

# Mark Novak

## Four Decades of Firm Loyalty in Personal Injury Law

by Dustin J. Seibert

Mark Novak is no fan of change. He has lived in the same home in the western suburbs for 30 years. He has purchased his suits from the same salesman for 25 years. And in May 2015, Novak celebrated 40 years with personal injury firm **Anesi Ozmon Rodin Novak & Kohen Ltd.**

He started at the firm as a clerk in 1975 and has been a lawyer there since 1977. He's now president and managing partner of Anesi Ozmon, overseeing the 15-lawyer firm while trying his own cases from time to time.

Even as it became more acceptable within the legal field to work at a variety of different offices, Novak says it never even crossed his mind to work elsewhere.

"I love the people I work with," he says. "Everyone works together for a common purpose: to try to make a positive change

in someone's life who's undergone a horrible circumstance."

Thanks to a liveliness and energy that comes from a good diet and constantly moving, Novak looks younger than his 63 years. His infectious positive attitude endears him even to his professional opponents, like shareholder Joseph Carini of Johnson & Bell.

"He knows how to handle his cases with confidence and class," Carini says. "He's a consummate gentleman — a strong and zealous advocate for his client but always with respect for opposing counsel and co-counsel."

### He Is His Father's Son

To step into Novak's office is to take immediate notice of his affinity for his now adult children. In addition to several framed

photographs, a large oil painting of his children adorns his wall. Novak painted it himself — an expression of his lifelong love of art.

His daughter is a Chicago Public School teacher and his son is a partner at a prominent Chicago law firm, where he focuses on insurance defense work — essentially the opposite of his father's practice. He pursued a career in Hollywood as a screenwriter before abandoning it in favor of a legal career.

"When he decided he wanted to come back home, I never said to him, 'You should go to law school,'" Novak relates. "He's a smart kid, and I never tried to influence him in those life-changing decisions. He decided it on his own and has done really well."

If his son may or may not have been influenced to some degree by his father,



Novak was himself certainly influenced by his father Eugene, who passed away in early 2015 (Novak's mother, Joan, passed in 2002).

Eugene Novak was the first in the family to go to college, and he retired an executive for advertising powerhouse Saatchi & Saatchi. Novak was also influenced by Eugene's father, whom Novak described as coming home "face covered in soot" from his job as a steelworker in Johnstown, Pennsylvania.

"My dad motivated me to start from the lowest rung and climb. I always wanted [firm co-founder] Nat Ozmon's job, but I would never say it out loud," he says, laughing. "It was always engrained in me to work hard, pay your dues and don't put on airs. So the kind of work the firm does — dealing with construction workers and other working people — rang a bell with me."

### Having Moxie Pays Off

Novak was born and raised in Buffalo, N.Y., until he was 9, when the family moved to Rochester. He attended the University of Rochester as a political science major and made it to his senior year without knowing what he wanted to do for a career. His friends encouraged him to either attend graduate school to become a teacher or to go to law school.

He figured law school was the preferable option, but he wasn't naturally blessed with the gift of gab that helped his father in the advertising world.

"In high school and college, I never liked public speaking," Novak says. "I was always the kid sitting in the last row of class, thinking 'Please, don't call on me.'"

Around the time Novak graduated from the University of Rochester, his father's ad firm, then called Rumrill-Hoyt, opened an office in New York City, prompting his family to move to Manhattan.

"I wanted to go to law school in a big city, but I also wanted to be away from home," he says. "Los Angeles was too far, and I'd visited Chicago with my father during business trips, so I applied to Loyola."

Novak may have lacked public speaking skills and the stellar undergraduate grades to get him into a top-flight law school, but he had no shortage of gumption: Novak flew from Rochester to Chicago just to interview with Loyola School of Law — a rare move for a school that primarily takes in local students.

Nina Appel, then a new professor and future dean of the law school, was so impressed that he flew in to Chicago from Rochester for the interview that she told him he was accepted before he completed the formal application process.

That ambition continued when Novak responded to a bulletin board posting at

Loyola Law School for a clerkship at what was then Horwitz, Anesi and Ozmon. He wrote his interviewer a thank-you letter after the interview that is framed and remains in his office today.

"He said he interviewed 40 people, but the letter from me sealed the deal," Novak says.

### His Future on the Line

In his third year at Loyola Law School, Novak took a trial advocacy class taught by firm founder Nat Ozmon. Their first major assignment was to prepare an opening statement in a mock trial case.

"He was really a tough, stern professor who sometimes reduced people to tears," Novak says of Ozmon. "He kind of knew me from being around the office, and I was aware that to be hired in his firm, I had to do well in his class."

"I knew my future was on the line — either I'd impress him, or it's 'Novak, you gotta look for a job somewhere else.'"

He stepped up when it likely mattered the most: In a class full of 30 ambitious students, he volunteered to present first.

"When I finished, he gave me a look and a tiny, imperceptible nod," Novak says. "He then started paying more attention to me."

After graduating, Novak was offered a job as an associate at Horwitz, Anesi and Ozmon; before long, his fear of speaking in crowds vanished.

