

Frank Gembala

Former Judge Enjoys 'Return' to Serving Clients and the Public

by Keith D. Picher

A time to learn, a time to earn, a time to return.

Francis A. Gembala, a former Cook County associate judge who practices with the Chicago family law firm of **Birnbaum, Haddon, Gelfman & Arnoux, LLC** says that motto rings true for him, especially in that third stage of his career.

"I'm happy to pursue what is important to me," says Gembala, 68. "So I find myself selectively doing what I enjoy and where I find I can help."

In addition to family law — including representing the interests of children — Gembala occasionally defends clients before professional regulators and in criminal law proceedings. If the situation is right, he will reach out into roles he took up later in his career, such as arbitrator, mediator, adviser, expert or even collaborative law participant.

Cook County Domestic Relations Judge Thomas J. Kelley worked with Gembala nearly a decade ago in a case involving an expiring order of protection. The mother — who was dealing with drug issues and mental health concerns — had been the aggressor. Without a continuing order of protection, she would have been able to claim the baby in a distant state where the father was not responding to his mail.

Kelley appointed Gembala as a child representative. Through connections with a principal in the city, Gembala located the baby's father, flew there, interviewed him, assessed the situation, and filed an appearance with the local court. Those efforts secured another order of protection.

"Most people came in and did a bum's rush (when they were appointed on a pro bono basis), and I usually didn't like that. So that's when I started appointing Frank on some difficult cases," Kelley says. He adds that Gembala has always been helpful, gone beyond the call of duty and really protected children.

"I wish there were more people I could appoint like that. Now that I think about it, of all the cases I appointed him, he did them all for free. There are just not too many people like that. He's just a real diamond for judges," Kelley offers.

Gembala pauses while reflecting on his career. "It's a very interesting place where I am right now. The pressure is off, so I'm



really having a great time. This is the best time of my life in practicing law."

Always Had an Interest in Law

Gembala remembers wanting to be a lawyer in grade school. Eventually he became president of the debate club at Notre Dame High School in Nilus. The skill came naturally. Gembala thinks he debated a future politician from Park Ridge once, though he doesn't have the ballots or a photo. Hillary Rodham attended the Maine high schools and graduated in 1965, the year he did.

Gembala's high school boasted some famous people. Patrick McCaskey of Chicago Bears fame was a few grades behind. James Pankow, still a trombonist

for the band Chicago, was a classmate.

"Jim and I actually started playing musical instruments in the fifth grade. We were together all through high school. He played trombone, and I played sax. He was a super musician, and I was just a high school musician. He was among the elite, and you could tell he was a talent from early on."

On the day Pankow and Gembala were named to the inaugural class of the Notre Dame High School Hall of Honor, the two enjoyed an exchange. While receiving the accolade, Gembala looked to his friend and said he couldn't believe he was standing next to a rock star. Pankow smiled and responded, "Yeah, and I can't believe I'm standing next to a judge."

Gembala credits his early achievements

in formal education to his parents' determination. Private grade school, high school and undergraduate and law studies at Loyola University were their gift. He also picked up an LL.M. in taxation from DePaul.

"My dad passed away when I was in high school, and my mom passed away in 2004, but they both believed in 'Education! Education! Education!' Get as much as you can, and don't stop until you get all that you can, and then move on to the next phase of your life, which is 'earn.'"

Gembala was fortunate to learn foreign languages. Both sets of his grandparents hailed from Poland, so he understands Polish and speaks some — albeit reluctantly because the finer points of grammar elude him.

He also speaks some Italian, which helps him communicate with the Italian half of his wife's family. Gembala's six-year program at Loyola yielded a bachelor's with a major in economics, studies at the school's Rome Center with its Italian immersion program, and a law degree.

Knowing only that he wanted to be a lawyer, Gembala's horizons after law school were wide open — entering business, joining a corporate law department, practicing at a law firm or going into government.

Time to Go to Work

After a solo practice foray, Gembala joined the Cook County Public Defender's office in 1973, trying cases early and often. Judges and other lawyers noticed his competence and work habits.

As an assistant public defender, Gembala started with misdemeanors in the branch courts. He handled post-conviction petitions and appeals, then advanced quickly to motions at 26th and California, and progressed next to roles as a third, second and first chair.

"You had everything from rape, murder, burglary, you name it," Gembala says. "We were always overworked, so you had to prioritize your efforts and divide the work out."

