

JOE PHELPS

A Compassionate Attorney Who Loves Family Law and Latin

by Keith D. Picher

Joseph G. Phelps has spent almost his entire legal career at the renowned family law firm of **Rinella & Rinella Ltd.** Imbued by his traditional views, Phelps works at one of the most traditional law firms.

Rinella & Rinella is the oldest family law firm in Illinois. The Rinellas opened their doors at 1 N. LaSalle St. in 1932, and their successors never left the building. The table in the conference room today is the original one.

Despite this, Phelps, 61, did not choose a traditional route to becoming a lawyer. His mother worked at the Chicago Elks Lodge 1596 in the coatroom and then as the receptionist. Phelps met several aldermen,

Phelps was bored in the mornings. He wanted to return to school because he enjoyed academics and he didn't want his mind to go soft. Phelps considered political science, his undergraduate major at Loyola University. He also pondered theology, which he loved even though he lasted just nine months in a Carmelite junior seminary.

Discussions with friends convinced Phelps to return to Loyola as a law student, although he never intended to practice. He dropped out of law school in his first year to help care for his mother when she developed ALS, Lou Gehrig's disease.

Phelps returned to law school after she

Today, Phelps focuses chiefly on domestic relations matters. He appears in probate court to handle guardianship issues and also uses his extensive real estate experience to assist clients who sell homes after divorces.

Divorces have declined somewhat in recent years, he says, but parentage cases and other matters involving extramarital events are growing. Typically, his firm handles private parentage cases.

When Phelps started practicing law, there were no parentage courts in the county because such matters went to the Municipal Division. Then two courtrooms were dedicated to parentage. Today there are seven courtrooms that each process some 60 cases a day in the Daley Center. Adoption issues involving gays and lesbians and civil union matters also are filtering through the courts increasingly.

Phelps believes that many of the changes in family law over the years meant to level the playing field for women have been good, though not perfect. More remains to be done, he says, especially in the field of pension law.

"If there's something that cries out for relief in family law, it's amending the state pension code to allow separation of pensions," Phelps says.

Private pensions can be divided during a decree, and they won't terminate for the survivor upon the death of the pensioner. There are no rights of survivorship for Illinois state pensions, however. Typically, if the man is the pensioner and he dies first, as is often the case, the divorcee is left without a pension from that moment onward.

Another trend in family law, the concept of shared parenting, is in some respects an attractive development for Phelps, although he is uncertain what his views ultimately will be. "Parenting time" replaces the idea of "visitation."

"I think eliminating the custodial parent label is probably a good idea," he says, "because we spend an awful lot of time and money arguing about who's going to be the custodial parent when really what we're talking about is how much time the children will spend with each parent."

When courts award joint custody now, Phelps says education, religion, and health care are the only topics considered. Religion generally is a non-starter, he says. Sometimes parents disagree about education if a child lives in Chicago, but it's rarely an issue in the



state representatives, and state senators while there with her. His father sold appliances and auto memberships before working for the U.S. Postal Service and later in the Chicago Park District golf shacks.

"I was a Chicago Park District employee since birth," Phelps jokes. In truth, he started in 1969 as a weekend recreation leader. Then he became a physical instructor working in McKinley Park's gym at 39th Street and Western Avenue. A promotion made Phelps the supervisor at Sherman Park at 55th Street and Loomis Avenue. It was a 2 to 10 p.m. routine.

died, continuing to study without the pressure of having to secure a new job after graduation. Soon after passing the bar, he happened to try a domestic violence case while still employed by the park district. Samuel Rinella, the firm's founder, saw Phelps in court and asked him to visit the office. Rinella interviewed him and hired him.

Rinella died only a few weeks later. Bernard B. Rinella, Samuel's son, ribs Phelps in a good-natured way even today about a possible causal connection.

An Evolving Family Law Practice

suburbs. And medical decisions, although made by parents, rarely happen without a doctor's input.

"We keep discussing the wrong things in Domestic Relations," he says. Inquiring about what's right for the children based on the parents' work schedules, who is home, and other factors is far more productive, he believes.

One client who has known Phelps for 25 years appreciates his history of securing full custody. Richard Addate has twice been awarded full custody. Phelps represented him both times.

"He's a vault of information," says Addate. "Once information goes in, it's there."

Addate, who works in software sales, has referred half a dozen people to Phelps because of the depth of his knowledge.

Addate recalls two occasions when Phelps was with him while an unrelated case was before the court. The judges paused, asked Phelps to approach the bench, and asked him to recite the case law on a topic. He rattled it off verbatim with citations.

"That's how trusted he is with the judges, because they know he knows family law," Addate says. Countless lawyers routinely stop Phelps to ask questions in the courthouse, he says.

Procedurally on Target

Another client, Gail Rediehs, appreciates the way Phelps acts pleasantly, always trying to inject humor when possible into divorce and post-decree matters. But just as important to the industrial real estate investor is her complete confidence in his courtroom performance and when he offers practical procedural advice.

Rediehs met Phelps several years ago when she telephoned the firm and the call happened to get forwarded to him. Her divorce had some complications: the parties lived in different states and both had their own businesses, though no prenuptial agreement.

"He solicited all the information he needed, he was not redundant, and procedurally he was right on target," she says.

Rediehs always hears glowing reports from the people she refers to Phelps. He happily answers her questions, whether the concerns involve her situation or a friend's.

In the course of her business dealings, Rediehs sometimes deals with attorneys who oversell their abilities. At times they claim an issue is not a problem, yet it becomes a huge problem or one that costs plenty to resolve. When she suggests a course of action to Phelps, he always is forthright, letting her know that certain approaches involve

significantly more expense.