"Once I actually started making arguments to juries, and that was a tough thing to do, my shyness and insecurity about public speaking was overcome," he says. "Not only that, but now I love it. And it all started by getting in front of my class thinking, 'Well, this is do or die.'"

### Endorsement of a Repeat Customer

The nature of personal injury and medical malpractice work has kept Novak passionate after practicing for nearly four decades.

It's that passion that provoked Richard Kearns to draw upon Novak twice. The first time was for a 1995 case involving an intoxicated Chicago Fire Department battalion chief who ran a red light and struck Kearns' car, leaving him on life support for nearly 1½ months. The second time was 10 years later for a motor vehicle collision in which Kearns sustained minor injuries.

"He gives phenomenal service," Kearns says. "He holds his ground, and if he tells you it's what's going on, you're getting the truth out of him, not a runaround. In my book, he's top-notch."

That honesty includes Novak's insistence on being candid with his client — and with himself — regarding the potential to win a case.

"Some of the cases I've lost are some of

the best ones I tried," he says. "Sometimes you know you got the short end of the stick, and you try to 'razzmatazz' it to convince the jury that your client is in the right."

However, Novak has guided his career on the tenet that "You can never fool 12 people on the same jury."

"When we hear about verdicts on TV, like the O.J. verdict, we can all second-guess," he says. "But none of us were in the courtroom eight hours a day, so it's awfully easy for us to second guess those 12 people."

One of his most memorable cases also ended up with a much higher profile than he expected: In 1993, he represented an HVAC serviceman who was injured while riding a friend's Harley Davidson through a Hanover Park subdivision. He hit a median, flew off the motorcycle, suffered a burst fracture and became an incomplete paraplegic.

Novak and his team discovered that the reflective sign warning of the median had been knocked down but not replaced prior to the accident. The village contested that his client was drunk — though Novak's toxicology report proved otherwise — and offered a \$250,000 settlement.

The case went to trial and the man was awarded a \$6.7 million verdict, prompting a *Chicago Sun-Times* front-page headline that implied Hanover Park might go broke over the actions of a drunk driver. Novak submitted a written response to the *Sun-Times* that recited all of the evidence. It was heavily edited prior to its printing, he adds.

Novak says the case is frequently brought up during discussions about tort reform.

"When you don't know the facts underlying the case, it's easy to say some drunken bum got a windfall when he shouldn't have," he says. "When they returned that verdict, the case wasn't done for me or my client, but he couldn't work anymore...he needed to have that money to support his family."

### The More Things Change...

Anesi Ozmon started 60 years ago with 12 lawyers and grew to 28; that number declined when several attorneys left to start their own firm five years ago.

Novak says that with the 15 attorneys whom he oversees at Anesi Ozmon, the firm has reached a "sweet spot" in terms of its size; the attorneys maintain a healthy competitiveness with each other, offset by great camaraderie.

"If somebody gets a million dollars on a broken wrist and the next person has a broken wrist case, they want to try to get more," Novak says. "But we all have each other's back. Even our receptionist knows every client, so if we get a big victory, she gets as much pleasure as the lawyer, and if

we lose, she's just as crestfallen.”

Though Novak keeps up well with evolving technology, he remembers a time in which writing notes on a poster board for the jury was par for the course. Though certain aspects of practicing law have evolved, he says the basics have not — namely, the relationship of lawyers to their clients.

“I could have one of our first-year associates who loves Snapchat and Instagram try a case, and they still have to get up and make an argument, do a cross examination and put a witness on,” he says. “That hasn't changed in 40 years.”

To that end, Novak still works hard to mentor young attorneys in the firm, just as his own mentors, the late Nat Ozmon and the retired Curt Rodin, did with him. It's easier to do these days, since he's at a point in his career where he can pick and choose the cases he wants to handle.

His practice now is a far cry from when he started as an associate in the late 1970s and was forced to inherit 250 cases from a departing lawyer soon after his son was born.

“It was a lot, but I learned by being thrown in the fire,” he says. “I try to pass on what I learned from Nat Ozmon's generation to the next one. There's nothing more I love than when one of our young lawyers comes in and says, ‘Mark, can we talk and strategize and develop theories for a case?’”

Just the same, Novak has no intention of leaving the courtroom for good anytime soon. He's excited in his preparation for an upcoming case.

“One reason I love what I'm doing is when I'm on trial, I'm tense, nervous and there are butterflies in my stomach, but it feels like every synapse is firing,” he says.

“There's such an adrenaline rush that occurs when someone is doing exactly what they're meant to do and they love doing. Professionally, nothing gives me that juice like trying a case.”

John Kohnke, a shareholder with Segal McCambridge, can attest to Novak's dedication and professionalism: The two have been opposing counsel in several cases since the early 1990s.

“He's a very tough and smart advocate, but he's all kinds of professional,” Kohnke says.

“When the bell goes off for a trial or for court or for motions, you have to watch out for him, but it's not personal. After the court hearing, regardless of which side was successful, he'd be more than happy to have a cup of coffee with you.” ■

## **Mark Novak**

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