

DON SCHILLER

Chicago's High Stakes Divorce Lawyer

by Pat Milhizer



When top players in the corporate, legal, sports and entertainment worlds walk into Donald C. Schiller's high-rise office towering over downtown Chicago, they come to one of the top divorce attorneys in the country with their mental, social and financial states all on the line.

"They come to me miserable. The worst time of their lives. Some people say, 'How can you stand dealing with people in the worst time of their lives?' And it is challenging. You have to be pretty thick-skinned.

But it's so satisfying to give them new chapters in their lives and see the transformation and the satisfaction," Schiller said.

"I've had some people that are captains of industry, that everybody thinks are so strong, in tears and weeping. Just devastated," Schiller said. "And I see them regain their strength. I really think I make a big difference in a lot of people's lives."

Schiller, 63, is one of the founding partners of Schiller, DuCanto & Fleck, a firm with 37 attorneys and that is the largest in the country that strictly handles marriage law. Schiller

handles high-stakes divorce cases, and potential clients pay \$560 just to get in the door.

That's not bad for a guy who lacks an undergraduate college degree and spent time as a construction worker, bartender and janitor. His first taste of success actually came as a door-to-door salesman, selling encyclopedias in suburban subdivisions after high school

"I learned I could be convincing," Schiller said, adding he was the leading salesman for a month.

"I made more money in that month than I expected to make in a whole summer. I don't know how I did it. I just felt that I must be able to convince people. I was comfortable talking. So I would just knock on doors, smile, give the spiel and I just made a lot of sales."

A few sales and slammed doors later, the stint as a salesman ended.

The Northside native attended Lake Forest College and majored in political science until his wife-to-be, Eileen, told him that he could get a law degree from DePaul University without an undergraduate degree.

"I had the support of my parents to get a law school education as long as I waited at least a year after law school to get married. My wife is the one that made me aware of the fact that you could do this, so I did," Schiller said.

Becoming a lawyer just made sense in the Schiller family. Schiller's brother, Stephen, retired last year after more than 20 years as a judge in Cook County.

"I always wanted to be a lawyer, my dad was a lawyer, my brother went to law school. We just like automatically thought—you grow up, you go to law school. "My dad never pushed us. My mom never pushed us. But it was just something we both did," Schiller said.

"My dad always seemed to love his work and I thought I was as a pretty good debater, very competitive. So it was just something that attracted me" Schiller said.

With his tuition covered, he married Eileen in 1964 and had to support himself as the night supervisor at the Chicago Bar Association library.

After graduating, he wanted a job as a county or state prosecutor, which was considered a

good starting place to learn litigation. He couldn't find that type of job, so he went to work for his father, Sidney S. Schiller, who was a general practitioner in Chicago.

He was handling civil litigation when Bernard Kaufman, an attorney who shared space in his father's office, asked him if he wanted to help with divorce cases. The opportunity attracted Schiller, and not just because it meant two paychecks.

Back in law school, Schiller worked for the DePaul Law Review and was assigned to address whether or not mental cruelty should be grounds for divorce in Illinois. At the time in 1966, physical cruelty was the only form of abuse that justified a divorce.

Schiller penned a report featuring a statistical argument that showed having the mental statute wouldn't necessarily mean that divorce rates in Illinois would spike.

A few years later, lawmakers addressed the topic in Springfield, and mental cruelty was on the books. Schiller's article was cited in the annotated statutes.

"People were calling and were a little bit surprised. A lot of people who write for law reviews are experienced professors and lawyers too.

"They didn't know that I was a student. It just seemed to point me in a direction to 'I like this,'" Schiller said.

Schiller started handling more cases, and by the late 1970s, he had his "wow" moment. A financial advisor recommended Schiller to handle the divorce of Chicago Bears great Gale Sayers.

In 1981, he opened a firm with Joseph N. DuCanto, who had been his adversary in several cases.

"Starting this firm, to me, was one of the biggest risks I took. I was doing pretty well by myself. I was looking for more office space, more help. And Joe DuCanto was more experienced than I was, and he had great clientele. He was looking for a litigator to join. I did it with great concern, but it was the best professional decision I ever made," Schiller said.

