

# ERROL ZAVETT

## Even His Opponents in Divorce Appreciate His Wit

by Thomas Irvin



Ask any attorney familiar with Errol Zavett to describe him, and the same thing will come up again and again: his sense of humor.

Spend an hour with him, and you'll find yourself smiling at his way with words. He's not a joke-teller, but with his careful, measured speech, you'll find yourself relaxed and put at ease by his calm, friendly demeanor and his easy wit.

Which is a good thing, because Zavett, of **Davis Friedman** in Chicago, deals with people at one of their most vulnerable and unhappy times: divorce.

His humor, like the man himself, is smart, clever, and subtle.

"He is funny—to your detriment, if you're trying a case [against] him," says Sandra Murphy of McDermott, Will & Emery, a friend and colleague who has opposed him in many divorce cases. "He can turn a phrase, which can turn a head—like a judge."

For his part, Zavett admits that judges have complimented him on his writing, even when he inserts a little humorous observation into the briefs.

"But," he says, "I always tell young lawyers 'Don't try it. You can't do it if you have less gray hair than I.'"

Murphy is quick to retort, "Except he could

get away with it when he had less gray hair. I'm sure of it."

Zavett has had a long career as a top divorce attorney, but when he started, he wasn't certain what area of law he would practice in. He was not, in fact, sure that he'd go to law school at all.

"The truth of the matter is, when I got my undergraduate degree, I didn't know what the hell to do," he recalls. "So I said, 'I'll go to law school.'"

Zavett grew up in Rock Island surrounded by his mother's family. Of seven cousins, four (including Zavett) became attorneys.

"My mother always wanted me to be a lawyer—for bad reasons. She always thought I was (a) very logical, which has less to do with law than you would like, and (b) I had a good speaking voice, which I'm not sure is true," he says.

His grandparents on both sides of his family were immigrants to the United States, and most of those in his parents' generation didn't go to college.

"We were of the generation that our parents only wanted us to become professionals," he explains. "We were definitely the first in the family to do that."

Zavett received his undergraduate degree in

journalism from the University of Iowa in 1960. Seeking a change of surroundings, he chose the University of Illinois in Champaign for his law degree. After graduating from law school in 1963, he set his sights on Chicago, with little idea what sort of work he'd find.

### Wanted: A Job

"At one point I thought, 'Well, I'll just never find a job,'" he recalls of his early days in Chicago.

So, he tried something unusual. He ran a classified ad in the *Chicago Daily Law Bulletin*.

"It said something like, 'Just got out of law school, I can write, I can do lots of things, does anybody need me?'" he recalls.

He got only one reply. A divorce lawyer named Morrie Simons found the ad interesting and invited Zavett in to chat. Years later, his relationship with Simons would pay dividends, but for the time being Zavett still needed a job.

Eventually, he found work, first with the Commerce Clearing House writing specialized legal memoranda. "It turned out this was the most precise, technical writing imaginable, and that isn't my style."

Fortunately about six months later, he got a job as a staff attorney with the Legal Aid Bureau (now the Legal Assistance Foundation of Metropolitan Chicago). The Bureau employed young attorneys in a variety of civil law areas on a rotating basis.

"They had the advantage of getting you when you were young, ambitious, energetic," Zavett explains.

During his time at Legal Aid, he handled a variety of cases, including divorce law. Zavett points to his time there as great training for the courtroom.

"We were thrown into the water," he says of the experience. "I think most of those lawyers swam; a few drowned. But by the time I got out, I was absolutely comfortable walking into a courtroom. And you can hand me a file today, and I'll walk into court; I pride myself on being prepared, but I never have stage fright in court."

It was also during this time that Zavett first tried his hand at two areas that would shape his career: continuing legal education and appellate work. An experienced attorney offered him the opportunity to ghost write a chapter on family law pleading for the Illinois Institute for Continuing Legal Education (IICLE). In another instance, a senior attorney was asked by another attorney if he'd like to take a case on appeal.

"He said, 'No, but I know this bright young

lawyer in Legal Aid who does all their appellate work,” Zavett recounts today. “Which of course wasn’t true—I’d never done an appeal—but fortuitously, nobody asked me. So they called me in and said, ‘Do you want to do this?’ and I said, ‘Oh, sure!’

“I ended up writing a brief, winning the appeal, and started to get a little reputation for knowing how to handle appeals,” Zavett says.

After his term at Legal Aid was up, he practiced law with a small corporate firm (including handling some divorces) and later focused on divorce law full-time with another attorney.

Finally, in the mid-’70s, Morrie Simons—the one person who had responded to his classified ad years before—called and invited him to practice with him. It was an excellent fit.

“People told me that I was very good for him because I sort of reinvigorated his interest in the law, and we got along very well,” Zavett says.

Simons’ family law practice included many divorce appeals, and Simons wrote a chapter covering family law appeals for a book published by the IICLE. He offered Zavett the chance to update the chapter, and unlike the earlier attorney publishing for IICLE, Simons gave Zavett the writing credit. After the book was published, the IICLE offered Zavett the opportunity to lecture, which he also enjoyed.

## A New Set of Skills

Then in 1977, Simons died unexpectedly, and Zavett found himself finishing up his partner’s cases. That same year, the Illinois legislature made sweeping changes to the state’s divorce law, and Zavett found himself at the forefront of legal education on the subject.

