

# ELIZABETH BABBITT

## Direct Approach Helps Clients in Litigation, Negotiations, Trials

by Maureen Wilkey

Elizabeth E. Babbitt of Taft Stettinius & Hollister LLP is known for defending municipalities and companies in disputes involving litigation and trials. But over the past few years, her most prominent work has been outside of the courtroom, when she helped negotiate the Chicago Police Department's consent decree.

As a lead negotiator for the city of Chicago on the nearly 800-paragraph agreement between the Illinois Attorney General and the city, she is proud of her role in an endeavor that should have a positive impact on the city of Chicago for years to come.

"We have created a tremendous document for which we had to learn a lot about many topics to improve the Chicago Police Department. It should be very interesting to see how it plays out and how it is interpreted by different parties as time passes," Babbitt says.

Babbitt represents the city of Chicago in the lawsuit filed by the state in which the state alleges the Chicago Police Department engaged in unconstitutional police practices. The result of months of negotiations between the parties was the consent decree, which was approved by a federal judge in January 2019.

The document establishes a plan to improve the police department, addressing issues such as community policing, impartial policing, crisis intervention, use of force, recruitment, hiring, promotions, training, officer wellness and support, accountability and data collection.

Babbitt worked with teams from the Illinois Attorney General's Office, the city of Chicago and the Chicago Police Department over more than 50 sessions to negotiate the specific terms and requirements of the decree, which will be implemented over the next several years.

"Those of us who were in the room understood what each paragraph was intended to do, and now we will see how it is implemented and monitored to improve the city in the future," Babbitt says.

### DRIVING NEGOTIATIONS FORWARD

Former Corporation Counsel Ed Siskel worked with Babbitt on the consent decree and was impressed with the initiative she showed,



especially as a young attorney. Over the course of the negotiations, he saw Babbitt come up with many creative ideas and run with them, allowing sometimes difficult negotiations to proceed at a faster pace.

"What you want when you're working on a project like the consent decree is someone who understands what you're trying to achieve and what restraints are in place so that they can drive negotiations forward," Siskel says. "This was a project that, over 1½ years, required incredible diligence, leadership and creativity, and Elizabeth showed she had all of those qualities."

Babbitt's experience representing and counseling municipalities, corporations, and institutions such as the Chicago Fire Department, as well as her straightforward no-nonsense manner of practice, made her a natural choice for the consent decree process. She is known for her level-headed nature, which allowed her to bring parties together to come to a sustainable agreement that could benefit everyone involved.

Babbitt earned dual bachelor's degrees, *cum laude*, in business administration and finance from the University of Illinois in Champaign-Urbana, but she decided she didn't want to get an MBA. She wanted to read and write for a living, and she also envisioned herself in court

and deposing witnesses to see where evidence might lead. Babbitt's older brother was an attorney. Seeing some elements of the work he did allowed Babbitt to consider becoming an attorney. She graduated *cum laude* from the University of Illinois College of Law in 2008.

Babbitt's preference for a fact-based approach to law started early in her career during her experience as a federal clerk for the Honorable John W. Darrah of the U.S. District Court for the Northern District of Illinois. Throughout that clerkship, Babbitt learned how to think like a judge. She saw a wide variety of matters presented to the judge, and she noted how he tended to put stock in the attorneys who presented their cases in a matter-of-fact way, without trying to oversell their clients' positions or get overly emotional about any of the issues at hand.

"Judges are often issuing two or three opinions every week, and they don't have time to deal with the hyperbole some attorneys use," Babbitt says. "I saw that the most effective way to argue a case was to prove that you had educated yourself on every aspect of it. The last thing a judge wants to hear is the attorney thinking out loud and explaining why they are making each decision. I learned to think more like a judge and present things

in a straightforward way.”

Babbitt’s law school classmate Nikki Bhargava, currently a partner at Loeb & Loeb, externed with Babbitt for a state court judge. Bhargava says that, even during law school, Babbitt had a reputation for thinking like a judge.

#### COMMERCIAL LITIGATOR AND COUNSELOR

“She has a unique ability to sit back, think and respond quickly,” Bhargava says. “She is able to react thoughtfully but with intention.”

After clerking with Judge Darrah, Babbitt joined the team at Taft Stettinius & Hollister LLP, where she works with some of her mentors, John F. Kennedy and Allan Slagel, primarily on commercial litigation cases with some counseling of clients on employment and business issues. Babbitt joined Taft because she thought the firm would offer a good experience, but she stays because she likes the interaction she has with teammates like Kennedy and Slagel.

“We have complementary styles,” Babbitt says. “Sometimes they remind me that I can expand a little on different points to advocate for my client, and I sometimes reel them in to a more even-keeled approach.”

Kennedy says part of why he likes working with Babbitt is that she can think like a judge and pose arguments in a way that appeals to judges. She is extremely credible and always gets a very good response to the presentations she makes in court, Kennedy says, because she knows all the facts and how to address any possible opposing arguments.

“Her instincts to know how a judge will react are invaluable when we are trying cases,” Kennedy says. “She has a passion for the facts, and she knows how to frame the issues so a judge will understand and see our point of view.”

Brainstorming with a team of Taft attorneys is one of Babbitt’s favorite parts of her job. As the team discusses different approaches to each matter, Babbitt feels the best solution comes forth for the client.

“We each have totally different styles, but that mix of styles brings out different arguments that I might not have fully considered,” Babbitt says. “Sitting down and talking about all of the possible arguments can be really valuable for the client and for us as lawyers.”

