

# Marvin Leavitt

## Appellate Judge Turned Family Law Advocate

by Paul Dailing

A few weeks after **Grund & Leavitt PC** founding partner Marvin J. Leavitt left the bench and returned to private practice, he got a call from a lawyer he had decided cases against.

It was family law attorney David Grund, who wanted to hire Leavitt, a former appellate court judge, to consult on appeals.

“When I got off the bench, I wasn’t sure I wanted to go back into criminal work for the reason that I had kind of done that already. But that’s where I had drifted until I got a call one day from David, my partner, who had argued two cases before me in the appellate court. He lost both, so there could have been no bias shown when I first met him and we had gotten friendly,” Leavitt says, laughing.

The consulting went so well that Grund soon approached Leavitt with a new idea — joining forces to create the high-end family law firm that now sits in a stately North Side Chicago greystone.

“We had gone to the well successfully on several occasions and David said to me, ‘Marvin, we should put this together. We’ll together I think be more successful than individually,’” Leavitt says.

Grund recalls that Leavitt initially balked.

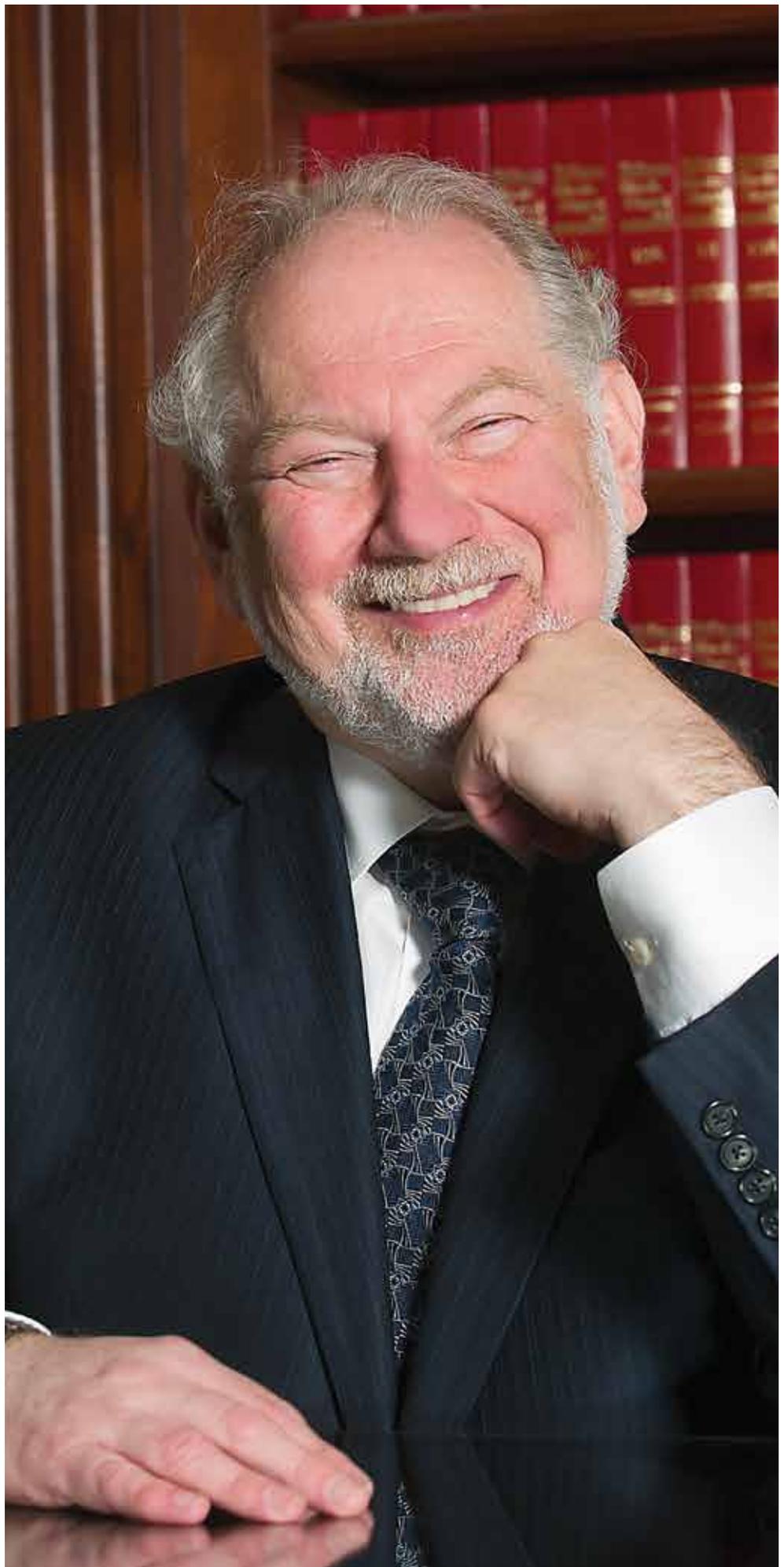
“He said, ‘I know nothing of divorce law,’” Grund recalls. “And I said, ‘Marvin, it took me 30 years to learn divorce law. I’m sure you can learn this in less than two.’”

