

RICH FLOOD

McHenry Leader Delivers ‘Golden Service’ to Divorce Clients

by Keith D. Picher



CRYSTAL LAKE—Before Richard G. Flood practiced law in McHenry County, he thought no more about family law than most honeymooners dwell on divorce.

But that changed quickly when Flood left a clerkship and a brief insurance defense stint for a quick start in litigation at the predecessor firm of **Zukowski, Rogers, Flood & McArdle**. All six of the firm’s attorneys routinely handled divorces then.

“I became drawn to family law because we provide a very important and real service to clients,” says Flood. The rewards in family law are not primarily financial. Many people experiencing divorce are in deep pain and need, says Flood, and it’s gratifying to see them grow emotionally and recover.

“When they come in, they’re either very unhappy and they think their lives have been shattered or—even if they want a divorce and they’re the one initiating it—they sometimes view it as a failure in life,” he says. From that low point, Flood often sees the human spirit triumph as it heals and reconnects. People find there is life after divorce.

A Two-Tiered Approach

What’s good for the client is good for the lawyer in divorces. Divorce attorneys who

want to keep an appropriate balance between the financial and emotional aspects of a family law career need a parallel, two-tiered approach in dealing with clients. Flood believes divorce lawyers must watch out for a client’s financial and emotional well being.

The financial calculus depends on the information, the assets, and whether anyone tries to hide either. Though a smaller divorce may involve fewer issues and be simpler to resolve, Flood says larger divorces often present intriguing challenges because of the lives people lead.

“You learn about all sorts of businesses, different occupations, and the avenues people take in their lives,” he says.

After gathering information, a choice usually is clear. “You can advise the client of what is a fair and reasonable resolution,” Flood says, “and if you can’t obtain that, you can and must litigate the matter to obtain the fair result.” That’s the first tier.

“You always go beyond that,” says Flood.

Because Zukowski, Rogers, Flood & McArdle is the largest law firm in McHenry County, it is accustomed to representing spouses who are unfamiliar with investing assets. The firm leads such clients to potential financial advisers so they can understand

whether they’ll have the funds to get where they want to go, whether they can live out the balance of their lives if they’re older, or whether they might elect to change careers or return to the work force after a long time away.

“We help lead our clients to these decisions, and we also refer them to professionals for their psychological needs while going through this process, and that includes the needs of their children,” he says.

Flood is aware of many local resources and professionals. For eight years, he was a board member of the Family Service and Community Mental Health Center for McHenry County, which handles a significant amount of divorce counseling. He was president of the organization from 1981 to 1986.

Half His Practice Is Divorce

Although many divorce lawyers devote nearly all their time to the field, Flood consciously decided years ago to limit family law to roughly half of his hours. All of the lawyers in his firm also split their practices with other areas of law.

“We have a big enough firm that one person is in court every day, so we’re familiar with what’s going on,” Flood explains. “And after 35 years, I’m obviously familiar with the cases and the law.”

“For me, doing divorces full time would not leave me fresh to deal with everything,” he says. “It can be emotionally exhausting at the end of the day if you have 10 phone calls that are all emergencies involving family law, and I think you can start to lose empathy and sympathy for a client’s position.”

Flood sees advantages in having other law interests. “Knowing other areas of law also can be helpful when you are involved in divorce litigation.”

It helps in larger divorces to be sensitive to taxation, business law, business and asset valuation, real estate, and the real estate market.

“You don’t spend a huge amount of your time dealing with the procedures under the Illinois Marriage and Dissolution Act,” he says. “Instead you’re maneuvering the issues and judging the likelihood of real estate being worth more or less six months or a year from now.”

Psychology also is a critical. “When I file the initial petition for dissolution in a case, it looks like a party invitation.” Rational, reasonable people enjoy better lives after divorce, he says, when lawyers make points with innocuous language instead of baseball bats early on.

“I ask the judge to do what’s fair because even if my client gets 100 percent of the property, the judge could only do so if it were fair,” Flood says. So he tries to limit early hostilities to avoid later problems. If lawyers become the sole communicators, sometimes it clarifies matters, but sometimes it confuses them.