Babbitt’s practice continues to evolve as she spends more time working in private practice and working with the team to develop different approaches and arguments, Kennedy says. She is getting out of her comfort zone by arguing more based on inferences instead of solely on the cold, hard facts.

“I have a pretty big presence in the room,

and there are times when I get the wind in my hair and Elizabeth rolls her eyes at me. But there’s also a time when making points ends and advocacy begins,” Kennedy says. “It’s sometimes challenging for younger attorneys to get outside of the facts and start to argue the inferences, but Elizabeth is stepping up to that challenge.”

Babbitt is an experienced trial lawyer, with about 80 percent of her practice focused on litigation. She counsels clients on employment discrimination, unfair business practices, contract disputes, trade secrets, restrictive employment covenants, and Title VII and other civil rights violations.

On any given day, she could be fielding questions from small business clients about how to write an employee handbook, trying cases in which a client is accused of discrimination or unlawful termination, or defending businesses being sued by other businesses. She has also represented clients in appellate court and is a member of the Federal Trial Bar.

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#### PARENTAL ISSUES AND THE WORKPLACE

Employment law has changed in recent years to focus more on issues such as equal access for women in the workplace. As a mom of a 4-year-old and a 2-year-old, Babbitt has taken a special interest in helping clients work on their parental leave policies—and even to help the Chicago Fire Department implement plans to have pumping rooms for new moms in each of their fire stations.

“These are really important issues, and it feels good to be working on something that actually makes a difference in people’s everyday lives,” Babbitt says. “Even beyond the law, culture has shifted so that the treatment of women and of parents in the workforce is different. By counseling companies on these issues, we are helping employees as consumers and by making the world better for new mothers and the companies that employ them.”

As a working mom, Babbitt has a personal

connection to many of the issues on which she advises clients. She believes her commitment to working parents’ needs helps her connect to her clients and to potential clients, and it makes her more persuasive when implementing new parent-friendly policies in the workplace.

Babbitt feels that her own parents, who are very assertive, showed her how to connect with people in a way that made sense and paved the way to conversation and compromise. As a result, she trusts she can talk to anyone—from a firefighter to a c-suite executive—about decisions they are making to benefit employees.

“No one is going to give you their business if you’re not going to contribute in a way that makes sense for them. You have to be able to connect with the client, show them what the worst-case scenario and the best-case scenario would look like, and show them how you can fix their problem,” Babbitt says.

As time goes on, Babbitt says the legal arena and the workforce, in general, are becoming more open to equal access to women and to viewing women as equal to men. Babbitt can remember a time when she was once asked if she was a senior attorney’s secretary. But today, she rarely notices people seeing her as different from her male colleagues.

“Conditions are definitely improving. Judges don’t want to see a male attorney introducing all of his colleagues as people who also worked on the case. Clients want to see that your firm is a diverse practice,” Babbitt says.

Even in her own firm, conditions have changed over the past several years. Taft has updated its parental leave policy so that parents of either gender can take four months off for the birth or adoption of a new child.

“This firm has been very supportive and willing to work with me through having children and getting me right back into work and trial practice after maternity leave,” Babbitt says. “With more time off, parents have the time they need to adjust and bond with their children, and they will be more likely to come back to work after having children.”

#### LEADING AT FIRM AND IN COMMUNITY

When she’s not busy defending her clients in employment cases, Babbitt gives back to her community by participating in community service work and on the University of Illinois College of Law Alumni Board, on which she recently served as president. She keeps in touch with many of her law school classmates through the board and helps the University of Illinois improve its curriculum and locate positions for recent graduates.

“I’m very impressed both with her work as an attorney and with the alumni board,”

Bhargava says. “As the head of the board, she didn’t just work with alumni relations. She also branched out into helping the school improve its curriculum for current students. She is incredibly hard working and detail oriented, and she has been a great community leader for U of I students and alumni.”

Babbitt also works on pro bono cases with indigent litigants and participates as an investigator for the Chicago Bar Association’s Judicial Evaluation Committee to evaluate the fitness of Cook County judicial candidates. She previously edited the Chicago Bar Association’s *CBA Record* magazine, and she is a member of the Mother McAuley High School Alumnae Law Society. She also assists with coaching her high school’s mock trial team.

Even with all of the work she puts in, Babbitt still finds time to be home for dinner with her family every night. She met her husband on the first day of law school, and he is now a partner in the patent litigation practice of Jenner & Block. The pair spends a little time talking shop but mostly like playing with their children each night. They are also avid foodies, enjoying different restaurants throughout the city on a regular basis. While her career is flourishing, family will always come first, Babbitt says.

“My husband and I will always be home to have dinner with them and tuck them in every night, even if it means we have to plug back in and work after they go to bed,” Babbitt says.

In an age where long hours are the norm and putting in face time is sometimes more important than getting a job done well, Babbitt is able to work efficiently to stay at the top of her game without sacrificing time with her family.

She continues to grow her practice with intention, taking on matters that help grow equality in the workplace while also improving her practice. She is also known as a leader at her firm. Kennedy says Babbitt is already one of the most requested attorneys in the firm to work on litigation matters, and he expects that trend will continue.

“Of the 450-plus attorneys at our firm, she is already recognized as one of the top go-tos,” Kennedy says. “She is going to be one of the topflight first chair attorneys in the city.”

Babbitt’s goals for the next several years include engaging in more significant work for the city of Chicago, mentoring more female associates at her firm, and helping more companies build a diverse workforce in a way that supports her trial practice. Inside and outside of the courtroom, Babbitt does her best to improve the lives of those around her. ■