Both attorneys were making names for themselves, representing wealthy clients much like they do today.

"But (Schiller) arrived there much sooner than many seasoned attorneys," DuCanto said.

"My initial and continuing impression of him was that he was very bright, direct and courteous. You could trust Don in that what he told you in your course of dealings was absolutely true. And he would not go back on his word or permit his client to force him to do so. He was a good negotiator—articulate and firm. No bombast and never taking ridiculous positions.

"I liked him and became aware of his courtroom skills on several occasions when we arrived at an impasse, needing decision of a court to move either of us off our position. Don was always prepared and, win or lose, no resentment or disrespect," DuCanto said.

The two wanted to build a firm that was on the cutting-edge of the no-fault, equitable distribution wave of divorce law practice. They assembled a group of attorneys with skills in finance, accounting, taxation and litigation.

They rarely, if ever, had disputes about the firm's direction, who would run it, how much lawyers would be paid and how to split profits, DuCanto said.

Charles Fleck joined as a partner in 1983, after serving four years as presiding judge of the Domestic Relations Division of the Cook County circuit court.

"We just kept adding on because we got busier and busier," Schiller said.

Schiller, DuCanto & Fleck handled cases vertically within the firm, meaning several minds throughout firm departments offered input on the best solution.

In 1986, the Chicago Daily Law Bulletin compared the firm to the punishing defenses of the Chicago Bears, mainly because other firms started trying to imitate the successful formula.

"The field has changed a great deal," said Schiller, who keeps a copy of the Law Bulletin article in his office. "It's become more globalized. People are traveling all over the United States as well as all over the world. You have to be more mindful of different state laws, international treaties.

"The practice is much more business-like than it was before. You can't get away with hip shooting a divorce case anymore. The level of preparation and level of depth you have to go through, the intellectual challenge, is much greater now than when I started," Schiller said.

"Before (1977), all you had to do was know what assets were in one person's name. It didn't matter what they were worth. Whatever the husband owned, he owned. Whatever the wife owned, she owned. And they got a divorce. It wasn't that complicated," Schiller said.

Outside the firm, Schiller has made a name for himself at area colleges.

In 2003, DePaul University named its family law center after the firm.

"It was huge. They were looking for a national draw," Schiller said.

He's also in his sixth year teaching at the University of Chicago Law School, where, he said, he learns a great deal.

"The students are very bright. It keeps me very relevant to what's going on. I get more out of what I give, or at least as much," he said.

In addition, he's been writing about family

law for various publications for 40 years and was president of the Illinois State Bar Association from 1987 to 1988, after holding several titles at the organization.

"I was very proud, and at the same time, humbled to have won a contested election and have the support and confidence of so many lawyers across the state. Professionally, it was an incredible experience. I had the opportunities to meet leaders of the profession across the state and across the country and I learned a great deal about all aspects of the profession. It made me a better lawyer in my own field of practice understanding the practice of law more globally," Schiller said.

Schiller has held several positions in other legal associations, and now serves as president of the American Bar Association retirement fund.

Retirement, though, is the furthest thing from his mind.

"I really can't see myself retiring completely because I really enjoy what I do. If I had some burning desire to do something else, if I ever got to be a good golfer, I could see myself retiring. But the law has always been part of my social life as well as my professional life. So one way or another, I just don't see myself retiring," Schiller said.

Schiller lives in Highland Park and has two children. Both went to law school, and one, Jon, clerked for his father and now practices marriage law in Florida. Schiller's other son, Eric, has a marketing job in Minneapolis.

As for his relationship with his brother Stephen, Schiller said that his brother "was the one that always pioneered things. So it made it easier for me," referring to his brother's earlier venture into a legal career.

"We probably don't see enough of each other because we're both workaholics," Schiller said, adding that Stephen now works as an arbitrator. "But we do stay in touch and together for all family occasions and fishing trips to Canada."

When he has time to relax, Schiller works out and lifts weights. He's a self-proclaimed sports nut, saying he's a Chicago Bulls, Bears and White Sox fan. He's quick to clarify that he's not "one of these White Sox fans who hates the Cubs."

Through his work, he said, he has learned to be "very happy" with his wife.