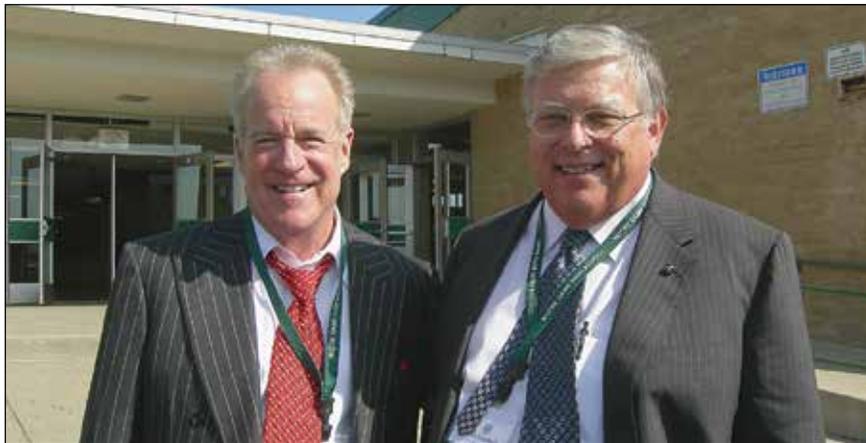
Eventually he became the supervising attorney of all of the First Municipal District courtrooms. With an office in the Daley Center, he constantly visited courtrooms throughout the district to put out fires, fill in when lawyers were sick, and address other problems.

Gembala became president of the Advocates Society, an association of Polish-American attorneys. That community encouraged him to put his name forward for an associate judgeship. At age 36 and on his first try, the sitting judges elected Gembala.

"When I talked to the judges much

later, they said it wasn't surprising, and they thought I would do a good job on the bench," he says. Gembala credits his readiness to the training received from many 26th and California judges, including Judge Robert L. Massey, Judge James E. Strunk and especially Judge R. Eugene Pincham.

Gembala once explained to Pincham that he couldn't appear in court the next day because of an overflow case in Maywood. "Judge Pincham said 'OK,' and before I hit the back door he said, 'Mr. Gembala, if you lose that case don't come back in this courtroom.'" Gembala politely thanked Pincham.



From left: James Pankow of the band Chicago and Gembala at Notre Dame High School.



Gembala serves as a spotter during a practice session at the Indianapolis Motor Speedway.



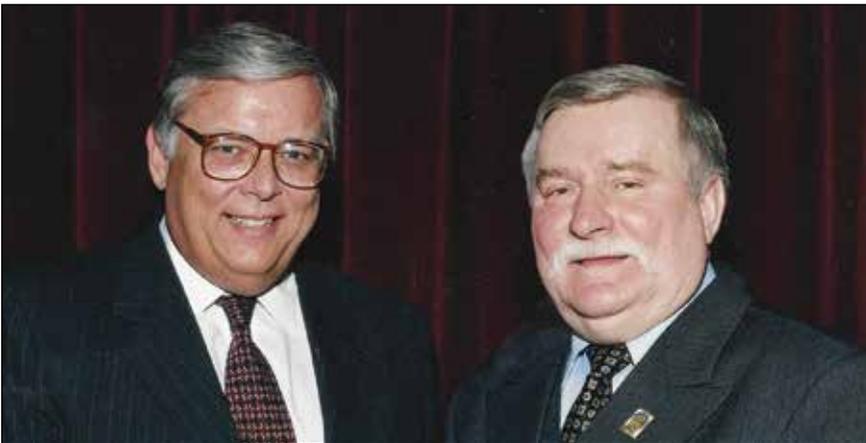
From left: Gembala poses with Indy winners Dario Franchitti and Tony Kanaan.



From left: Gembala and the saints of his life, wife Bettina and Saint John Paul II the Great.



From left: Daughters Justine and Claire, Frank and Bettina speak with the pope in 1990.



From left: Gembala with Lech Walesa in Chicago at a 1996 Polish American Association event.

That trial involved a homicide charge against a barmaid who shot a cheating spouse. On the day of the shooting, the barmaid noticed an unknown woman driving off in her husband's car, which was parked outside the West Side saloon. The barmaid telephoned the police to report the car as stolen and then quickly telephoned her husband — or at least the

man she thought was her husband.

To the surprise of Gembala's client, the man had not divorced his previous spouse. For some reason, the barmaid believed she was legally married to him. In fact, he spent half of his time with his legal wife and half with the barmaid.

Her defense? When the man rushed into the saloon, Gembala's client believed he

was reaching for his back pocket where he customarily kept a weapon. She shot and killed him with her revolver, but the police and paramedics found no weapons or IDs when they arrived. The customers of the saloon knew the bar would be shut down if firearms were found.

The same customers were more than willing to testify, however. The state had three or four witnesses. But more than half of the people in the courtroom — about 18 — were ready to take the stand for the barmaid. Gembala never called them because the judge granted his request for a directed verdict once the state finished its case. He could return to Pincham's courtroom.

Humbling Time on the Bench

Like all new associate judges, Gembala began in Traffic Court. He moved on to various branches throughout the city and served in every courtroom in the First Municipal District because of his role as a floater. "It was a great experience," Gembala says.

Less fun was a short span of time when he was the subject of a death threat, an experience he describes as very humbling and enlightening.

"It makes you think about what you've done, what you are doing, and why," Gembala shares. "But the most frightening part is I was receiving letters threatening my life, and my wife and I had to tell our children. One was in high school at the time, and the other was still in grade school."

Each day the local police kept watch on Gembala's house. He went to work not knowing, for security sake, where he would spend the day. The routine continued until the authorities apprehended someone who revealed too much in another menacing letter.

Convicted of threatening a public official, that person served time and has not caused Gembala any problems since.