It took Leavitt less than a year, Grund says.

“After a year, he was arguing with me about certain aspects of divorce law where I had been in it, what? 35 years at the time? He not only held his own but persuaded me that he was right,” Grund says.

Within a few years, Leavitt went from a novice in the field to one of its most esteemed experts, teaching family law courses at Chicago-Kent College of Law and earning the respect of his peers.

“Working with Marvin brings a case to a higher level that benefits the lawyers,



benefits the clients and benefits the judge,” says “friend and legal opponent” Howard A. London, a partner at Beermann. “It takes out the rancor and the contention and lets us get down to what’s important.”

Those who best know Leavitt say they weren’t surprised when the criminal trial attorney turned judge was able to make the transition to a new area of law so smoothly.

“I really would describe him first of all as a Renaissance man. He is a scholar, philanthropist and a sports enthusiast all rolled in one,” says Illinois Supreme Court Justice Anne Burke, who served with Leavitt on the appellate court and who still meets him once or twice a month for a cup of coffee and a conversation about any topic from sports to politics to the intricacies of the law.

Grund & Leavitt partner Jamie Fisher says she angled for a spot on Leavitt’s team when she was still an associate.

“He brings so much to the table. His experience on the bench, his experience in litigation — he was a criminal attorney before family law. Seeing him at trial is a magical experience,” Fisher says.

## The Partisans

Leavitt was born in a displaced persons camp in Rome, Italy, in 1949. His parents, both Holocaust survivors, came to Chicago shortly after. His mother was a homemaker and his father worked for the *Jewish Daily Forward* newspaper.

“You did everything there. You reported. You sold ads. You did everything,” Leavitt recalls.

Their American life was a far cry from the one his parents shared in Europe. After running a general goods store, the two joined the Bielski partisans, a resistance group rescuing Jews from extermination and fighting the Nazi advance.

“My father was very aware socially and politically, and he saw what was coming. He became part of that group of the partisans who were depicted in that movie *Defiance*. A group of partisans took to the forests and worked on two things: one, staying alive, and, two, disrupting the German war machine,” Leavitt says. “This would have been in the forests of Russia, Poland, Eastern Europe — they were constantly moving.”

The elder Leavitts were reluctant to speak of their time with the partisans, finding the memories too painful. Leavitt and his two sisters learned the specifics of their parents’ wartime activities after Leavitt came upon his father’s journal among some papers.

“I was in my late 20s or 30s. I said, ‘Dad, what’s this?’ And this was an account of what they had gone through to survive,” Leavitt says.

The journal was translated into English and will be part of the Holocaust Museum archives.

The social awareness that led his father to sense the changing tide in Europe found root in his son as well. Leavitt’s own activism came in college, in protesting the Vietnam War.

“In 1971, I was student body president and of course we were in the throes of Vietnam at the time. I was very caught up in and involved with what were then movement politics,” he says.

As he helped organized sit-ins, teach-ins and other protests at Northern Illinois University, he always made sure to reach out to Vietnam Veterans Against the War, trying to bridge the gap between those who served and those who didn’t.

“At the same time, I did not think we were kind to the kids who were drafted and were serving the country, so there was that dichotomy,” he says.

Although he toyed with the idea of a life in academia, his social conscience — and childhood images of Gregory Peck as

Atticus Finch in *To Kill a Mockingbird* — led him inexorably to the law.