"Joe was very good at laying out options, possibilities, and what I could and could not anticipate," she says. "He is excellent at explaining to a novice how everything works."

Those abilities might spring from Phelps' love of civil procedure and its cousin, constitutional law. In law school, where he won the national civil procedure competition, Phelps was a civ pro addict.

"I liked what everyone else hated," he says. "Even to this day, most lawyers have an aversion to civil procedure, but to me it is the essence of the practice of law."

Civil procedure affects every aspect of the practice, every case, every single step, he says. Attorneys who know the Code of Civil Procedure and the Supreme Court rules usually destroy attorneys with inferior knowledge.

At its core, Phelps says, civil procedure is about notice and the right to be heard. The questions expand to cover each kind of notice required, each kind of hearing required, and how you proceed to give notice and hearing.

On the rare occasions when Phelps found himself operating with unfamiliar laws and procedures, he opened his heart to people and families in need. Such was the case when Marius Kadar decided to defect as the coach of the Romanian girls' junior national gymnastics team.

At the time, Phelps was a commissioner for the Chicago Park District, a job he held for more than six years until its demands grew too much for his law practice. He had sponsored a visit by the Romanian girls' team in the late 1980s after their famous coach, Béla Károlyi, immigrated to the United States.

The Romanian gymnasts were staying in students' homes, as students would during an exchange program. A group of parents approached Phelps to tell him Kadar wanted to defect. He had written "I want defect" twice on a piece of paper.

Because no one but the team spoke Romanian, Phelps approached Kadar and tried to converse using the Italian he learned during his year of study in Rome. Kadar kept repeating the word "defect," so Phelps helped to arrange a friendly kidnapping when the team moved on to a Rockford event.

They pulled up in a car, Kadar jumped in, and they sped away. The Romanians were ticked, Phelps says. Kadar lived in Phelps' house for nearly two years as they went through the arduous legal process of trying to gain asylum. Kadar phoned home each day and grew lonely. His wife, Carmen, was fired from her job in Romania and his father and brother in Romania were in a bad automobile

accident.

Kadar returned to Romania and could not work, either. Phelps visited Romania twice, fulfilling his promise to retrieve the family someday. On one trip, he brought cigarettes, nylons, and cash with him. After missing a connecting flight out of Bucharest, he hired a cab to bring him across the country to the family's town in Transylvania.

He didn't realize it at the time, but those Western gifts he left with government officials when he visited various offices with Kadar secured the required stamps on the exit visas.

After gaining final approval from the American consulate, Phelps returned to the United States. Marius Kadar interviewed for a job by telephone with the Chicago Park District. The family arrived in Chicago on Dec. 2, 1994, and Marius was on the payroll four days later. For two years the Kadars lived with Phelps, who became their adopted American uncle.

Carmen Kadar calls Phelps "one of the best things that happened in our lives." While bringing the family home from O'Hare, he taught them a few essential English words in the event of an emergency: the parts of the human body, his address, his telephone number.

Phelps encouraged Carmen to learn English. She took a part-time park district job and, after studying at Daley College, learned English well enough in six months to take a full-time job and to get promoted six months later to her current role as a gymnastics supervisor.

"Joe is happy, spirited, but firm and real," she says. "He once told me not to get upset about things I can't do anything about, to look for solutions, and to fix it or avoid it next time. I live by that."

Teaches Latin for Free

Phelps studied Latin for four years in high school and for his three years of college. By the time he graduated, he was the only advanced Latin student.

Few lawyers teach Latin, let alone free of charge. Currently, he has beginning, intermediate, and advanced Latin classes on Sunday mornings at 9, 10, and 11 a.m. at St. John Cantius Parish near Chicago and Milwaukee avenues. The parish has Mass in both English and Latin. No other parish in the country offers courses in Latin, Greek, and Hebrew, Phelps says.

Father Bart Juncer, SJC, has known Phelps for 20 years. The two worked together on committees at the church well before Juncer became a deacon and later a member of the Canons Regular of St. John Cantius.

Besides Phelps' pro bono legal work and other efforts for the community, Juncer has seen Phelps teach Latin to novices and parishioners. Phelps also holds seminars to help priests better appreciate the Latin used during Mass.

"He's a go-getter," Juncer says. "No detail is left unturned, and when he does something, he does it with great class."

"Joe is an easygoing guy who has a humorous side to his personality," he says, "but he's also a compassionate man." He socializes and gets along with almost anyone. He is not judgmental or one to hold grudges. He is friendly and cares about people, Juncer adds.

In recent years, Phelps has focused his writing and editing less on family law and more on theology and on a series of books used for marriage preparation. Phelps is a very particular and detail-oriented editor.

The same is true when it comes to the use of Latin and the law. An appellate court judge learned a lesson from Phelps one day after the judge incorrectly described the term "motion in limine." The judge claimed the term came from a Latin word that means to "bar" a thing.

Phelps wrote the judge to gently correct him. A "liminus" is a threshold, specifically a threshold of a door, he wrote. So a "motion in limine" could be any motion made at the threshold of a trial, even though customarily lawyers use the motions as the judge indicated, to bar a person or a piece of evidence from trial. The judge wrote back a nice letter that promised to avoid misusing the term.

Despite Phelps' wisdom, his myriad talents, and his compassion, he shares two sad stories that constantly remind him of his limits. Phelps once represented a psychiatric patient in a hearing to determine whether the person was a danger to himself or others. The patient won, was released, went home, and killed himself.

Another client killed himself after Phelps explained how difficult it would be, given the circumstances, to gain custody of his children. Both people seemed so reasonable to Phelps at the time.

"Those events shattered my belief that I know what's really happening in a client's mind," he says.

"I do the best I can," Phelps confesses. ■