

CHICAGO MAGAZINE - February 2005

The New Face of Divorce Court

By Terry Spencer Hesser

Briefcase in hand, Coach bag slung over her designer-suited shoulder, Tracy Rizzo, 34, strolls briskly down the corridors of the Daley Center, the click of her high heels a sharp counterpoint to the building's somber atmosphere. As on most mornings, she is headed for divorce court, the legal circus of pain and failure held not in a tent but in a series of plain courtrooms. Nearly half of all U.S. marriages finish their run in places like this.

Rizzo is a divorce lawyer. As a breed, these practitioners are known to be ruthless and brash, unflapped by the grimmest of personal details and unafraid to expose the tenderest weaknesses of their opponents. And more and more these days, they are women. Clients seek them out for a variety of reasons - not least because they don't shy away from even the nastiest of the battles.

This morning, Rizzo will represent a pretty blond woman in her forties who is asking for temporary maintenance as well as attorney fees from her soon-to-be ex husband.

"This is my second divorce," the woman explains before walking into the courtroom. "I had a man represent me the first time and I am a lot more comfortable with Tracy. She listens. A woman is much easier to talk to. It's like talking to a girlfriend."

Through Rizzo, the woman is asking for a significant amount of money from her well-to-do spouse of only two years. As a former part-time employee in a beauty salon, it is unlikely she would ever be able to earn from working what

she might be awarded in this courtroom - if her lawyer can get it for her. And although she says that Rizzo prepared her better than her first lawyer in terms of what to expect, she is nervous.

The woman's husband, a former salesman for Microsoft whose first wife died, winces visibly as the list of his estranged wife's personal expenses is itemized - a new Porsche, a personal trainer, riding lessons, charge cards. The male attorneys in the room collectively groan - quietly, but audibly - in sympathy with the husband.

Rizzo's opposing counsel, Ray Massucci, is less subtle. His cross-examination of Rizzo's client becomes aggressive, even emotional, as he probes for details about the expenses. Rizzo, however, remains calm and determined during the proceedings - and it pays off. After listening to both sides, Judge Marya Nega issues a temporary ruling awarding Rizzo's client everything she has asked for, at least for now. Then the Judge advises the gathered parties that she wants to keep the matter moving so that "the divorce proceeding [doesn't] last longer than the marriage."

Tracy Rizzo is one of the many young female attorneys tipping the age and gender scale in an area of law that has been traditionally dominated by men. Those in the field estimate that in Cook County at least half of the attorneys who practice divorce law are women - a startling change from 20 years ago, when only a handful of women handled divorces. The roster of judges reflects the change as well - 20 out of 40 in the Domestic Relations Division (a/k/a divorce court) are women.

"The old boys' network in the divorce division doesn't even exist anymore," says Judge Veronica B. Mathein, a former divorce attorney who has been on the bench for the past eight years. "It isn't uncommon to have three women standing

in front of me [the wife and lawyers for both sides] when just 20 years ago divorce law was the purview of men.”

In part the changes illustrate how over the past few decades American women have increasingly embraced careers in law. According to the American Bar Association, women constitute nearly half of student enrollment in ABA approved law schools, whereas in 1971 only 9 percent of all law students were women. And many observers note that a significant portion of these graduates are finding their way into divorce practice.

Has it made the often messy, rancorous proceedings more genteel? Not really. “There was a lot of expectation with the advent of more women into the divorce bar that the tone of the practice would be lifted into a more civil one,” says John Elson, a professor at the Northwestern University School of Law. “But there has been no difference between men and women attorneys that can be generalized as a trend. I have seen wonderful women attorneys and awful women attorneys in the same proportion as the men attorneys.”

Some clients, though, are choosing female lawyers specifically for their gender. And at least part of the reason is that the clients assume the women will work more diligently to prove themselves. “The problem with the old guys is that they don’t try as hard,” says Alan Rovin, another client of Rizzo’s who was involved in a difficult custody battle, and won. “It becomes a money game with them. We clients are a file and a number. With Tracy, she had a heart. She cared about what happened to me and my son.”

Although most women divorce lawyers represent men as well as women, there is no doubt that they offer a sort of sisterhood for their female clients, especially at a time when many are deeply mistrustful of men. Susan Mills, a 40

something mother of three from the northwest suburbs, for instance, hired Rizzo because as a client Mills didn't think that her services as a mother would be valued as highly by a male attorney. Mills was awarded enough money to devote all her time to her children without financial worries. She is the poster child of the happily divorced woman and because everybody is happy, she is even on good terms with her ex. "I chose a female attorney because when it came down to it, I didn't think a man would do the best job he could do for me," says Mills. "Furthermore, Tracy was a confidante. She listened! What man is going to listen to you if he isn't sleeping with you?"

