Gary Nelson has practiced at Peoria-based Heyl Royster Voelker & Allen P.C. since 1977—a 35-year span that encompasses more than one-third of the history of the largest Illinois law firm headquartered outside of Chicago.

In that time, he has pursued two distinct careers. As one of the state’s top insurance coverage and personal injury defense lawyers, Nelson chairs Heyl Royster’s Insurance Coverage Practice and has headed insurance coverage committees for the American Bar Association, the Illinois State Bar Association, and the Illinois Association of Defense Trial Counsel.

But since 2010, he has had a second calling after his selection to serve as managing partner of an organization with 110 lawyers and six offices throughout Illinois.

The progression from litigator to firm leader taps complementary strengths.

“Managing is not much different from litigating,” he says. “I listen to all sides, build consensus and use my litigation skills to stay above the fray and keep emotion out of the process. My job is to figure out the facts, not get into arguments about them, and to narrow the options in order to reach a decision.”

Rational and Factual

That rational, consensus-building approach impresses Nelson’s professional peers. John Nicoara, partner in Peoria’s Nicoara & Steagall, has interacted with Nelson as both co-counsel and opposing counsel and observes that “Gary always keeps his eye on the ball. He gets conflicts resolved as efficiently as possible and never goes out of his way for controversy. He’s always a strong advocate, but understands that both sides have to work to the end game.”

Nicoara adds that, as a consensus-builder, Nelson “is constantly looking to get the conflict resolved, and that is no different whether he is opposing counsel or working with me. Gary has the respect of all his colleagues here in Peoria and gets along well with everyone.”

Nelson’s defense cases, in which he has represented more than 100 insurers and self-insureds during his career, often involve emotional situations where the plaintiff is injured in an accident.

“I do my best to defuse the emotional element of these cases by being professional and not being emotional myself,” he says. “You have to avoid antagonizing the jury and not make outrageous statements.”

As an example, Nelson recalls an accident trial in which the plaintiff was a boy whose leg was broken in the accident.

“His family was not well off financially and my client was—and the jury understood by looking at the witnesses who was who,” Nelson explains. “The boy was around 10 years old and became very emotional when I cross-examined him. It was obvious that he didn’t want to be blamed for what had happened. My client was a school teacher and was very credible and believable. The jury ended up believing my client.”

In such situations, Nelson adds, “You have to be above the fray and you can’t be accusatory.”

Nelson’s ability to take such an approach rests on the detailed, fact-based research that he does for insurance cases. “Building a personal injury practice means rolling up your sleeves and getting into the details of the case. You have to set the factual foundation and not let your opponent do so.”

An ‘Emergency Response’ Approach

Personal investigation, particularly at an accident site, is a major way that Nelson builds that foundation.

“It’s a great advantage to actually be there and see things for yourself,” he says. “I view this aspect of what I do as being an emergency response team for my clients, and I’ve been called to go out into some pretty difficult circumstances—even while persons who have been severely injured or killed have not yet been removed from the scene.”

Tough as such investigation may be, the advantages for defending a client can be substantial. In one case, Nelson obtained summary judgment for a design engineering firm in multiple wrongful death claims arising out of an accident during the repair of a bridge over the Illinois River.

“Several ironworkers were killed when scaffolding on the underside of the bridge collapsed,” Nelson explains. “I was called to the scene by my client while the rescue efforts were still going on and observed the scaffolding that was still attached to the bridge. I was able to convince the judge on the basis of my observations that my client was not responsible for engineering or inspecting the scaffolding.”

Through on-the-scene investigation, Nelson can often prevent spoliation of evidence that might otherwise be lost to the defense.

“Spoliation is becoming more and more important in decisions,” Nelson notes, and the
situations aren’t always as dramatic as a scaffolding collapse.

For example, he says, “Clients aren’t always thrilled with the need to preserve evidence, for example, by taking out of service a truck that has been in an accident. There are black boxes in the engine compartment that have data on speed, braking and other measurements. If the truck keeps traveling, that gets erased so the truck has to be taken out of service.”

Trucking accident cases are a major part of Nelson’s defense practice, and they often involve major investigation and spoliation challenges.

