

Profile of a **POPULAR** Advocate:
Zena Denise Crenshaw Logal



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Introduction and Background 2

Confirming A Motive For Retaliation 3

The Direct and Collateral Damage of Judicial Whistleblowing 5

Introduction and Background

- Zena Denise Crenshaw-Logal graduated in 1981 from the University of Notre Dame at Notre Dame, Indiana with a Bachelor of Arts degree, having dual majored in English and Philosophy. She graduated in 1984 from Northwestern University School of Law in Chicago, Illinois after completing a summer of law studies at the University of Notre Dame Law Centre in London, England and earning the highest grade point attainable at Northwestern’s coveted trial clinic. Mrs. Crenshaw-Logal has been distinguished as an Indiana State, a National Merit, a Notre Dame, and an Earl Warren Scholar.
- Zena Denise was licensed as a real estate salesperson by the State of Indiana in 1977 and as a real estate broker in 1981. By 1984, she was licensed to practice law by the State of Indiana, which included her admission to the U. S. District Courts for the Northern and Southern Districts of Indiana. Zena Denise joined the bar of attorneys for the U. S. Court of Appeals, Seventh Circuit, in 1991.
- After working her first job as a lawyer for less than one year, Zena Denise (then attorney Crenshaw) entered private law practice in northwest Indiana, which is where she was born and raised. She quickly gained a broad base of experience under the tutelage of some exceptional, senior attorneys. They inspired her to live modestly while trying to build a stellar, hometown law practice. When that effort was faltering, attorney Crenshaw sought to diversify. She developed a business plan that so impressed a local bank officer that he allowed her to finance and operate a legal service plan for small businesses as of 1992. In the meantime, her work as a plaintiffs’ personal injury attorney continued and by late 1992, Zena Denise negotiated her most valuable settlement, structured to pay nearly one million dollars over a period of time.
- As her 1992 structured settlement involved the “Indiana Patient Compensation Fund,” attorney Crenshaw submitted it to state court for approval as required. Less than a year after presiding Judge Jeffery Dywan finalized that medical malpractice claim, attorney Crenshaw was sanctioned for the first time in a seemingly unrelated, federal matter by now Senior Judge Rudolfo Lozano. She and Judge Lozano had an acrimonious relationship as opposing counsels before he ascended to the federal bench. As of his July 1993 sanction of her and subsequent state court rulings against her by Judge Dywan, Zena Denise never again successfully resolved a substantial personal injury case.

Confirming a Motive for Retaliation

- On December 1, 1993, attorney Crenshaw filed before Judge Jeffery Dywan a medical and pharmacy malpractice as well as products liability claim for a young lady named Sylvia who, at age seven, experienced a near fatal adverse drug reaction. Sued were the doctor who prescribed a name-brand antibiotic to treat Sylvia, the pharmacist and pharmacy that over-filled his prescription, as well as an emergency room physician who initially misdiagnosed Sylvia's adverse reaction. Also sued was the multi-billion dollar drug manufacturer that manufactured and marketed the drug Sylvia was prescribed, though the pharmacy dispensed a generic version of the medication which was administered to Sylvia by her mother. Attorney Crenshaw reasoned that neither of them would have received this dual agent under a brand name or as a generic if the targeted drug manufacturer adequately persuaded doctors to prescribe a less potent antibiotic for children suffering their first, uncomplicated urinary tract infection.
- As it would be difficult to impossible to quantify how much they exacerbated her clients' harm, attorney Crenshaw arranged for a modest settlement with the referenced pharmacist and pharmacy and ultimately determined to dismiss the emergency room physician with no exchange of funds. Judge Dywan resisted her novel claims against the drug manufacturer, but Zena Denise did not initially fret. After all, the theories exposed brand-name drug manufacturers to liability for the harmful ingestion of generic drugs by patients under certain foreseeable circumstances. The implications were serious and to the extent they suggested new law needed to be forged in Indiana, attorney Crenshaw understood that a trial judge may want to leave such a task to higher courts.
- It was not until the Indiana Supreme Court declined to review the matter, thereby allowing Sylvia's prescribing doctor and the targeted drug manufacturer to escape liability on dubious technicalities, and Judge Dywan ordered Sylvia, her mother, and attorney Crenshaw to reimburse the drug manufacturer more than \$14,000.00 in legal fees, did the scales of justice seem to Zena Denise, inexplicably unbalanced. It was early May, 1997. For various reasons, attorney Crenshaw suspected the predicament perpetrated a trend in the response of local courts to relatively complex, potentially lucrative personal injury claims prosecuted by minority attorneys. After meeting and discussing that prospect with some of the area's most seasoned African American litigators, it was clear they shared her suspicion. A local association of African American attorneys, individual lawyers, civil rights and religious leaders, local and state politicians, as well as private citizens formed a loose coalition called the "Struggle for Justice" and rallied to denounce the situation.

