

PAT KINNALLY | Superb Litigator Takes Cases No One Else Wants

by Mike Bailey

AURORA—The law offices of **Kinnally, Flaherty, Krentz & Loran PC** sit along a winding, two-lane road near empty fields where growth and development has paused but promises to begin anew.

Equidistant from courthouses in Kane, Kendall and DeKalb counties and near I-88

Prairie Community School District 204, which covered parts of DuPage and Will Counties,” Kinnally recalls.

In June 1993, she became homeless and she and her children temporarily moved into Hesed House, a transitional living facility near downtown Aurora.

over the years, took the case pro bono. “We spent a lot of time on that case,” he says, an assertion supported by the voluminous court file.

Counsel for the Indian Prairie district cited in his pleadings the federal Stewart B. McKinney Homeless Assistance Act, the Illinois School Code, and a written opinion from the Illinois State Board of Education, all of which, the counsel said, supported the decision that the Boatwright children must attend school within the West Aurora school district.

Kinnally countered, contending that his client had a right to due process, and asked the court to stay any decision until that process was completed.

After lengthy litigation, the court ruled in favor of Indian Prairie, saying the state law was clear.

If You Can't Beat the Law, Change It

But there is more than one arrow in the quiver of an imaginative man. “We went to [former U. S. Rep. and former Speaker of the House] Dennis Hastert [who had an office nearby] and his office got us a voucher for housing within the Indian Prairie District,” Kinnally says. “We lost the case in late October but they still got to go back to their old school.”

And, if you can't beat the law, change it.

“In the end, we won,” Kinnally says proudly. “Because of this case, the state legislature passed a law which recognized the rights of homeless children to be enrolled in the last district they attended prior to becoming homeless. The law says an ombudsman is to be appointed for these cases, which is the proper way to handle it.”

Such cases fill Kinnally's eclectic resume, and the final disposition orders hanging on his wall are a reminder of why he loves being a lawyer.

“Back in the early 1990s, the city of Aurora tried to shut down the Holy Angels Church food pantry,” he remembers. “We were never really sure why, but the thought was that the city wanted to consolidate the food pantries into one.

“I was a member of that church, and we worked many, many hours on that,” Kinnally says, as he spreads credit around also to Mi Loran, the mother of his partner Joe Loran.

“We lost before the Zoning Board of Appeals but won the case in circuit court. When we prevailed, I filed a motion for costs. And there it is,” he says, pointing to a

laminated court order awarding him \$180 in filing costs next to a copy of the check from the city of Aurora, the only reimbursement he received. He gave that check to the church.

Kinnally traces his predilection for the underdog to his own legal roots. “I was a night law student,” he recalls. “I originally graduated from Loyola University and was working full-time for the Immigration and Naturalization Service in Sault Saint Marie, Michigan. I checked people coming across the border for citizenship. I realized I needed to do something with my life besides that, and I took the LSAT in Sudbury, Ontario, in 1977. John Marshall Law School let me in.”

He ground out a difficult 2½ years and graduated in 1980. He took the bar in Indiana and later in Illinois and clerked for future Illinois Supreme Court Chief Justice James D. Heiple before returning to his hometown of Aurora. “My family's been here for over 100 years,” he says, recounting a lineage from a grandfather who opened a shoe store in Aurora in 1904.

Justice, Not Just Headlines and Money

Kinnally began private practice in 1982 with the Aurora law firm of Reid Ochsenschlager Murphy & Hupp. His firm evolved over the years but continues a tradition of aggressive and creative advocacy in the fields of personal injury, wrongful death, workers' compensation and commercial and general litigation. A number of his partners are also recognized as Super Lawyers and Leading Lawyers.

“I get a lot of referrals from other attorneys,” says Kinnally, voted a Super Lawyer four times in the past five years by his peers. “The kind no one else wants to do, like probate litigation for the Kane County public guardian and drainage cases against developers. I litigated one case near Oswego where a developer, with the city's permission, inundated my client's farm with stormwater run-off. We went to the appellate court four times on that one [once because the trial judge held the village of Oswego in contempt]. We prevailed in the end.”

While he is an excellent commercial litigator as well, Kinnally's hallmark is litigating cases involving people who have been wronged.

“He is a superb lawyer who is fiercely loyal to his clients,” says fellow lawyer and high school friend Tim Reuland of Speers, Reuland & Cibulskis.

