



## Jim Hellige

### Above All Else, A Counselor in Estates and Trusts

by Dustin J. Seibert

Self-knowledge is a useful tool when embarking on a career. Fortunately for James R. Hellige, when he entered the very diverse field of law, he had just enough of it to decide the type of lawyer he would become.

Hellige has built a distinguished career as an estate planning and trust lawyer with **Foley & Lardner LLP**, and the firm that preceded it, over the past 39 years. He's always gotten along with people he's worked with on either side, largely because the nature of estate planning and trust law jibes with his personality and temperament.

"You have to be in a practice that's consistent with your personality," he says. "I won't necessarily say I knew myself consciously back then, but subconsciously you know where you're comfortable and where you aren't.

"The estates and trust practice generally attracts people with a less aggressive element because it's a counseling kind of practice. You do have some disputes from time to time, but generally speaking, it's not a practice where you're knocking heads with people every day."

Sharon Nelson says she benefited from Hellige's kind persona for the 10 years she spent as his mentee at Foley before she went on to become a legal director for the Pritzker Group. Hellige would bring Nelson along to all his client meetings when she was a young associate.

"It would hit him personally financially, but he thought it was important to get me trained," Nelson says. "By my third year, when

most associates are doing document review, I could run a whole client meeting alone.

“Jim is honestly one of the greatest people I’ve ever met and had pleasure to work with. He was always willing to sit me down and share what he knew. I am the lawyer I am today because of him.”

## From a Small Iowa Town

Hellige was born and raised in Fort Madison, Iowa, the middle child of Bernard, a carpenter, and Mary, a homemaker. Located on the southeast corner of the state near Illinois, the blue collar town of 12,000 was once home to the Sheaffer Pen Corporation.

No family members before Hellige and his brother had attended college. For Hellige, it was less related to parental pressure and more tied to checking a standardized test box that indicated he was college bound.

“Some parents put a lot of pressure on the kids and make them feel like they’re a failure,” Hellige says. “My parents never put pressure on us. They encouraged us to study, but when it got time to go to college, if I said, ‘Dad, I want to be a carpenter,’ it would’ve been fine.”

Hellige had a natural interest in government and politics, but the perspective he developed living in Fort Madison helped move him in the direction of becoming an attorney.

“Growing up in a small town, you look around and all the lawyers were the big guys,” Hellige says. “They lived in the nice part of town with big houses, and they could read and write and do things that were elementary for people in a small town back in the ’50s and ’60s.”

“I looked up to the profession and figured it to be an interesting lifestyle,” he says. “Plus I knew I could live comfortably. Money wasn’t the be-all and end-all, but it didn’t hurt.”

Hellige attended Saint Mary’s University of Minnesota, where he studied political science and history, paying for school through scholarships and summertime factory work. He solidified his interest in law school by his senior year, when he enrolled in Notre Dame Law School.

He took an estates and trusts course with a “very entertaining professor” who helped build his interest.

“It’s all these human interest stories coming out of trusts and estates,” Hellige says. “There are these weird personality aspects and intrafamily fights going on. It’s like an old-fashioned legal drama playing

out in some of these cases.”

Of all his law school classes, Hellige enjoyed his estate and gift tax class the most.

“It seemed like a self-contained system that had a lot of logic to it,” he says.

## ‘Practicing as Equals’

While at Notre Dame, Hellige worked as a summer associate for the tax firm of Hopkins & Sutter, where he started as an associate after graduating in 1976. At the time, the firm did corporate, estate, trusts and litigation work, and Hellige gravitated toward trusts and estates “in short order,” he says.

“It was a great place to do estate planning because there’s a big tax component and Hopkins & Sutter was a big tax firm, so there were lots of attorneys who did it,” he says.

William Weinsheimer, then the head of the trusts and estates practice at Hopkins & Sutter, recruited Hellige for the clerkship. He says hiring him was one of the best decisions he made in that capacity.

Weinsheimer, currently of counsel with Strauss & Malk LLP, says it wasn’t long before he and Hellige were practicing as equals.

**“When I deal with a client, I don’t always have to be the smartest person in the room or the one talking the most.”**

“You find some attorneys who are very bright and they know their subject matter well and the technicalities of the law, but they can’t all apply the technicalities with a practical approach to find out what a client really wants and needs,” he says.

“Jim absolutely excels at matching up very sophisticated estate planning techniques with what the client really needs.”

