

DORENE MARCUS

Helping Divorced Clients See the World in a New Way

by Maria Kantzavelos



For long-time Chicago divorce lawyer Dorene Marcus, success in a practice area where “the work is never boring and emotions run high” is subtle.

“It’s not a grand slam victory, usually,” Marcus says. “Divorce lawyers who promise that, or who like to get their clients to believe that they can do that, are frequently misleading their clients, and they’re causing problems that don’t need to exist.”

Rather, Marcus aims for the promise of a fair deal for her clients. A “great deal,” she says, is “very hard for someone to feel because whatever they get, they’re giving up something.”

In divorce law, Marcus adds, there are no real winners.

“You might win a little victory here or there along the way, or sometimes you have a genuine legal dispute at the end and you might win on the law,” she says. “But in the great majority of cases, somebody gives something and gets something.

“If they feel that the result is reasonable, and they’re ready to move on to something else, and this family hasn’t been decimated, then I

think I’ve done a pretty good job.”

As a partner in **Davis Friedman LLP**, Marcus, who has been in practice for three decades, handles high-asset divorces, as well as pre-nuptial and post-nuptial agreements, and parentage cases. Her client roster includes CEOs of corporations, lawyers, athletes, entertainers—and their spouses.

A former junior high school teacher, Marcus was working for a mortgage company for a brief stint when she decided to pursue law.

“I was used to teaching—working with people and focusing on something other than just making money,” she says. “I kind of missed that aspect of work—focusing on something other than inanimate objects.

“It seemed to me that law was a good combination. It was a way to take good care of myself and to work with people closely.”

There may be a kernel of truth, Marcus says, to the lawyer joke that goes something like this: “When you’re a criminal defense lawyer, you represent bad people at their best, and when you’re a divorce lawyer, you represent good people at their worst.”

“[In divorce], people’s lives are falling apart. The structure that they’ve lived with and that has helped them get through their lives is crumbling around them. And they’re frightened; they’re angry; they’re hurt; they feel rejected,” she says. “Or, sometimes people have put aside their emotions for years, and finally, they get to the point where they can’t do it anymore, and all this emotion that’s been kept down bubbles up to the surface.”

That’s when Marcus—described by her peers as a compassionate and reasonable lawyer with a keen sense of judgment, civility, and an ability to gain insight into her clients—enters the picture.

“In a way, as a divorce lawyer, you have to help people to see the whole world in a different way,” she says. “And, of course, the longer they’ve been married, the more difficult it is sometimes if they haven’t been preparing to see themselves as someone on their own in the world.”

At first, Marcus concedes, she wasn’t quick to embrace that approach.

“When I first got into practice, I thought, ‘I’m not going to step over that boundary. I’m a lawyer; I’m not a psychiatrist,’” Marcus says. “But it’s impossible in this line of work not to deal in some way with peoples’ feelings. You can’t sit in a room with them and ignore their struggles and their emotions.

“It makes your job a lot easier if they have some kind of counseling during the divorce,” Marcus says. “But, even if they do, they have to make decisions all along in a divorce that require them to adjust to the way they look at the world, the way they feel about everything.”

‘Now, the Guys Have To Talk about Clothes’

Raised in Oak Park, Marcus attended the University of Illinois and graduated from Roosevelt University in 1962. She taught junior high school in Chicago for nine years.

Like Marcus, her late husband, Sanford Roth, also had two careers: first as a successful advertising executive, then as an accomplished artist whose paintings adorn Marcus’ downtown law office.

Embarking on a second career, Marcus worked as a paralegal by day and attended Loyola University Chicago School of Law by night. She graduated in 1978, and a year later, she landed a job in a small practice with two

other women.

"I was hired to be an employment discrimination lawyer, but it turned out that one of them had a divorce practice, and she was pregnant, so she needed the help," Marcus recalls.

The partnership with the two other women broke up six months into the job, so Marcus reached out to James T. Friedman years before the veteran divorce lawyer joined other partners in founding the family law firm of Davis Friedman.

With his guidance, Marcus started working some of his cases; when Friedman joined Schiff Hardin LLP, she followed. Marcus practiced at that firm for about five years, was a sole practitioner for several years after, and joined Davis Friedman in 1996.

"I came full circle," Marcus says.

When she started practicing in the late 1970s, she was among about five women admitted into the Illinois chapter of the American Academy of Matrimonial Lawyers.

Much has changed since then, says Marcus, a former president of the Illinois chapter of the AAML who has also held leadership positions on the national level of the academy.

"Now, it's not uncommon to have a pretrial conference where the lawyers are women, the judge is a woman, and maybe there's one guy in there," she says.

"It used to be that I would be the only woman in a courtroom situation. We used to talk about sports all the time. Now," she jokes, "the guys have to talk about clothes."

