

by Scott P. Richert

I'm Not a Number

I stepped through the metal detector and walked down the long hallway to the old entrance to the Winnebago County Courthouse, a monument to less security-conscious days. In Room 502, I joined about 200 other citizens, waiting to do our civic duty. Signing in, I received my badge: no name, just a number—Juror 11593. *I take my card and I stand in line . . .*

Looking around, a few things struck me: first, the relative lack of blacks and Hispanics; second, the extremely low number of identifiably professional people—doctors, lawyers, etc. In Illinois, jurors are chosen from both the voter and driver's license rolls, and yet the prospective jurors were overwhelmingly working- and middle-class whites.

While I was mulling over the possibility of a class-action lawsuit alleging reverse discrimination in jury selection (*People Who Don't Care v. Winnebago County*), my name and 35 others were called, and we walked down one flight of stairs to Judge Ronald Pirello's courtroom.

Judge Pirello gave us a brief description of the case: Wendy Schneider was suing Dr. Harry Darland, alleging trespass, false imprisonment, intentional and negligent imposition of emotional distress, and battery, resulting from Dr. Darland's role in having her involuntarily committed to a psychiatric ward eight years before.

As jury selection started, I thought my position at *Chronicles* would amount to a get-out-of-jail-free card. In fact, the first question Pirello asked me was, "You look familiar. Have we met before?" I explained that I had been in his courtroom several times, covering cases, including the eminent-domain proceedings against Tom and Jan Ditzler. When Pirello announced that *Chronicles* was "right of center" and asked whether that might bias me toward the doctor, I saw the light at the end of the tunnel. As the plaintiff's attorney, Dennis Schumacher, told Pirello, "Judge, we except—," I was ready to grab my bag and go, until the full sentence sank in: "Judge, we accept this slate of jurors."

Thus began six days in the courthouse, considering a case that was largely without merit. At age 26, Mrs. Schneider

(then unmarried) had been admitted to the hospital for a possible aspirin overdose, which friends, relatives, and her doctors thought was a suicide attempt. And so, a week and a half later, when Mrs. Schneider, after a night out drinking with some friends, called another friend and indicated that she now knew how "to do it right," her father became understandably concerned.

What followed was, in fact, a technical violation of Illinois law. In Illinois, only a police officer, state's attorney, or the courts have the authority to order an involuntary commitment. But Mrs. Schneider's apparent threat to kill herself occurred in the early hours of a Sunday morning, and a police officer, dispatched to her house around 3:00 A.M. to conduct a "welfare check," chose not to convey her to a hospital, because friends at the house promised to keep an eye on her. With the police option seemingly exhausted and the state's attorney's office and the courts closed, Mrs. Schneider's father turned to Dr. Darland, who had delivered Mrs. Schneider and was the only physician she had ever had.

What happened next is a matter of dispute; the only thing that is certain is that each side was subtly skewing its testimony to make its case stronger. Dr. Darland and Mrs. Schneider's father went to her house, where Dr. Darland took her—admittedly, against her will—outside, loaded her in the car, and brought her to the hospital. She spent eight days in the psych ward before the courts forced her discharge because of the technical violation of the law.

If the plaintiff's case had been strong, Dr. Darland's insurance company would have settled years earlier. The plaintiff's attorney, a former prosecutor for Ogle County, did the best he could, but long before the testimony had ended, it was clear to everyone in the courtroom that the plaintiff had no hope of winning significant damages—clear, that is, to everyone but Mrs. Schneider and a representative of the doctor's insurance company.

Testimony ended on Friday; we were told to return at 10:30 on Tuesday morning for closing arguments and deliberation. When the appointed hour came,



Judge Pirello emerged from his courtroom and went over to a conference room occupied by the plaintiff and her lawyer. *They've settled the case, I thought to myself, and minutes later, after we were ushered into the jury room, Pirello came in to thank us and revealed what he could: The representative from the insurance company had become concerned about the possibility of a large award, and so he had offered the plaintiff "considerably more than \$50,000" (the amount she was asking for) to settle the case. Pirello asked us how we would have voted, and the response was unanimous: We would have awarded damages of no more than one dollar.*

For years, insurance companies have blamed skyrocketing premiums on, on the one hand, juries who grant outrageous awards, and, on the other, working- and middle-class people who take advantage of their insurance to run off to the doctor whenever they have a sniffle. But here was a clear-cut case; even the plaintiff's attorney later admitted that he had bet Mrs. Schneider a steak dinner that the settlement would be far better than any damages she would receive from the jury. And as far back as April 1998, concurring in an appellate court opinion reinstating Mrs. Schneider's case on technical grounds, one justice had written, "Based upon the present record, it remains to be seen if the plaintiff can recover more than nominal damages."

As I walked away from the courtroom, all I could hear were the words of Bob Seger, playing over and over again in my mind. To the insurance company, Juror 11593 was "just another statistic on a sheet," as was the settlement whose costs will be passed on to the 12 flesh-and-blood men and women who would have made the right decision, if only they had been given the chance.

