

# GREG NORWELL

## Reinventing Probate and Estate Planning for New Generations

by Sherry Karabin



The phone rings and attorney Gregory E. Norwell learns that the caller is a middle-aged man living in Wisconsin whose father recently passed away and will be buried in three days.

The catch? No one in the father's family, besides the caller himself and his mother, ever knew that the deceased man had a child.

Norwell agrees to represent the caller and to try to establish his rights as a son.

The goal, he says, was to prove the relationship by obtaining a DNA sample from the body, which was already at the funeral home.

"Working with the funeral home," says Norwell, "was the easy part.

"The delicate part was getting the father's cousins, who had always assumed that they were next of kin, to consent to the DNA sample being obtained.

"It was an interesting case, and I was very pleased with how graciously one of the father's cousins, who was making the funeral arrangements, allowed the DNA sample to be taken when I explained the circumstances to her, and how she and others in the family welcomed my client when the DNA results came back positive," says Norwell, a partner at Howard & Howard.

"The other unusual aspect to this case was that my client's father turned out to be the unexpected millionaire hoarder that we read about in novels, living very frugally all his life while accumulating stacks of cash and savings bonds in his apartment closet."

While this matter is far from the usual scenario he handles, Norwell says it does illustrate why he chose to dedicate much of his career to probate and estate planning.

"I not only enjoy helping people but the practice area, especially estate planning, is also very intellectually challenging," he says.

"Whether it's changing tax laws or dealing with spreadsheets of numbers, I find that I'm constantly having to adjust the tire pressure and spokes, if not reinventing the wheel, every time I deal with a client."

Norwell's ability to think out of the box and his genuineness are the main reasons he has so many longtime clients, says Jane Hahn, a Howard & Howard partner.

### SHIFTING GEARS TODAY AND YEARS AGO

"Greg is one of the most brilliant attorneys I know," says Hahn. "His ability to cite and explain multiple, complex tax code provisions for one project then quickly shift gears and do the same thing on another project with an entirely different set of facts and code sections is truly impressive.

"His clients love him because he listens to their concerns and delivers a product tailored to their needs," she says. "Greg does not believe in a one-size-fits-all approach, he sees clients as individuals and takes a personal interest in each one. In addition to being a spectacular attorney, he's a kind and delightful person."

While Norwell enjoys his work immensely,

his initial intention was to go to medical school.

Born in Memphis, Tennessee, and raised on the Northwest Side of Chicago, Norwell is the second oldest of four children.

Although his father was a lawyer—a sole practitioner in Chicago for many years—Norwell was more interested in science when he was a student at Highland Park High School. He always did extremely well in the classes.

"I figured I was going to be a doctor, but when I got to college I discovered I didn't like spending my time in a chemistry lab. So, I decided to major in sociology and later decided to go to law school."

Norwell received his bachelor's degree in sociology from the University of Chicago in December 1963.

With nine months remaining before he could start classes at Northwestern University School of Law, he got a job after college at F.E. Compton Encyclopedia Company as an in-office backup to the door-to-door sales personnel. He then had a similar backup post to industrial sales personnel at Union Carbide Corporation.

The jobs gave him some insight into the world of business and manufacturing, and they confirmed his suspicions that he would rather be a lawyer.

A few months after starting law school, Norwell went on a blind date on New Year's Eve with his future wife, Coralie.

They were married shortly before his third and last year in law school. Coralie quit college

to support the two of them, says Norwell, eventually getting her degree in English literature from Northwestern University.

They have lived in Evanston ever since and have two adult daughters, Marnie, a financial analyst at the pharmaceutical company AbbVie Inc. in North Chicago, and Stephanie, who received her MBA from Duke University and currently lives in Japan with her husband Michiyo.

Norwell received his law degree in 1967. He began his legal career in the Chicago office of the Army Corps of Engineers.

"I was hired by the Army Corps of Engineers to do an extensive summary of the laws related to water resources in the seven states of the Upper Mississippi River Basin," says Norwell.

"At the time, water pollution was just becoming a major public issue, especially for the Corps of Engineers, because it had been dumping dredging materials into Lake Michigan."

Nine months later after completing the project, he joined the Air Force Reserves, doing four months of active duty and six years of reserve duty. When he left the military, he was a staff sergeant.

#### **AN ACCIDENTAL NICHE**

When Norwell graduated law school, he was not planning to focus on any particular area of law.

"The job market was pretty tight at that time, so priority number one was just to find a place to work," he says.

However, shortly after completing active duty, he landed an associate position at the Evanston-based law firm Shanesy, Hobbs, Koch, Porter & Ball, where he began with probate work.

"The firm at that time was the largest in the North Shore suburbs, and it represented many of the businesses and institutions in Evanston, but it was especially strong in probate," says Norwell.

"So, while I also did a lot of work in real estate and local zoning matters, most of my practice then was focused on probate and, fortunately, I enjoyed it," he says.

Norwell stayed at the Evanston firm for about three years. He thanks President Richard Nixon for providing "the impetus to change jobs."

"Not many people remember that Nixon put a wage and price freeze into effect in the summer of 1971," he says. "The partners at Shanesy Hobbs said, somewhat gleefully, they were very sorry, but it appeared the wage freeze applied to law associates too."

"As Coralie was expecting our first child in a month or so, I decided it was time for me to move to another law firm."

He was offered and gladly accepted a position at Defrees & Fiske in downtown Chicago, the predecessor firm to Howard & Howard.

Norwell began in October 1971, and he's been with the firm ever since.

"They needed someone who could do probate, and I filled the bill," says Norwell. "I also did a lot of real estate when I first got here, and for a number of years I also did a lot of mechanic's lien work, filing claims and suits on behalf of contractors who did not get paid."

