

THE FORDES

A Legacy of Litigators

by **Dustin J. Seibert**

Conventional knowledge dictates that an independently thinking boy who grew up watching both parents go down a certain career path that he found less than exciting would likely shun it himself.

Michael Forde almost did just that. The 38-year-old grew up watching father Kevin and mother Jane hard at work as attorneys operating their own small firm and decided he wanted no part of it.

“When I was growing up, from what I saw, practicing law didn’t seem to be much fun,” he says. “It was just very familiar to me in a way that made it not very interesting. I was really determined not to practice law for a living.”

Yet, Michael went from avoiding following in his father’s footsteps to practicing the same brand of law—both men focus on commercial litigation—just a few city blocks away from the building where his father has practiced for many years. Now,

the firm after finding out he was interested in practicing.

“I would call him a Renaissance lawyer in the ‘old school’ sense in that he has a broad range of interests,” he says. “Plus, he knows Illinois judges in an encyclopedic way...some he knows through his father; some are his contemporaries.”

Kevin Forde, 71, has a considerably smaller operation than his son, having foregone the path of joining a large firm to set up his own shop. He’s the founder of **Kevin M. Forde, Ltd.**, which he’s operated since 1970.

With a staff of five for many years, Kevin’s firm is decidedly more low-key than the Mayer Brown machine (“Smaller in every way,” Kevin says, tongue-in-cheek). He’s operated in the same Washington Street building in the Chicago Loop for about four decades—before Michael was even born.

Though the Forde men practice law in

with Michael as co-counsel on a case defending iPCS, Inc., an “affiliate” of Sprint that sued the company for violating its non-compete agreement after merging with rival phone company Nextel. iPCS won the trial and an injunction requiring Sprint to unwind the merger in large parts of the Midwest. DiVito’s firm assisted in representing iPCS in the Illinois Appellate Court, which affirmed the award.

“Kevin is one of the all-time great attorneys...not just in Chicago, but across the country,” DiVito says. “And Michael is a chip off the old block...a nice and fair, yet formidable opponent.”

Forde History

Kevin obtained a bachelor’s degree in accounting from Marquette University and his law degree from Loyola University in 1963. He started his law career as counsel to then-Cook County President and future Illinois

me get started,” he says. “They were very successful attorneys, and I immediately started working on big cases and got good compensation. I opened an office and just worked 12 hours a day and got well-paid. It was an amazing opportunity.”

The Forde firm still follows Kevin’s original business model but on a larger scale. Virtually all of its work is referred by other lawyers, some of whom are at Chicago’s largest firms. Kevin and the other lawyers at his firm often serve as co-counsel with other firms. This model allows the firm to stay small yet remain involved in some of the most important cases in the city’s legal community.

Had he not become so successful, Kevin might have kept a one-man shop. But the five-lawyer operation has suited him just fine throughout the years.

“I didn’t want the complications that come with expanding,” he says. “Some may think it was a mistake, but I always wanted to stay in a small office. We may work harder, but in many respects, it’s less complicated.”

Michael was more business-minded when entering undergrad: He attended Georgetown University in Washington, D.C., where he obtained a bachelor’s degree in economics before entering a joint business-law graduate program.

He says he only attended Georgetown’s law school as part of the program, but his time there made for a change of heart and a change of career path.

“When I got there, I enjoyed it a lot more than I thought it would,” he says. “I really got excited about practicing law. I decided I didn’t want to be an economist, so it was a natural move from there.”

Immediately following law school, he clerked for U.S. District Court Judge Charles P. Kocoras and then-Illinois Supreme Court Justice Mary Ann McMorrow, all the while working through an MBA program at the University of Chicago.

Following Michael’s work with McMorrow, Mayer Brown extended him an offer in 1998, but he deferred to work with current Illinois Comptroller Dan Hynes—who had just been elected—as part of a team to transition him into office. He says the move was well-received by the firm.

“They told me they like to see lawyers do public-minded things, and to work for Dan for as long as I had to and there’d be a spot waiting for me when I was done,” Michael says. “It was a pretty easy decision.”

Hynes and Michael have been friends for over two decades as a result of the friendship between Kevin and Hynes’ father, Thomas Hynes, who formerly served as Cook County assessor and Illinois Senate president.

“We were both very young, and we both came into pretty big jobs at a young age,



law is the Forde family business—with the son following in the footsteps of his highly regarded father and creating a reputation of his own.

Michael works at the flagship Chicago headquarters of **Mayer Brown LLP**, one of the 10 largest firms in the world, with 22 offices in 10 countries. In 2008, Mayer Brown brought in \$1.8 billion in revenue. Michael has spent 11 of the 14 years of his career with the firm.

Senior partner Rick McCombs, one of the Mayer Brown lawyers who hired Michael, has known Michael for most of the younger lawyer’s life—“before he ever knew he wanted to go to law school”—because of McCombs’ work with Kevin. McCombs says he pushed hard to get Michael hired at

very different environments, their legal work—and even the interest of an occasional client—intersects. The names of both men ring out as highly respected and influential in Chicago’s legal community.

