

MICHAEL BERGER

Guiding Divorce Clients Through Troubled Waters

by Olivia Clarke

Michael J. Berger learned early in life the importance of being an ethical lawyer who puts his clients first.

When he handles a divorce case, he wants to provide an equitable result that protects his client not only on that day, but also in the future.

"I care about my clients, and that's a reality," says Berger, name partner of **Berger Schatz**. "It's not something that I turn on and off. I empathize with their issues and I try to assist them in getting through this troubling period."

For those clients he represents, "I try to bring people to a reasonable position. We are not here to wreak vengeance or get revenge because someone may not have been the ideal spouse. If someone is looking for that type of representation, there are other lawyers out there who will take up that battle cry, so to speak. I'm not going to do that, and I don't want our firm to do that."

Berger has practiced law for more than 30 years and handled divorce, domestic relations, family and matrimonial law for the majority of his career.

Since 1987, he has been the senior partner at Berger Schatz, a family law firm. He specializes in analyzing financial and business aspects of family law disputes. He also oversees cases in all areas of family and matrimonial law.

His clients include professionals and high net worth individuals and their spouses with complex issues involving business valuations, segregation of personal and enterprise goodwill interests, and protection of non-marital assets from a spouse's marital claim.

He and his other partners have grown their firm to 39 lawyers with offices in Chicago and Lake Forest.

"We have a great group of lawyers here," Berger says. "Most of the partners here have been here for a long time, 10 to 20 years. My assistant has been with me for over 30 years."

Building a Practice

Berger comes from a family of lawyers : his father and uncle practiced law.

"It was something I knew I was going to do by the time I could think about my future career," he says. "There was never really a doubt in my mind. I knew that I respected my father and

what he did, and I also watched television shows that had attorneys performing. It's something that was a very natural thing for me."

He grew up in Skokie and attended Evanston High School. He graduated from Roosevelt University in Chicago and from Chicago-Kent College of Law.

Like many new lawyers, he initially wanted to become a trial lawyer and got the opportunity to try many different cases when he first started practicing as an associate at the law firm of Feiwell & Galper.

"There were all kinds of different areas of litigation, and the firm had a very small amount of divorce work," he says. "It was something that at that time wasn't as prevalent as it is today."

Berger learned that trying cases in so many different areas of law required specialized knowledge of each area to try a case properly.

"You can have all the trial skills possible, but if you don't know all the nuances of that area of law, you are not doing the client a service," he says. "And if you care, which I do, you realize that it's much better to focus in on one area."

He decided to focus on divorce law after realizing he could handle the emotional side as well as the legal side. He started answering questions about family law in social settings, and that led to the development of his client base.

"And with that I really devoted my energies to learning everything there was to know about family and divorce law," he says. "As time went along, my practice started to grow. The concept of divorce became more and more accepted. The law started to become more sophisticated.

"And I recognized that this was an area of the law that was going to take, if done properly, a lawyer who could understand the complexities of divorce. I could try a case if necessary, and I could deal with the emotional aspects of this area of the law."

He helped grow the divorce practice at Feiwell & Galper to seven lawyers and became a senior partner at the firm. The firm eventually became Feiwell, Galper, Lasky & Berger Ltd.

Berger and Barry Schatz met as young lawyers when each was second chairing for two more senior lawyers on opposing sides of a case. "As a result of working against each

other, we became friendly as lawyers, and then we became friendly socially. We would go out socially and discuss going into partnership in the future," Schatz recalls.

But timing is often everything, and when Berger was ready to consider leaving his firm, Schatz wasn't ready; when Schatz wanted to go out on his own, Berger wasn't ready to leave his firm. Berger and Schatz finally became partners several years later.

"[Michael] had the foresight in terms of the growth of the firm," Schatz says. "I was a lot more conservative. He really saw what this firm could be and I give him credit. ...He has been very progressive and foresaw the need to have a Lake County presence."

Complex Area of Law

When Berger started in family law, whoever's name was on the property title owned the property. There was no such thing as marital property, he says.

This usually meant that the man owned the business, bank accounts, house and just about everything else because his name was on the property.