"I learn that I'm very fortunate. It really strengthened my marriage to see what other people have gone through. People ask me why people get divorced. For me it's almost too simple of a reason, because their expectations are wrong. What they expect marriage to be is an over-romanticized vision. I think people in more recent generations are more with it and

more practical about marriage. They're less quick to get married," Schiller said.

"Today, people live together and have children unmarried and they're not considered lepers. In the 50s and 60s if you had sex with somebody, let alone had an illegitimate child or got pregnant, you were considered a bad person. More so the woman than the man. So people would rush to get married. If you have false expectations, you're going to be disappointed," Schiller said.

The mistake, Schiller said, is that people just assume the marriage will be perfect and have the same spark that the relationship had on the first date.

"Marriage is a marathon. Its multi-faceted," Schiller said.

But even though Schiller said his job helps his marriage, he admits that his biggest problem is leaving work in the office or the courtroom.

"That's the hardest part. Not to think about it 24-7. You ask my wife; she would tell you I'm not very good at (leaving work at the office). I think I'm a little more successful now, but I'm not very good at it," Schiller said. "(Clients) say to me, 'My life is in your hands.' You think you're on death row."

"Sometimes you get disappointed in a client. They don't necessarily appreciate what you're doing. You say, 'If you think this is bad, you have no idea how bad it could get.' At the end of the day, I try very hard to please clients. So I don't like it when they're not satisfied," Schiller said.

Adding to the pressure, Schiller has a slew of strong personalities to deal with—whether it's his client, the client's soon-to-be ex-spouse or the opposing attorney. The key, Schiller said, is having patience and not letting egos get in the way of practical solutions.

"Sometimes, you'll get attacked by the other party. If I represent a wife, the husband will tell a wife 'Your lawyer's no good. He doesn't have your interest at heart. He's going to this, he's going to do that.' You can't have an attitude where you'll get back at him for that. You just have to know that comes with the territory," Schiller said.

"It gets more difficult when the opposing attorney gets personal. That happens, unfortunately more in probably divorce kind of issues than other kinds, because they get caught up in the emotions of their client," Schiller said.

He can't stand when other lawyers misquote what has happened during a case. In the cases, settlements are more prevalent, but with the high-stakes disputes he handles, litigation isn't uncommon.

"I've heard that 90 to 95 percent of divorce cases are settled. The cases I handle,



it's probably more like 75 to 80 percent," Schiller said.

"Our clients' visions of history differ. But the lawyers should know what they said to each other," Schiller said.

One top lawyer in the divorce field, Miles N. Beermann, said Schiller rarely loses his cool.

"A lot of (divorce lawyers) don't get along with each other, and I think it's a bad scene when they don't. But Don has the ability to hold back his temper," Beermann said. "And he has the ability to stay focused. And there have been times he kept me focused. There are some troublesome people in our profession; he's certainly not one of them."

"He's very smart. I know him to be completely honest. When he tells you something, you can put it in the bank," said Beermann, who has worked on cases against Schiller on several high-profile cases.

Beermann, who has known his rival for about 35 years, said Schiller has a strong handle on many aspects of marriage law, whether they're financial or psychological in nature. Beermann once recalled representing a client against Schiller in a case in which Schiller had crafted such a one-sided

prenuptial agreement that there was nothing Beermann could do to break it.

"A magnificent job of draftsmanship," Beermann called it.

"When he tells me his position, it's usually a correct legal position—not some far out crazy theory that somebody is trying to prolong the case. We get paid by the hour, and the more time you spend, the more money you make. But I've learned, and I believe Don practices the same way, that you can't take somebody over the coals and run up a huge bill and not worry about what happens to those people when the case is over. He's got a concern for people.

"It's that respect, and it's important and it benefits my client," Beermann said.

Beermann continued to say that Schiller is at the top of the profession.

"I would send anybody to Don Schiller. If I had a sister and she was going through a divorce, I would not hesitate to let him handle her case," Beermann said. "The people that have been partners in that firm—they've been there a long time. I assume they're there because they're comfortable," Beermann said.

"And Don's the captain of the ship. And the ship is going pretty good." ■