



Thomas Hays will lead DTCl as it embarks on new long-range plan

Marilyn Odendahl December 3, 2014

Perhaps the first bit of guidance Thomas Hays received from an attorney came as he was getting ready to watch a court proceeding.

At the time, Hays was a teenager from Greenwood who was spending the day shadowing the attorney. Before the pair walked into the courtroom, the seasoned lawyer sought to dampen any grandiose ideas about trials Hays might have picked up from television.

“This isn’t going to be Perry Mason,” the attorney said.

Still, Hays was enthralled. The courthouse, the lawyers, the judges and their interactions grabbed his attention. So much so that he headed to the Woodrow Wilson College of Law in Georgia after he completed his undergraduate studies at Indiana University in Bloomington.

For nearly 37 years, Hays, a partner at Lewis Wagner LLP, has continued to enter courtrooms, building a solid reputation as a personal injury defense attorney. Other lawyers praise his litigation skills and civility, and they describe him as a lawyer’s lawyer.



Thomas Hays, partner at Lewis Wagner LLP, will become the president of Defense Trial Counsel of Indiana in January. One of his goals is to encourage more minority and female attorneys to seek leadership positions in the organization. (IL photo/Eric Learned)

Now Hays is preparing to take on a new challenge. He is the incoming president of the Defense Trial Counsel of Indiana and will take office in January just as the organization is beginning to implement a new long-range plan.

“I am very proud to be president of the organization I have benefitted from all these years,” Hays said. “I hope to be able to continue the organization’s growth in the short time I have as president.”

Broadly, DTICI’s long-range plan calls for the organization to grow its membership rolls and strengthen its profile both statewide and nationally. The goals were determined this year during the tenure of the association’s current president, James Johnson of Jackson Kelly PLLC in Evansville.

John Trimble, also a partner at Lewis Wagner, believes his colleague’s traits as an attorney will serve him well as head of DTICI.

Hays understands the dramatic changes that have occurred in the legal profession, and he has leadership experience from his turn as managing partner at Lewis Wagner, Trimble said. In addition, Hays has the ability to build consensus, and he will encourage people to do what is necessary to implement the long-range plan.

“He’s a good guy to have at DTICI,” Trimble said.

The year ahead

Hays joined DTICI in 1982 and has served on the board of directors since 2005. He decided to become an officer and take a leadership role, he said, as a way to give back to the organization. DTICI has offered seminars and conferences which helped sharpened his skills as an attorney and introduced him to other lawyers across the state.

During his three-plus decades in DTICI, he has seen the organization’s membership grow from being primarily insurance defense attorneys in private law firms to include staff counsel for insurance companies, in-house counsel for corporations and government agency attorneys.

To help those attorneys with their practices, the long-range plan calls for DTICI to enhance the seminars and to continue to focus on the organization’s substantive law sections which encompass health care, workers’ compensation, product liability, business litigation, insurance coverage and construction law.

Also on DTICI’s agenda and an area of particular interest to Hays is the emphasis on increasing the membership’s diversity.

The plan calls for the organization to form a membership committee to help identify and encourage minority and female attorneys to become more active in DTICI by serving on committees, taking leadership positions and joining the board of directors. Hays sees the Women in the Law committee, which was successful at its start in 2014, as an avenue to help promote diversity.

Hays conceded that starting the implementation of the long-range plan will be a challenge. However, he has confidence that together, he and the board of directors can work toward strengthening and improving the organization.

Treating others well

Attorney Mark Ladendorf of Ladendorf Law has tried many cases against Hays during his 35 years in practice.

“He’s excellent,” Ladendorf said of his frequent opposing counsel. “He knows the case, he knows the law, and he knows what the strategy is going to be on the case.” Moreover, Hays works to get the dispute resolved whether by a settlement or through a jury trial. He wants a solution, not an antagonistic relationship, Ladendorf said.

Ladendorf and his colleagues in the Indiana Trial Lawyers Association have recognized Hays with the association’s civility award. The honor is given to an attorney, Ladendorf said, who exhibits great talent but, more importantly, is someone you can trust.

“He’s just a real pleasure to work with,” Ladendorf said, adding Hays is upfront and does not try to pull any “backdoor tricks.”

The incoming DTCL president says he enjoys being a defense attorney because it allows him to meet different clients and to work with lawyers on both sides of the fence who are representing either plaintiffs or co-defendants.

“For the most part, I find them to be very talented and ethical attorneys who are easy to work with considering we are often in very adversarial situations,” Hays said. “I have always found it advantageous to follow the old adage ‘Treat people the way you want to be treated.’”

Even when he catches a plaintiff lying on the witness stand, Hays remains respectful and polite. He has a fierce side that comes out at trial and he can tear a dishonest plaintiff apart, Ladendorf added, but he will do it nicely.

Helping young lawyers

Hays believes DTCL today has an increasingly important role in helping young lawyers learn how to litigate.

When he started practicing, many new attorneys first worked in municipal courts where they could learn their trial skills, but now with the growth of mediation, the number of trials is declining. And lawyers, especially those just out of law school, have fewer opportunities to learn in the courtroom.

Workshops and seminars put on by DTCL can teach some of the lessons that are typically learned at trial, Hays said.

Trimble was on a golf course when he first heard about Hays’ skills as an attorney. Having just finished law school and enjoying his honeymoon in South Carolina, Trimble met an attorney from Atlanta who knew Hays. That attorney advised Trimble when he returned to Indianapolis to contact Hays.

The two formed a friendship in the early 1980s and three years later, Trimble and Hays became colleagues at Lewis Wagner.

The law partners have enjoyed playing golf and attending IU basketball games over the years. Trimble described Hays as the youngest guy of his age, explaining his friend and colleague is young at heart and in appearance, as well as personality.

“He’s fun to be with,” Trimble said. He also noted Hays cares deeply, works hard and has the utmost integrity.

“For me, Tom Hays is the definition of a defense lawyer,” Trimble said. •