He said Hibbing had 40 or 50 grocery stores and Chisholm had 15 or 20, all tied to the ethnicity of the people who ran them. He was a people person. He liked talking to everyone and hearing all the dialects and voices from the old country. The Croatian kid listened. He learned about the old countries. He learned the Range. He learned to read people. He believes he has a friend in every ethnic group.

"Life has taught me there is more good in all of us than bad," he said. "I think my philosophy is that you don't need a best friend. You need as many best friends as will have you."

Matonich attended the University of Minnesota and earned his law degree at the University of North Dakota. He landed a good job as a tax and real estate attorney with Standard Oil of Indiana from 1964-68. By the time he was 25, he was based in Billings, Mont., and was in charge of real estate and tax for Standard Oil in a territory that included the Dakotas, Montana, Wyoming, Idaho, Washington and Oregon. He was given a car and a credit card to wine and dine anyone who could help his company. He traveled regularly to company offices in Chicago, Salt Lake City, Kansas City and Minneapolis. It was exciting, but something was missing. "I wanted to come back and represent these people," he said. "It sounds corny but I wanted to be near my mom and dad and I wanted to be near my grandparents. I loved going into the stores and listening to the accents and those people. I can still hear those old-country voices."

HOME TERRITORY

He returned to Hibbing in 1968 and joined a law firm, but the firm had more of a corporate base than a personal injury agenda, and Matonich wanted to try cases. He went out on his own. He found his calling. "I was never competitive as an athlete because I could never be the best," he said. "Therefore, I found something else to do and be responsible for my own destiny."

Some lawyers make it sound as if Matonich is unbeaten, untied and unscored upon when he tries cases in the St. Louis County Courthouse in Hibbing. "It's called the Matonich Hibbing effect," said Duluth lawyer Tom Thibodeau. "People don't like to try cases against him in his own lair. I can tell you that the reason he gets results is that he is a fierce competitor -- but he's also very intelligent to go with it, and that's what gets him the results."

Matonich has his own theories about trial tactics and jury selection. He doesn't believe there is a certain color power suit a trial lawyer should wear, nor does he believe in some of the theories consultants develop to judge prospective jurors. "It's all stereotyping and trite," he said. "Some people try to stereotype jurors based on their body shape, endomorph, ectomorph, mesomorph, religion, occupation, race. Those are all stereotypes and in the more than a couple hundred cases that I've tried, I give short shrift to them. "I've got Ed Matonich's 12-foot rowboat theory. I say, how much time would I like to spend fishing with this lady or this fellow to learn about them? Is this somebody you want to talk to about politics, fishing, their family? Do you like this person? Will they like you after listening to you argue and fight and cajole for three days, six days, up to over a month?"

IN THE COURT ROOM

In 1982, Matonich represented a Hibbing man who was left paralyzed from the waist down after a forklift accident at U.S. Steel's Minntac plant. Matonich asked for \$1.1 million from Clark Equipment Co. and U.S. Steel Corp. to settle out of court. He was offered \$1 million to settle the suit. Matonich said no deal. "Before I could clear my throat, they said OK, they'd go to trial," he said. He potentially blew \$1 million. "I kind of hunkered down and said, 'Ed, you are in a character-defining situation.'" He made the most of it. According to the court transcript of his closing argument in that case, Matonich told jurors: "I must admit that I feel somewhat like an amateur singing after the likes of Frank Sinatra and Nat King Cole and maybe Andy Williams. You have heard premier attorneys perform here today, perform the way they're supposed to. I told you before we started this case that we're looking at some of the best defense attorneys in the state of Minnesota." The jurors apparently thought Matonich sang better than the defense attorneys. They returned a \$13.4 million verdict for his client.

Matonich can remember every detail of the seven cases he said he's lost out of the more than 200 he has tried. "To win a case for my clients I have made many covenants with the devil where I'd say, 'If only I can win this one.' I've said that 200 and some times. "This ain't horseshoes. There's no prize for second place. You want to win and you want to win for your client. That's why you take cases that you believe in."

Matonich can remember a couple of mistakes he's made in the courtroom. He once had a case in which the deliberating jury contacted the judge and asked if they could award Matonich's client more money than he had asked for. "I've made sure to ask for enough since then," he said.

FAMILY LIFE

The four most important people in Matonich's life are females -- his late mother; his wife of 36 years, Judy; their daughter, Julie; and the granddaughter Julie is expecting in December. "Those ladies represent everything that is significant in my past, present and future," he said. "They are the most influential people in my life. That doesn't relegate the status of my grandfather and my dad to anything insignificant, but these women and the sacrifices they made and will make for their families are everything to me. "My wife is my inspiration and my most honest and harsh critic. She has kept me on compass."

Julie Matonich, 35, is a lawyer in her father's Minneapolis office. She calls him fiercely competitive with a street fighter's mentality. She provided a world-class example. The Matoniches took a family vacation to Chile in the mid-1990s. One day Ed left the hotel and went for a walk. He was gone for several hours. "I was panicking, pacing the lobby," Julie said. "He came back surrounded by two big police officers. I spoke Spanish and he didn't. "They told me he had just chased down and caught a mugger," she said. "One mugger tried to block or distract my dad, while the other went into his pocket and got his wallet. He pushed the one who blocked him and chased the other who had the wallet and a knife. He managed to rally a whole group of Chileans to chase him as well. They cornered this poor mugger in a back alley. "The police officers gave him the knife handle as a trophy for his part in catching the mugger," Julie recalled. "That's just the real competitive kind of a fierce guy my dad is. That was probably the best vacation he ever had."

Matonich set a professional example his daughter wanted to follow. He had her in the courtroom when she was 3. She saw how he loved his job, how he loved the competitive nature of trying a case. "He takes pride in helping people making things safer, making corporations more aware of their conduct," she said. "That combination of being able to help people and feel good at the same time probably made me want to get into law."

NO AMBULANCE CHASER

Nick Zobenica, 79, of Chisholm asked for Matonich's help when the guy who built his house "was shafting me every way he could," Zobenica said. The shingles blew off Zobenica's roof and the windows were put in wrong. There was faulty wiring. "I went to Matonich and he wanted perfection (from the builder) in every detail; you couldn't believe it," Zobenica said. "He came to the house and interviewed me and my wife. I couldn't believe a guy could be so thorough, so decent and so honest to help me with this case. He and the other guy's attorney worked it out. He made them redo it and cut down on the price. There was a charge from him, but very, very minimal; hardly anything." Zobenica was close to Matonich's heart for a reason. "Matonich told them they shouldn't take advantage of senior citizens and a guy who won two Purple Hearts with the Marines in World War II," Zobenica said. "I was really proud of him."

Before becoming communications director of the Minnesota American Legion in St. Paul, Al Zdon was the editor of the Hibbing Daily Tribune from 1976 to 1994. He was wired into his community. He knew who the good guys and crooks were. Zdon resigned as editor after a dispute with the newspaper's ownership. He was left looking for work in Hibbing with a wife and five kids to feed. He found a friend in Matonich, who hired him. Zdon believes Matonich gave him the work just to help him out during a tough time. "I took photos for him and I always had the feeling that some of it was work he created for me because it was a good thing to do," Zdon said. "To me, he's one of the best guys around. He and every personal injury lawyer have the reputation as ambulance chasers or people that make

money out of other people's disasters. But my experience with Ed is that he's one of the most compassionate, caring people that I ever met." Ed Matonich has given ambulance chasers a good name.

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