



## Shane Carnine

### Southern Illinois Civil Law Practice a Perfect Family Fit

by Lauren P. Duncan

MOUNT VERNON — One could argue that Shane M. Carnine began his legal education by osmosis.

While many of his 16-year-old peers in Mt. Vernon were likely using their newly minted driver's licenses for errands that appealed more to the interests of a teenager, Carnine was chauffeuring his father, Roy L. Carnine, between legal proceedings.

In between court appearances and depositions, the younger Carnine would drive while his dad dictated in the back seat.

It may have looked like nothing more than a teenager getting some extra time behind the wheel while helping his dad out, but the experience proved to be enlightening, setting the stage for a fruitful practice for Shane.

"I would see what he did, hear what he did, and then hear what he extracted out of that in reporting to somebody or in analyzing the next step to take," Carnine says about listening to his father dictate.

“So I kind of passively absorbed that information for years, which was a very unusual way to start the business.”

Around the same time in high school, Carnine would visit Harold W. “Hank” Hannah, an emeritus professor of Southern Illinois University School of Law who died in 2001. Carnine would help Hannah, who was elderly and had lost much of his eyesight. Carnine visited him and read Hannah his mail, which often included law journal articles.

Fast forward a few years: The now 39-year-old Carnine handles what was once his father’s areas of the practice at the same Mt. Vernon-based firm now named **Black, Ballard, McDonald P.C.** He focuses on the areas of insurance defense, plaintiff’s personal injury and general civil practice.

### Focused Aspirations

Of course, Carnine’s career hasn’t developed by simple absorption; the past two decades have included a variety of experiences that have come together to shape his current practice.

Falling in step with the early influences that began to foment Carnine’s interest in one day becoming a lawyer, he entered Eastern Illinois University with a hunch that he’d pursue law school.

He chose to major in political science and minor in pre-law. That choice to focus his studies on the law wasn’t the only way in which Carnine exhibited foresight while in school. Carnine made sure to look into some areas that interested him with the full awareness that he wouldn’t have a lot of spare time once he enrolled in law school.

While at EIU, Carnine dedicated some of his time to his musical passion of playing the drums, and he also took a leap and spent a semester abroad in Australia. Both were meaningful experiences.

Carnine, who got his start on the drums in grade school and continued through high school, was unaware when he tried out for the marching band in college that many college-level band members major in music.

Many of his former college bandmates have gone on to pursue full-time careers drumming with touring artists, but Carnine stuck with his decision to keep music as a hobby while he advanced toward a legal career.

He was able to spend some time enjoying another one of his hobbies, scuba diving, while in college. As a certified scuba diver at age 21, he explored around the Great Barrier Reef and stayed on a dive boat off the Gold Coast during his semester abroad in Australia.

His international travel wasn’t all play, though. Carnine got a taste of a political landscape far different than anything he’d experienced in Illinois. He learned more about Australia’s multi-party political system and studied its parliamentary government system while taking courses at Griffith University in Brisbane.

While back at EIU in Charleston, Carnine worked for the Land of Lincoln Legal Assistance Foundation, where he first started to draft orders for judges and do legal research.

From there, he went on to SIU School of Law, where he focused on laying a solid foundation for studying law, which included editing articles for the *SIU Law Journal*, interning with a personal injury lawyer in Carbondale, and excelling in classes — especially corporations and evidence, where he earned awards.

After graduating from SIU in 2003, he went on to a one-year clerkship with Utah Court of Appeals Judge Gregory K. Orme in Salt Lake City, where Carnine found a work-life balance right out of school.

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When he wasn’t drafting opinions for the appellate court, he could be found snow-skiing with Judge Orme.

While in Utah, Carnine’s work entailed analyzing cases extensively after reading briefs and listening to oral arguments from both sides. In addition to honing his writing skills, the budding attorney was also able to get a firsthand glimpse of some examples of poor legal work.

In one instance, Carnine remembers getting briefs from an attorney who had chosen to duct tape them together.

In another example, Carnine added a footnote in one of Orme’s dissenting opinions that pointed out the attorney’s use of all capital language and exclamation points wasn’t helping to make his case.

