

# THE GITLINS

## Divorce Duo Stay Colleagues and Friends

by Elisabeth Kilpatrick

Gunnar J. Gitlin vividly remembers his first glimpse at what his father did for a living.

On a Saturday morning in the late 1960s, his father, H. Joseph Gitlin, had babysitting duty as well as some interviewing to do for his job as McHenry County's public defender. He toted his young son along to the barbershop, where they came face-to-face with a man accused of murdering nursing home residents.

"He told me, 'Keep your nose clean, kid,'" Gunnar recalls while sitting in the dark-paneled front room of his father's Woodstock law office.

"Well," Joe responds, looking at his son, "This was a man who dispatched three people."

Four decades after that first encounter,

The two men credit their similar personalities for keeping their relationship strong, both as professional colleagues and as family. According to Joe, they both have a particular trait that drives them in their careers and makes them so good at what they do.

"We're protectors," he says.

### From Chicago to Woodstock

The duo that now dominates McHenry County family law doesn't have deep roots there. Joe grew up in Chicago, attended DePaul University College of Law and first set foot in Woodstock after graduation in 1959.

The elder Gitlin is matter-of-fact about many

"I couldn't get the type of job I wanted for the pay I wanted in the city," Joe says.

After five years with the general practice firm, Joe itched to work for himself. He began solo practice in 1965 and took on a partner in 1968. Around that same time, he debated between focusing on family or criminal law, ultimately basing his choice on two factors.

"First is that crooks don't have money," he says dryly. But the second reason hints at Joe's desire to master whatever he undertakes.

"The body of law in criminal law is tremendous," he says. "To keep up with the law as I wanted to do, it would be an impossible task."

Joe stayed active in criminal law for a time, working as the county's first public defender from 1967 to 1976. Back then, public defender was part-time work at best.

"The county had 13,000 people in it," he says. "If you had one murder every two years, it was a lot."

But gradually, Joe immersed himself in family law. He led dozens of committees from the Illinois Bar Association, American Bar Association and American Academy of Matrimonial Lawyers. He helped develop surrogacy law as the infamous "Baby M" case was exploding. And he became phenomenally good at divorce cases.

"Joe is a brilliant lawyer," says Bernie Rinella, a well-known Chicago family lawyer who has known Joe for close to 50 years. "He's got expertise that very, very few lawyers have."

*Gitlin on Divorce* serves as the embodiment of that expertise. The reports began in the 1980s as Joe's project for his two children while they attended law school. They chronicle every divorce decision in Illinois from 1987 until today, including descriptions of the cases, explanations and commentary.

Today, Joe handles the print side, including regular hard copy updates and an annual book, while Gunnar maintains the online database. About 400 judges and lawyers subscribe to the authoritative reports, the only publication like it in the state.

"They call them the yellowsheets," Gunnar says as his father pages through a thick stack of sunny-hued papers.

Joe looks up. "It's goldenrod, actually," he says with a slight smile.



"We're protectors," says Joe Gitlin, left, of himself and son Gunnar.

Gunnar has firmly established himself alongside his father as a heavyweight on Illinois' legal scene. Both run their own family law firms in Woodstock, a city of less than 25,000 people. Their offices (Joe heads **Gitlin, Busche & Stetler**, while his son Gunnar heads the **Gitlin Law Firm**) are mere blocks away from each other downtown, where law practices sit next to designer consignment shops and cafes on the cobblestone streets. The two practices work side by side without a trace of rivalry, and the elder and younger Gitlin collaborate on Illinois family law's benchmark publication, *Gitlin on Divorce*.

of his career's defining moments, including choosing the field itself. That came from his older brother, a prominent Chicago lawyer for many years.

"He did it, so I did it. It's that simple," he says. "That's the course of least resistance; do what somebody else has done."

As for his first job with Woodstock's Carroll and Leali, Joe gives the sole credit to his law school placement officer. His wife, Val, had given birth a year earlier to their daughter, Laura, and Gunnar would follow in 1962. With a growing family, McHenry County's relatively inexpensive living was appealing.

## The Family Business

For Gunnar, law was always in the background during childhood. Between his father's law practice and job as public defender, the family's parties were filled with attorneys chattering about the field and offering career advice. His older sister, Laura, also decided to pursue family law. By the time Gunnar finished his undergraduate degree at Kenyon College, the choice seemed clear-cut.

After graduating from Loyola University Chicago School of Law in 1987, Gunnar took a job in Chicago with Schiller, DuCanto and Fleck, the largest family law practice in the country. Partner Joseph DuCanto remembers his young employee as diligent and bright.

"He's a force now in the field, and rightly so," DuCanto says. "He's catching up with his old man."

He worked at the firm for two years before deciding to move to a smaller one: his father's.

"I believed I would get quicker trial experience that way," he says.

Gunnar came to his father's firm just as he was publishing the first *Gitlin on Divorce* book, fortuitous timing for both. Joe had extra time to devote to his writing, while Gunnar got a big dose of courtroom work.

"That was very good for me," he says. "I had a much heavier caseload."

