



Advocate for the Underdog

STORY BY MARK E. DIXON

Hard work. It got Richard DiLiberto Jr. – attorney, former state rep, dad – where he is today, and it all started in the basement of Montour Hall.

Minding his own business, the man was driving down a freeway near Wilmington, Del., when the stray bullet came through his car window and into his head. A hunter had missed a deer.

The man lived, thanks to luck and lots of very expensive doctoring. And, today, he can walk and talk again, though he has limited use of one hand and a titanium plate in his head.

When the victim sought damages, though, lawyers looked at the case and turned him away. The hunter was not rich. There was nothing to collect. Why bother?

Enter Richard DiLiberto Jr. '82, who did a bit of

digging and discovered that the hunter was a felon and that he had not taken the state-mandated safety course. (Curiously, Delaware law allows felons to get hunting licenses.) Someone sold him a license anyway. That insight led DiLiberto to the gun shop that sold the license. The gun shop was insured. After that, it was just a conversation about numbers...and, now, a bill pending in the legislature to make felons ineligible for hunting licenses.

"I like taking cases where it is just a purely innocent victim," says DiLiberto, who has practiced law in Wilmington since 1983, simultaneously serving in

the state legislature from 1992 to 2002. "In this case, (other lawyers) knew it was going to be a tremendous amount of work to track down a liable party."

DiLiberto has never been deterred by hard work. Back when he was living in BU's Montour Hall, he realized that he couldn't study in his room. Too many friends popping in and out. And he couldn't study in the library because... well, ditto.

That's when DiLiberto and his freshman roommate found "the hell hole" – a windowless, concrete-block room in Montour's basement. The "hole" had a table and several chairs, but no air conditioning, not even a picture on the wall, and it was damp. In short, it was perfect.

DiLiberto considers trial lawyers to be defenders of liberty for little guys.

"It was not a pleasant place to be," says DiLiberto, who nevertheless got a lot done and graduated cum laude. Later, as a student at the Widener University School of Law, he created his own "hole" in an off-campus apartment by placing a desk inside a walk-in closet. He graduated cum laude from Widener while holding jobs in the law library and as a home tutor for children too ill to attend public school.

"One of the things that has always impressed me about Rick is his ability to do so many things well at the same time," says his Widener classmate Francis G. X. Pileggi. "Most people will tell you it's all you can do to keep your head above water in law school."

Today, DiLiberto is a litigation partner in the Wilmington law firm of Young, Conaway, Stargatt & Taylor. He is believed to be the youngest member of the Delaware Bar to win a jury verdict in excess of \$1 million, which he accomplished in 1990 at age 28. DiLiberto, who regularly represents the interests of those injured or killed by another's negligence, is president of the Delaware Trial Lawyers Association.

Trial lawyers: Those are the people everyone supposedly hates because they win undeserved settlements for imagined damages and run up the cost of everything. Propaganda, says DiLiberto.

"Millions of dollars are spent by large and powerful business and insurance industry think tanks to attempt to get to the jury pool and have people think

that way," he says. DiLiberto considers trial lawyers to be defenders of liberty for little guys.

"I don't think those who have lost loved ones or had serious injuries due to someone's negligence have ever thought their cases were less important than someone else's," he says, "or that they should not have justice." The national trial lawyer's association is trying to counter the insurer line, says DiLiberto, in part by sponsoring groups like People Over Profits (www.peopleoverprofits.com), which bills itself as "your grass-roots network to protect civil justice." At his level, DiLiberto is a regular speaker to community groups on the theme.

In the legislature, notes Pileggi, DiLiberto proposed what is now the state's whistleblower law to protect the jobs of those who discover and report fraud against the state. Whistleblowers also get a reward, says Pileggi, who admires DiLiberto's "tireless crusade for the underdog." (Tireless is right; when DiLiberto represented a district near Newark, he simultaneously carried on a full-time law practice.)

DiLiberto also wrote Delaware's "First Amendment" to its constitution, guaranteeing the right of free speech. Oddly, though Delaware is the nation's first state – it ratified the Constitution in 1787 – nobody had previously noticed that its founding document didn't mention speech.

Maybe DiLiberto's concern for the little guy stems from the fact that his family was made up of "little guys." The son of a man who quit school at 15 to make shoes and later became a cop, DiLiberto grew up in Hazleton, Pa. He and his siblings were the first in their family to graduate from college.

DiLiberto remembers calling home after his first day at Bloomsburg to tell his girlfriend that he wasn't sure he could make it. She told him to stick to it. He did. Now, they've been married about 20 years and have three daughters – 9, 15 and 16 – who each played basketball on a YMCA teams with dad as coach.

"Our oldest daughter is going to be a senior and on the championship team," he said. "I don't think I've missed one game."

But, DiLiberto insists, that's not work. **B**

Mark E. Dixon is a freelance writer in Wayne, Pa.