Confirming a Motive for Retaliation

- For strategical reasons, attorney Crenshaw focused on Judge Dywan's judgment for fees against her and publicly requested that it be investigated as evidence of unlawful bias. The sanction was reversed on appeal. However, a related investigation of alleged race and sex discrimination was never forthcoming beyond some perfunctory, government inquiries. Instead, attorney Crenshaw became the target of what has proven to be relentless scrutiny and judicial condemnation.
- Zena Denise sought vindication by filing a lawsuit on August 27, 1998, contending Judge Dywan lacked personal and subject matter jurisdiction to enter judgment against her as plaintiffs' counsel. She attributed the ruling to an underlying conspiracy to retaliate because of her race and sex, for her attempted expansion of industry-wide liability for brand name drug manufacturers. A defendant transferred the matter from state to federal court. Judge Rudolfo Lozano presided.
- Promising that discovery would explore apparent "... parallels between the (1993) sanction imposed upon (her) by the Honorable Rudy Lozano and that levied upon her (in 1997) by defendant Dywan", Zena Denise asked Judge Lozano to remove himself from the case. She confirmed her need to "prove that any consistency between (Judge Dywan's sanction) and alleged pattern(s) of bias against minority attorneys is not fortuitous," noting "(t)he fact finder (would) more likely conclude that disposition . . . was contrived as suggested if it significantly parallels (Judge Lozano's indicated sanction), a predecessor . . . reportedly enhancing identical pattern(s)." Attorney Crenshaw anticipated that "(a)ny direct or indirect link between the presiding judges (could) move . . . kindred cases further beyond coincidence." In fact she projected that "(d)iscovery (could) reveal a scheme, personal between Judge Dywan and Judge Lozano; indicative of a practice or policy for courts in Lake County, Indiana; directed at a defined class; targeting (her); generating an extrajudicial motive for sanctioning her; and/or prompting Judge Dywan to conspire with (the aforementioned drug manufacturer he favored and its lawyers)."
- By the time Judge Lozano stopped presiding over her civil rights litigation, he was embroiled in a dispute with Zena Denise about allegations justifying his disqualification, and had dismissed Judge Dywan from the case. Discovery revealed that Judge Lozano's former law firm regularly provided judges *pro tempore* for Dywan's courtroom and more in 1993 to 1997 than any other defense firm. One of the temporary or substitute judges, theoretically linked Judge Dywan to a rift between Zena Denise and Judge Lozano when they both were private attorneys.

Confirming a Motive for Retaliation

- Attorney Crenshaw moved for sanctions to no avail, against a lawyer who became Judge Lozano's federal magistrate when both of them were her opposing counsel in a protracted, contentious personal injury claim. Attorney Crenshaw proposed that Judge Lozano's eventual sanctioning of her, harkened back to that quest for sanctions and evidenced, as did other things, his lingering resentment of her which Judge Dywan seemingly mimicked upon joining the state court bench in 1992. Despite limited discovery, Zena Denise interlocked dates, times, and events as to a large, but discernible group of people and tracked this arguable Dywan/Lozano connection to all of her courtroom losses after she sought Judge Dywan's settlement approval in 1992.

The Direct and Collateral Damage of Judicial Whistleblowing

- Mrs. Crenshaw-Logal attests to tremendous losses, even claiming because of her post-1992 courtroom defeats that "doctors . . . remain inadequately persuaded to prescribe a single effective antibacterial agent to treat the initial episode of uncomplicated urinary tract infection; children remain unnecessarily at risk for adversely reacting to the synthetic antibacterial combination of TMP-SMZ in its brand name or generic form; the connection between that risk and product defect(s) under Indiana law remains concealed to the detriment of . . . stockholders and other investors in the manufacture of TMP-SMZ; . . . the constitutional and civil rights of Sylvia (and her mother) remain abridged; they were wrongfully deprived of a chose in action . . . and (she – i.e. Zena Denise) was wrongfully deprived of attorney fees, reasonably attendant to that (lawsuit or) chose in action." Yet since 1993, court rulings addressing Mrs. Crenshaw-Logal as an attorney and/or litigant tend to personally disparage and demean her. The decisions repeatedly scorn the sheer expansiveness of her allegations, supporting evidence, and analysis. But not a single related contention has been submitted for jury trial.
- Despite her protestations, the Supreme Court of Indiana, the lower federal courts of that state, and the U. S. Court of Appeals for the Seventh Circuit determined that attorney Crenshaw made false allegations about judges Dywan and Lozano based on purported credibility determinations of a hearing officer that have no articulated basis. On January 5, 2007, the Seventh Circuit concluded "it is Crenshaw that has abused the system: whenever she finds herself on the losing end of a matter, she sues the opposing litigants and their attorneys (in this case alone there were 15 defendants), repeatedly alleging that they conspired with presiding judges to receive favorable outcomes", noting "(a)ll of these suits were dismissed; the only so-called "evidence" of conspiracy that Crenshaw has ever offered is her losing record." (internal citations omitted). Perhaps a cursory and certainly a careful review of the record would firmly suggest otherwise. Nonetheless, Mrs. Crenshaw-Logal has been suspended from the practice of law (except before the Seventh Circuit) on two separate, related occasions for a total of approximately six years to date.