

## David M. Giangrossi

SHAREHOLDER

Composed before judges and well known to many of them, David Giangrossi is a courtroom attorney possessing extensive background—more than 20 years—in diverse areas of litigation. He loves to joust with opposing counsel and witnesses, action that invariably produces the intended results. His phenomenal ability to retain even the most obscure fact ensures a poignant response to seemingly innocuous statements. David is especially effective at a bench trial, where he is ever respectful—mindful of why he is in court, what he must do to protect the client's interests and whom he must persuade.

David began his law career at a predecessor of Schuyler, Roche & Crisham, where he worked for ten years, drawn by its reputation for creativity—what today we call out-of-the-box thinking, what David says was, and remains, shrewd lawyering. Initially he found his practice divided evenly between transactional work and family law litigation. Over time it shifted toward litigation entirely. David's early experience as a transactional attorney, however, adds a dimension to his representation that helps him focus not only on resolving disputes, but on obtaining solutions that equip clients to manage their assets, to meet their obligations and to prosper. His early handling of transactional matters—including preparing leases, mortgages, security agreements and business contracts—buttressed his experience in litigation matters. From this transactional experience, David developed a solid foundation that serves him well when representing litigants.



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### PRACTICE AREAS

Commercial and Employment Litigation  
Probate and Trust Litigation



His diverse apprenticeship, David believes, taught him to approach each client's problems with an open mind, intent on tailoring unique solutions. Often, he says, successful dispute resolution calls for ingenuity in pursuing alternative approaches, to which David remains receptive. After Schuyler, Roche & Crisham acquired the predecessor employing him, he elected to join our firm precisely because of our reputation for creative thinking and also because we welcomed his desire to continue his civil practice in business and commercial litigation, probate and family law.

Diligent and assertive, aggressive when necessary, David believes the test of an attorney's mettle is whether he or she can play hardball in court when required, yet maintain a friendly manner outside the courtroom. He is admittedly tough when protecting his clients' interests, but believes his focus on their objectives permits him to balance his vigor on their behalf with courtesy for others.

#### AREAS OF PRACTICE

David succeeds on behalf of a broad range of clients, from individuals, families, small business owners and entrepreneurs to sophisticated lenders, commercial businesses of significant worth, auto dealerships, manufacturers and banks. His history handling divorce cases supports his current work in family law concerning paternity and adoption and in commercial, probate and trust matters on the state and federal levels. When necessary, he prosecutes and defends appeals in both state and federal appellate courts.

David's interest in litigation—business, commercial, probate and real estate—developed early in his career when he handled property disputes in a family law context. Because divorce matters often involve the disposition of such marital assets as a family business or a professional practice, stock options (or shares if the family business is closely held), a personal residence and other substantial assets, David frequently handled disputes regarding the fair valuation and division of his clients' interests in such assets.

David's vast background in commercial litigation serves a clientele confronting a wide array of commercial and business crises. Realization of judgments against debtors and litigation parties, contract breaches and remedies, secured transactions, realization of security interests and pursuit of bankruptcy claims are areas of law in which he is skilled and aggressive. In fact, he gained considerable knowledge in bankruptcy matters over the years while representing clients in a variety of disputes concerning commercial, construction and real estate contracts,

#### EXPERIENCE

Schuyler, Roche & Crisham, P.C.\*  
Chicago, Illinois

*Shareholder*  
1994 to Present

*Associate*  
1979 to 1994

*\*And predecessor.*

#### EDUCATION

J.D., The John Marshall Law School, Chicago,  
Illinois, 1979.

B.A., University of Wisconsin, Madison,  
Wisconsin, 1974.

#### PEER RECOGNITION

Leading Lawyers Network, Law Bulletin  
Publishing Company, 2006.

Martindale-Hubbell, "peer review rated for  
ethical standards and legal ability," since 2003.

promissory notes, mortgage leases and secured transactions. David's experience in commercial litigation also includes lawsuits involving commercial supply agreements, foreclosure of real estate mortgages, enforcement of security agreements and enforcement of creditors' rights on behalf of banks and other financial institutions.

David also has extensive experience handling guardianship matters involving both minors and adults. He has opened an often overlooked door by pioneering this practice at Schuyler, Roche & Crisham. David has handled many adoptions for American couples of foreign-born infants and children, shepherding clients through our legal system effectively. He also has handled guardianships for physically or mentally disabled adults. One particularly challenging case—a "second level" adoption of a child—illustrates the fortitude necessary to handle such litigation. The initial adopting parents had given up their adopted child, an adolescent, whom our client, a single mother, then adopted. When our client later learned the depth of the child's mental health problems, which precluded the adoptive mother from providing the care necessary, David successfully reversed that adoption after exposing the adoption agency's negligence for providing insufficient information about the child. As heart-wrenching as some guardianship matters can be, David finds this representation personally rewarding. The day the parents and a child appear in court for the final proceeding is particularly inspiring, he says, buoying even the judge's mood.