"But you're always concerned," he admits, "and you have to be careful about what you reveal (when you're a judge)."

Gembala learned plenty about security and violence not only from those threats but also from his experiences as the supervising judge of Domestic Violence Court — a criminal court — and while hearing civil orders of protection in the Domestic Relations Division. He was also a member of the faculty of the National Judicial College, teaching courses relating to family violence and court security.

For several years, Gembala was very active on the Illinois State Bar Association's committee that suggested technical revisions to the Domestic Violence Act.

Gaps and loopholes in the law limited its scope of protection then. Judges had no uniform, centralized authority to turn to when determining the sorts of relationships the law should encompass.

"I take no credit for that growth, even though maybe we planted the seed," Gembala says. The revisions — including ones protecting unmarried persons, neighbors and stalking victims — passed after Gembala left the bench.

Gembala also heard trials and post-decree cases where his background as a public defender and his LL.M. in taxation were valuable. He recalls how a lawyer lost enthusiasm in one case upon realizing it was impossible to hoodwink him on financial issues.

During pretrial motions in another case involving a family business valuation, lawyers divulged they were stalled since the wife and husband kept separate books. Gembala invited the parties to settle before the accounting irregularity became public. They settled immediately and perhaps avoided a federal lawsuit.

'Returning' to Practice Again

After leaving the bench at a young age for a judge, Gembala traveled for almost a year, took some time off, and wrote a chapter for the Illinois Institute for Continuing Legal Education titled "Court Proceedings and Related Issues in Dissolution Actions," which he has since updated.

He was surprised to hear from the Daley Center's law library a while ago that of all the IICLE volumes on their shelves, his chapter on orders of protection and family violence gets frayed fastest. The library expressed interest in a video update.

Gembala practiced at Nadler Pritikin & Mirabelli where he remained until 2011 when Birnbaum, Haddon, Gelfman & Arnoux LLC peeled off.

"I had a wonderful time there," Gembala says. "They treated me immensely professionally and the parting was really a whole combination of things, but it was very amicable, and I'm very happy we have this group of lawyers here practicing the way we do. And they have a wonderful team where they're at."

Gembala continues to enjoy his semiretired state, doing his best to return what he's learned and earned over the years. But his wife, children and grandchildren are not always sympathetic. "Pappa's flunking retirement again," they say. "He's all dressed up and going to the courthouse." Gembala does that, but he also sets aside time for enjoyable pursuits.

Involved Hook, Line and Sinker

Gembala has a way of getting totally immersed when volunteering or taking up a hobby, such as IndyCar racing. He met Dan Berg, a west suburban resident who works for a computer company, around the turn of the millennium when they had roles with the Blueprint Racing team. Gembala was their photographer.

One day Berg was acting as a spotter during a practice session at the Indianapolis Motor Speedway. He noticed they needed a second spotter to radio information to the driver from atop the racetrack's other corner.

"I suggested to the team owner, 'We need to send Frank up there. I think he can handle it.' Frank went up and spotted, which is something he wants to put in his obituary," Berg adds with amusement. Lest anyone doubt Gembala's devotion to racing, his garage at an earlier home was decorated and painted like an old-time Gasoline Alley garage.

Berg recalls how Gembala and his family adopted him when he was in a bitter divorce. "I love his family, his daughters, their husbands, their grandchildren. I know his wife's brothers and sisters. That's my second family. I always tell people you don't get to choose your real family, but you can choose your best friend's family. They chose me, and I think I'm lucky they did."

Berg says Gembala's whole personality is directed toward helping others. He is a minister of care for his west suburban Chicago parish. Gembala also serves on the Catholic Charities' Board of Advisors, has long been a member of the Bishop Abramowicz Seminary Advisory Team and is a Knight of Malta with a role on its board of directors. The Roman Catholic lay religious group serves the sick and poor with some 13,500 members. It is the world's oldest surviving order of chivalry, dating to around 1050. Gembala volunteers at a Malta soup kitchen at least monthly.

Gembala has also volunteered in various rehabilitative and hospital settings, including at VA hospitals. He looks forward to getting more involved with a new effort others organized known as "No Veteran Dies Alone." The hospice wing of Edward Hines, Jr., Veterans Administration Hospital in Maywood has many residents with families who have died off or who have become disconnected. The project seeks to have volunteers sign up for tours of time to prevent veterans from dying in an empty room.

"Soldiers do so much on the battlefield not to leave the wounded," he says. "The least we can do when they are in our hospitals is a

little bit more than what we're doing — and see to it that they do not die alone."

"So what am I doing now? On the evening of November 7, 2015, it was my honor to be present as one of our veterans passed away."

Jacalyn Birnbaum, who has worked with and known Gembala for years, describes him as a deeply spiritual and remarkable person who is known for being present.

"He's an old time, square, good, Atticus Finch kind of guy," she says. "He shows up for the people in the firm, he shows up for his family, he shows up for his church. And that's what all the judges say about him, too."

"There used to be a lot of guys like him. I wouldn't exactly say he's a relic, but he's a throwback to those times. It's a 24/7 thing. I've seen him in action for years, and it's never been otherwise." ■