



Mary Louise Kandyba

Partner

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Mary Louise Kandyba is a seasoned trial attorney who has a solid reputation among her long-time railroad and transportation clients. She focuses her practice on short lines and terminal and switching railroads, and also represents Class I Carriers. The Chicago hub handles one fourth of the nation's freight rail traffic, and Mary Louise's clients rely on her specialized knowledge of the transportation industry, hands-on approach and devotion to detail for the support they need to remain competitive. She also represents a number of terminal service providers that work with Class I railroads, providing assistance with operations in railyards involved in intermodal transportation.

A native of Chicago, Mary Louise's more than 25-year career has focused on litigation unique to the industrial concerns of the area, particularly those engaged in transportation services. She is an experienced trial lawyer who has taken well over 50 jury and non-jury cases to verdict. Mary Louise is equally adept at handling cases involving premises liability, trucking collisions, and accidents and incidents arising out of intermodal operations. She represents corporate clients in administrative agency proceedings, including OSHA whistleblower investigations, and has represented clients in employment litigation claims, contract litigation and other commercial matters.

Mary Louise joined Wilson Elser after 10 years at a firm specializing in railroad casualty litigation. There, she continued to develop her transportation practice, expanding into areas involving employment litigation and general commercial litigation relating to the transportation industry. She began her career as an attorney for Illinois Central Gulf Railroad and later established her own law offices where she practiced from 1985 to 2005.

Railroad

Mary Louise has extensive experience handling litigation involving railroads, including crossing accidents, employee injury cases brought under the Federal Employers' Liability Act, employment matters including cases brought under the Federal Railroad Safety Act,

Services

- Railroad
- Transportation
- National Trial Team

commercial litigation, rate and tariff cases, contract disputes and occupational claims. At Wilson Elser, she is one of 40 highly experienced trial attorneys who also act as counselors and advocates, helping to anticipate and prevent situations that could result in lawsuits or administrative actions. They are members of our 24/7 railroad on-site go-teams, ensuring that potentially exculpatory on-scene evidence is preserved and that maintenance and other records are promptly sequestered, inventoried, copied and shared with investigating authorities and agencies.

Federal Employers' Liability Act (FELA)

FELA cases represent a national practice for Mary Louise, and she has been admitted in various courts throughout the country on a *pro hac vice* basis to handle these matters. She is strongly supported by the firm's Employment & Labor practice in the areas of employment discrimination and retaliation, particularly cases brought under the Federal Railroad Safety Act, and representation of railroads in claims brought under Title VII, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Family and Medical Leave Act.

Trucking

With an understanding of the unique issues facing companies that transport cargo and people, first- and third-party liability, indemnification issues, subrogation issues, and the interplay of legislation surrounding vehicle operation and ownership responsibility, Mary Louise fields issues and conflicts that can involve railroads and truckers or intermodal service companies.

Insurance

Managing risk is a primary responsibility Mary Louise assumes to assist her clients, most of whom are self-insured except for catastrophic incidents. She understands the need to balance concerns over large FELA and casualty awards against the importance of managing litigation expenses, including attorneys' fees. In this regard, she works with excess insurance carriers on cases where the client's exposure might exceed the self-insured retention, and has frequently developed litigation plans and budgets for these high-exposure cases.

Issues for the Railroad Industry

With government oversight and regulations changing the way transportation companies handle their customers, and consumer demand fueling the need for efficient transportation of freight in interstate commerce, Mary Louise is committed to staying abreast of legislative, regulatory, technological and other developments that impact her clients. She has represented railroads and other parties before the Illinois Commerce Commission and worked with the Commission's Rail Safety Section on projects and issues arising under the Commercial Transportation Law. She has represented clients in administrative proceedings before OSHA and the Federal Railroad Administration involving alleged violations of federal regulations. She also is knowledgeable regarding the Association of American Railroads Interchange Rules and the interpretation of agreements governing the interchange of freight among railroads in the United States.

Education

- DePaul University College of Law (J.D., 1981)
 - with honors, top 5 percent
- University of Illinois at Urbana-Champaign (B.S., 1978)
 - Journalism, 1978, *magna cum laude*; Kappa Tau Alpha, National Journalism Honor Society

Bar Admissions

- Illinois
- Indiana

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Eastern District of Michigan

Professional Affiliations

- National Association of Railroad Trial Counsel
- Association of Transportation Law Professionals
- American Bar Association: Commercial Transportation Litigation Section; Editorial Board, *Transportation Law Journal*
- Illinois State Bar Association

Publications

November 9, 2023

SCOTUS Upholds PA's Consent to Personal Jurisdiction Requirement in *Mallory v. Norfolk Southern Railway Co.*