

## HALF A CENTURY AS A DIVORCE LAWYER

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I never wanted to be a lawyer until I became one. Admittedly, a rather startling statement for one who has clung tenaciously to the practice for more than 50 years; something in the mix mesmerizes the mind to make the initial bond indestructible.

And so it is that I have witnessed a large swath of the development of legal practice in Chicago since 1955, the year of my admission. Then a “large” firm had as many as 16 lawyers, very few of whom were women. And, Jews and Gentiles did not mix, with social club structures and memberships so restrictive such that Western (German) Jews belonged to the Standard Club and Eastern Jews to the Covenant Club, and all the Gentiles had a dozen clubs that sorted them out.

New lawyers with strange-sounding last names were unwelcome at most law firms, as corporate counsel, or by financial institutions. These lawyers gravitated to solo practice or, like me, to divorce or criminal law. Much of this, thanks to the upwelling of the civil rights movement, has passed.

In my early years, “divorce” was an ugly word; and those who confessed to being a divorce lawyer were untouchables of the bar, much like proctologist in medicine: No one thought much of or about them until they were really needed, and then they hopefully became, if briefly, your best friend with warm

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Joseph N. DuCanto, 2008. © Joseph N. DuCanto is a graduate of the Law School of the University of Chicago, and is an attorney and partner in the Chicago, Illinois law firm of Schiller, DuCanto and Fleck, a firm which limits its practice to Family Law. Mr. DuCanto, after 50 years as a member of the Bar, is a nationally recognized expert in the area of Tax, Financial and Estate Planning in Family Law matters, is a frequent lecturer to Bar groups and a guest lecturer at numerous law schools throughout the nation. In 2003 Mr. DuCanto was named a “Laureate of the Illinois State Bar Association in recognition of his significant contribution to the legal profession as well as to the public good. He founded Securatex, Ltd. in 1982, a private security provider, and currently serves as Chairman of the Board. He is a long-time member of the American Society of Industrial Security (ASIS) and has served as a training officer with respect to legal matters for a number of Illinois police agencies.

hands. I, a true social coward, covered my unfortunate selection by explaining to people that “I do social work among the rich.”

Grounds for divorce and the necessity for imposition upon two friends to testify in support of inflated marital transgressions did little to enhance the majesty of the law in public eyes. The appearance of “no fault”—often called “divorce without remorse”—was providential. Indeed, with no fault taking over in the 1970s, the social and legal climate respecting divorce and divorce lawyers changed from hostility to acceptance as nice people began to get divorced and their lawyers were no longer schmoes! The climate and process surrounding divorce has improved immensely, drawing to divorce law many very able young people—consisting increasingly of women—who seek to engage in “people law.”

Gone, too, are the days in which all judges were randomly assigned divorce “prove ups,” did not like them, and often made their displeasure known to counsel and their clients. From an orphan of the court system, “Domestic Relations” now has 43 full-time judges who often request the assignment and just as frequently spend a large part of their judicial careers as dedicated Family Law Judges.

Pervasive understanding now exists that competent divorce practice involves substantial knowledge of many areas of law: real estate, contracts, trusts and estate, creditors rights, insurance, taxation, pension rights and so on. Those who concentrate in the practice of divorce law have a solid footing in many areas which would have, in the past, done justice to the most knowledgeable general practice lawyer.

But let’s back throttle to what I like about the law and why I stayed so long while others, wisely or not, elected to do other things. It’s not the law’s

symmetry for there is little; fairness also is often hard to find, and the exercise of “good” judgment is just as rare and ephemeral. It’s the people who have made it for me. As a group, lawyers constitute the finest examples of dedicated, honorable, and service-oriented people anywhere, and I have enjoyed my acquaintanceship and work with virtually all of them, even those who vexed me by challenging my desire to make peace as opposed to war—to build bridges and not to erect walls.

As in any occupation, there are a few “bad apples.” But in the main the level of honor, integrity, and pureness of spirit is found in greater and more intensive quantity in lawyers than in any other profession I know.

Over many years of practice, I also became aware that most lawyers could easily make a financially better and less tension-filled life in business or other lines of work, as opposed to serving the needs and requirements of individual clients. Instead, we sell our lives in minutes and hours in the hope that we are doing good as we do well. Resolving matters successfully and with minimum harm to families brings a psychic reward far beyond financial compensation.

After eight years, this is the last of my “All in the Family” columns for *Chicago Lawyer*, and I leave with the hope that my readers have found some comfort and enjoyment in them. I shall continue to practice law and write for other venues and hope to continue a running dialogue with my brothers and sisters at the bar.