



Leon Finkel

Concern for Secure, Balanced Lives Guides His Family Law Practice

by Benjamin Feldheim

Leon I. Finkel is a rare divorce lawyer who considers the courthouse to be a last resort when more amiable approaches to ending a marriage do not yield an agreement. But when court is necessary, the managing partner of **Berger Schatz** brings serious skill and commitment to the proceedings.

“I always make sure my opponent isn’t more prepared than me,” Finkel says. “When I’m on trial, my life becomes my client, and my client’s life becomes mine.”

Finkel’s work led to the largest maintenance award ever affirmed by an Illinois appellate court in the divorce of David Heroy and Donna Tuke. The court entered a \$35,000 per month maintenance and ownership of approximately 55 percent of marital assets to Donna, who gave up her law librarian career to raise the couple’s children. The decision came after more than 20 days of trial proceedings.

“What we do isn’t just getting results, but giving clients the strength and stamina to hang in there,” Finkel says. “When you are going through this against a powerful spouse it can be very intimidating.”

Leon Finkel’s approach to matrimonial law is built on a foundational balance of facing difficult challenges while maintaining deep-seated care and concern for his clients and their loved ones — the latter an unfortunately rare trait among divorce attorneys. To Finkel, no paycheck or amount of recognition is worthwhile if the lives of his clients are left in strife as a result of the divorce proceedings. His driving purposes are to find the most mutually agreeable

results for couples wishing to separate, and if children are involved, to allow them the opportunity to share their lives with both parents as much as they desire.

Finkel, who has practiced with Berger Schatz since 1987, is a seasoned and acclaimed litigator, author, teacher and family man. In addition to representing clients in complex, high-profile cases, Finkel has also been published in *Chicago Lawyer*, *Illinois Law Journal* and the Illinois State Bar Association's Family Law Newsletter. Finkel was the lead subject of a *Crain's Chicago Business* story titled "Taking the Force out of Divorce."

He has been chosen by his peers to be listed among the Best Lawyers in America for 2014 and 2015, was selected as an Illinois Super Lawyer each year since 2006, and was among the top 100 lawyers in Illinois for 2011, 2014 and 2015. He also has been a Leading Lawyer ever since the designation was created in 2003. He is rated AV Preeminent through Martindale-Hubbell's peer reviews.

"As a lawyer, it takes tremendous commitment to understand the depression and the sadness that often comes with divorce. Leon does just that," says Michael J. Berger, co-founder of Berger Schatz and one of Finkel's mentors.

"He is a rare type who shows real concern for his clients while trying to comfort them and help secure their futures. I have relied on him myself for so many of my most difficult challenges at work."

Gay Illinois residents and supporters rejoiced in the summer of 2014 when same-sex couples could finally marry legally. Lines formed outside county clerks' offices with couples eager to make their loving unions official. It was a huge step forward for the Illinois LGBT community. But amid the celebratory air, Finkel was thinking of an aspect of marriage that members of the overjoyed community might not have considered — what if the marriage doesn't work out?

"There are lots of gay couples who had been together for a long time, having acquired a lot of assets together and establishing their own net worths," Finkel says. "The message I wanted to send is that it's very important for people in that type of economic situation to really think about what it means to get married, to understand their rights and obligations, and potentially to address them in a premarital agreement."

While Finkel knew it was important for the LGBT community to prepare for all facets of marriage, whether they are joyful

or not, he did so with concern that the message might come off as condescending in some way.

"Fortunately, everyone I spoke to said, 'No. That's the message that has to get out,'" Finkel says. "People were getting married because they could, and some might not have thought everything through."

Finkel has also worked to protect business owners from losing assets that rightfully belong to them and not their spouses. In a case involving the owner of a Bedford Park-based manufacturing plant, Finkel was able to prove — after a grueling trial lasting more than 30 days — that retained earnings, distribution and growth of the business were not legally available to the owner's former spouse.

"Right now there's bad law out there that suggests just because you own a business you can control profits of the business," Finkel says. "That assumes and oversimplifies a great deal about owning a business."

Even though a court ruling would have led to important precedent — the type that could bring Finkel greater recognition

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in the law community — an opportunity came to settle the case, and that's what Finkel insisted that his client choose.

"By that time, the client was caught up in the cause and wanted to make law, but it was still in his best interests to settle, and that was most important," Finkel says. "I feel we did everything we could do for him."

Impressionable Family Life

Finkel's experiences as a child of an amicable divorce would shape his future efforts to bring as much humanity as possible into marital law. He was born to Eve and Sidney in 1958. The couple separated when Leon was 4 years old, and the two remarried within a couple of years.

"I grew up with a stepfather who was like a dad to me, and a dad who was a dad to me," Finkel says. "I was fortunate to have two dads in that sense."

Growing up in Chicago's Rogers Park neighborhood, Finkel and his sister didn't live in wealth but didn't feel deprived, either. He and his mother were avid

Perry Mason fans, and he appreciated a good argument. Finkel chose prelaw as a Northern Illinois University student, as well as a minor in business.

"It was either lawyer, doctor or hot dog stand, and I hate the sight of blood," Finkel says.

Graduating *magna cum laude* from NIU before earning a law degree from Loyola University Chicago School of Law, his understanding of business and finance served him well throughout his career.

"We hold ourselves out to have expertise on high-level financial issues and tax issues, and that's part of what sets us apart in the kind of practice we have," Finkel says. "We represent a lot of high net worth individuals."

Finkel began his law career working for Jim O'Brien, first as a clerk and then as a lawyer. At first, he spent about a third of his time on divorce cases, while spending another third working on business litigation and the rest on a mix of criminal, DUI, wills, estates and a few personal injury cases. Finkel credits the diverse caseload for helping him grow as a lawyer early into his career, as opposed to focusing solely on divorce from the beginning.