“I guess some people see the doctor, some people see the soldier,” he says. “I always thought the lawyer was probably the one I most identified with as being where I could contribute to society.”

## Leavitt for the Defense

In 1976, Leavitt started his career at the firm of Pritzker & Glass, Ltd., doing almost exclusively criminal work. The professionals there were referral attorneys for the National Organization for the Reform of Marijuana Laws, and the young attorney started handling drug cases.

One of Leavitt’s cases led to what he calls a “minor claim to fame” when the Seventh Circuit opinion in *Hoffman Estates v. The Flipside* cited his cross examination of the mayor of Hoffman Estates.

The case involved commercial free speech and a suburban Chicago record store. In Leavitt’s cross examination, he got the mayor to admit there was no difference between a piece of paper marketed for rolling cigarettes and one implying it was for rolling joints — other than that one was illegal in her community.

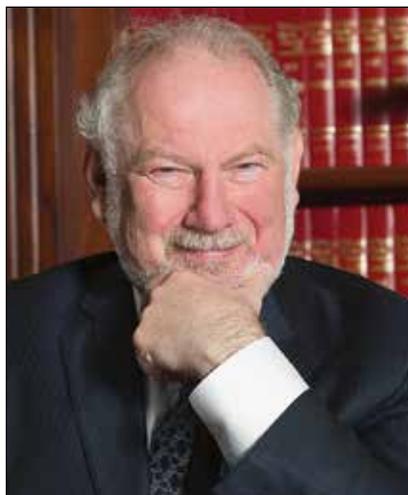
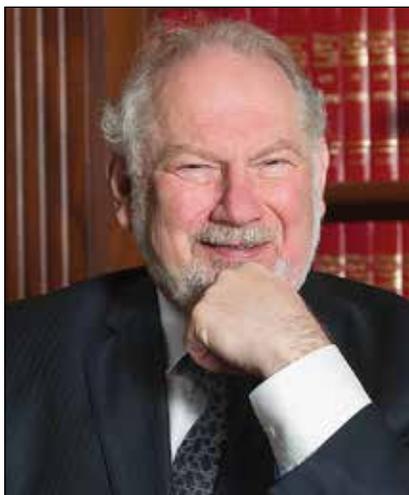
“So it wasn’t the fact a piece of paper was being sold, it was the language employed in the sale,” Leavitt says. The case eventually went on to the U.S. Supreme Court.

In 1978, Leavitt carried his criminal defense expertise into “a very nice boutique criminal defense practice” he formed with fellow Pritzker & Glass attorney David Schneider.

The ’80s were a busy time for Leavitt.

“I tried 25 or 30 murder cases, I tried the white-collar mortgage fraud and insurance fraud cases, I tried some of the larger conspiracy cases tried in federal court here as well as in other states,” he says.

Twenty-six years ago, he met an attorney



named Susie Karkomi. She would later become his wife.

“I credit my wife Susie with saving my life,” Leavitt says. “I could dedicate my time in stupid ways and not really be effective. Susie helped me focus on those things that were going to be important.”

The two are active in Chicago’s social and philanthropic circles, supporting charities on issues ranging from helping former Israeli soldiers obtain higher education to supporting the Museum of Contemporary Art and the Holocaust Museum in Skokie to sheltering stray animals through PAWS.

“They take things seriously about the community around them and try to be part of it,” Justice Burke says of the philanthropic couple. “When it comes to common sense and community, he has a good, sure footing.”

### Maybe It’s Time?

In 1991, Leavitt struck out on his own again. The successes — and the schedule — kept coming.

“I was probably more days in front of a jury than not in front of a jury, and that includes weekends,” Leavitt recalls. “At one point, a few friends of mine said, ‘Marvin, maybe it’s time. You’ve got the experience.’”

The friends were judges. They were saying it was time for Leavitt to join the bench.

In 1995, Leavitt was appointed to a Circuit Court judgeship, first in traffic court, then in various other positions.

“Somehow the stars aligned, and I was offered a position on the Illinois Appellate Court,” he says.

Justice Burke, who served with Leavitt at the time, says he was an exceptional jurist who brought the “Renaissance man” abilities she praised in his personal life to the cases he saw at the appellate level.

“I think it’s refreshing to have someone who is actually a good legal scholar on the bench. A lot of people are good judges, but their writing ability is not at the level of Marvin’s,” she says.

