

BARRY FEINBERG

'A Good Man and a Great Lawyer'

by John Toth

There are two points of agreement for people who know Barry Feinberg, a founding principal and head of the probate practice at Chicago's **Chuhak & Tecson, P.C.**

First, they fully respect him as a pre-eminent probate and trust administration attorney. He has more than 40 years of experience as a private practitioner, as former counsel to the Cook County Public Administrator's Office, settling the estates of those who die without wills, and as court-appointed special administrator and guardian ad litem.

Second, they universally admire his decency and kindness.

That admiration is strongest in those who know Feinberg best. Judge Arthur Perivolidis, the longest-serving judge in the Cook County probate court system, has mediated Feinberg's probate cases since 1995 and knew him long before in private practice.

"Barry knows his business, says Perivolidis. "And what I have always admired most about him is that he is a gentleman. I wish all lawyers could be as nice and as professional as Barry. He is a wonderful man."

Steven Mora, a highly regarded Chicago litigator with decades of experience, agrees.

"I've known Barry for 30 years," says Mora. "He's my go-to guy for probate matters—a good man and a great lawyer."

Staying on Speaking Terms

For his part, Feinberg modestly stresses his focus on using mediation to resolve probate disputes.

"Even though I currently have cases in the Illinois Appellate and Illinois Supreme Court, I never forget the damaging effect litigation can have on clients and their families," he says. "I encourage pre-trial mediation early in the proceeding. Mediation is very important because it enables us to resolve disputes and not destroy families. It keeps people together and on speaking terms, to continue on with their lives in a better way."

He says he likes mediation not only because it's effective, but also because it's positive.

"In mediation there's no right or wrong answer and no winner or loser," he says. "Each side gives a little bit so you can reach a settlement that keeps families intact."



Feinberg enjoys that role.

"It's wonderful when you see family members embrace each other at the end of a mediation, even those who haven't spoken to each other for years," he says. "This is difficult, if not impossible, to accomplish at the end of a trial."

Feinberg's probate cases often are on the Cook County Probate Court Division Calendar 14 of Judge Perivolidis. Feinberg notes that the judge "is truly concerned about people and is extremely effective in resolving disputes before exorbitant fees are incurred. His success rate exceeds 90 percent of all cases assigned to him."

Perivolidis returns the compliment, calling Feinberg "efficient and sincere."

"Although he represents his firm well, he never forgets that his real job as a lawyer is to represent his client," says the judge. "He truly believes that his job as a lawyer is to solve problems and not to exacerbate them. He is responsible and professional and embodies an outstanding attorney."

Feinberg's professional peers echo that evaluation. Darryl Rosenzweig, who practices in probate and elder law with Chicago's Jacobs and Rosenzweig, has known Feinberg for the better part of three decades.

"In the ensuing years, we have been co-counsel on cases together and opposing counsel," says Rosenzweig. "In either instance, I'm always impressed with Barry as an outstanding lawyer and an outstanding advocate for his clients. An important part of

his approach is that he always wants to get the matter resolved rather than litigate it to death."

At Chuhak & Tecson, Feinberg does a substantial amount of estate planning and is part of a team of lawyers who provide estate planning, tax planning, and asset protection strategies.

Two team members, both principals in the firm, are his sons Mitchell and David, who graduated from Northwestern University Law School in 1997 and 2003, respectively.

"Our probate group works together as a team to address tax, administration, and litigation issues," says Feinberg. "Who I involve in a given case depends on the nature of the case and the type of work needed."

A third son, Brett, also graduated from Northwestern's law school and is a transactional lawyer with Barack, Ferrazzano, Kirschbaum & Nagelberg LLP in Chicago.

Feinberg says he enjoys working with his sons, but that his sons became lawyers without pressure from him.

"I never encouraged or pushed my sons to become lawyers," he says. "I wanted them to pursue whatever occupation they wanted."

Most of Feinberg's clients come to him through recommendations from past clients, financial and tax professionals, or other lawyers.

"When I first get a case, I will meet with the person to see if we can work together," he explains. "I look at the documents and ask questions to determine a proper course of

action. All this is before I take the case. Meeting each other and asking questions is important to the clients and to me.”

It is also important to the firm that Feinberg, as a founding principal, continues to play an active role.

“Barry helps all of us to remember that our first priority is to work together as a team and provide personalized service in being responsive to our clients,” says Andrew Tecson, a corporate and health-care lawyer and president of Chuhak & Tecson. “He puts the client first and is a role model for all of us to do the same.”