Maintaining the 'Human Element'

Sandra L. Rice, a principal in the Chicago family law firm of Griffin McCarthy & Rice, is among the women who have been in the courtroom with Marcus in more recent years, opposing her on cases.

"She's collaborative, yet not afraid to fight—to litigate if she needs to," Rice says. "She's pragmatic and someone who truly tries to get to the bottom line of an issue, as opposed to foment litigation for litigation's sake."

She is also a lawyer who maintains a "human element" while navigating cases.

"She's not just thinking about winning and losing and about does one person get, literally, 50 percent of the assets, or, when you're dealing with children, is it absolutely even?" Rice says. "But she's focusing on what's truly in the best interests of her client and sometimes both parties."

Veteran divorce lawyer Arthur M. Berman, a partner in Grund & Leavitt PC, has known Marcus personally and professionally for more than 55 years.

"She's the kind of an attorney that you like to have a case with, because she's not one of these people who has to grind out the last dollar. She's reasonable," Berman says. "She doesn't need to get the last drop of blood, nor is she going to give something away just to end the case. She's honest, which is probably the most important aspect an attorney can have."

Ethical, professional, knowledgeable, practical, and courteous is how Cook County Circuit Judge Veronica B. Mathein describes Marcus.

"She's not looking to take prisoners, and yet, she zealously represents her client," says Mathein, who serves in the Domestic Relations Division. "I think she's a good role model for the younger ones coming up, because of the way she handles a case."

To boot, Mathein adds, "she has a delightful sense of humor."

"It's just a pleasure to have her in the courtroom," she says.

Approaching Life as a Problem Solver

Marcus doesn't like to publicize the big cases she has handled. But, as a lawyer and a "reasonably introspective person," she says, the complex financial cases are the most interesting.

"The fun part is the law, to the extent that it comes into play, and trying to have some insight into people," she says.

She sees herself as a problem-solver.

"That's how I approach life. If I see a problem, I want to find a solution to it. So people come to me with their problems, and I help them through their problems," she says. "The law presents a problem or a question and I try to figure out the answer to that. That's what I really love doing."

"That all fits together for me: The personal problems, the legal problems, the figuring out, the negotiations. It's all kind of like working with the pieces of a puzzle and trying to figure out how you can fit them all together in some satisfactory way as you go along."

Bernard B. Rinella, a principal of Chicago-based Rinella and Rinella and a long-time divorce lawyer, has opposed Marcus on dozens of cases. Only one of them went to trial, and, even then, the parties reached a settlement after a few days.

"She's a good negotiator. She's reasonable from the onset," Rinella says. "For the number of cases we've had over the years, I find it quite unusual that we've been able to settle."

What distinguishes Marcus from many other divorce lawyers, Rinella says, is her ability to read and understand her clients while remaining "in a sense, low-key."

"She knows her client's pluses and minuses, as well as the opponent's pluses and

minuses," Rinella says. "So many people get tied up with their own client's anger and frustration. And then, they adopt their client's position to the point where they're angry and frustrated, and, as a result, it just causes much more difficulty in trying to resolve the case. She knows that and understands it, and she's fair that way."

Cook County Circuit Judge Michele F. Lowrance, who serves in the Domestic Relations Division, sees an "extra dimension" to Marcus.

"She has incredible insight into what is needed in the difficult situations. She really knows when to push and she really knows when to finesse," Lowrance says. "She's really bright; she's all over that. But because of this extra dimension, she really helps families. She doesn't feed or escalate the conflict or the hostility. But at the same time, she's a very strong lawyer, which is a delicate balance that she walks very well."

In the early 1980s, Marcus was appointed by the court to represent two children in a case involving their father, who was HIV positive. His ex-wife was attempting to stop his visits with their children.

"Attitudes were very different then. At that time, it wasn't known how contagious HIV was or was not," Marcus said. "The children had a nice relationship with their father, and they wanted to be with their father."

Marcus, who worked on the case along with the American Civil Liberties Union, convinced the court that the children would not be endangered if they visited with their father.

"That was a really gratifying experience representing the kids on that case," she says. "And the dad was able to have good parenting time with the children."

Along with her involvement in the American Academy of Matrimonial Lawyers, Marcus is a member of the International Academy of Matrimonial Lawyers. She has held leadership positions in the Family Law section of the Illinois State Bar Association and the American Bar Association, and she has served on the faculty of the ABA Family Law Trial Advocacy Institute at the University of Houston Law School.

From her 30 years of practice, Marcus has a lot of thoughts about the people she represents.

"It's helpful when I'm dealing with clients to have some knowledge of how they're functioning or not functioning at that particular time," she says.

Divorce, Marcus says, is a process: "a process of changing the way you are in the world, and the way you see the world, and the way the world sees you. And it takes some time." ■