In 2002, Leavitt decided not to seek reappointment or re-election. He returned to private practice.

That’s when the phone call came from Grund.

Grund says he knew Leavitt would make an exceptional divorce attorney from their conversations at social events. They rarely talked about law, preferring long-ranging chats covering everything from sports to history to pop culture.

But when they did talk about law, Leavitt showed his expertise extended far beyond

his criminal law background.

“At times when the issue came up, I noticed a brilliance about him,” Grund says.

London says Leavitt brings the best of his background to family law.

“He has really exceptional experience and a courtroom background that a lot of practicing family lawyers don’t have,” London says.

London praises Leavitt’s perspective in cases. Too often, he says, clients prod their divorce attorneys to go for blood, trying to hurt former spouses rather than look for solutions that will benefit both parties and their children.

Leavitt is able to keep his clients’ focus on what’s important and on what’s right.

“You have to be smart, experienced, sophisticated and confident as a lawyer to say something to your client that they don’t want to hear in a way they won’t tune out. And I think Marvin is one of the people who has that ability,” London says.

Leavitt’s success in the field only came as a shock to one person: Marvin Leavitt.

After joining with Grund, he dove into the various legal issues of family law, including changing attitudes toward such issues as the role of expert opinion and the “tender years doctrine” that presumes the mother will always be the better guardian to children of a certain age.

These issues were, Leavitt soon realized, as intellectually satisfying and emotionally rewarding as anything he had handled in either his criminal defense or judicial careers.

“The word ‘surprise’ is accurate to this issue,” Leavitt recalls. “I found I enjoyed working on these things. I found that, as this area was developing, being with a firm that’s cutting edge in helping define what we believe should be policy was exciting.”

Grund says Leavitt’s calm demeanor is refreshing in an area of law often marred by vindictiveness and rancor.

“This is a man of impeccable virtue. He is very kind. I’ve never heard him say a bad word against anyone, even people who did not do well by him,” Grund says.

Of course, if cases get to the point where they hit the courtroom, a lawyer with decades of trial experience is a nice thing to have.

“Divorce lawyers as a whole aren’t generally the best trial lawyers in the world, but he is the exception,” Grund says.

Leavitt operates on a philosophy that is simple and too rare, London says. Be honest and fair, and the other side will respond in kind.

“I think he brings that out in people,” London says. “He brings out the best in other lawyers.”

### ‘A Very Special Place’

Grund & Leavitt’s clients come from

the upper echelons of Chicago’s social, business, athletic and entrepreneurial communities. Assets to be divvied in each case run into millions of dollars in scattered investments and properties much more difficult to split than “you get the house, you get the car.”

It’s challenging, rigorous work that requires focus, dedication, expertise and savvy. It’s the type of work that could be draining in the wrong workplace culture, but work that Grund & Leavitt’s legal minds show up each morning excited to tackle.

Fisher says two people in particular are responsible for that excitement: Grund and Leavitt.

“It’s very much like a family, and I think Marvin and David both set that tone. I think that extends not only to the attorneys, but also to every staff member,” Fisher says. “And that’s why it’s a very special place to work.”

A team approach is integral to the firm’s culture and is even written into the retainer agreement, Leavitt says.

Fisher says her time on Leavitt’s team has been a rare experience, one where she learns on a daily basis from one of the field’s top practitioners. In a twist her peers at other firms might not relate to, working for the team can even be enjoyable.

“He has the most wonderful way of making coming to work each day an absolute pleasure,” she says.

Grund and Leavitt both want the firm, and the family they’ve created, to outlast their own careers.

“I think I’ll always keep my hand in this firm, but I’m very considerate of the fact that I want this firm to survive beyond me,” Leavitt says.

Fisher says those aren’t just words, and that the founding partners give the younger attorneys the opportunities, both in the courtroom and through continuing education, to thrive.

“I think what’s very special about Marvin and David is they take so much pride in seeing us handle trials, in seeing us examine a witness,” she says. “They push the associates very early on to take advantage of those opportunities.”

Fisher says that’s part of the familial atmosphere at Grund & Leavitt, where all the attorneys and all the support staff at the North Side greystone are treated with a refreshing level of respect.

“You land here and you don’t want to leave,” she says. ■