“With Rich, there’s never any wasted effort in arguing with another lawyer,” says Shelley R. Smith of Chicago-based Engelberg & Smith. Smith has continued to hire Flood as local counsel for McHenry County matters after the two worked together in the late 1990s on a high-profile divorce with complicated financial issues.

“He’s not impatient, but he manages to get things done in record time compared to Cook County,” Smith says. “He’s always ready to listen to settlement and yet always ready to take the matter to hearing and let the judge decide.” She says Flood never loses his cool, takes cheap shots, or has hard feelings.

Clients Deserve Golden Service

Flood recalls a discussion about client service from his earliest days as a lawyer. He heard a lawyer mention how one attorney had a reputation for treating his divorce clients “with golden service.”

“I still remember that, and it’s important, especially in a divorce case,” Flood says. He believes phone calls need to be returned as soon as possible on the same day. Lawyers have to show they care as much about a client’s problem as the client does.

Chemistry is everything in a divorce practice, Flood says. He encourages clients to interview him and to interview other lawyers if they have the slightest hesitation. Even if a client finds two or three lawyers with the skills needed to represent them confidently and vigorously, it’s important to have confidence in the chemistry.

Clients should never be hesitant about calling or feel uncomfortable during discussions, Flood says. Give and take is critical, and the client must feel informed.

“That’s what determines whom a client should hire,” he says, “provided the other lawyer has a certain competent set of skills.”

Flood attributes much of his team’s chemistry with divorce clients to his paralegal, Judy Haack, who went through a divorce herself before joining the firm. “It’s a joint

effort,” Haack says, “and I have a good feel for the clients because in the beginning it always seems it will never get better, but I know for a fact that it does get better.

“Rich and I share the philosophy of trying to make our clients feel as comfortable as possible,” she says, noting that Flood always hands divorce clients his home telephone number.

“He’s among the five most intelligent persons I know, and even after 19 years of working with him I’ll say, ‘Wow! That’s really cool you thought of that.’ I also know he really cares about clients and does not advise them to accept an offer until he feels he’s really done the best he can for them.”

But when a divorce is done, Flood says it’s usually Haack who gets flowers from the clients.

Getting Started in the Field

Flood, 62, grew up in Oak Park. He began college as an engineering major at the University of Illinois at Champaign but graduated from the university’s Chicago Circle campus in 1971 with a degree in political science.

After graduation, Flood spent two years as a product line analyst for Maremont Corporation, a manufacturer of auto parts, and then decided to try law school. The thought of owning a business someday and working directly with a variety of people on their problems was far more appealing than constantly analyzing products and handling inanimate objects.

He enrolled at Chicago-Kent College of Law and began clerking for a personal injury firm whose senior partner ran a trial advocacy school. While Flood videotaped the weeklong training sessions, he simultaneously received valuable instruction from some of Chicago’s top litigators.

Upon earning his law degree, Flood clerked for First District Appellate Court Justice Francis Lorenz. When the clerkship ended, he wanted to get away from Chicago and practice at a small firm to gain hands-on experience quickly. He landed a Crystal Lake job after having lunch with his cousin’s college roommate, Joseph Condon, who today is a 22nd Judicial Circuit Court judge. Condon mentioned Flood’s name to a Zukowski partner when he saw him at the courthouse.

Flood brought in a large divorce case early on. His opponent was the respected H. Joseph Gitlin. The case included many aspects of the Illinois Marriage and Dissolution Act such as maintenance and marital and nonmarital property. It settled after the lawyers battled over grounds for a week, something unheard of in today’s era of no-fault divorce.

“That case gave me a taste of how divorce law could be very sophisticated, very complex, and also very interesting,” Flood says.

“Rich is a very tough litigator who is always prepared, always thorough, and totally tenacious,” says Gitlin of Woodstock-based Gitlin, Busche & Stetler. He describes Flood as a well-rounded lawyer and a man of his word who can be relied on when making deals.

“He also knows his stuff as a municipal lawyer,” adds Gitlin, a former Woodstock mayor. “He’s good at whatever he does.” ■