



Melissa Cooney

Delivering the Law from the Bottom of Her Heart

by Chris Bailey

CRYSTAL LAKE — Some young people recognize their calling early on, following a prescribed road with laser-like focus until they reach their goal. Others take a more meandering route, tasting a variety of possibilities until they find where they belong.

Count Melissa J. Cooney of **Zukowski, Rogers, Flood & McArdle** of Crystal Lake among the latter. After 23 years at the firm she joined in 1991, one could also say that once she found her home, she stuck.

Maybe Cooney had simply seen too much of the law early on to be drawn to it. Her father was an attorney and later a judge, while her mother worked for 40 years in the McHenry County Circuit Clerk's Office. Cooney recalls her frequently lugging home court and tax records to type at night.

"She always loved the law," says Cooney of her mother, now in her 90s. "She probably should have been the one to go to law school."

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When the younger Cooney left her Woodstock home after graduating from Marian Central High School, though, she was mostly intent on paving her own way and exploring the world around her.

"I couldn't wait to get out of places," she says, thinking back. Cooney was working 8 a.m. to 5 p.m., mostly as a secretary, at Kent State University in Ohio when she began taking undergraduate classes.

"I took classes outside my working day, mostly classes of interest to me," she says. They included Spanish and independent study.

She also found herself eventually meeting the requirements of an interdisciplinary degree program of that day, one that required that a student not take more than 24 hours in any one discipline.

"I finally did enough that they had to give me a degree," she says, laughing. She graduated with a bachelor of general studies degree from Kent State in 1985. She graduated with a master's degree and a consuming dislike of statistics classes two years later. So she was highly educated but still without a career, a condition that tends to drive parents to distraction. Her father suggested she go to law school.

"I told him I'd be nearing 40 by the time I finished law school, that I thought I'd waited too long," she says. "I said I'd be the token old lady."

And he replied with the sort of unassailable fatherly answer that tends to drive children to distraction.

"If you don't go to law school, you'll still be nearing 40 in three years," she says he told her. It was an answer impossible to refute and one she took to heart. She was accepted at Ohio State, Notre Dame and Illinois. Her father died before she attended her first law school class.

She chose Illinois partly because she would be closer to her mother and partly because she had come to another realization during her wandering years.

"I wanted to come back," she says now, still a little incredulous about that realization even years later. "I sure didn't pick Illinois because it had a good football team."

Once she began classes, she also realized she wasn't the only older student. "Not by a long shot," she says.

Graduating in 1991, she took a job with the firm where she remains to this day, doing random tasks early on and living in Woodstock, the community where she was raised. "I did whatever they needed," she says.

Eventually, she focused on family law, and more recently has begun to focus on probate law and estate planning for her law firm.

She also serves as legal counsel to the Land Conservancy of McHenry County and as a board member and vice chair of the Family Health Partnership Clinic, which provides health care to the underinsured and uninsured.

In all cases, it is evident her clients get a big part of her heart, along with her legal advice.

Convinced 'She's My Man'

Steve Yunker was referred by a friend, and he readily admits he was "distracted" during their first conversation.

"I was served divorce papers last night, and I need to talk to you," he says, recalling his first words to Cooney almost as clearly as he recalls her reply.

"I'm sorry to hear that," Yunker remembers Cooney saying, an understanding comment that sold Yunker immediately.

"I remember thinking, 'She's my man,'" says Yunker.

That relationship between Yunker and Cooney is still going strong after seven years, through a 15-month divorce battle, and subsequent custody and support issues.

"She defended me, protected me and my sons," he says. "She took care of my family when we were at our most vulnerable. She was really in my corner."

As is the case in many divorces, emotions ran high.

"Emotionally, I wasn't ready to say 'no,'" says Yunker. "You want to try to give them a break because you trusted them with your whole life. But when it comes down to it, most of it is financial, and they asked for too much."

Cooney convinced him what case law and her experience showed was reasonable in terms of money, custody and visitation, and he went with her advice even when it conflicted with what his heart was telling him.

"She knew what the rules were and she stopped the BS when it came our way," he says. "And it amazed me that 15 months later, her early estimate of the financial division was within a few dollars of what the final outcome was."

Is he a fan? Absolutely. "Never have I been more satisfied with a service ever in my life," Yunker says unequivocally.

Such devotion wouldn't surprise Steven Cuda of Hamer, Schuh & Cuda in Woodstock, an attorney who has known Cooney for decades.

"We're contemporaries, and we've known each other for 20 years," says Cuda. "In a county this small, everyone knows everyone else."

And everyone tends to know how others operate, too.

"Some attorneys relish the adversarial nature of the law," says Cuda. "But Melissa

is resolution focused."

He and Cooney once represented different family members in a probate dispute. Cuda says they had no trouble working toward a resolution to get the estate finalized and a parent's care resolved without litigation.

"I look at the attorneys coming up behind us, and many won't even engage in discussion to resolve the matter," says Cuda. "To them, everything must be litigated."

Cuda and Cooney came of age when compromise was seen as an honorable resolution to differences of opinion. Today, though, compromise seems to be a dirty word.