One example is a West Virginia case where he defended a driver whose truck struck the rear of another, parked truck, injuring the occupants. “Our driver had a severe head injury and no memory of what had happened,” Nelson says. “The plaintiffs said they were parked on a ramp in a rest area. I went to West Virginia to take depositions from our driver and others and was helped by a good accident reconstructionist. We used the photos and depositions to determine that the plaintiffs’ truck was parked with its rear sticking out onto the freeway exit ramp at night. Our driver couldn’t have avoided it.”

Not only did Nelson win the case, his client filed a counterclaim over his injuries and got a significant verdict. “He wanted to present his dreams about the accident as evidence,” Nelson chuckles. “We convinced him that the case was strong enough without that.”

Making a convincing and plausible case in court is essential to Nelson’s trial success. “Computer analysis and databases can tell you which courts typically rule what way on individual matters,” he says. “But you still need the individual lawyer’s knowledge of the judge and the jury pool reach decision. You can sense whether the jury is antagonistic and how the judge views you compared to opposing counsel.”

To support his investigation and presentation skills, Nelson employs technology in the courtroom. “Technology can be useful,” he says, “because the most important thing is to convey to the judge and jury what actually occurred. Wherever videos or animated reconstructions are prepared by our experts can help do this, I make every effort to use them.”

Nelson’s investigation, presentation, and technology skills create a comprehensive package that professional peers admire.

Gregory Cerulo, partner at Quinn Johnston Henderson Pretorius & Cerulo in Peoria, says that Nelson “doesn’t miss a beat, has good communication and people skills. He knows when to challenge something and does so in a polite and civil manner. A high degree of civility is central and natural to him, but as an adversary, Gary is someone who keeps you on your toes—he foresees things and is not going to telegraph his own strategy. He’s always well prepared and has the full respect of the legal community here—and that high regard is universal throughout Central Illinois.”

Managing the Big Picture

Equally high is the regard that Nelson’s Heyl Royster colleagues have for him as managing partner, a role that has become his primary professional focus.

“I had anticipated that when I became managing partner that I would be able to practice more than I do, but our size and geographical diversity make that a real challenge,” he explains. “It’s much better for me to do most of the management work and let the lawyers be lawyers. It’s important for a multi-office firm like ours to have one person who sees the big picture, all the different interactions of the law firm’s operations.”

Nelson has responsibility for concerns as diverse as the firm’s financial performance, expansion plans and client development. Other responsibilities are more subtle, like managing costs in today’s price-sensitive legal market. “Clients continue to exert pressure to reduce legal costs, and technology is a big part of that,” Nelson says. “We are expected to use technology to provide quality representation in less time, but too often we get enamored of the technology. I ask lawyers, ‘When was the last time you actually talked to the client rather than e-mailing? It’s vital to maintain both dimensions.’

Nelson’s colleagues in the firm appreciate his skill at balancing these concerns.

Peoria partner Timothy Bertschy, who joined the firm with Nelson in 1977, asserts that “Gary’s a great listener, and as managing partner, is open to anyone who wants to speak to him. His responses are very insightful and he’ll comment fairly on the strengths of what I and others have to say. Gary has a tremendous sense of our firm and makes a real effort to stay in contact with everybody from the youngest associates to the oldest partners. He’s interested in promoting individuals and what they want to pursue. He’s the kind of person that, if I have legal issue or personal issues, I bounce them off of him to get his guidance.”

Born and raised in a Central Illinois town 60 miles from Peoria, “in high school and even before, I knew that I wanted to be a lawyer.”

After he graduated from law school at the University of Illinois, Heyl Royster (then a firm with just 20 lawyers in Peoria and Springfield) interviewed him and offered him a position. “Four other lawyers joined with me and three of us are still here,” Nelson says proudly.

A frequent speaker on insurance issues to bar and industry groups, Nelson’s personal interests include golf (“I enjoy playing but don’t get any better at it.”) and following Illini sports, especially football. He married his wife, Carol, while he was in the Army, and they have two children: son Matt is an engineer with Caterpillar in Peoria, daughter Sarah is an account representative with a St. Louis advertising firm.

Between his managing partner job and remaining client responsibilities, Nelson says simply, “I intend to keep doing this as long as they’ll let me.”

He sums up his current role and his career by stating: “The biggest challenge is managing change. As lawyers, we’re trained to respect precedent. The best law firm leaders are those who harness change in a credible way.”