

TROY BOZARTH

Defending Complex Class Action Cases From Start to Finish—While Managing the Firm

by Josh Weinhold



EDWARDSVILLE—Troy A. Bozarth has always wanted to build something.

It's why he studied business in college. It's why he earned both his law degree and an MBA. And it's why HeplerBroom LLC in Edwardsville has been the perfect place to spend his entire career.

"The business background and the legal background have merged together really well," says Bozarth, who became the firm's managing partner in 2017. "Being able to get my hands into both of those areas, running and building the law firm while being able to do real legal work, has been perfect. I'm thrilled my career has married those two things."

In his 22 years at the firm, Bozarth has become known for his calm and controlled courtroom presence, his relentless work ethic, and his comprehensive knowledge of class action and other complex litigation that has led to countless favorable results.

"Clients always ask if a lawyer has tried a case before or question how much you know about a topic. I say, 'Troy knows absolutely

everything about it,'" says Gordon Broom, a founding partner of HeplerBroom. "That's a pretty great answer to be able to give."

THE REQUIRED WORK ETHIC

Bozarth grew up in Bloomington, the son of a carpenter and millwright father and a secretary and homemaker mother.

A business administration major at Illinois Wesleyan University, Bozarth saw the first signs of his passion for his future career in a business law class and, ironically, in a creative writing class. The syllabus included true crime books such as "Reasonable Doubt," which chronicled a murder that took place in Bozarth's hometown while he was in junior high.

The assignment involved writing the closing statement for the defense attorneys in the novel—an exercise Bozarth enjoyed so much that he asked if he could deliver his in class. The professor forgot about the request, so Bozarth asked again on the final day if he could perform his monologue. "I got some

applause," Bozarth notes, with a laugh.

After earning both of his advanced degrees from Drake University in 1996, Bozarth joined HeplerBroom as the firm's 17th lawyer. More than 140 attorneys work across the firm's six offices now.

Bozarth didn't send out resumes until after he had passed the bar, and Broom received one of the unsolicited applications. He was impressed by Bozarth's academic record—the MBA, in particular, showed he was interested in things beyond the law—but he was also impressed that Bozarth had been a Division III All-American linebacker in college.

He invited Bozarth down for a Saturday interview and essentially hired him on the spot.

"We're trial lawyers, and what we need in our business is people who have good intellectual capacity and are competitive," Broom says. "So, what jumped off the page at me was a guy who had gone to an excellent school and had a great academic record plus had a great athletic record."

Bozarth began working on general liability

insurance defense matters then soon was assigned to work with Broom on a large antitrust case. The firm had never handled such a matter before, but a longtime client insisted on them pursuing its defense.

Bozarth researched the applicable law relentlessly, while also educating Broom on the business issues behind the case. The case consumed much of Bozarth's time during his first few years of practice, and it resulted in a summary judgment in their client's favor.

"I saw then that he had the work ethic required of a good trial lawyer," Broom says. "From that point forward, we knew he was totally reliable, diligent and capable."

Over time, Bozarth got to dip his toes into several areas in part because of a rise in class action lawsuits in the early 2000s—mostly filed in downstate Madison and St. Clair counties.

As a result, he learned how to handle consumer, banking, pharmaceutical, and insurance claims—anything that involved a large number of plaintiffs coming together seeking a pool of money.

Those cases brought him into contact with many the firm's major clients—UPS, Coca-Cola, U.S. Bank, and others—while also giving him the opportunity to gain experience in both trial courtroom work and crafting and delivering appellate arguments.

Bozarth was part of the HeplerBroom team that tried a national class action case to verdict in St. Clair County in 2004, the first and one of the only times such a path had been taken. He also worked on the major *Price v. Philip Morris* case in Madison County, another class action matter tried to verdict.

Larry Hepler, a founding partner of HeplerBroom, says Bozarth brings a practical, common-sense approach to developing strategy in complex class action cases.

"He's always ready to fully immerse himself in the details of a client's business to better enable him to bring insight, clarity and even wisdom as to how to try the case or manage the litigation," Hepler says. "He's very insightful and very practical about figuring out a problem and working with the client to bring his plan to fruition."

NO STONE UNTURNED

Bozarth, who served as president of the Illinois Association of Defense Trial Counsel from 2015 to 2016 and is a board member of the East St. Louis Bar Association, now focuses more on major medical device cases, especially matters clients consider to be of high financial value and great importance to the viability of their business model.

No matter what he's working on, though, Bozarth is known for his ability to dig into

a matter and learn everything he can in the course of crafting his strategy.

"You have to be a sponge and dive in," he says. "When you're dealing with a class action, the clients are very interested in making sure they're leaving no stone unturned. That really allows you to become an expert in that particular area."

Bozarth's research process involves studying his client's industry and what they do. But he also relies on his clients to help them learn everything he can about the hows and whys of their business.