A wife needed to prove special equities to own or live in the family house with the children, he says. She would usually receive alimony, but that alimony ended when she remarried. She may have created the family business or helped accumulate substantial wealth but she wasn't entitled to it, Berger says.

"This was the situation until 1980. Think about how many women were left with nothing, virtually nothing. Women's suffrage was in the early 1900s, but until 1980, there was no concept of women's rights in divorce."

In 1980, the statute got completely reworked and the concept of marital partnership and equitable distribution was created, he says.

"No longer is it relevant whose name is on the property," Berger says. "A lot more factors go into it. With that, lawyers needed to understand the laws as they are related to businesses, valuations, taxes and in this area you've got people doing everything. You don't know who is going to walk in the door next, what kind of business they have and what kind of issues they are going to have."



“You need to know all those areas or know how to get the answers to lots of different questions. It’s as complex an area of law as anyone can imagine. We have to deal with every financial issue imaginable plus children and family issues. People come here with sophisticated issues and sophisticated problems.”

‘Very, Very Difficult Emotionally’

Practicing divorce law can be “taxing,” Berger says. “It’s very, very difficult emotionally.” It can be horrible to see people fighting over their children or using their children as pawns, he says.

“Ideally the lawyers work together to resolve these matters without the need of the courts,” he says. “But where necessary, the judiciary does the best job it can to protect all the parties’ rights.”

Berger enjoys his practice and puts in many, many hours on the job. When he’s not in the office he’s working at home or thinking about his clients. “I really enjoy helping people,” he says. “I get real satisfaction out of that.”

Asked how he describes himself, Berger says he takes his work very seriously.

“I’d like to think that I’m a lawyer’s lawyer,” he says. “I’ve represented some of the most well-known lawyers in Chicago from some of the most prominent firms in Chicago. ...I care and I know I am honest. I know the clients come first. I’ve never sacrificed a client’s issues.

“The clients always make their own decisions. Obviously, I like to try to give them reasonable advice. I’m also happy to bring in anyone they want to bring in to consult.”

Berger looked up to his father, Judge Samuel Berger, who was not only a lawyer, but also a rabbi and politician. Judge Berger died about 20 years ago. The Academy of Matrimonial Lawyers created an award in his name for lawyers and judges who exemplify “the highest standards of integrity, courtesy, knowledge of family law and the extraordinary ability to solve human problems.”

Lessons he learned from his father he holds close to him in his own practice. “To me, all you have is your reputation,” Berger says. “You can shake someone’s hand and look them in the eye and tell them the truth. You don’t lie. That’s the way I was raised and that’s the way I have always operated.”

Miles Beermann, name partner of Beermann Sweedlove, says Berger’s father was a friend, and he’s known his son throughout his life and practice as a lawyer.

“He’s one of the premier divorce lawyers in Illinois,” Beermann says of Berger. “He’s extremely intelligent and terrific in court. He’s got tremendous loyalty to his clients. He’s just one of the top two or three lawyers in Chicago.”

When Beermann first started practicing in divorce law the laws were much simpler. But the practice has become more complex and the issues much more diverse. “Divorce lawyers

must deal with child custody and visitation, and this issue and other issues like it are not taught in law school,” he says.

“You can’t just be a lawyer,” Beermann says. “You’ve got to be a lawyer, accountant, retirement expert, psychology expert and the financial issues are extremely complex. His No. 1 attribute is he is really good at the financial issues.

“He’s at the top of his game. If I was looking for a lawyer to deal with strictly intellectual issues, he would be one of the first or second people I contact.”

They’ve tried cases against each other, and Berger can be an extremely difficult opponent, Beermann says. The opposing lawyer must be on his or her toes. Some people say Berger is too tough, but his clients and opposing lawyers get the truth, Beermann says.

“He will tell you A, B and C, and A, B and C is correct, and it is the right take on the facts,” Beermann says. “Now, we may have a different spin from what those facts are from a legal perspective.

“Having some years on him, I think I’ve calmed down. It’s hard to calm down. You’re hearing from people on a minute-by-minute basis and all the terrible things going on in their life. Their perception is the world is coming to an end. I think he’s pretty good at handling it, but I know it bothers him because he’s told me. It bothers all of us.