As time went on, he got more and more involved with estate planning. Since 1976, Norwell has devoted his practice exclusively to probate and estate planning.

"Much of what I do would probably seem boring and mundane to most people, but I enjoy it. And now and again I get to work on matters that might even be interesting to others," Norwell says.

Norwell is now working on estate planning for two composers of contemporary classical music.

"As I greatly admire people who are creative, and I am learning much about the legal issues that are unique to creating a musical legacy, I am delighted to have the opportunity to work on this."

Scott Levin, a partner at Howard & Howard has worked with Norwell since 2003.

"I joined the predecessor firm, and Greg was already a partner," says Levin. "Greg is one of the most humble and decent people I've ever worked with. He's willing to lend a hand any time you need his assistance."

"He is even-keeled and never loses his temper. He has a deep understanding of estate planning and taxes and is able to expound on either at great length," says Levin. "He is so thorough that if you send an email asking a question he will raise and answer every possible issue and provide a solution all in the same email."

#### **CHANGES TO THE PRACTICE**

While Norwell believes the essence of an estate planning and probate practice remains the same as when he started in the late 1960s, there are several new components.

"First of all, computers totally changed the way law is practiced," says Norwell. "When I first started, you dictated a letter to your secretary. There used to be one secretary for each attorney, and now the ratio is three to one."

"The changes in technology tend to make it harder for the older generation," he says. "Luckily, my younger daughter taught me early on the basics of using Excel."

"Once I got the hang of it, I kept at it and found that I had a pretty strong facility for doing complicated spreadsheets that enable me to do tax projections and the like that are probably a bit more sophisticated than what can be done on the commercial planning software that is available."

Another aspect of the practice that has changed, Norwell says, is that digital assets

have become an important factor to consider in the planning process.

"Digital assets range from email, social media, blogs, photos and videos to online accounts," he says. "It is important that estate plan documents include a provision giving agents and legal representatives access to these digital assets because a lot of online providers have contracts in place that make it difficult to gain access to the accounts of a decedent or disabled person, even with such provisions in the documents."

"There is a lot of legislative activity afoot to address the needed balance between privacy concerns and the importance of allowing the digital assets to be accessed for legitimate purposes," he says.

"Illinois, for example, enacted a digital assets act a couple of years ago. The problem is the online providers often take the position that they are not subject to the laws of states other than the one specified in the account agreement and that the account agreement trumps the statute in any event."

Norwell believes the problems will get sorted out as time goes on. For now, he says the best approach is to come up with ways to provide appropriate family members or legal representatives with account information and passwords.

Also, he says, many of the tax exemptions pertaining to estate plans have gone up so high that gift and estate tax considerations are, for most people, no longer an important consideration.

"When I started practicing, the federal estate tax exemption was \$60,000. Now, it is \$11.2 million. So, the number of people who are affected is much smaller."

"And while the Illinois estate tax exemption is 'only' \$4 million, that is still high enough so relatively few people are affected by it," he says. "Of course, there are still a good number of people who are fortunate enough to have to worry about estate taxes or who aspire to be among the worriers, so we estate planners are still looking for ways to help them out."

In general, however, today the focus is more on keeping income taxes to a minimum, Norwell says.

#### **GIVING TO PETS AND GIVING BACK**

In addition, he says estate planning issues related to pets and domestic animals now commonly come up.

"Many states have added provisions allowing for the creation of trusts for pets," Norwell says. "Illinois was one of the first to do this, about 12 years ago. The problem was that the common law did not allow trusts for the benefit of an animal."

"Prior to the statutory changes, I can remember having to get a bit creative for some

clients who had horses and were concerned about what might happen to them,” he says.

“The solution was to establish a trust giving ownership of the horses to the person the clients thought would be willing to care for them and to make that person the beneficiary of the trust, directing the trustee to reimburse them for their expenses in paying for the horse and perhaps directing the trustee to distribute additional amounts so long as the beneficiary owned the horse.”

Over the years, Norwell has worked to give back to the community and to the profession.

A longtime member of the Illinois State Bar Association and the Chicago Bar Association, Norwell is a former chair and current member of the CBA’s Trust Law Committee as well as a member of the Probate Practice and Federal Taxation committees and the Federal Taxation Exempt Organizations Division.

He’s also a member of the Chicago Estate Planning Council and a former member of the National Association of College and University Attorneys.

“I have not been part of a formal pro bono organization, but I’ve always adjusted my rates for clients based on their ability to pay,” he says.

In addition, he served on the Evanston Zoning Board of Appeals from 1995 to 2005 and was its chairman from 1999 to 2005.

He has been on the board of governors of the Brookfield Zoo since 1998, and for several years he was on their planned giving committee.

## A LOOK DOWN THE ROAD

Norwell, now 75, continues to enjoy the routine of coming into the office every day and working with clients.

“I imagine I could find plenty to do if I were not working, but I like what I do,” he says.

His hobbies include reading—especially history, biographies, and 19th century literature—and playing piano, guitar and the recorder.

“My dog Laney does not appreciate it when I play the recorder,” he says. “It’s too high pitched for her ears. Actually, I can’t think of a single person who would want to be present when I play the recorder.”

On the subject of retirement, Norwell says he may indeed follow in his father’s footsteps.

“My dad was 79 when he passed away, and he was still practicing law,” Norwell says. “His clients loved him. He did a lot of divorce work, and I found myself finishing up his cases after he passed away.”

“As neither of my children is a lawyer, I guess I’ll just have to keep on working and avoid the part about passing away.” ■