The first female to apply for a license to practice law in Illinois, Myra Bradwell, was at first denied admission to the bar by the state supreme court in 1869 on the grounds that she was married (and therefore, were she to practice, might not be constantly available for her husband). Bradwell took her case to the US Supreme Court, which upheld and simplified the Illinois decision. "The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many occupations of civil life," opined Associate Justice Joseph P. Bradley. "The paramount destiny and mission of women are to fulfill the noble and benign office of wife and mother. This is the law of the creator" [83 U.S. 130 at 141].

It would be sweet (and ironic) justice to say that women have sought out divorce law to protect that noble and benign office - but in fact most of the lawyers interviewed for this story say they ended up in the field by happenstance. They clerked for a divorce lawyer or got assigned to divorce work in a firm and discovered they were good at it and interested in the Human drama. Audrey L. Gaynor, an attorney in private practice, switched from commercial litigation because she wanted to be able to take her vacations. Sally Ann Martin, also in private practice, started as a legal secretary to a divorce attorney who encouraged her to go to law school. And Helen Sigman, who has been

practicing divorce law in Chicago for 20 years, says her fate was almost accidental. “I fell into it, but I love it,” she says . “Getting somebody out of a bad marriage is like liberating an innocent person from jail.”

Speculation on why so many women stay in divorce law varies. “Family law involves things that many women are interested in, like child custody, spousal support, and other family related issues,” says John Corkery, vice dean and professor of law at John Marshall Law School. Others observe that divorce is an entrepreneurial area of law, offering women more freedom.

And, of course, the field also offers plenty of the heated competition many lawyers thrive on. Rizzo is currently representing a husband in a high-profile DuPage County case. Hiring her, he explains, is a major part of his overall plan, which basically consists of trying to make his wife mad. “My spouse is a very aggressive woman and doesn’t listen to anyone, let alone another female,” he says. “So my strategy was to hire a female attorney because I knew it would bring out the worst of the worst in her.” (Like several of the divorcing spouses quoted in this article, he spoke on condition that he not be identified.)

As might be expected, the husband’s case is burdened with name-calling, hurt feelings, and a variety of other unpleasantries. He acknowledges that, in what has become basically a no-win situation, he is “just hoping to keep [his] pride and dignity.” Rizzo seems to be doing her part in both bringing out the worst in his wife and treading the moral high ground. “Most of the male lawyers I know who do divorce work are not model citizens, but Tracy Rizzo hasn’t been tainted in her decision making or her judgment,” the client says. “Since we’ve been working together and entangled in nasty stuff she has never wavered. Every day I have become more impressed and proud of my representation.”

The “natural and proper timidity and delicacy” that Justice Bradley noted is

nowhere to be seen among the new breed of female divorce lawyers. “The expectation might be that the atmosphere in divorce court would become kinder and gentler with women there,” says James H. Feldman, a 30 year veteran of divorce law who heads the family law department at Jenner & Block. “But in reality it is still contentious. As I see it, the balancing of gender among divorce lawyers has not softened the courtroom experience or the adversarial process of divorce.”

Judge Gerald C. Bender, who has been on the divorce bench for eight years, recalls an altercation that gave him a chuckle. “Two lawyers, a man and a woman, were arguing a really heavy duty case in front of me,” he says. “The man moved sideways and the woman perceived it as an aggressive move. Instantly the woman elbowed him. She checked him to protect her turf!”

That brand of toughness has gone a long way toward ensuring square treatment all around.

“Female divorce lawyers fare much better now in divorce court,” says Feldman. “I can remember the days when they were few in number and often treated as fodder by judges and lawyers alike, often with lopsided results. Those days are long gone.”

With her Italian movie star good looks, a nose that many people would pay big money for, and a three-inch-heeled tough girl swagger, Rizzo moves in and out of courtrooms greeting peers, friends and adversaries with an easy sociability and a half smile. And while she allows herself to be hugged by some, she never initiates the contact. There’s certainly no trace of “timidity or delicacy which might render her unfit for civil life.”

Rizzo’s trajectory in this contentious arena of law has been high and fast,

but maybe not surprising. She is the daughter of the famous private investigator Ernie Rizzo, who has worked on high-profile cases from O.J. Simpson to Helen Brach. Today, he is in his daughter's LaSalle Street office being interviewed by a British television crew for a story called "Inside Michael Jackson's Head."

Nodding in her father's direction, Rizzo acknowledges that he was a huge influence in her life. "A great portion of my father's work was divorce related. We couldn't even go out for a family dinner without swinging by some house somewhere and watching what went on for a while," she remembers.

At age eight, she was making phone calls to people on whom her father wanted to serve subpoenas. She sat surveillance with him. But far from being bothered by uncovering people's dirty little secrets, she found the work - and human nature - fascinating.

