

Jana Brady

Conquering on Trails and in Field of Law

by Elizabeth Davies

ROCKFORD — Somehow, walking into a courtroom for a hearing isn't quite as intimidating after you've run 30 miles.

That's why Jana L. Brady's success doesn't just come from the hours she logs in the Rockford offices of **Heyl Royster Voelker & Allen PC**. Rather, her success is rooted deep in the time she spends elsewhere, decompressing on a mountain bike or soaking in the sunshine on a long run.

"Those things give you confidence," says Brady, who has competed in more than five half Ironmans and more than five marathons. "If I can handle running over 30 miles, if I can bike 100 miles, I can handle that trial."

At 37 years old, Brady has a stellar track record of trial success in defending prison

doctors and nurses against claims of civil rights violations. Often, a prisoner claims the provider was deliberately indifferent to a serious medical need. Brady finds it rewarding to help clear her client's reputation.

"I give my clients my all because they are all important," she says. "I feel when I defend my clients, I'm helping further justice."

Building Career From the Trails

Brady began working at Heyl Royster 13 years ago, after graduating at the top of her class from Northern Illinois University College of Law in 2003. Since then, she has honed her focus on civil rights litigation/Section 1983 work in federal court. A partner since 2012, she has the confidence to go head-to-head with lawyers 20 or 30

years her senior.

"I let them do their thing, but I'm certainly not going to be bullied," she says. "Never once have I been intimidated. My confidence is extremely high."

Those 30 miles she ran? That was confidence-building. Brady, who lives near Rockford's Rock Cut State Park, makes swimming, biking and hiking a regular part of her world. She brings her bicycle along on business trips, hits the trails during her lunch hour, and competes at the top level in events that make mere mortals gape in awe.

"I like to be outside," she says. "I want to move my body as much as possible since I sit behind a desk most of the time."

Bicycle company Trek even sponsored Brady in races, providing her with their



clothing and special deals on bikes. Rockford Bicycle Company owner Skip Stienecker said Brady is a stand-out because of her enthusiasm.

“That girl — when she does something, she’s all in,” he says. “She’s so passionate about everything she does.”

Stienecker has known Brady for about five years and admires her positive attitude.

“Jana’s a really good ambassador for our bike shop, but she’s really just a good ambassador for cycling,” he says.

And all that time spent flying by the seat of her pants on the mountain bike trail? It translates into a great ability to make quality snap decisions and react to new situations in the courtroom.

“Your ability to adapt to the situation helps you be successful,” she says.

The serenity of nature also keeps Brady’s temperament in check, so she feels recharged and emotionally steady at the office or in court.

“It’s absolutely good for meditation,” she says. “Litigation can be intense, and this calms you so you don’t react.”

Over the years, Brady has finished countless sprint triathlons, Olympic triathlons and half marathons. She was training for her first full Ironman in 2014, but clipped a tree with her mountain bike and needed shoulder surgery ahead of the race.

“I took a couple of years off racing to get my priorities straight, as I was too serious about racing,” she says. “This year, I came back to racing, but with a healthier and less intense perspective. I did a duathlon, sprint triathlon, half marathon and half iron. I learned that no one cares if you win and, as it’s just a hobby, I shouldn’t put that much pressure on myself.

“I still go riding, running and swimming daily now, but purely for the joy of it.”

Starting in Law

Growing up in the Chicago suburbs to a pair of blue-collar parents, Brady was a star athlete. She secured scholarships in both track and volleyball to McKendree University in downstate Lebanon.

“I knew the only way to go to college was to get a scholarship,” she says.

At McKendree she studied sociology, with a criminal justice emphasis, and communications. But things changed for this star athlete when she joined the debate team.

“Debate has really made me the attorney I am,” she says. “Debate makes you look at arguments from all sides. I found it was fun, and I was making a difference.”

It also made a difference in her career path. She decided at the last minute to

take the LSAT, then applied at Northern Illinois University College of Law because it was among the few programs that hadn’t closed enrollment yet. She thrived in law school, being named Moot Court Prize Competition Champion for Best Oralist and Best Brief in 2002.

Throughout college and law school, Brady never stopped working to help pay for her education. She worked at fitness centers, in fast food, and at a McDonald’s distribution center. Little did she know how it would pave the way for her career down the road.

“Working in fast food taught me to deal with people who are being difficult,” she says.

It also instilled a strong work ethic in Brady — something that’s evident to her peers even today.

Scott Salemi is Brady’s partner at Heyl Royster. He is quick to describe her as a brilliant young legal mind.

“I have watched her attack the most complex legal issues and circumstances, responding with bold and unique defense strategies,” he says. “She has a remarkable defense success record. In the past 10 years, she has secured summary dispositions for her clients in excess of 50 times.”

It’s clear, Salemi says, that Brady cares deeply about restoring her clients’ professional reputations.

“Jana is extremely hardworking, and she is always the most prepared and knowledgeable person in the room,” he says. “Her efforts are driven by a deep concern for her clients. Her legal abilities, caring for her clients, and the successes she has achieved have resulted in very loyal clients.”

Rising to the Top

In 2015, the Seventh Circuit upheld one of Brady’s district court wins in a case which shed light on the circumstances under which law enforcement officers are entitled to qualified immunity.

In that case, a timber contractor purchased the right to harvest trees on private property. The property owner called the sheriff’s office with a complaint of criminal trespass; he claimed the contractor was cutting down trees that were not part of the agreement. The timber contractor denied the property owner’s allegation and claimed to have a legal right to be on the property in light of a timber deed signed by the property owner.