Hopkins & Sutter merged into Foley & Lardner in 2001, 25 years after Hellige started with the firm. He’s essentially stayed with the same firm his entire career and never desired to move elsewhere.

“A lot of times, when people switch firms, they’re in a situation where there’s just not adequate work, and sooner or later their firm is a fragile place to be,” he says. “I’ve been lucky enough to have plenty of work and never had a slow period in my career.”

## Keeping up With Joneses

As with many attorneys of his generation, Hellige has had to endure changes of all sorts in the legal industry, ranging from

the economy to technological evolution that has completely altered the way everyone practices law.

The need for attorneys to meet and counsel family members to achieve their goals and objectives has remained constant. But the change in estate tax exemptions has profoundly impacted estate and tax planning, he says.

“When I started practicing law back in 1976, the federal estate tax exemption was about \$60,000,” he says. “Now, your federal estate tax exemption is \$5,430,000 per person. If a spouse dies and doesn’t use it, it gets moved over and added to the other spouse.”

Hellige says that change has impacted a lot of estate planners who no longer do much tax planning as part of estate planning.

“I tend to do work for clients with estate tax problems, but overall trust and estates practice has changed in a way where, at least for some firms, there isn’t the same amount of work as there used to be.”

## A Trying Case

Hellige works litigation cases in connection with contested trusts and estates matters from time to time: He says it can be “intellectually satisfying,” but he maintains he is, first and foremost, a counselor.

“Unless you like picking up the phone and arguing with people, it gets old to do on a day-to-day basis,” he says. “I’d just as soon be talking to somebody where we’re all pulling in the same direction and trying to accomplish some sort of goal together rather than just trying to sandbag each other.”

For someone who doesn’t like a lot of drama, one of Hellige’s relatively recent cases sticks out because of its duration and contentiousness. Hellige and John Brooks, his trusts and estates litigation partner, represented a large Chicago charity against the estate of a man who pledged to make a gift at his death to defray the cost of a building.

Near the end of his life, the decedent reneged on the pledge, changed his will and kept his assets in an offshore trust in the Cook Islands that made it difficult for creditors to reach. The pledge was documented as binding for \$1.5 million when he passed away.

After going up and down through Illinois courts for several years, Hellige and Brooks finally got a definitive Illinois Supreme Court ruling that the client was entitled to be paid from the trust and was entitled to 9 percent statutory interest. It was a total of nearly \$2.3 million.

Just when they thought it was over, a

lawyer filed a motion for injunction against enforcement of the Supreme Court's holdings on New Year's Eve. The team had to work over the holiday.

"All this time, the fees are mounting, it's incredibly frustrating. I know we all work for money and have to feed our families, but there does come a point where we're not enjoying it anymore because it's just not cost effective. That's the nature of the creditor protection strategy...to wear the other guy down."

## Representing Charities

Hellige represents a number of charitable organizations. For instance, he has represented charities in making sure the money people commit to them is not tampered with when they get older and are unable to make decisions about their estates. He also has done work for The Salvation Army ever since he was an associate, adding that it's a "natural fit" for an estate planner to assist charities.

"When we represent individuals, a number of techniques we use for charitable giving are the same kinds that charities want to be aware of when they cultivate their donors," he says.