Growing up in the then very Italian suburb of Franklin Park with a stay-at-home mom and an older brother who eventually went into computer programming, Tracy describes her young self as intellectual but social. Her perfectionist tendencies were evident as a honor student at East Leyden High when she was already an apprentice private investigator. As a political science major at Rosary College (now Dominican University) in River Forest, she did a stint in investigations at the Illinois Attorney General's Office before going to John Marshall Law School. "Usually it's the boy who follows in his father's footsteps," says Ernie Rizzo with a laugh. "In our family it was the girl."

In law school, she clerked for a high profile divorce attorney, Enrico J. Mirabelli, who later hired her, and she spent six years gaining a reputation as someone who could not be intimidated. Ambitious, experienced, and

entrepreneurial, Rizzo hung out her own shingle two years ago, and occasionally works with a friend and colleague, Gail M. O'Connor. "Six years of doing exclusively divorce law is like 20," Rizzo says, "I know all the judges in the division, so I can save people time and heartache if not heartbreak."

Her combination of investigation and litigation experience gives her a unique perspective. "She is aggressive, takes cases personally, and gives cases her all," says her father, who has not been surprised by his daughter's success. "Most lawyers don't know anything about investigations. But she started as an investigator and knows what can happen."

She knows, too, that sometimes you have to go through locked doors. Recently the wife of one of her clients had a "suicide incident" and had to be placed in the psychiatric ward of a local hospital. Rizzo got her father to find a way into the ward, where he served the woman with her divorce papers, telling one of the psychiatrists, "The judge thought it might be better that she read this here where she can get immediate help."

For his part, Mirabelli is also proud of his protegee, who he says is more tenacious but less aggressive than she used to be. "She has the confidence that comes with experience," he says. "I always told her that some lawyers mistakenly believe that the louder they yell, the smarter the judge will become."

Judge Mathein echoes Mirabelli's impression: "Tracy is assertive and zealous in her representation of her client," she says. "And she always dresses and handles herself very professionally with men twice her age."

Not all young female attorneys enjoy such a reputation. Observing that many young women attorneys have "chips on their shoulders," Mirabelli recalls

an altercation a few months ago. “This young female attorney and I were arguing in the courtroom outside the presence of the judge and this young woman was getting loud. So I said, ‘If you were a guy . . .’ and she jumped in, yelling, ‘your problem is that you’re a misogynist!’ I don’t like being accused of things I don’t understand, so I shot back, ‘that’s not true! I don’t give massages!’ I wasn’t trying to bully her. I don’t treat male and female lawyers differently. My point is that if she was a guy, she wouldn’t be working so hard to prove her competence.”

The male attorneys around the divorce practice admit that the entry of so many women has changed the tone of their old boys club forever. Judge Bender thinks that the most important impact the women attorneys have had is a psychological one. “They give a signal to the general public that everyone is treated equally,” he explains. “Women clients like to see their contemporaries in gender flourishing and accepted. And there’s a different feel in the courtroom. It isn’t a closed club.”

Heir to Rinella & Rinella, the oldest divorce firm in the city, Bernard B. Rinella (whose mother went to law school in the 1930’s) makes a finer point. “As time goes by,” he notes, “it is almost exactly like dealing with the old boys’ network again because by now I’ve dealt with the same women for so long.”

Savvy, experienced, prepared and well dressed, Rizzo is quickly becoming a major player in the courtroom. In a departure from her usual divorce practice, she gained high profile experience representing Danny Bonaduce, the former child TV star and current shock jock, in a defamation and invasion of privacy case he filed against a former nanny. Her caseload is steady at about 50 divorce cases at any given time. She is currently working on post decree matters for Bobby Hitz, the boxing promoter and former heavyweight fighter.

Despite her profession, Rizzo has been happily married for ten years to a

lineman electrician; they live in a northwest suburb. Her husband, Jim, laughingly describes his situation: "I'm married to a divorce lawyer and my father-in-law is a private investigator," he says, "I'm a very brave man."

While waiting for the last case of the morning to be called, Rizzo reveals what may be the most important quality a divorce attorney can possess: a sense of humor.

A man is brought into the courtroom wearing handcuffs and a uniform from the Department of Corrections. Without changing expression, Rizzo whispers, "One of the fun things we get to do is have the guys who don't pay child support locked up."

Isn't there a disincentive to locking them up?

"No", she responds with a small smile. "Almost every guy who gets incarcerated for not paying child support instantly finds money. A long-lost relative. A friend. A credit card. Maybe 2 percent actually stay in jail. I think incarceration is very effective but only a few judges impose such a strict sentence." After a moment, she adds, "it isn't as much fun, of course, when the client being locked up is yours."