“He’s very insightful and very practical about figuring out a problem and working with the client to bring his plan to fruition.”

"Your greatest teacher is going to be your client," he says. "You listen to them and learn what they do, and you have to let them know that you're really looking to help them through them educating you. That's how you strategize with them to help develop the best defense."

In the courtroom, Bozarth says, he places tremendous trust in jurors. He's developed a knack for connecting with them. He does that by being himself—genuine, forthright, factual, fair—while arguing vigorously and letting his conviction and passion for the law and the case to come through.

"Jurors are smart and understand what lawyers are doing," he says. "They want to figure out what happened. If you're genuinely presenting them with information and doing your best to not obfuscate, that's what lets you connect with them."

PLACE TO BUILD AND GROW

For Bozarth, landing at HeplerBroom immediately after law school was perfect. The opportunity to be mentored by Broom and Hepler was essential to his development, as he learned much about being a trial lawyer from them.

He saw how they took a case from the time it came through the door to the time a verdict was reached or appealed, soaking up everything he could about how they developed and implemented their strategy.

"They both have their own styles, but they're kindred spirits as far as how they approach the practice of law," he says. "I learned from them how to

not be outworked or outthought. To observe them at the top of their legal careers, it was just phenomenal."

In a career steeped in knowledge of law and business, it's the science of pharmaceutical and medical device cases that continues to fascinate him.

"You work with people developing cutting-edge medicine and things that are being created to make life better for people," he says. "Sometimes things don't go exactly right, and being able to defend something that is a good product—even when there's a bad outcome—



Wife Amy and Bozarth at IDC 50th Anniversary Gala in 2014

is an honor.”

For Bozarth, developing strong client relationships is primarily results-driven: If you do good work and get good results, your clients increasingly turn to you. But it’s also about clear communication, especially in imparting and demonstrating what they get from you that they couldn’t get elsewhere.

“What I want to do is make sure there are no surprises, that we’re communicating the value that we are bringing, and that if we aren’t doing something of value, we’d question why we would do it,” he says. “The biggest piece is making sure the client sees your value, and if they don’t, you need to have a discussion about that.”

Bozarth continues to have that competitive spirit that Broom anticipated he would have decades ago. He is relentless and determined, continually focused on earning a positive outcome for his clients.

“I hate to lose, and I hate for my clients to lose,” he says. “That’s a fire that not everybody has, but it drives me. I’m not going to be outworked.”

Bozarth, Hepler says, has an unmatched work ethic, both due to his competitive nature and his understanding that going the extra mile further than your opponent means great things for your client.

“Troy is one of those people, and there are not a lot of them, who always understands the additional effort that’s necessary to bring about a successful resolution,” Hepler says. “Not everybody has that. He has the smarts, the analytical skill, and a work ethic that’s second to none.”

MOVING FORWARD

Bozarth isn’t one to let another lawyer take over his case if it proceeds to a higher level. Whenever possible, he prefers to be the one to handle arguments at the appellate court. He finds that handling a case at trial means you know it best, and that makes you the best advocate on appeal.

“You have lived and breathed that case at that point,” he says. “There’s a lot of issues that, looking at a record on paper, you’re not going to know if you’re just doing the appellate piece. Someone else would have to learn what we had gone through. In my mind, if you’re comfortable doing that, there are a lot of benefits to it.”

Bozarth’s appellate wins include a favorable opinion from the 5th District Illinois Appellate Court on the first and only case of its kind in Illinois related to the National Bank Act. Success at that level, Bozarth says, is all about anticipating what the other side will present and sifting through the weeds of the record to arrive at what the panel of judges will be most interested in.



From left: Bozarth, Gordon Broom, Jeffrey Hebrank at IDC Gala



Bozarth at 2015 IDC Annual Meeting and Awards Luncheon where he became president

“I’ve approached the appellate work similar to everything,” he says, “which is doing as much preparation as I can fit in and overpreparing rather than leaving anything to chance.”

Bozarth is a married father of three children—two in high school and one in middle school—so his free time is consumed attending track meets, musicals and other activities.

At the office, Bozarth is continually energized by his desire to build something. His business education and his legal experience continue to form the perfect combination for continually improving a successful practice at a successful firm.

“Being part of a place that’s growing and

continues to look for new opportunities has allowed me to put my fingerprints on the firm and how it evolves,” he says. “That’s important to me because that growth is good for our firm, for our clients, and for the people who work here.”

Hepler, who previously served as the firm’s managing partner, sees Bozarth as the perfect person to lead HeplerBroom going forward.

“Troy has the whole package,” he says. “He’s a great lawyer—skilled in the courtroom and a fearless advocate for his clients. Yet he’s a terrific firm leader who has the business acumen necessary to manage a law firm and the people skills to be an effective leader of many different personalities.” ■