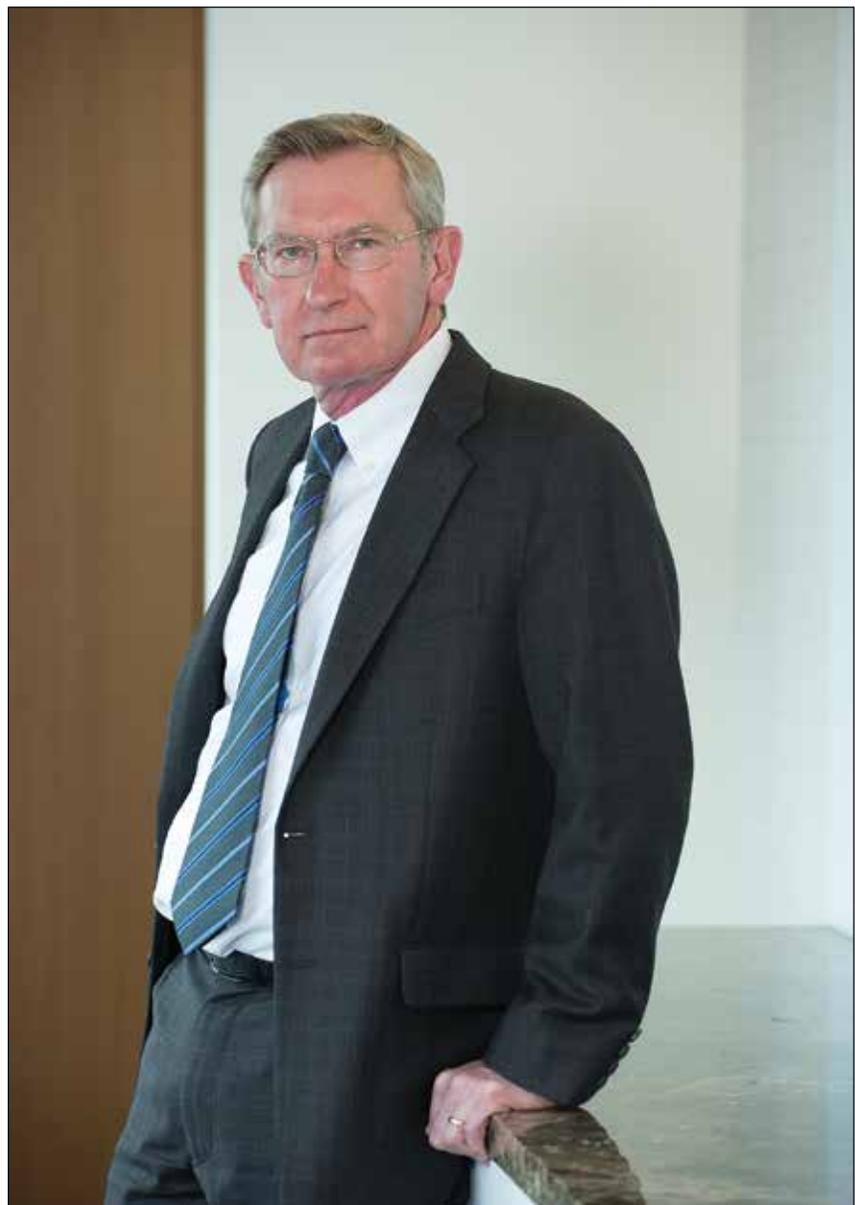
David Himes, planned giving consultant for The Salvation Army, has worked nearly four decades with Hellige. Himes says he's picked up a lot of legal knowledge from him through the years that has made his job easier.

"He is extremely expert in what he does," Himes says. "If I ask him a question and he's done his research on the topic, I know he will give me an answer I can depend on and understand. He can break down legalese in layman's terms (so I can) pass it along to our donors in a way they can understand."

Hellige also donates his time to a handful of charities he works with in a professional capacity. He's on The Salvation Army's planned giving committee, and he serves on the professional advisory committee of WTTW public television. He's also on Catholic Charities' planned giving committee. Hellige helps orchestrate an annual Tax and Estate Planning Seminar for Professionals hosted by Northern Trust for attorneys, accountants, trust offers and financial advisers.

"You have to give back to some degree," he says. "I don't want to go through life thinking the only things I ever did were for myself. I probably don't do enough for other people, but you've got to be involved in something."

Richard Goode, senior planned and major gifts officer for Lurie Children's Hospital, has worked on the conference with Hellige for more than 12 years. He notes that the



day before the event every year, Hellige is right there setting up the conference room and moving boxes with the other workers, though he isn't required to.

"I always thought that said a lot about his character and the type of person he is — he doesn't take on a lot of airs," Goode says. "Jim is not only a very high-powered lawyer and technically efficient estate planner, he's a very humble guy."

## Luck and Personality

Hellige has now spent nearly the same amount of time in his career as he has with his wife Paula, with whom he celebrated his 40th anniversary last year. They have three grown children who all live in Chicago.

His secret to professional success — outside of falling into a bit of luck with his

firm and practice that has kept him with steady work — is to avoid approaching his practice like a salesman. This cycles back to his counselor personality.

"There's nothing wrong with the salesman approach — there are certainly a lot of lawyers more successful than I am who put an emphasis on that — but I'm not particularly comfortable in that role," he says.

"Over the years, I've achieved a comfort level with myself that just allows me to be honest. When I deal with a client, I don't always have to be the smartest person in the room or the one talking the most.

"I'm just trying to see if we have solutions and a compatible relationship. For the most part, that works." ■