Kevin’s roots from his four-plus-decade career run deep. Ask virtually any of the judges or attorneys who have worked with him or are familiar with his work, and they will agree that he should always be mentioned in the short list of Chicago’s finest attorneys.

Gino L. DiVito, a former appellate court justice and partner with Chicago litigation firm Tabet DiVito & Rothstein LLC, attended law school with Kevin and has been a friend of the Forde family for more than 35 years.

He’s worked with both father and son throughout their respective careers, including

Supreme Court Justice Seymour Simon. Next he clerked under U.S. District Court Chief Judge William Campbell and served as a faculty member at the John Marshall Law School before opening his firm in 1970.

When Kevin opened up shop, he worked primarily as an independent contractor with well-respected Chicago attorneys of the 1960s like Joe Sullivan, Bill Harte and John Kennelly, the leading aviation lawyer of the time.

He says that attorneys who start off with small offices tend to dramatize the struggle to grow a firm, but that it’s actually not nearly as difficult as many claim.

“In the beginning, it was quite easy because (Kennelly, Harte and Sullivan) ‘subsidized’ me in the sense they helped

but he had incredible insight and maturity, and a solid grasp of the office and its issues,” Dan Hynes says. “His deferring the job with Mayer Brown demonstrated his commitment to public service.”

Michael says helping Hynes set up shop was something he felt he had to do.

“Dan was a friend of mine who I knew would do great work in the office, and I turned out to be right,” Michael says. “It was a bit of short-term financial sacrifice at the time, but it was absolutely worth it.”

Michael also was a close adviser in Hynes’ recent gubernatorial campaign

Shining Cases

Given that both men practice commercial litigation, they often get good ideas from one another, and every now and then, they wind up together as co-counsel. Both have their favorite cases, but it so happens that Michael’s crowning professional achievement to date is a series of cases he worked on with his father.

In 2004, Kevin was recruited by another former Campbell clerk to co-represent the Chicago Board of Trade (CBOT) and resolve a complicated dispute between its members that was preventing CBOT from demutualizing and becoming a public company. The case was successful, CBOT went public in a \$200 million initial public offering, and the new company soon merged with the Chicago Mercantile Exchange in a \$12 billion deal.

With Michael taking a lead role, Mayer Brown handled the extraordinary merger and accompanying litigation.

Kevin and Michael also took lead roles in a lawsuit between CBOT members and the Chicago Board Options Exchange (CBOE) over whether CBOT members (who created CBOE) were entitled to share in its equity when CBOE demutualized. The case was recently settled, resulting in a payment of cash and equity valued at over \$1 billion to their clients.

“The cases had an overlapping series of very complicated questions, and it was a great assignment for any number of reasons,” says Michael. “It was interesting, there were billions of dollars at stake, we had a very smart client, and it was something that was really important to Chicago—keeping this massive economic engine alive and part of the local economy.”

Ty Fahner, senior partner for Mayer Brown, says Michael handled the cases with finesse in spite of a very busy schedule.

“He was working around the clock on that case and two or three other things at the same time,” Fahner says. “Michael has never turned down helping anyone around here and is always willing to make extra time for work. Law can be very serious and can wear you down, but he’s a great young lawyer.”

Kevin’s most prized legal work is three decades old. In 1980, he served as lead counsel for *United States v. Will*, which was argued in the U.S. Supreme Court. The case

was brought by a group of federal judges to challenge Congress, which unconstitutionally withheld the cost-of-living salary adjustments due the judges. His work resulted in their receiving a substantial salary increase and back pay of more than \$10 million.

Kevin still serves as counsel for the Federal Judges Association.

“Getting to the Supreme Court for any reason is a once-in-a-lifetime shot, but getting there when your clients are federal judges is really a kick,” Kevin says. “Nothing I’ve done since has approached it.”

Passion and Drive

With their quality free time that is rather rare, Kevin and Michael can be found at the occasional White Sox game or on the links playing against each other at Beverly Country Club on Chicago’s South Side or at Butterfield Country Club in Oak Brook. When asked who is better, both admit that they’re at a dead tie.

Kevin, who played sports in high school, says it’s the competitive sportsmanship that has kept him in the courtroom for so many years.

“I think that if you enjoy any level of competition, litigation is a great area of the law to be in,” he says. “Every day is filled with some level of competition, and there’s a lot of intellectual work...it’s more fun to work with your brain than your back.”

For Michael, it was the cerebral part of law that made him gravitate to the arena despite his initial reticence.

“There are very interesting, intellectual questions in law that are particularly challenging and multi-dimensional,” he says. “Trying to explain to a judge or jury these complicated questions...I find it challenging in a very interesting way. Plus I get to work with very smart people—both partners and clients.”

Though one might imagine that Michael would take pains not to exist in the theoretical shadow of his accomplished father, he insists the competition starts and ends on the golf course.