Letter From the Upper Midwest

by Sean Scallon

Blizzard



Storms and other phenomena of nature have their own distinct sounds. Those who have survived a tornado often say that it sounded “like a train.” A volley of cannon fire accompanies every thunderstorm. The gale-force winds of a hurricane howl at nearly 200 miles per hour, as the rain strikes objects with the velocity of a bullet. The only natural disaster that doesn’t have a sound is a drought, for it is a silent killer, a Kafkaesque occurrence in which a nice, sunny day with nary a cloud in the sky brings disaster.

A blizzard falls somewhere between hurricane and drought. Blizzard winds can gust to 80 miles per hour or more, and you can’t help but hear the shrieks, wails, and moans of the air rattling through the window panes, haunting you like a ghost. When the winds die down and it’s just the snow falling, however, you can pull the shades down and cozy up by the fire next to your favorite hound or loved one and pretend not to notice until it’s time to shovel the driveway.

There weren’t that many whitewash blizzards in the Upper Midwest last winter; in some places, there were none at all. Most of the nastiest storms struck the southern parts of Minnesota and Wisconsin, falling into Iowa and Northern Illinois. This troubles folks here. This may seem strange to outsiders, who wonder why anyone would derive pleasure from six-foot snowdrifts, icicles as tall as trees, temperatures low enough to grind bedrock, jackknifed trucks and overturned cars on the highways, piles of snow collapsing the roofs of neighborhood schools, and civilization coming to a screeching halt while a heavenly salt shaker with its cap unscrewed buries us all below. But it’s not really pleasure so much as assurance.

Sure, the snowmobilers, the skiers, the polar bears in human form all love the

snow and make millions from other polar bears. Yet, for most of us Midwesterners, a blizzard reaffirms who we are and why we choose to stay here. A blizzard can hit the South or the West or the Mid-Atlantic, as one sometimes does, and those who live there will curse God and Mother Nature for such a calamity and pray they may never see such a thing again. But for Midwesterners, blizzards and snowstorms are part of the natural order of things. What would our landscapes and homes look like if they were not wrapped in a shroud of white for six months out of the year? Brown, boring, and ugly. We can celebrate 60-degree temperatures in January if we know they are just a temporary escape from reality. Without the frozen tundra, we would lose our identity. If International Falls, Minnesota, were not known as the “Nation’s Icebox,” what would it be known as? To this day, I cannot fathom why some immigrants from tropical Third World countries (Mexico, Somalia, Laos) would want to live in this part of the country, to trade the warmth and sunshine that they are used to for the icy reality of land meant for the Nordics—the hearty souls from Northern Europe or from the great mountain ranges of the Alps, the Balkans, the Urals, the Carpathians, and the Pyrenées who understand how to tame the fiercest of winters.

A weather forecast up here nowadays can be a political platform as much as it is news. If the winter is a warm one (and, over the past decade, there have been several), then it is the perfect time to trot out the old global-warming theory and to campaign for signing the Kyoto Treaty. (Of course, since most weather records go back only to 1895 or a little earlier, can we really say this winter was warmer than any other? How does this winter compare to the winter of 1816? Or 1622? No one really knows, except for the environmentalists who never let such questions shake their dogmatic certainty.)

I tend to judge a winter by how many of the sporting events I cover get cancelled and rescheduled because of snowstorms, icy roads, foggy nights, or subzero temperatures. “It always snows around tournament time” is an old saying that, I hope, is unique to the Badger State. It certainly came true during the second week of March 2002, when a nasty blizzard parked itself over the Upper Mid-

west while I was staying in a hotel in Rice Lake, covering a basketball sectional. First came the freezing rain, coating the roads, trees, powerlines, and signs in ice as thick as maple syrup. Then came the sleet, laying down a layer of frozen pellets for an extra-crunchy sound when you walked. Finally came the snow, in small flakes, but so many as to resemble a swarm of insects. This white blindness was bright enough to create shadows in my hotel room. Of course, no blizzard is complete without wind to make it more interesting—in this case, gusts up to 70 miles per hour howling from the northwest, swirling the snow around as if Rice Lake were inside a mixer.

During part of the time that I spent trapped in Rice Lake, I could keep the shades drawn and ignore what was going outside except for the sound of the wind rattling the windows. But alas, my hotel had no room service, and so I had to brave the elements for provisions. I spent time outside in the storm scraping the ice and sleet off of my car, fixing my windshield wipers, and kicking away the snowdrifts piling up beside my wheels, while trying unsuccessfully to shield my face from the icy wind. And, as I scraped, I thought.

I thought about Valley Forge, how its harsh winter was the crucible in which our republic was born. I thought about the “Icy March” made by the brave soldiers of the Volunteer Army in March 1919, those Russian Whites who survived cold, hunger, starvation, disease, and the fierce blizzards of southern Russia, only to be chased by the Red Guards. Those who survived that campaign were given a medal that had a crown of thorns with a sword running through it. And I thought about our own soldiers in 2002, fighting and dying upon peaks and cliffs of snow-capped mountains in Afghanistan. Many of these soldiers were without sleeping bags or were equipped with winter gear left over from the 1950’s. I hope that, in those units, there were men from the Upper Midwest who could lead by example.

If history and culture show that winter can build the character of a man, then certainly the loss of so many people from our region to the Sunbelt over the past three decades is troubling. Some left to look for work. Others, the cowards and the shirkers, went away because they could not take the seasons anymore, leaving us