“The reason those of us at the top of our



Berger with his father, Samuel, at a family birthday celebration around 1985.

games are busy is we get a lot of business from other lawyers,” Beermann says. “Lawyers don’t want to handle it. They don’t want to be on this emotional roller coaster. You have to roll with the punches. He has a terrific law firm that’s very well recognized in our field. He’s doing terrific.”

Friend and Colleague

Schatz describes his colleague and friend as supportive and forward thinking. He keeps the staff in mind when making decisions and doesn’t believe people should be treated differently based on their position in the firm, he says.

“We’ve had very few staff and attorneys who have left us, and we have very few people who we’ve asked to leave,” Schatz says. “We recognize family responsibilities, and we want our lawyers and staff members to put their families first. This is one of our mission statements: If our lawyers and staff have a happy home life, then they will be more successful in their careers.

“We look at our employees at a personal level. We started flex hours before it was en vogue. And another thing we’ve impressed upon our lawyers before it was required was continuing legal education.”

But while Schatz describes Berger as a kind leader, he says he can be very aggressive when advocating for his clients.

“He looks at a case as if it’s a chess match. He tries to be three or four moves ahead,” Schatz says. “He tries to attack very quickly. ...Our goal is to settle matters as quickly as possible and do everything we can to avoid litigation. We litigate if we don’t think our clients received an equitable offer.”

Denise Allen, Berger’s legal assistant, has worked for Berger for 30 years. She says he’s a wonderful person to work for, and she tries to make his life easier.

She describes him as a perfectionist and hard worker. He wants people to work in a good

environment. Over the years, he’s become more patient and his experience has grown, she says.

“Our industry is very stressful and very difficult, and I think he brings a genuine side to it,” Allen says. “He is someone who cares for his clients who are calling at their most difficult time in their lives, and he helps them to navigate through this and he is a great listener. He’s always been a great listener.”

Leon Finkel, co-managing partner of Berger Schatz, started working for Berger in 1985, just two years after becoming a lawyer. He



Berger and his family celebrate his daughter Jessica’s 30th birthday in Las Vegas. From left: Jessica; wife, Alice; daughter Alexis; and daughter Samantha.

believed working for Berger would be the best opportunity for him to learn divorce law—which turned out to be correct.

Berger became Finkel’s mentor, and he learned that his mentor has great conviction. Judges generally agree with his position because of the strength of his conviction. He thinks everything through, and he’s got great reasons for what he proposes, Finkel says.

“He has everything I could want in a mentor,” Finkel says. “He’s truly like a brother to me. In my opinion, Michael Berger is the best lawyer I’ve encountered. He is the

complete package. His skills are second to none, but in addition to having the skills he is a perfectionist who is a nut about preparation.

“As a young lawyer, I always tried to put myself in a position where I made my own judgments before I went to a partner and asked their advice. ...What I would do myself is pretend that Michael was on my shoulder and ask ‘What would Michael do in this situation?’ And that would be a strong guide for me.”

When not practicing law, Berger enjoys playing golf and traveling. He likes trying to visit as many cities in the United States and Canada as possible.

Colleagues say Berger is very close with his family. He has three daughters, 30-year-old Jessica, who is an attorney; 26-year-old Alexis, who is an executive at an Internet advertising company; and 12-year-old Samantha.

His wife, Alice, says the first thing she fell in love with was his sense of humor.

“When you get him out of the serious work environment, he is just a riot,” she says. “He has a very smart quick wit. Never, never will I be bored. He’s also super intelligent. He’s got a lot of integrity.”

When they attended a recent cocktail party, several judges told her that when Berger tries a case, they really wake up. She says judges sometimes encourage younger lawyers to

watch him practice because it’s a good example of strong lawyering.

But she says he does not allow her to watch him in the courtroom.

“He says people’s lives are not a show,” she says. “He says, ‘This is their lives and I have their lives in my hands.’”

He must be there for his clients during truly horrible times, she says. Many women and men have told her that “‘Because of your husband I can sleep at night.’ Michael takes a lot of pride in what he does, and he takes it very personally.” ■