

# KERRY PECK

## Chicago's Go-to Probate Lawyer

by Ruth Kaufman



Kerry R. Peck, managing partner of Peck Ritchey, LLC, knew fairly early on that he wanted to be a lawyer. He wanted to emulate his father, a CPA and lawyer who practiced tax law and some probate. Peck's interest in speech and debate also showed him a natural progression to the law.

While practicing all aspects of probate, estate planning, guardianship, special needs planning, and elder law emphasizing litigation of contested wills, trusts, and disabled persons' estates, Peck embraced his father's influence and ran with it.

He has accumulated a plethora of accolades over his multi-decades career. He has been selected by his peers for many years as a Super Lawyer. And in 2014, he received the Chicago Bar Association's highest honor, the Justice John Paul Stevens Award, which recognizes lawyers and judges who have demonstrated outstanding character and commitment to community.

David Sosin, ISBA president elect and partner at Sosin Arnold & Schoenbeck Ltd., first met Peck 25 years ago via a recommendation from another lawyer. Since then, his firm and clients have worked with Peck.

"Kerry is probably one of if not the most respected probate lawyers in Chicago. He's an even-keeled, thoughtful and incisive lawyer who understands the big picture in cases and is very practical in advising clients about their

rights and obligations. He has a wealth of experience—both as a probate lawyer and bar leader—and he runs a very talented law firm."

Peck spent his early childhood on Chicago's North Side. When he was around 7, the family moved to Wilmette. They lived in the second house in what was then a cornfield on a mud-rutted road.

He chose Northern Illinois University for college because that's where his friends went. And, since he would be paying for his college and law school, a state school seemed prudent.

To cover these costs while earning a degree in history education, Peck held an "unbelievable" number of jobs, including working at a gas station and in a factory making grain dryers. He worked at NIU's student union and during the summer in construction in the West Loop when it was being built. When he worked at a phone company job site at the corner of Madison and Canal streets, he was the only employee attending college.

Even with all of his jobs and coursework, Peck made time to contribute to college student government as vice president of the student body and participating on the university council and athletic board.

"All of that taught me a lot about people and life. And certainly, paying for your education teaches you a lot about life."

One reason he chose Chicago-Kent College of Law was to get involved as soon as possible

in the legal community. He now serves on the alumni board.

During his first summer in law school, Peck clerked for the Cook County Public Defender's Office, appearing in trial courtrooms at 11th and State streets. The cases involved auto theft, domestic violence and shoplifting, among others. "You talk about learning about life," Peck says.

The building's ground level housed the Chicago police headquarters. The courtrooms above were next to the El. Because there was no air conditioning, the windows had to be open. Court came to a halt whenever the train came by.

Upon graduation, his father's office proved a good home base for job hunting and opportunity. "I'd go there at 10 a.m., and he'd say, 'When's your interview? Do this project before you go.' Ten years later I left."

### BECOMING ELDER LAW'S WARRIOR

In 1990, Peck went out on his own to start a trust and estates litigation practice. He took the Florida bar in addition to Illinois because older people move there, and there's no inheritance or income tax.

Peck says, "Protecting older adults who are being financially exploited is an avocation I've spent a lot of time on. I work to enhance access older adults have to the judicial system. Cognitively impaired people really require

vigilance and protection. Regrettably, more often than not, they're financially abused."

He says many financial exploitation cases involve younger women exploiting older men. For example, Peck was contacted by the family of a man whose wife had died after a long illness. Mere weeks after her death, the retired professional in his 80s met a woman in her 60s at church and began dating her.

"Within the first week, it was love at first sight of his wallet. She took him to his accountant and stockbroker. A lot of these scenarios are dominated by sex or companionship for signatures. I think people need to know about this obviously sensitive subject that goes on every day, often behind closed doors."

Related areas Peck often deals with are will and trust contest litigation and determinations as to whether individuals can make their own decisions, are being unduly influenced, or lack capacity and require third party assistance such as guardianship.

"I think you'll find if you talk to good trial lawyers, when they wander into the area of probate litigation or estate administration, which are not areas where you tend to go alone, most of us call Kerry and get his advice (which he gives very freely), bring him in, or send him the case. I've done all three," says Kevin Forde of Forde Law Offices.

"The reason I first referred a matter to Kerry when considering who to call for help on a case in his field was that—when I checked with other trial lawyers to see who they used or would recommend—almost universally they said, 'Call Kerry Peck.' That's the best measure of any lawyer: What do other lawyers say? And more importantly, what do they do with their own cases?"

"Kerry is one of the top probate litigation lawyers in the city," Forde adds.

A past president of the CBA, Forde first met Peck when both were involved in all aspects of the association. "Kerry was coming up the ladder, and I got to observe his energy and commitment to the association and the bar generally. I was very impressed."

Peck is quite the prolific author, having "a lot of stories and experience and information to pass along." Multiple entities have enlisted Peck to write for them.