“Suddenly, it changed almost everything,” Zavett says. “It took an entirely new set of skills, and there were quite a few lawyers who sort of saw that they couldn’t do this.”

Zavett had been asked to present a one-hour seminar on divorce law to general practitioners when IICLE called and asked him to expand it to three hours (and in two cities) due to unprecedented demand in the wake of the changes.

“Are you kidding?” Zavett recalls thinking, “I get bored myself listening to me for three hours.” Still, Zavett enlisted the aid of his friend (and future law partner) James T. Friedman for the presentation, further developing his reputation as a writer and lecturer on divorce law.

He built his reputation on writing and lecturing, but what he cares most about today is his professional reputation for honesty, fair dealing, and understanding in divorce law.

“If you are really angry at your spouse, there are always lawyers who are the avengers—who will punish that son of a bitch for what

they’ve done to you,” he says. “I’ve never been in that group. Nobody in this firm has ever been in that group. Typically, a client comes to me and says, ‘Look—we both realize it’s over; nobody’s very angry anymore. I want what I’m entitled to, but we want to end up with as good a relationship as possible.’”

One client, visiting Zavett’s office to sign the papers to make his divorce final, asked to use the phone. The call was to order flowers for his ex-wife, to be delivered when she arrived home from signing the same papers at her lawyer’s office.

Even though his clients may not be at each other’s throats, Zavett has learned the hard way not to encourage reconciliation when it’s not appropriate.

“When I was a young lawyer, I thought that was a really noble thing to do. Till the first time I did it—talked a guy into going back with his wife—then had him come back and see me a year or two later with a young child. Now he was ready for a divorce, and now there was another person being affected,” he says.

## A Way with Words

By 1985, Zavett and his partner Larry R. Kane had merged their practice with the firm now known as Davis Friedman. The firm is one of the oldest family law firms in the state, founded by current partner Muller Davis’ father. Zavett explains that the order in which the names were listed was based on age; originally, five partners were listed, including Zavett.

“Now that we’re down to two names, I sort of fell off the edge,” he says with his characteristic low-key humor.

Although the firm name now mentions only two people, Zavett is quick to recognize the help he receives from other attorneys at Davis Friedman—as well as their diversity of experiences.

“One of the strengths of the firm, I think, is that we didn’t all go through the same training. We all came from some other direction,” he says.

Zavett also gives credit to his assistant, Julie McCormack, who has been with him for 27 years.

McCormack, who is also the firm’s office manager, says she’s learned a lot from working with Zavett and has become a better writer thanks to him. “Everybody’s pretty good with their drafting here,” she says, “but if they want to make it better, he’s the one they go to.”

McCormack says Zavett even regularly revises his boilerplate—the standard legal language that lawyers recycle from one document to the next.

“As anyone in this firm will tell you, I’m a compulsive editor,” Zavett says. “If you write something, I will edit it. There’s a movement in the law toward simple English, and I’m a

believer in that. I find myself forever changing ‘in the event’ to ‘if.’”

Zavett’s way with words is also appreciated in non-legal arenas. Bernard Rinella, a divorce attorney who has known Zavett for nearly 40 years, has a monthly poker game with Zavett and other family law attorneys.

“What I like is his chatter around the table is very good,” Rinella says. “He’s a fun guy to listen to.”

He adds with a laugh, “He’s not too insulting—but he can be.”

And are there any parallels between Zavett in the courtroom and Zavett at the poker table?

“At poker, he’s actually pretty straightforward, but he’s a gambler, which surprises me,” Rinella says. “He’ll take risks which I don’t think he would in divorce cases. He’ll get a hot streak, and he goes a while.”

Rinella estimates he’s probably had 60 cases against Zavett over the years. “We’re opponents constantly, and that’s a guy I like being with. I can’t say that with all lawyers.”

Another adversary who appreciates Zavett is Charles Fleck of Schiller Ducanto & Fleck. Fleck first became acquainted with Zavett while serving as chief judge of the Domestic Relations Division of the Cook County Circuit Court in the late ’70s. Later, Fleck re-entered private practice and has been Zavett’s adversary in many cases.

Just a few days after stepping down as a judge, Fleck attended a Chicago Bar Association luncheon where Zavett was speaking. “I walked in a little late, and I worked my way through all these tables to find an empty seat. And Errol looks up at me and says, ‘Look at who’s here—Charlie. It’s the first time in years he’s walked into a room and no one stood up.’ Broke the place up, and me, too.”

Others have suggested Zavett could put his clever wit to use as a writer, but “it’s too damn late for that,” Zavett says.

At 71, he has no plans to retire. “I have nothing in the way of hobbies that are worth mentioning; I don’t collect anything,” he says. “On the other hand, I don’t want to embarrass myself or my law firm. So long as I feel that I can represent people well, I’ll keep doing it.”

Zavett and his wife live in downtown Chicago, after having raised their two daughters in Oak Park. One daughter is a teacher in Overland Park, Kansas, and another is a lawyer in Chicago. Between them, Zavett has five grandchildren.

Zavett counts himself lucky to have made it this far, as both of his parents died much younger. “So it never occurred to me I’d get this old,” he says with a laugh. “I sort of wake up surprised all the time that I’m still around—not only that, but I’m ambulatory, and I pretty much understand what I read in the papers and so forth. It’s all a pleasant surprise.” ■