For many years David has represented heirs, legatees, executors, trustees and beneficiaries in probate and trust matters, both routine and complex. He has handled matters ranging from the administration of simple probate estates to complex trust and probate litigation involving millions of dollars and multiple individual and charitable beneficiaries. David has extensive litigation experience in will and trust construction cases, in will contests and in actions to remove executors or trustees and to enforce the rights of beneficiaries under wills and trusts. Not only has he handled a number of disputes on behalf of trustees, executors, heirs and beneficiaries, he has handled other equitable claims of persons, such as recently when he successfully challenged decisions made by trustees for a disabled client and succeeded in having them return funds to her estate for her care.

**BAR AND COURT ADMISSIONS**

Illinois, 1979

United States District Court for the Northern District of Illinois, General Bar, 1979

United States Circuit Court of Appeals for the Seventh Circuit, 1992

United States District Court for the Eastern District of Wisconsin, 1997

**PROFESSIONAL MEMBERSHIP**

American Bar Association

**CIVIC AFFILIATIONS**

Village of Cary Planning Commission, McHenry County, Illinois, chairman, 1996 to 1998.

Zoning Board of Appeals; Village of Cary, McHenry County, Illinois; member, 1992 to 2001; chairman, 1994 to 2001.

## ACHIEVEMENTS

Twenty years of experience as a litigator have reinforced David's practical nature and refined his street-smart savvy. Today he is a creative problem solver, an articulate advocate and a tenacious adversary. His goal is to assist each client in conflict with others through reasoned guidance. In a business setting, this demands he focus on each client's business objectives and seek opportunities to reduce the expense and risks of litigation. For example, David has handled many issues through motions rather than at trial, often reducing damages significantly in the process. Courtroom battles of which he is particularly proud include:

- In *Re Marriage of Phillip A. Meyer v. Leanne V. Meyer*. This divorce resulted in a favorable decision on appeal for our client, Leanne Meyer, who suffered from a physically debilitating condition, commonly known as Lou Gehrig's disease. The Illinois Court of Appeals upheld an order that permitted our client—because of her medical condition—to use proceeds of the sale of marital property to buy a suitably accessible home for her and the couple's eight children before issuance of an order that would divide the couple's assets. As the appellate court noted, "All the evidence showed that the new home served [our client's] medical needs, facilitating her ability to continue to function on a day-to-day basis in a home with her family. The new home also served the needs of the children and was located in the same community and same school district as the marital residence." [(88 D 2749) 197 Ill. App. 3d 975, 980, 557 N.E.2d 242, 246 (Ill. App. Ct., 1st Dist. 1990)]
- In *Re Estate of Carrie Emerson West*. At trial, David's representation produced a favorable court ruling directing certain family members to return a substantial amount of money to our client, who was elderly and mentally disabled. Not only did the trial court rule in favor of our client, the Illinois Appellate Court, First District, upheld the decision, and the Illinois Supreme Court refused to disturb the decision. [(96 P 11256) (1-98-0154, 1-98-2498, 1-98-4227)]
- *Myo Kinetic Systems, Inc., v. Hollister Incorporated*. In this case before the United States District Court for the Eastern District of Wisconsin, Myo Kinetic Systems, a manufacturer of medical devices, alleged breach of contract in a suit against our client—Hollister Incorporated, a manufacturer and distributor of medical supplies—for approximately \$2.1 million. David's pretrial strategy effectively minimized the risks and expenses associated with defense of claims like those made. He successfully presented a motion for summary

judgment that reduced the damage claim to about \$700,000.

More important, he successfully presented a motion in limine to the court that further reduced the client's exposure for damages to about \$191,000. (97 C 276)

David recently handled numerous contested probate matters in the Circuit Court of Cook County, involving such issues as admission of a lost will to probate, construction of an *inter vivos* trust, defense of a trustee against claims of malfeasance and surcharge, and adverse claims of executors, heirs and legatees. His case load there includes *In Re the Estate of Helen Mank*; *In Re the Estate of Grace G. Warren*(pending); *In Re the Estate of Adele Freedman*; and *In Re the Estate of Teresa Parenti* (pending). In addition, David is handling *Elizabeth Dickey v. Amcore Investment Group, N.A.*, pending in the Circuit Court of Kane County, Illinois.

Regarding real estate litigation, David has prosecuted mortgage foreclosure on behalf of many financial institutions. He currently is representing one of the defendants in *State Financial Bank v. Rosalie v. Strom* in the Circuit Court of Lake County, Illinois. This lawsuit involves a mortgage foreclosure action in which David's client is asserting that a provision in the mortgage extension agreement signed by the plaintiff, extending the mortgage lien to a date certain long since passed, allowed his client's second mortgage to advance to a first priority over the bank's mortgage. In addition, he is currently representing the plaintiff in *Ahonen Builders, Inc., v. Janelle Koncan-Nagy*, a mechanic's lien foreclosure action pending in the Circuit Court of Lake County, Illinois.

David also is handling several appeals in the Illinois Appellate Court, First Judicial District. Of these, two matters were hotly contested in the trial courts, where one case involved enforcement of a discovery order procured by David on behalf of a client and the other case concerned enforcement of a multi-million dollar money judgment he had obtained on behalf of another client.

David Giangrossi derives his greatest satisfaction as an attorney from obtaining for clients the justice they deserve. If you believe he can assist you, we encourage your call.