Orme wrote in his opinion: “While I appreciate a zealous advocate as much as anyone, such techniques, which really amount to a written form of shouting, are simply inappropriate in an appellate brief. It is counterproductive for counsel to litter his brief with burdensome material such as “WRONG!

WRONG ANALYSIS! WRONG RESULT! WRONG! WRONG! WRONG!”

The message was spread beyond Utah, as *The New York Times* picked up on Orme’s note in the opinion Carnine drafted. The newspaper referenced it in an article detailing a few instances of judges finding lawyers “guilty of bad writing.”

### A Family Tradition

In 2004, Carnine returned to Mt. Vernon and joined his father’s firm, where his older brother, Aaron S. Carnine, worked. He also is a graduate of SIU School of Law.

For six years, Carnine was able to work alongside his dad, who retired in 2010 after 37 years of practicing.

“He was very well respected in the area and seriously taught me a lot of things I wouldn’t have learned from anybody else,” he says.

Roy Carnine used to display in his office his certificate for completing kindergarten. Today, it hangs in Shane’s office.

“It’s another good way to have perspective that you also have to apply lessons that you learned in kindergarten,” he says.

Of course, if Shane is in need of any other words of wisdom, his father is only a phone call away.

Roy Carnine never pushed his sons to become lawyers, he says. Rather, he simply encouraged higher education.

Roy — inducted as a fellow of the American College of Trial Lawyers, with more than 60 trials and many other career accomplishments — says

he was confident Shane would successfully take over his practice.

“The last few (trials), Shane sat in. It was a transition process from me phasing out and him coming in and taking over my caseload and my clients getting to know him and have faith in him and stay with him, which they did. So he did an excellent job,” he says.

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### Pick Your Battles

His father isn’t the only mentor with decades of legal experience who Carnine credits for helping him grow as an attorney.

Retired Judge Patrick J. Hitpas, who was a circuit judge in the Fourth Judicial Circuit for 17 years before retiring in 2010, now has a mediation and arbitration practice in which he sometimes works with Carnine.

Carnine recalls one time when he tried a case before Hitpas. Carnine asked the judge for advice afterward. In response to Carnine

apologizing for making several objections, Hitpas advised him: “Pick your battles.”

Hitpas, who saw many young attorneys come before him in his courtroom, says he thinks it is a good sign when young lawyers look for feedback.

“He’s a good, hardworking young lawyer, dedicated, he has a good knowledge of the law, and he does a nice job. He’s an up-and-coming lawyer I would say,” Hitpas explains.

“He’s a very good advocate for his clients, he’s good with the law and well-prepared.”

Mentors aren’t alone in speaking well of Carnine; clients also vouch for Carnine’s reliability and well-versed knowledge of the law.

In the case of former client Joe Trupiano, Carnine successfully defended Trupiano’s restaurant in a trip-and-fall case. Trupiano recalls how Carnine disproved the testimony of an expert witness, a professor, who had spent an hour on the stand talking about stairs and the necessity for handrails.

Carnine proceeded to question the witness by showing him a photo of steps at the professor’s own office. Carnine asked him to simply point out the handrail to the jury. There wasn’t one.

Trupiano says he enjoyed seeing Carnine debunk the witness’s hour of testimony in a matter of seconds.

“Shane goes, well, you say there has to be a handrail. I’m having trouble seeing this handrail at your place. So everything the guy just said was out the window. That was nice,” Trupiano says.

“At the end of the day, this lady was seeking just shy of a million dollars, and she was awarded zero, so I think he did a pretty good job,” Trupiano says.

“Anytime you hear the word ‘sue’, you’re uneasy, and he just pretty well assured that everything was going to be fine, and he wasn’t kidding.”

Carnine is a member and past president of the Jefferson County Bar Association. He also is a member of the Illinois State Bar Association and the Association of Defense Trial Attorneys. Carnine has made presentations to the Illinois Association of Defense Trial Counsel and has been published in the *Illinois Bar Journal*.

Carnine is also the dedicated father of twins Jack and Kate, 7, and he plays the drums at several churches near in hometown of Mt. Vernon. ■