In 1985, Michael Berger's firm — Feiwel, Galper, Lasky & Berger — recruited Finkel after seeing him in action while representing clients against the firm. About two years later, Finkel went with Berger as a young associate at the founding of Kalcheim, Schatz & Berger, now known as Berger Schatz.

"Michael is the best mentor I could ever imagine having," Finkel says. "He's a great lawyer and great person, and he's like a brother to me."

Over the course of the last 30 years, Finkel has served as a mentor himself for new associates at Berger Schatz and even within his own home. Finkel's daughter Rebecca also became a lawyer and now works as a trial associate at McDermott, Will & Emery in Chicago. She experienced her father's mentorship firsthand, and also witnessed his impact on other young lawyers.

"Family is very important to him, and he considers the people he works with his family," Rebecca Finkel says.

At first, Leon didn't encourage Rebecca to pursue law, but he quickly became supportive when he saw her passion for the profession.

"He just wanted me to understand the challenges that would await," Rebecca Finkel says. "He has become the most valuable mentor I have. He has a real gift for logic, as much as he is compassionate.

He taught me early on that women are just as important as men in marriage and in the professional world. And he always makes sure to remind clients how their decisions will impact children.”

Berger Schatz includes a law student program within the firm with which Leon Finkel is a frequent participant, and he also informally mentors young associates, Berger says.

“They know his doors are always open,” says Berger. “He directs the young lawyers and students to where they might find answers to questions and problems, but he still challenges them.”

Compassionate Separation

Leon Finkel’s personal approach to divorce stems not just from being raised by amicably separated parents and from more than 30 years of practicing law, but also from being a father within his own home. Finkel’s wife Laura was raising a 7-year-old son, Joe, when she married Finkel. Joe and Finkel developed a strong relationship that continues today.

“One of the things I have to counsel parents all the time on is that they don’t get to control the relationship between the child and the other parent,” Leon Finkel says. “Even if your relationship is better, the children still have a right to experience whatever their relationship is and learn on their own what that is with their other parent, and come to their own conclusions and decisions. That was how we raised our son.”

Strong bonds with Laura, Joe, Rebecca and his youngest daughter Bari have not only shaped Leon Finkel’s view on the best way parents can approach divorce, but also they give him strength and support during tough cases.

“People do the most god-awful things to each other and to their children,” Finkel says. “We see a lot of really horrific things. Without a supportive wife and family to come home to, I don’t think I could do what I do.”

Finkel and the partners at Berger Schatz created a familial and supportive atmosphere within their office, and they grew the firm to offer family services outside divorce. The Berger Schatz Family Building part of the firm offers support for people seeking to adopt, as well as for expecting parents looking to find a new home for their unborn child. Resources for people looking to build families with the help of sperm and egg donation also are available.

Staff at the firm also specialize in mediation and collaborative law for couples looking for a route to separation as



peaceful as possible. In collaborative cases, the parties agree not to go to trial. But collaborative law and mediation need the right people — both clients and lawyers — for the efforts to be successful.

“In my view, every case should be collaborative whether you use the collaborative model or not, but it doesn’t always work that way,” Finkel says. “Unfortunately in our business there are too many people who would rather throw gasoline on the fire and profit as a result of the client’s emotions. We see it every day, and it’s very difficult.”

Another aspect of Finkel’s approach that his colleagues note is his willingness to help others without the fanfare that might accompany noteworthy cases. Thomas A. Demetrio of Corboy & Demetrio in Chicago represented Kaney O’Neill when the father of her child sued for full custody, claiming in the suit that she was unfit as a mother in part due to her being a quadriplegic. Both Demetrio and Finkel worked pro bono on the case. After 18 months, O’Neill was awarded custody, and the father received visitation rights.

“There was nothing in it for him but

the satisfaction of doing work that was necessary,” Demetrio says. “We both saw an individual who was loving and caring, and who is a great mother. Leon is a good example of a lawyer willing to do good work for the benefit of others without seeking compensation or attribution.”

Empathy, Bike Rides, Springsteen

Berger knew he wanted Finkel to join him when he founded the firm. Their mutual respect extends beyond their practice.

“I’m proud to be, first, his friend and, second, his partner,” Berger says. “Even judges agree that he’s an incredible advocate for his clients, and just as committed as a father and mentor.”

Family remains an important part of Finkel’s life in several ways. His father, Sidney Finkel, is a Holocaust survivor who didn’t speak of his harrowing experiences for most of his life. With Leon’s help, Sidney wrote a book titled *Sevek: The Boy Who Refused to Die* about what he lived through. Sidney also went on to speak in front of large groups of students and others about the Holocaust.

“It’s not a lesson of ‘count your blessings,’ or ‘shame on you’ for feeling a certain way about what might seem to be less difficult circumstances than what he went through,” Leon Finkel says about what he learned from his father’s experience. “If anything, I’m more empathetic to people because it doesn’t matter what your story is, it’s your story and you have to survive. He’s very forgiving to the Germans, and he taught me a lot about empathy and forgiveness.”

Outside of work, Finkel appreciates long bike rides when the Chicago weather permits, catching up on *Game of Thrones* and other shows, spending time with his family, and the occasional Bruce Springsteen concert.

“People think of him as such a perfectionist, but outside of work he is the most laid-back and fun person,” Rebecca Finkel says.

“He loves life. He loves food, the outdoors and his family. In court he’s a total straight shooter, but his wit is unparalleled. That also serves him well as a managing partner, in addition to his insistence that they strive for compassionate outcomes in cases.

“He reminds people to find balances in their own lives, and to smell the roses along the way.” ■