Although law enforcement did not read the timber deed, it did consult with the state’s attorney as to how to proceed. The timber contractor was asked to leave the property and to take up the dispute in a

civil proceeding, but he refused to leave. So he was arrested for criminal trespass.

The timber contractor filed a suit for false arrest and a violation of his due process rights. Brady argued in the district court proceedings that, among other things, the officers were entitled to qualified immunity: They had relied on the advice of the state’s attorney on a legal issue concerning the relative rights of a property owner and the possessor of a timber deed in a unique set of circumstances that would likely boggle the minds of most attorneys.

The district court agreed that the officers were entitled to qualified immunity and the Seventh Circuit affirmed the ruling as the contractor “failed to identify any factually similar case that would have alerted the defendants that they lacked probable cause to arrest him for trespass.”

Brady quickly developed a reputation among clients as a straight-shooter who is responsive and effective.

Kathleen Cammack is a senior claims adjuster for Kentucky-based Alternative Service Concepts. She has been Brady’s client for about four years, returning time and again because she knows she will get answers when she needs them.

“I never have to go to her to know what’s going on,” she says. “She will send an email (after a hearing) within 24 or 48 hours, telling us what happened and what our plan of action is.”

That’s key, Cammack says, because she often has clients asking her for updates.

“I cannot tell you how much that means when I have a client wondering what’s going on,” she says. “Jana is readily available. If a client wants a conference call, she’ll make it happen.”

Cammack also appreciates Brady’s honest advice.

“She knows if we have no way of winning, and she will recommend a settlement,” Cammack says.

Brady brings a heavy dose of common sense and integrity into her law practice, but also makes a point of being kind and compassionate. She ends every prisoner deposition by asking if she has been respectful in her questioning. Always, the answer is yes.

“I deal with a population of plaintiffs... who have had rough lives,” she says. “Kindness gets you everywhere — even in litigation.”

To that end, most of the cases she handles are dismissed before they make it to trial. She even has had cases dismissed simply by asking. It’s the ideal resolution for her clients, most of whom are upset at the

idea of litigation and want to resume their medical practice without the worry of a trial.

“The overwhelming majority of correctional medicine providers and law enforcement officers are not in the industries that they are in because it’s glamorous or pays well. It’s not, and it doesn’t,” Brady says. “It’s a thankless job for the most part — particularly nowadays, when a few bad apples get publicized in the news.”

Brady enjoys her civil rights practice, in part because the law is not always well-settled and there is room for creative lawyering.

For instance, in May 2016, Brady successfully had a third-party complaint dismissed against her correctional medicine provider client who was brought into a Section 1983 medical deliberate indifference suit not by the plaintiff detainee, but rather by the jail defendants through a third-party complaint for contractual indemnification.

Whether contractual indemnity exists in the context of a Section 1983 suit was an issue of first impression in the Seventh Circuit at the time. Brady took the position Section 1983 does not provide for indemnification, the medical vendor did not agree to indemnify the correctional officers for constitutional violations, and allowing a medical vendor to indemnify correctional officers for their constitutional violations would undermine the purpose of Section 1983, that is, the prevention of abuse of power through deterrence.

The court agreed with Brady that there was no contractual indemnity, and the third-party complaint was dismissed.

Such resolutions are particularly rewarding, and Brady is glad to see her client’s professional confidence restored. She tries to shield her clients from rough parts of the case, understanding that their jobs are hard enough to do.

“You try to do good, and then you get sued,” she says. “I feel like my clients want to do good, and they are often pulled into situations they shouldn’t have to be in.”

Brady tries to help clients through the awkward litigation process by educating them about the law and what litigation will entail. She tells them about other cases she has had dismissed and prepares them well before they testify.

“Everything is going to be fine,” she reassures them. “It might be difficult for a little while, but everything is going to be fine.”

Brady’s reward for her efforts is seeing them return to a career of helping others.

“I’m helping someone who is trying to help someone else,” she says. “They are truly thankful when you get the case

dismissed. You can help make the process a little less uncomfortable.”

Brady’s expertise is in demand from her peers and clients within the industries she serves. She has several published articles on topics such as social media liability and physician disciplinary records. Her work has been published in the *Illinois Defense Counsel Quarterly Monograph*, *CorrectCare Journal* and *Health Law Now*.

When she’s not at work or on the trail, there’s a good chance you’ll find Brady doting over her 9-year-old daughter, Maddie. Brady loves to join her fourth-grader for school socials, and she soaks in time together on rides at the county fair or shopping at the local mall.

“She’s my bright spot,” Brady says. “When she was young, one of my friends asked what her superpower was, and she responded with, ‘kindness.’”

In the community, Brady has given presentations to a number of professional groups, including the Rock River Human Resource Professional Association and the City of Rockford Fire 911 Division. She also spoke to the Illinois Association of Museums about the legal implications of using volunteers.

Brady is involved with the Winnebago County Bar Association, Illinois State Bar Association, Illinois Association of Defense Trial Counsel, Defense Research Institute and State Bar of Wisconsin. She recently became treasurer of the local Federal Bar Association.

Despite the intellectual challenges of her job, Brady says the hardest part is striking an appropriate life balance.

“Every day involves prioritizing,” she says. “I can usually ‘do’ and ‘have’ it all. I just wake up a little bit earlier and get rid of unnecessary distractions.”

In March, she found a fellow endurance sport fan in boyfriend Kevin Fagerstrom. The pair met doing a triathlon and now travel for fun rides and competitive sports.

It’s no surprise to Fagerstrom that Brady is a success. From what he sees on the race course — and what he sees in training — she’s positively driven to succeed.

“She’s very positive and upbeat,” he says. “She’s a very motivated person. With everything she does, she is that way.” ■