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THE DON of DIVORCE

Donald Schiller is a gentleman
in a volatile practice area

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Donald Schiller is a gentleman in a volatile practice area

by KEVIN DAVIS photography by LARRY MARCUS

The Don of DIVORCE

Here's a tale of two divorces.

The first occurred in the late 1960s. Donald Schiller was a wanna-be PI plaintiff lawyer in his mid-20s working with his father in a shared office space at 188 West Randolph Street, when, as Schiller recalls, "A young woman came into my office and she was tearful. Her husband had been abusive to her emotionally and physically and stopped supporting her. She had a baby."

Schiller had never handled a divorce case, not one, and the woman was poor and couldn't afford to pay him much. He took the case anyway. "I was outraged at what was going on for this poor soul," he says. "I took a very small retainer from her, probably not much more than what it cost to file the suit."

Schiller filed divorce papers and got a restraining order against the husband that afternoon. The husband was served, and Schiller's client got the divorce and financial support she needed.

The second divorce occurred more than 30 years later. In 2002 another woman visited Schiller's office, now on the 30th floor of 200 North LaSalle, and she was seeking her own brand of justice. Her name was Juanita Jordan and she wanted a divorce from her husband, Michael Jordan, the most famous athlete on the planet.

"It was very flattering that she would choose me from all the people she could possibly choose," says Schiller, founding partner of Schiller DuCanto & Fleck LLP, one of the nation's premier divorce firms and, with 43 lawyers, the largest devoted to the practice. (Mrs. Jordan withdrew her petition temporarily, then finalized the divorce in 2006.)

Jordan didn't just flip through the Yellow Pages to find Schiller. He's widely known among wealthy, high-profile clients, including Andrea Kelly, the wife of R&B singer R. Kelly; Chicago Bears' linebacker Brian Urlacher; Robert Pritzker of the famed Pritzker family; Joan Stonecipher, wife of Harry C. Stonecipher, former CEO of the Boeing Co.; and Elaine Wynn, wife of Las Vegas developer and hotel king Steve Wynn. In the process, Schiller has developed a reputation as a gentleman in the sometimes volatile and acrimonious specialty of divorce law.

Relaxing in his corner office overlooking the Chicago River, Schiller, dressed in an olive suit, pink shirt, scale-of-justice cufflinks and green paisley tie, seems surprised, even humbled, when he talks about the people who have come to him for counsel. "It's interesting

to deal with the people you read about," he says. "Sometimes I have to say to myself: 'How did this happen?' I truly believe it's the result of very hard work. There is no such thing as luck."

SCHILLER GREW UP on Chicago's North Side and met his future wife, Eileen, in high school. By the time he was attending Lake Forest College he knew he wanted to marry her, but his parents told him he had to finish one year of law school first. So he took the initiative: At the time, DePaul University allowed early enrollment for those with three years of college credit, and he took it. In fact, he never bothered to finish his undergraduate degree.

"Law was just something that was part of our lives," Schiller says, adding that his father and older brother were both lawyers. "I don't think we discussed whether I was going to be a lawyer. It was just an unspoken fact of life that that's what our interests were and that's what we were going to do."

In law school, Schiller wrote an article for the *DePaul Law Review* on pending divorce legislation in Illinois. "A Survey of Mental Cruelty as a Ground for Divorce" would prove prescient in his career, though it hadn't yet occurred to him that this would become his specialty. "I thought I wanted to be a plaintiff's lawyer and handle personal injury plaintiff's law," he says.

After graduation, he knocked on the doors of some of the city's biggest personal injury firms. He sent applications to the Cook County state's attorney's office and the U.S. attorney's office. Nothing.

"So I started helping my dad in his office," Schiller says. His father was a sole practitioner and shared an office space with other lawyers who made referrals to each other in criminal, personal injury and divorce cases. Schiller started helping out the divorce lawyer and liked it. "Dealing with very human problems and dealing with the people was very interesting to me," he says. That's when the abused woman walked through his door, changing the trajectory of his career.

Around 1970, Schiller and his father started their own firm, Schiller & Schiller. He became an impassioned advocate of divorce law reform, and, along with several others, was instrumental in creating the state's no-fault Dissolution of Marriage Act. He lobbied state legislators in his capacity as chairman of the family law section of the Illinois State Bar Association and wrote and spoke frequently

about the need to create marital property rights. His name became known; he came recommended.