"Everything is a reflection of the society in which we are raised," says Cuda.

Anna Bush of Bush & Heise in Barrington has known Cooney for more than 20 years as an opponent and co-counsel. Though Bush is a contemporary of both Cooney and Cuda, she attributes the willingness to negotiate at least as much to experience as to generational differences.

"The older you are, the more you understand you don't want to leave it up to the court if you can settle it among yourselves," says Bush. "Liking and respecting your opponent makes it all about the clients, not the lawyers. Otherwise you can end up with a bad outcome and a big bill."

Cooney is "easy to work with on a collegial basis and is a worthy opponent when she needs to be," says Bush. "With Melissa there's no facade, no pretense. In this business, your word is your bond, and I know her word is good."

Cuda also says Cooney has a generosity of spirit that was evident when he, the assigned guardian of a disabled father, asked her to represent the father's two boys, troubled adults he called "sort of lost souls."

"They're broke now, but they need to be represented; they need help," Cuda says he told Cooney of the brothers, who had been in and out of jail and trouble.

"Many attorneys wouldn't touch them, but she did," says Cuda. "For four years, she has made sure assets they were entitled to were available. One is doing well, and I attribute some of that to having an attorney like Melissa who treated him with respect. I think he responded to that."

Judges, too, respond to Cooney, says Cuda.

"Judges really respect her," says Cuda. "They listen to her because she always chooses the right time and place to make her statements."

Searching in the Mud

Cooney also tends to go above and beyond the duties for which she's being

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paid, even if it involves trudging across a muddy field in search of answers.

That's where she found herself at the behest of the Land Conservancy of McHenry County, which had received a complaint that some land for which it was responsible seemed to be causing flooding on the land of an adjacent property owner.

"Some situations are just strange," says Lisa Haderlein, executive director of the Land Conservancy. "She hiked across the property with another attorney to find the problem was caused by a beaver dam."

Because her agreement with the conservancy pays her only per easement or acquisition closed, much of her work, including the beaver dam search, is done pro bono, or out of the goodness of her heart, according to Haderlein.

Cooney's main responsibility is to facilitate the donation of private land to preserve it from development into perpetuity via easements or outright sale to the conservancy. An easement allows landowners to continue to own, live on and manage the property, while ensuring it can't be developed by future owners.

"There's heavy demand on her time at the end of the year," says Haderlein. "That's when people get serious about creating income tax deductions by donating land in an easement."

A certain percentage of easements never close," says Haderlein. "She's not paid for those, either. So she should get kudos for being a really good sport."

Good sport or not, she's had to learn the hard way that caring about her clients too much can exact a high price.

"I tend to hold their hands," she says. "I took it home with me, and it took a toll. I learned I don't have to live their lives with them, that there is life after work."

That can be a hard lesson to recall when you are a guardian ad litem for a 4-year-old girl whose mother had accused the father of abuse, despite an overwhelming lack of evidence and his adamant denial.

"It went on for years," says Cooney. "Those two still go on."

After hearing all the arguments, she eventually told the court she thought there had been no abuse, as did the doctor and custody evaluator. The husband eventually got sole custody.

"She's now in her early teens and, as far as I know, all is right with her world," says Cooney of the girl she represented, relief evident in her voice. "I sleep at night, but who really knows?"

Battling over Hummels

Though her move to do more probate law and estate planning might be expected to engender a little less emotion, she says conflicts have started increasing in this area as well, at least in part due to the depressed economy, she believes.

She has seen major conflict over who was to receive a collection of Hummel figurines, who deserves more money because they took care of a parent, who had more money given to them by the parents over the years and, of course, the biggie, who should have the power to decide.

"I usually don't know the family at the start," says Cooney. "I don't know the family dynamics."

She learns that quickly enough when everybody in the family brings a lawyer to the proceedings, she says, laughing. Much of the trouble comes from the lack of a will, unwillingness to talk about end-of-life issues, or a desire to avoid confrontation through indecisiveness on the part of family patriarchs and matriarchs, she says.

"Often, they don't want to talk about these things once, let alone multiple times," says Cooney. "They don't want to deal with the end, and they don't want to make a decision that might upset someone."

And they don't often consider the future. She once asked a man enamored of a daughter-in-law, who was listed in his will, what should happen if she and his son divorced. He had no answer. That's the sort of future circumstance she tries to eliminate for her clients, though she says it is sometimes a lot like pulling teeth.

"Many times, they never really look at the will once it's done," she says. "And then they are surprised later."

Luckily, family reason tends to prevail because of fiscal realities.

"Most of the time it gets worked out because they figure out that fighting costs the estate, and, eventually, that costs them," says Cooney.

And true to her history of looking out for the little guy, Cooney has applied her experience with probate and estate planning to her own life and family, which includes a brother in Woodstock, a sister in Springfield and their families. Whenever a niece or nephew turned 18, they got a surprise in the mail from her.

"They each got a will," she says. "All they had to do was fill in the blanks. It was my donation to their futures." ■