

Family Lawyer's General Reading List — for Illinois Lawyers

By: Gunnar J. Gitlin

The Gitlin Law Firm, P.C., Woodstock, Illinois

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"Get the books, and read and study them till, you understand them in their principal features; and that is the main thing. It is of no consequence to be in a large town while you are reading... The books, and your capacity for understanding them, are just the same in all places."

~

"The best mode of obtaining a thorough knowledge of the law" is received. The mode is very simple, though laborious, and tedious. It is only to get the books, and read, and study them carefully. Work, work, work, is the main thing."

[Selections from Letters from Abraham Lincoln](#)

1. **Reading List:** Before Lincoln became President he practiced law for 25 years. Lincoln's advice to a law student especially applies to an Illinois divorce lawyer. I give you a primer of treatises that a top notch family associate should read.
 - a. **[Gitlin on Divorce — A Guide to Illinois Matrimonial Law](#):** Yes. I am biased. This was drafted by my father with input by me on certain sections — including retirement benefits, attorney's fees, etc.
 - b. **Reports:** The *Gitlin on Divorce Reports* are very helpful to read. From reading the reports, an Illinois family lawyer will receive significantly more background regarding the case law than by simply reading the book. I would be inclined to not just read the last year's worth of reports but the last several years worth of reports. (I believe that going back and reading the holdings of all of the reports is an excellent task and can be done through printing out the key cases from the research system and going from holding to holding).

While I was studying for the AAML (American Academy of Matrimonial Lawyers) certification exam I reread and studied all of our *Gitlin on Divorce Reports*. I found this helpful. And before my first job at Schiller, DuCanto & Fleck, I read all of the *Gitlin on Divorce Reports* that had been published to that date (1987). Reading these reports gave me a comfort level with Illinois family law. These can be read and reviewed online on the Gitlin on Divorce Research System. It now has summaries and links to cases covering two decades.

- c. **Initial Statutory Law:**
 - i. Read the [Illinois Marriage and Dissolution of Marriage Act](#) a number of times.
 - ii. Other Acts to Read:
 - (1) [Illinois Parentage Act of 1984](#);
 - (2) [IDVA \(Domestic Violence Act\)](#);
 - (3) [IWSA \(Support Withholding Act\)](#);
 - (4) Relevant provisions of [Code of Civil Procedure](#) (click here to download to your PDA).

See also: Illinois Compiled Statutes:
735 ILCS
5/

- (5) Supreme Court Rules —
Especially Article II -- Range of “Rule
101
through
298”
Civil Appeal Rules.

e. **Later Statutory Law:**

- i. UIFSA; See also my article regarding UIFSA and the UIFSA amendments.
- ii. UCCJEA; See also my article on the UCCJEA.
- iii. UPAA (Illinois' version of the Illinois Premarital Agreement Act (it is an easy read));

I read the statutes over regularly and each time I read the family law statutes I pick up different things about Illinois family law. This is recommended reading prior to your employment. You should have a binder which contains the family law statutes, the local rules, the important Supreme Court rules and provisions of the Illinois Code of Civil Procedure. You should immediately develop your own notebook.

Reading the book, the recent *Gitlin on Divorce Reports*, the forms, the IFLR Family Law Statutes, the pertinent Supreme Court Rules and the pertinent Illinois Code of Civil Procedure are the basic works to bring you up to speed with Illinois family law issues.

f. **Taxation:**

Frumkes on Divorce Taxation: 8th Edition. James Publishing. Updated each year. \$99.00. This handbook is excellent. It is written in an easy to read style but is quite detailed and addresses the more difficult divorce tax issues. For more information and to order *Frumkes on Divorce Taxation*, see <http://www.jamespublishing.com/books/dtax.htm>

I agree with the reviews on this web page.

g. **ODROs:**

- i. *Qualified Domestic Relations Order Handbook, Third Edition* by Gary Schulman, published by Aspen Publishers, supplement published each year. See: <http://www.qdros.com/purchase.asp>. This book goes into sufficient detail to obtain a very good handle on all of the issues when negotiating and drafting qualified domestic relations orders. They also publish the QDRO Report by Shulman which is worthwhile. 1 800 234 1660. Your firm should have the Shulman book. For a further description see

<http://www.divorcesource.com/research/edj/qdro/00mar25.shtml>.

For ordering online see, [Aspen Publishers](#)

- ii. ***QDROs the Division of Benefits Through Qualified Domestic Relations Orders***, U.S. Department of Labor / EBSA, see [For the PDF of this document click here](#). See: <http://www.dol.gov/ebsa/Publications/qdros.html>

This is required reading as to QDROs and written in plain English. It is free.

- iii. Information available on the web includes information on obtaining copies of certain forms directly from the Department of Labor. See http://www.dol.gov/ebsa/publications/how_to_obtain_docs.html [For information on how to obtain copies click here](#).

- h. **Negotiations 101**: [Getting to Yes: Negotiating Agreement Without Giving In](#), Fisher, Ury and Patton, Penguin. This book sets forth the principled approach to negotiations - of which Gitlin Law Firm is a proponent. I consider the book "[Beyond Reason: Using Your Emotions as You Negotiate](#)" to be an essential supplement to *Getting to Yes*. *Beyond Reason* is co-authored by one of the co-authors of *Getting to Yes* -- Roger Fisher.