For 14 years, Gunnar worked as an associate, and eventually a partner. Though he received no preferential treatment at the firm, his father took the time to impart his vast knowledge of the law.

"My father is, and was, a good teacher," Gunnar says. "Lawyers often pay lip service to mentoring, but you do find that most decent lawyers have had someone they would call a mentor early in their career."

And yet the same bug that had bitten his father bit Gunnar as well. In 2002, he went into business for himself.

"At a certain point, working here with my father wasn't as much of a challenge," Gunnar says.

"Certain personality types need to be boss," Joe agrees. "They need to run their own practice."

With the younger Gitlin running his own firm, he has gotten some much-craved independence, while his father has been able to reopen his firm's partnership track. Both men report that despite running competing firms in the same small town, things have gone smoothly. Simple ground rules help, like no representing opposing parties in trials. In fact, despite being two of only two dozen or so family lawyers in the county, they haven't been in the same courtroom in years.

"I stopped going to courtrooms that my son was in," Joe says. "I'd always want to step in."

Gunnar now knows how his father feels.

"It's for the same reason I don't go when there are associate lawyers in my firm," he says.

That urge to protect runs in both men's blood, one of the several traits they share. Friends and associates call the Gitlins methodical and motivated.

"Care and attention to detail is a hallmark of both of these gentlemen," DuCanto says. "It seems effortless, but it's not. They work hard."

Joe says that methodical streak began with his father, a missionary and teacher, and trickled down to himself and his son.

"My father is a systems guy," Gunnar added. "Most firms will have systems, but his tend to be better developed."

Good planning is crucial in their work, as the finances of divorce become more complex and more wealthy families are living in McHenry County. The two have negotiated the splitting up of pension plans, businesses and other assets for everyone from farmers to Mafia bosses.

"Divorce statistics are the same here as they are nationally," Joe says. "Human nature is the same all over."

But even as the divorces take a turn for the complicated, both men still enjoy the quiet camaraderie that Woodstock offers.

"There is still more of a feeling of being colleagues in McHenry County as opposed to Cook County among the family lawyers," Gunnar says.

Clearly, the same goes for the lawyers and their clients. As the two sit in the elder Gitlin's office sipping coffee, Joe's secretary calls him out into the lobby. A minute later, he returns with a basketful of bright orange eggs, still warm from the henhouse.

"They're from a client of mine," he says, placing the basket on the conference table. "I did his divorce about 20 years ago."

"Talk about small-town," Gunnar replies, eyeing the basket.

### Learning From Each Other

As much as Gunnar has learned from his father's career, he has found his own unique role in the field. A highly sought-after speaker, he embraces lecturing on family law in a way that his father never has, memorizing minute details and explaining them effortlessly.

"Gunnar's so much better at it than I am," Joe boasts of his son. "Gunnar will have all the cases in his mind, so he can walk around, which is much more effective. He's considered one of the best."

He is also far more proficient in "computerese," as Joe calls it, than his father, maintaining the *Gitlin on Divorce* online database.

"Gunnar is more experimental; he sees other

vistas that maybe Joe doesn't see," Rinella says. "But then, I don't see them either."

That experimentation also shows through in Gunnar's practice, where he began taking on collaborative divorce cases three or four years ago. About one-third of the firm's divorce work is now collaborative, and between 80 and 90 percent of their collaborative divorces are successful.

"What I try to offer is not a one-size-fits-all solution," Gunnar says, explaining that he asks himself whether a particular case is appropriate for a traditional or collaborative approach.

Joe, on the other hand, isn't yet convinced by the collaborative divorce trend, feeling it betrays the attorney's loyalty to the client.

"What I would do, and it would frustrate the whole concept of it, I would hire a Rottweiler to take my place...if the case has to go to trial," he says. "That's why I don't get involved."

Still, after 20 years as coworkers and now colleagues, the Gitlins continue to learn from each other.

"It's a mutual admiration society from which they both benefit," Rinella says. "Gunnar learns from Joe and Joe may pick up a few things from Gunnar."

Someday, one of those things just might be collaborative divorce.

"I may try it," Joe says thoughtfully.

Although the Gitlins have made a profound impression on Woodstock's family law scene, one wonders if it will end with Gunnar. His sister, Laura, moved to California to practice family law until she passed away last year. Gunnar and his wife, Joanne, have one child, Hannah, who is 14 and seems more interested in the violin these days.

"I don't encourage her to go into law," he says, "but I wouldn't mind it if that's what she wanted."

Though the Gitlins try to keep law talk away from the dinner table, their chosen profession has found a way of seeping into the family conversation ever since Joe began his work in Woodstock. Joe recounted a story about Laura's first day in law school, where a teacher asked the class to define "jurisdiction." Laura piped up with the answer, and someone asked her after class how she knew the term.

"My dad's a lawyer," she answered.

Her classmate looked surprised, saying, "My dad's a lawyer too, and I didn't know."

As for Gunnar, the commingling of family and law has been in his blood ever since that Saturday morning in the late 1960s. That day, he looked up to his father in awe. Today, the two men are true colleagues, heralded by family lawyers across the state.

"Their search for knowledge is impressive," Rinella says. "And they both put up a good battle." ■