The Consumer Financial Protection Bureau asked for his help on four guides, including one providing help for trustees under a revocable living trust.

The American Bar Association contacted Peck, saying if he wrote books on Alzheimer's disease, they would publish them. He co-authored one for professionals that was published in 2014, *Alzheimer's and the Law: Counseling Clients with Dementia and Their Families*, with a forward by Scott Turow and contributions by Peck's son Brandon.

More recently he wrote one for consumers that was released in August 2018, titled *Don't Let Dementia Steal Everything: Avoid Mistakes, Save Money, and Take Control*. Peck calls his new book the most meaningful of all his writings. "We now have a legal publication out there for families that have a loved one stricken with Alzheimer's."

During Mayor Richard M. Daley's era, the Chicago Department on Aging engaged Peck as a special assistant corporate counsel to draft amendments, which were major changes to the Illinois Elder Abuse and Neglect Act. Peck was sent to hearings in Springfield and succeeded in getting the amendments passed.

"I have the pleasure of knowing that I've contributed to making sure that older adults are better off. Change doesn't come easy."

His numerous articles include one for the Alzheimer's Association about what to do after being diagnosed with the disease. "You can't just focus on the medical side," Peck explains. "Just as fast, you need to focus on the legal side."

### SERVING FAMILY AND COMMUNITY

Family means everything to Peck. He married his college sweetheart, Hilary Weiss. She recently retired after 33 years as a special education teacher. Now she's enjoying spending more time with their five grandchildren, ranging in age from 1 to 7. Their son Brandon is a partner at Peck's firm and the current chair of the CBA's Young Lawyers Section. Their daughter Haley recently resigned to be a full-time mom after 11 years as a state's attorney.

Community service plays a huge role in Peck's life. He has served on the board of the National Academy of Elder Law Attorneys and was president of the Illinois chapter. Currently, he's on the board of Keshet, an organization for special needs children and adults. He also serves on the Union League Boys & Girls Club board of trustees.

"It's an extraordinary organization giving at-risk kids places to study, eat and be safe. It also provides scholarships to a lot of underprivileged kids."

And Peck served on the Illinois board of the Alzheimer's Association for six years.

"Kerry is very big on giving back and contributing not only time but money," says Tom Dillon of Konicek & Dillon, P.C. "In our business, time is money. When he takes a client matter, he treats it with as much importance as he would want his own matter handled. With Kerry, they're getting someone on their side who will stay on their side."

Konicek met Peck 10 years ago through a mutual acquaintance, Diana Law, also an accomplished attorney and the daughter of Peck's co-author Rick Law.

"Kerry is one of my favorite people to talk to and work with. He has assisted a lot of

our nursing home clients, handling probate work and Cook County litigation, and we've worked as co-counsel as well. If I need to know the right answer, I call Kerry, and if I need to know somebody, I call Kerry. There are few people I'd put in the category with Kerry Peck. I have the utmost respect for him."

### MANY PROFESSIONAL HIGHLIGHTS

Peck considers his term as president of the CBA from 1999 to 2000 the pinnacle of his career in the legal community. "Leading the CBA was an honor and a privilege. Not that many lawyers are president of the then 22,000-member association. It was like running a company."

While president, he arranged the first ecumenical lunch in the CBA's history, asking lawyers to invite their clergy. The huge event at the Hilton, featuring a double-tiered dais, with guests including then Cardinal Francis George and Jesse Jackson as speakers, was quite a success. Then he named an Orthodox Jew and a very observant Catholic to co-chair what's currently known as the Interfaith Committee.

Another high point of his career was arguing before the Illinois Supreme Court.

A significant honor, he says, is being entrusted by the Circuit Court of Cook County to handle a multitude of fiduciary roles, such as trustee, estate administrator, or guardian ad litem in difficult, complex and sensitive cases. He's also honored when fellow lawyers, judges and public officials seek his representation in delicate and sensitive family disputes.

Peck has made numerous TV appearances as an expert on will contests, estate planning and Alzheimer's-related topics, including on newscasts and as a guest on WTTW's *Chicago Tonight*.

He was also on WYCC-PBS Chicago's show produced by the CBA, *Justice & Law Weekly*, to discuss his first book. "It's always a wonderful experience to have an opportunity to educate the public on these very important issues that are often given short shrift."

As if all of that doesn't keep him busy enough, Peck gives presentations around the country to lawyers and healthcare professionals. Earlier this year, he went to Washington, D.C., because he'd been asked to participate in a John A. Hartford Foundation seminar.

The seminar featured prominent lawyers and doctors under the auspices of the American Bar Association discussing why doctors and lawyers are talking at each other and not with each other when writing and dealing with powers of attorney for healthcare that relate to end-of-life decisions. Peck says many powers of attorney are ignored.

"It's a privilege to be on the cutting edge of the practice of law and its interrelationship with medicine affecting older adults," Peck says. ■