A good book to also read is [The Seven Habits of Highly Effective People](#) and especially the chapter on negotiation as a counter-point to *Getting to Yes*. Buy *Getting to Yes* in soft-cover. It is an inexpensive book.

- i. **Business Valuation Books**

- i. IICLE Chapter on Business Valuation in Divorce Cases. This was co-authored by me and written primarily by me. It is no longer part of the IICLE handbooks but is kept up to date.
- ii. [Valuing a Business: The Analysis and Appraisal of Closely Held Companies](#), 5th Edition, January 2008, Pratt, Reilly, Schweihs, Irwin Publishing Co. This book was first published in 1981 and I have read every version since the 2nd edition.
- iii. Alternatively, [Valuation of Small Businesses](#), 2000.

See e.g.,
<http://www.bvresources.com/bvstore/ShannonBookList.asp>
for a list of books written by Shannon Pratt or in which he was one of the authors. Also see their [recommended business valuation book list](#).

- j. **Reading Tax Returns**:

- i. [The Business Tax Return Handbook, 3rd Edition](#). Family Law Section, American Bar Association and [1040 Handbook: A Guide to Income and Asset Discovery](#), 5th Edition.
 - iii. **Financial Statements: Read a good book on howto understand financial statements of a business. There are several.**
- k. **The MMPI and Custody 101:**
- i. [Psychological Experts in Divorce Fourth Edition](#). Aspen Law & Business. Marc J. Ackerman and Andrew W. Kane. Last Updated: March 28, 2010.
 - ii. **MMPI-2 Books:** Read either.
 - (1) *The MMPI, MMPI-2, and MMPI-A In Court: A Practical Guide for Expert Witnesses and Attorneys* (3rd Edition). By Kenneth S. Pope, James N. Butcher and Joyce Seelen. American Psychological Association, Washington, D.C., May 2006.
For for information see: <http://www.kspope.com/assess/mmpi.php>
[Order through Amazon.](#)
 - (2) The “Bible” and the book that I have used the most is: [MMPI-II, Assessing Personality and Psychopathology](#), 5th Edition, John R. Graham. Oxford Univ. Press. Phone 800/451-7556, I have read each edition since the first edition.
 - iii. An inexpensive book that I recommend uses a somewhat reverse approach. Usually, partners will recommend your reading *DSM-IV-TR*. It is dry. When I know a client or the opposing party is taking psychiatric drugs, I first look up the drugs and then determine what was the likely diagnosis. A good book for doing so is [PDR Drug Guide For Mental Health Professionals](#). A recent book addressing psychological instruments is: **Forensic Uses of Clinical Assessment Instruments** Robert P. Archer (368 pages, hardcover; ©2006, Lawrence Erlbaum Associates.)
- l. **Trial Practice 101:**
- i. **Cross-Examination:**
 - (1) Read, [Cross-Examination: Science and Techniques](#), Second Edition. Pozner & Dodd. 2004. Lexis Law Publishing.
 - (2) The first book I read was Wellman's [The Art of Cross Examination](#). Although the book was written around the turn of the century, it is wonderful. The book is as true today as it was 95 years ago. It is a fun read. Only \$8.00
 - (3) [Irving Younger's "The Ten Commandments of Cross-Examination" Audio-tape series](#). While this tape series was made in 1975 it is a classic.

It is a cursory treatment, however, when compared to *Cross-Examination: Science and Techniques*.

ii. **Evidence:**

- (1) "Illinois Evidence with Objections in Family Law Cases." The genesis of this is a small handbook by NITA called, "[Illinois Evidence with Objections](#)" Revised 4th Edition (2008) by James P. Carey, Anthony Bocchino and David Sonenshein.
- (2) The version based upon the [*Federal Rules of Evidence: A Practical Guide to Federal Evidence: Objections, Responses, Rules and Practice Commentary*](#), Seventh Edition, 2005.
 - (a) States with their specific version of this small handbook are: Colorado, Illinois, Indiana, Iowa, Florida, Michigan, Minnesota, New York, North Carolina, Rhode Island, Texas, Wisconsin.
<http://www.nita.org/bookorder.asp>
- (3) A tip another lawyer gave me which has helped my trial skills was to purchase the computerized trial simulation CD. Their web site is: <http://www.objection.com/>
The programs are available at my office and I will work to updating these to work with our version of Windows. The series of programs is: Objection (a murder trial), Civil Objection (auto negligence), Civil Objection (slip and fall), and Expert Witness. I disagree with several of the rulings made on the CD. While the simulations are not based upon a family law case, I still find this series to be helpful in teaching how to make prompt and accurate objections. We have this text.

- m. **Legal Writing:** While mentioned last, the most important skill of any lawyer is writing well. The newest book I recommend is [*Garner on Language and Writing*](#), American Bar Association, 2009. Skip the chapters on Writing in Law School and Judicial Writing. While 706 pages, this book is a remarkably quick read.

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The Gitlin Law Firm
Practice Limited to Family Law
663 East Calhoun Street
Woodstock, IL 60098
815/338-9401
www.gitlinlawfirm.com
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