One day a former client called and said he was sending over a Chicago Bears player. "It was *Gale Sayers*," Schiller says. "I said, 'Oh my God. Gale Sayers?' I remember when he came up to my office, I was so proud to have someone like that there. He was a great guy, very down-to-earth guy."

Then the wife of another Bears player came to see Schiller, then someone from the Chicago Blackhawks. Then sportscasters called. One of them was Jeannie Morris, wife of former Chicago Bear Johnny Morris, whose biography, *Brian Piccolo: A Short Season*, was published in 1971.

"More people started coming," Schiller says. "One thing led to another."

The younger Schiller started hiring employees as his father eased out of his practice. Then, in 1981, a highly regarded, well-known divorce lawyer named Joseph N. DuCanto asked to meet him. DuCanto had been practicing for more than 20 years, and he wanted to branch out from his large firm, and he'd heard good things about this kid. "I was a seasoned lawyer but he was rising fast," DuCanto recalls. "We had some cases in opposition of each other. He was bright, energetic, never spiteful, never took unnecessary positions. He was a gentleman."

The two lawyers had different styles. "I'm an extrovert but Don is not," DuCanto says. "He is much more conservative in his outlook and in his relationships. He's a personable guy, but he's not a back-slapper."

When the two decided to form Schiller & DuCanto, a firm that specialized in divorce cases, these styles complemented each other. A year later, Charles J. Fleck, a former state legislator and Cook County judge in the domestic relations division, joined the firm.

"Don is a classy lawyer," says Sandra Murphy, a partner with McDermott Will & Emery. "He knows the law, he's a creative lawyer and is resolution-oriented. There are some who aren't as facile in coming to a resolution. I would welcome him as an opponent."

And she has. "I've had very difficult cases with him. This is no love fest. But I think Don respects me, even when we have differences of opinion. I also think he's honest. He keeps it above the personal attack."

James H. Feldman, a partner with Jenner & Block who has known Schiller for more than 30 years, working both with and against him, agrees. "I know I will be spoken to truthfully and with an eye toward resolution," he says. "He's thoughtful, careful, not provocative and is intellectually honest. Even though the subject can



"He's thoughtful, careful, not provocative and is intellectually honest," says one opposition counsel of Schiller. "Even though the subject can be adversarial, he tries to avoid unnecessary acrimony."

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Schiller & DuCanto continued to attract well-to-do and high-profile clientele. Many of their cases, then and now, have drawn media attention, but Schiller prefers not to discuss his cases in the press.

"You have to look at it from the interest of the client," he says. "If you're trying to do what's best for the family, you want to be discreet and try to keep as much of it away from the public as you can."

That's one of the reasons he favors the automatic sealing of divorce files. Records can be sealed by court order in Illinois, but the burden is on the party that wants it sealed. Schiller says it appeared that those with political influence were the only ones getting records sealed. He believes automatic seals should apply to all cases so the system doesn't appear to play favorites. If the media or another third party wants to unseal records, they should show compelling reason.

Schiller believes the media should have an interest in the divorce records of politicians whose character becomes an issue in elections; but the average person—even the average famous person—should not have to fight to seal records.

"If you take a look at people's personal lives, generally, what is the state's interest in that public record?" he says. "You have a lot of curiosity seekers who want to look at people's personal lives, especially when you're dealing with wealthy people, prominent people or celebrities."

It's also a matter of protection. "You have safety concerns, people with substantial assets," he continues. "Why should the general public, and potential thieves and kidnapers, be able to get a roadmap to where everything there [can be stolen]? Or kids' names or identification of their schools?"

But even sealed records aren't enough to keep matters private. Sometimes one of the parties in a high-profile case talks to the media. When that happens, Schiller doesn't panic. "Generally, as hard as it is, it's wise to make no comment and let a story die, even though you're wounded, or your client is wounded by the story," he says. "I will make a comment that's sufficiently respectful to the media source that's asking. I usually say something like: 'These are highly personal matters and emotions can rise and we don't want to engage in discussions of personal matters.'"