“[Kevin’s success] certainly factors into my approach to things, and not in a bad way,” he says. “It’s inspirational and serves as a source of pride. It’s definitely not a chip-on-the-shoulder thing.”

Family Life

Practicing law can truly be considered a family business for the Forde family, considering that Kevin’s wife of nearly 40 years, Jane, and their daughter Maura, 34, are also practicing attorneys. With the Forde parents living in a house on the Near North Side, Michael in River North, and Maura and her family in Old Town, the tightly knit family lives mere city blocks apart. They convene at least once a week.

On Mother’s Day, Jane prepares for the family to come to their home for dinner. The Forde matriarch has worked as one of the five attorneys of her husband’s firm since its

earliest days.

She taught high school math in the Chicago suburbs before leaving her job when she was pregnant with Michael. But when she looked to return to work, the job market for teachers was a lot shakier. Instead she enrolled in law school at Loyola when Michael and Maura were still small children growing up in their Western Springs home.

“I always liked teaching, but when I had trouble finding the right job,” Jane says, “Kevin suggested I take the LSAT, and the rest is history.”

She says she thinks Michael and Maura followed in the family business—despite the initial hesitance of both to do so—because they were heavily exposed to it as children. Maura recently left a position at K&L Gates for a part-time clerkship with Federal Magistrate Judge Michael Mason so that she can spend more time with her two young children.

Jane says the last thing Maura wanted to do as a youngster was get involved in law.

“Michael was always very interested in government and politics, and she was more of the athletic type,” she says.

The two children spent summers doing clerical work and odds and ends in their parents’ office. By nine years of age, Michael was running errands to the courthouse and making the early connections that undoubtedly assisted him when he started practicing law nearly two decades later.

“If Kevin had been a partner in a big law firm, it probably wouldn’t have turned out this way,” she says. “Becoming lawyers wasn’t something we encouraged by any means, but it was just there with them all the time.”

One would imagine that a family full of lawyers might beget a healthy amount of discord. But Jane insists that when the family meets off-the-clock, shop talk is kept to a minimum, and when work is brought up, conversation remains civil.

“[Kevin and I] work on a lot of the same things, but we’re never confrontational or adversarial,” she says. “And even though the kids have accomplished so much on their own, they still feel as if they can learn a lot from us.”

Outside Affiliations

Kevin has a laundry list of accomplishments and affiliations spanning his 47-year career, including the Federal Judge Association’s President’s Award in 2001, president of the Chicago Bar Association in 1981, several chairs with the American Bar Association and the Amicus Curiae Award in 2002 from the Illinois Judges Association.

Gordon Nash, who served as Chicago Bar Association president a decade after Kevin held that post, has known and worked with Kevin ever since the two met early on in their careers at the federal building. Nash was an assistant U.S. attorney.

“Kevin helped me out a lot,” Nash says.

“His judgment is universally respected, and when I was president of the bar association, I consulted with him about many matters, and he helped me find solutions for many of the issues I had.”

Michael’s work outside of Mayer Brown skews heavily toward civic duty—a characteristic that Rick McCombs says plays heavily in his journey toward being a well-rounded attorney.

“The key to Mike is that he brings not only first-rate litigation skills, but he has civic and political involvement unlike any other attorney in his 30s,” he says. “New attorneys typically have trouble making the time and don’t see the value of having a broad base, but that’s ultimately how you get clients and get recognized in the community.”

Michael serves on the boards of St. Xavier University and Cristo Rey Jesuit High School in Chicago’s Pilsen/Little Village neighborhood. He also is on the development committee at St. Ignatius College Prep. He’s especially passionate in working toward ensuring that lower-income youths get access to quality education.

The key to civic involvement, he says, “is sincere enthusiasm for the cause. I think it’s important to get involved. Sometimes it might be smart from a professional standpoint, but if you’re not sincerely passionate, you’re wasting your time and that of those who really do care.”

What’s Next?

The sagging economy has hit the legal field nationwide, but Kevin says it hasn’t affected his actual workload. “I’m busy as ever, but people can’t pay their bill,” he says.

Michael says he’s noticed effects from the downturn at Mayer Brown as well, especially because a lot of the firm’s commercial litigation involves working in the real estate market.

“I would say there have certainly been fewer cases being filed. Also, the nature of the cases being filed has changed,” he says. “Much of the litigation that you do see results directly from the current economic cycle.”

Keeping with his civic-minded spirit, Michael is currently gearing up for some pro bono work, representing a defendant in a murder case in the Cook County Criminal Court. He’s excited about the prospect of going to court for his first trial at the 26th Street Courthouse.

“One thing that’s unfortunate about our line of work is that trials are getting more and more rare,” he says. “Any litigator will tell you that trials are their favorite part of practicing, and this case should definitely go to trial.”

As for Kevin, retiring is not an option as long as he’s still doing what he loves for a living. And that love isn’t going anywhere anytime soon.

“I enjoy the practice, I enjoy other lawyers...frankly, I don’t know what I’d do with myself if I retired,” he says. ■