A Rewarding Visit

This philosophy is evident in a high-profile case in which he represented two minors in a decedent’s estate. Their mother had conspired with her boyfriend to murder their father for insurance money. The insurer paid and the mother and boyfriend had spent the money by the time she was arrested.

“The Probate Act states that if you wrongfully take the life of another, you cannot benefit,” Feinberg says. “I filed and won an action disqualifying the wife and ordering the insurance company to pay a second time. The money provided support and education for the two minor daughters, who were being raised by their grandmother. While they were in college, they visited me to thank me for helping them financially. Seeing them so many years later was one of the most rewarding moments of my career.”

In another case, Feinberg helped a client whose husband was a physician and who had a minor daughter. While going to the grocery store, the physician was struck by a service truck and suffered a brain injury that kept him in a coma for a year before his death.

“I helped his surviving spouse and young daughter through this most difficult time by keeping the husband’s medical practice active and then selling the practice to a hospital, as well as administering his complex estate,” says Feinberg.

Both of these cases illustrate how Feinberg often protects the interest of minors.

“I have seen so many probate situations in my career that extend to the administration of their estate, and I often have to take immediate action to recover missing or wrongfully taken assets to ensure proper care for disabled or minor beneficiaries,” he says. He has been appointed by probate judges as a special administrator and as a guardian ad litem to protect the rights of beneficiaries in these situations.

A Chicago native, Feinberg entered practice in 1970 after graduating from John Marshall

Law School.

“My father owned a closely held business and although I always wanted to be a lawyer, I worked in (the family business) prior to practicing law,” says Feinberg. “Hard work, people contact, and business management were lasting values that I took away from that experience.”

He was a law clerk for Thomas Chuhak, who in the early 1970s was appointed Public Administrator of Cook County by the governor.

“After I passed the Illinois bar (exam), Tom Chuhak helped me establish a private practice and hired me as his attorney representing the public administrator,” Feinberg continues. “I learned all aspects of probating estates, defending wills, trust contests, and claims against estates.”

War Created Challenges

It was a role that served as the foundation for his later practice. Work in the public administrator office was challenging.

“Many of our cases involved people who came to this country after the war, had left families in Europe, and died with no wills,” he says. “Their families were scattered throughout the world and to identify heirs we had to look in archives and evaluate the authenticity of records, including those provided by a genealogist appointed by the court.”

Feinberg often had to travel and work with U.S. consulates in many countries, applying international treaties to estate law in Illinois and other countries. He resolved hundreds of cases and closed all estates assigned to him.

In 1987, Tom Chuhak, well-known tax attorney Albert Grasso, former Cook County commissioner and former Regional Transportation Authority head Joseph Tecson, and Feinberg established themselves in private practice as Chuhak & Tecson, P.C.

Initially the firm had 10 attorneys and 10 staff members. Now in its 26th year, it has grown to approximately 70 attorneys and 70 staff members.

“Everybody here is treated equally,” Feinberg says proudly. “We work hard and are evaluated on performance.”

Andrew Tecson, firm president and Joseph Tecson’s son, attributes much of the firm’s culture to Feinberg.

“As one of the firm’s four founders, Barry helped create the vision of how bringing together a group of attorneys with complementary skills could not only help clients, but help each of us in providing the services our clients need,” he says. “That vision has enabled our firm to grow dramatically in the past 25 years.”

Feinberg is integral to firm governance, currently chairing the Quality Committee, and has been involved in a wide range of outside activities. He has held leadership positions with the Chicago and Illinois State Bar associations, has lectured with the Northwest Suburban Bar Association, and currently serves on the board of Directors of the University of Chicago’s Gastro-Intestinal Research Foundation. When his three sons were in school, he served as a board member for School District 106.

Family is the joy of Feinberg’s life. He praises Susan, his wife of 45 years, for how much her teaching career shaped the careers of his sons.

“Academics were always important in our home and she set a great example,” he says. “As a parent, it has been very meaningful for me to come to work every day and watch my sons develop their own successful careers.”

As for the future, Feinberg sees little reason to change.

“I enjoy what I do now as much as I did when I started many years ago, and hope to continue doing it for many years to come,” he says. “There’s nothing I would change. I’ve been working with many of the same people since I started practicing and it continues to be very special and rewarding.” ■