

# PROFESSIONAL PORTFOLIO

As a result of Vincent L. DiTommaso's talent as a lawyer, and his hard work in a particular class-action lawsuit, the Chicago-Kent Law School was awarded a \$100,000 cy pres award. "Cy pres, which can be described as a form of court-sanctioned philanthropy, is often involved in class-action judgments when it's not feasible to disperse the settlement funds to the plaintiffs," DiTommaso explains. "Cy pres really is a win-win situation, because not only is the 'bad act' that was the subject of the lawsuit rectified, but the settlement is dispersed to organizations that advance the public good and/or protect consumers."

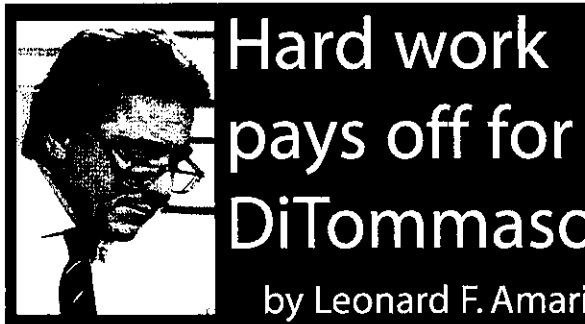
Chicago-Kent benefited when DiTommaso and his law partner Peter Lubin filed a class-action lawsuit in state court, arguing that hotels in Oakbrook Terrace had illegally inflated the hotel occupancy tax in order to pay for a private security contract. While the court found in favor of the plaintiffs, the wronged hotel occupants didn't directly enjoy the windfall. "In class-action settlements, it isn't always possible or economically efficient to reimburse each and every plaintiff," says DiTommaso. "In our cases, the hotels had amassed far more than \$1 million in alleged inflated fees over three years, yet the amount due each plaintiff was only in the \$2 to \$4 range. Because the associated costs would virtually exceed the settlement, the court invoked cy pres."

According to DiTommaso, cy pres has become more common in the last five years or so. While attorneys are generally invited to recommend awardees, judges are the final arbiters.

"Since the 'bad act' was committed in DuPage County, we wanted part of the settlement funds to benefit consumers there," DiTommaso says. "We

recommended that the \$300K available for distribution be split evenly between the DuPage Legal Assistance Foundation; the Mandel Legal Aid Clinic at the University of Chicago Law School; and the Abraham Lincoln Marovitz Public Interest Fund, a Chicago-Kent initiative that offers a stipend to recent graduates who work in public service organizations after law school. The court accepted our recommendation, and the Chicago-Kent fund received \$100,000."

We use this philanthropic litigation circumstance to introduce the readers of this column to one of the more highly respected litigators in



DuPage County and the entire Chicago area.

A 1979 graduate of the University of Illinois and a 1982 recipient of his juris doctorate degree from the Illinois Institute of Technology, Kent Law School, Vincent L. DiTommaso has become a recognized force as a litigator in the federal and state courts and a highly respected colleague in the legal community.

In 1996, for example, DiTommaso was selected by the chief judge of DuPage County as one of the first group of attorneys to be trained, then certified, as a court appointed mediator. In that role, for more than eight years, he successfully mediat-

ed a substantial number of complex commercial matters. He had one of the highest settlement rates for mediated cases in that part of the state. As a result of his abilities in the mediation field, the DuPage County chief judge has invited DiTommaso to conduct mediation training seminars for DuPage County judges.

In 1996, because of the high esteem in which he is held, DiTommaso was appointed to the DuPage Judicial Evaluation Committee and was instrumental in selecting and evaluating judges. In 1998, then-Treasurer Judy Baar Topinka appointed DiTommaso as special assistant attorney general as counsel for the Illinois state treasurer.

Successful litigator, mediator, evaluator and selector of judges and successful trial lawyer would be enough for most. Not one to sit idly by, DiTommaso began teaching trial practice skills to students at the University of Chicago Law School to prepare them to work at its Mandel Legal Aid Clinic.

Umberto Davi, past president of the Justinian Society of Lawyers and a friend of this month's subject, says of DiTommaso, "Vince is one of the more respected and hard-working members in the DuPage County Bar Association. He has distinguished himself as an outstanding litigator and mediator and a true activist for altruistic purposes in our legal and ethnic community."

His mother's family traces its roots to Calabria and Naples and his father's ethnic origins are in Abruzzi. Both of his parents are first-generation Italian Americans. He is the father of two wonderful children: Alexandra, age 20, and James, age 18.

Vincent L. DiTommaso is another example of the best our community has to offer.