Schiller has seen how society's views on divorce have shifted over the years. "In the '50s and '60s and earlier, marriage was presumed to be a lifetime deal and no matter what happened, you worked with the hand you were dealt," he says. Then in the '70s the divorce rate skyrocketed. "In the '80s and '90s it kind of leveled off and has been pretty level. I think a lot of that jump had to do with the change of women's role and the emancipation, if you will, of women, and women's wishes to be equals in the workplace."

Previously, of course, couples couldn't get divorced simply because they were unhappy. "There had to be a compelling reason to get out: physical abuse, drunkenness, severe fault, adultery," Schiller says. "But then society and culture began to accept that you should not be bound to life by a mistake or something you perceive to be a mistake. People hope that the marriage will last, but I think many people do not look at it as a binding commitment if it stops working for them. They want to live their life to the fullest. Life is short and if this doesn't work they should be able to try something else."



Schiller, with assistant Faye, counts Gale Sayers, and the wives of Michael Jordan and R. Kelly, as clients.

The creation of no-fault divorce is part of the reason this changed. "The law follows society, slowly, but society is always a little ahead of the law," he says. "People would do it anyway, so you might as well legitimize it and give some remedy to the people who would get abandoned."

That's how he sees himself—as someone who finds remedies.

Divorce lawyers have taken their knocks and continue to battle to elevate their reputations. "[The practice] does suffer from a negative connotation," Sandra Murphy says. "But Don and Joseph DuCanto have contributed to raising the quality of the practice."

More than that, Schiller has become many things to his clients. "He's like the neighborhood bartender, Dr. [Benjamin] Spock, Ann Landers, a rabbi, a minister, a priest, a social worker," DuCanto says. "It takes a quality of earthiness, a quality of understanding the human condition, to do this. I've been in practice for 55 years and they don't come any better than Don."

Schiller says the law is part of who he is. "Personally, the law was my life. It was my job, it was my pleasure," he says. "My vacations were integrated into work. I would take my family on vacations and go to bar meetings and meet lawyers and judges from all over the country."

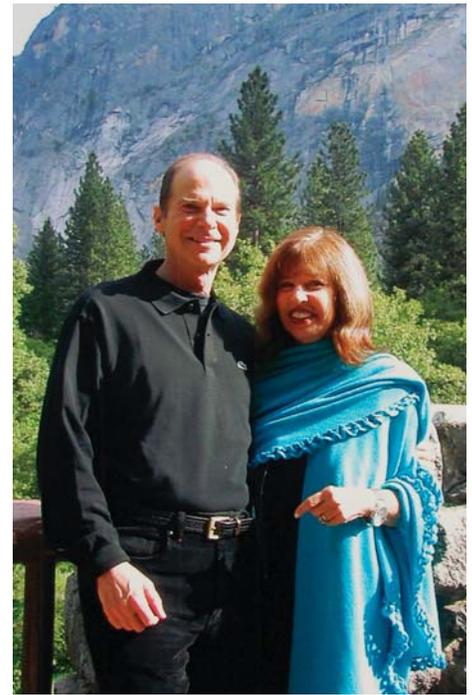
This was true at home, too. "I didn't play golf, I played law. When I wasn't practicing, I was reading, I was writing. I taught a lot in continuing legal education."

He still teaches a course in divorce law at the University of Chicago—he wrote his own casebook specifically for the course because he didn't like what was out there—and is active in the Illinois State Bar Association, where he served as president in 1987 and '88.

About five years ago, the Schiller DuCanto & Fleck Family Law Center at the DePaul University College of Law was dedicated as a tribute to his firm's ongoing financial and academic support. It offers certificates in family law and conducts research in child advocacy, juvenile justice, domestic violence, elder law, and adolescent health and welfare. "It's the pre-eminent center of its kind in the country," Schiller says. "And it's grown quite a bit."

Schiller lives in Highland Park but owns a condo in downtown Chicago and another in Fort Lauderdale, where his son, Jonathan, 35, practices law. (His elder son, Eric, 40, is a real estate agent in St. Paul.) For six weeks every year, Schiller relaxes in the latter condo, where he can read fiction and dote on his two grandchildren with his wife of 46 years.

"I'm a bad commercial for divorce," he says with a laugh, then offers the following free counsel to maintain a happy marriage. "Give in early and often. Most of the time, if you're going to have peace, you're going to be giving. Giving begets giving." ◀



"I'm a bad commercial for divorce," Schiller says, here with his wife of 46 years.