

## Setting the Record Straight -- and An Appeal

Chester Wilk, DC

I consider it a great honor and privilege to have my name attached to Wilks et al. I'd be less than honest if I didn't say so. I suppose my being the spark which ignited the flame 14 years ago made it appropriate to use "Wilk." However, I view it as a generic term which represents four people; it could just as easily have been named Pedigo, Arthur or Bryden.

I've enjoyed an incredible love affair with the profession following our Supreme Court victory. A day rarely goes by that someone doesn't thank me for my involvement in the past 14 years. I generally respond that had it not been for Attorney George McAndrews, none of us would look as good or stand as tall. Yet, I wonder how many doctors realize the significance of that statement? Let's look at the facts.

At the time we were preparing for litigation, we had a difficult time finding a qualified law firm to accept our case. The International Chiropractors Association (ICA) had passed a resolution endorsing the lawsuit pending final approval of the ICA counsel. The ICA attorney would not give it his final approval unless he was satisfied that the endorsed firm could handle the job. It became increasingly evident that if George McAndrews did not take the case, it would never get off the ground.

George McAndrews was a senior partner in a Chicago law firm that was quite capable of handling the suit. However, the firm was representing some of the world's largest Fortune 500 companies and accepting our case was a definite economic liability. We had no "track record" on being economically responsible clients, other than an endorsement from the ICA. There was no real assurance that the profession would rise to the occasion with the necessary funds to support the suit. If George McAndrews accepted our case, his prominent and established clients would have to be turned over to his junior partners. His firm not only represented financially responsible clients, but also some pharmaceutical houses. Taking our case could potentially alienate them as clients. There was significant peer pressure not to take our case; we were a serious economic liability in more ways than one.

It should be noted that this case was not accepted on a contingency basis, where the lawyer gets a percentage of any damages collected. This was an antitrust case; law firms normally are paid on an hourly basis, plus expenses, and have to be paid regardless of the outcome of the suit.

When George McAndrews accepted our case he stuck his neck out for our profession as no man ever has in the history of chiropractic. I wonder how many of us would have stepped forward if we'd been in his shoes? I know that I wouldn't. I told him in jest that he was the only human being on the face of this planet who would be stupid enough to get out of his "comfort zone" and risk it all by taking on the huge American Medical Association (AMA) monolith, with its bottomless money pit, and not even be assured of getting paid -- and that I loved him for it.

There were times when the unpaid bills exceeded \$250,000 and somehow the profession recognized

his courage and managed to come through with funds. If not, he would have to "eat" the costs. This would be unnerving to anyone, but George did it. But not even he could have done it without the economic support of the profession. Every contributor is a hero in my book.

I remember times when George would have to fly back and forth, coast to coast within the same week, doing massive depositions with little or no sleep. I've often felt the defendants did it by design, just to try to wear him out. When he'd get tense we would adjust him; he'd remark that he'd "sleep like a baby" afterwards. I've seen him sleep in his car on occasions, just to save the plaintiffs' hotel money when funds were tight. Meanwhile, we would stand in the comfort of his shadow and wonder how he could do it. I remember him losing his voice for two days following the jury trial, which still had to be appealed and retried. Yet he rebounded, undaunted by this experience and eventually led us to victory.

The pressure and hard work was 99.9% on the shoulders of George McAndrews. My 14 years were actually exciting and exhilarating, standing in his shadow and watching him perform. My only stress was worrying about his health and if he could continue. When people refer to "all my hard work," I think about what he has been through and I want to weep. My role was ancient history; George's role has been an ongoing battle for 14 long years, and it still continues.

We might ask what motivates George McAndrews to remove himself from his comfort zone and dedicate himself to our profession? For one thing, he is a man of great compassion for humanity and fair play, and he uses his great ability to do good. He is a quietly religious man. He commits a percentage of his annual income to helping put minority students through Notre Dame University. Perhaps the strongest motivating factor is that he comes from a family of over 50 chiropractors. He still remembers the pain and humiliation his father, who was a chiropractor, suffered when he would be asked to make house calls at 2 a.m. so that the neighbors and family medical doctor would not learn that his patient was seeing a chiropractor. He recalls the medical bigotry and ignorance that affected his father's life; how his father was hospitalized with a nervous breakdown and his subsequent premature death. These are heavy motivations, to say the least.

He is an uncommon man in other ways. At Notre Dame University he attained the highest grade point average in the history of the school. While a student at Notre Dame, the late Attorney General Robert Kennedy consulted with him on legal issues. He received a letter from his dean stating that he is the greatest legal mind to ever graduate, or probably will ever graduate from Notre Dame. He had the highest score in the history of the American Bar from the state of Illinois. Magistrate Baylog said that George was the most brilliant lawyer to ever appear before him in his 35 years on the bench. Judge Nicholas Bua said that George made the finest opening statement in our case that he had ever heard. I learned these facts from various sources; never from George. His modesty would preclude him from ever raising these issues himself. He could easily qualify as a Supreme Court justice and would probably be the best one ever.

We are indeed blessed to have this man step forward and literally commit his life to our profession. History will show that D.D. Palmer was the founder of chiropractic; B.J. Palmer the early developer; and George P. McAndrews the liberator.

We're at the most critical phase of our lawsuit with the AMA. We are all in a state of euphoria and the natural reaction is that further funding of the suit is no longer necessary. Nothing could be further from the truth. In fact, just how well our attorneys will be able to function will be predicated upon your continued financial support.

We still face a tough battle as to how much the defendants are to ultimately pay us. The amount of the settlement is not a clear-cut figure, but needs to be argued and negotiated in court. These negotiations will take time and effort and this requires money, now. We also have to make sure the AMA complies with the court's injunction. Again, this will take more time and money. Obviously, we cannot allow the lawyers to become our bankers or loan agents. It would only encourage the AMA to be more uncooperative than ever.

We anticipate that the settlement will be in the millions, but that is still far down the road and we need funds now. Meanwhile, the eventual funds will be reinvested into the profession. One of the principle benefactors, along with Kentuckiana, will be every existing chiropractic college in the country being given equal contributions. You cannot contribute to a more worthy cause. Please, help us complete our battle with strength, dignity, and success. A pledge/contribution card follows. Thank you.

pledge contribution card

*Chester A. Wilk, D.C.*  
*Chicago, Illinois*

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