“He is a compassionate guy with an acute



for easy access to Chicago, the modern brick building nonetheless seems remote from the buzz and energy of a busy courthouse.

And like his office, Patrick M. Kinnally stands alone, far from the crowd.

Speaking deliberately with a tone and inflection that breeds confidence, Kinnally chuckled softly. “My specialty is taking cases that no one else wants.”

Over the many years of practice in Aurora, Kinnally has a resumé brimming with interesting cases and a proud record of fighting unrelentingly for the rights of people who have few advocates.

Like Tyeast Boatwright.

“Tyeast Boatwright was the mother of three small children who attended Indian

“In September when her children tried to return to her elementary school, they were denied admittance by the district,” he remembers. Hesed House was not within the Indian Prairie school district; it was in West Aurora Community Unit District 129.

“We heard about it from a school bus driver who said he couldn't pick up Ms. Boatwright's kids anymore because they didn't live on the route. The school said that because they were homeless, they couldn't establish residency within the district and therefore could not attend school there. I remember one of the children's teachers kept her desk ready while we litigated it.”

Boatwright had no money to hire a lawyer, and Kinnally, as he has often done

sense of justice who is motivated by more than just money. When he sees something he feels is wrong, he goes after it. I think the fact that he is such an able commercial litigator helps him with these cases.”

Why is he drawn to these pro bono cases? “He’s just a very generous guy,” says Reuland.

That theme is consistent in Kinnally’s resume which includes a 2006 Court Appointed Special Advocates (CASA) pro bono award, the League of United Latin American Citizens Public Service award in 2004, the Kane County Pro Bono award in 2004, the Illinois Bar Association Tradition of Excellence award in 2003, and the Kane County Bar Association Community Service award in 2000.

In June 2010 Kinnally became the Kane County Bar Association president. He currently is the vice chair of the Minimum Continuing Legal Education Board of the Illinois Supreme Court. He also serves as a



Kinnally is an avid hunter of upland birds and enjoyed a successful trip with his son Calan in Dimock, South Dakota.

commissioner of the Illinois Supreme Court’s Commission on Professionalism.

The unbending loyalty to clients is why his brethren constantly refer sticky, difficult cases to him.

“No, these aren’t high-dollar cases,” he admits. “I take cases for people who have been wronged. These are the kind of cases I find interesting.”

How does he pay the bills? “I have good partners,” he laughs.

But not all of his clients are homeless or average people thrust into extraordinary circumstances.

Kinnally has represented the Kane County Forest Preserve Commission for nearly 20 years and has served as special counsel for the Kane County Board chairman.

Both roles have suited him well.

Prior to experiencing Kinnally’s even-handed, moderate approach, the Kane County Forest Preserve Commission was locked in numerous condemnation battles with private landowners along the Fox River in Kane County over riverfront property on which it wanted to construct a bike path.

“In some cases, this was these people’s front yards,” Kinnally recalls. Homeowners, angered by what they considered

government confiscation of private property, filed numerous lawsuits and the battle dragged on for years.

Takes on Challenging and Odd Cases

Enter Kinnally. “I was hired to kind of clean this up,” he says. “We always had the threat of condemnation, but I don’t think I ever took a single condemnation case to verdict. We found a way to settle with the homeowner. We took the position that there were better ways to handle these.”

While the debate raged white hot for years with every newspaper carrying stories of people angered by the arbitrary confiscation of property, Kinnally’s even, moderate approach tempered the debate. Gradually, cases were quietly settled and the bike path was built.

When Kinnally became involved, Karen McConnaughay was on the other side of the aisle heading up the S.T.O.P. organization (Stop Taking Our Property). “Karen and I

tangled a little in the beginning, but she saw where I wanted to go,” he says. Today, Kinnally does some legal work for her now, chairwoman of the Kane County Board.

That thoughtful approach put him in the mind of county officials when a contentious and potentially divisive controversy erupted in 2000 during the election for Kane County state’s attorney.

With eventual-winner Meg Gorecki leading in the polls and poised to upset incumbent David Akemann, a tape recording surfaced of Gorecki apparently offering a county job to a constituent in exchange for a campaign contribution. The recording, left on a telephone voice recorder, had Gorecki prodding the recipient to make the donation in exchange for a job arranged by then-Kane County Board Chairman Mike McCoy.

Though the recording was released just prior to the election, Gorecki still won. Later she was forced by the Attorney Registration and Disciplinary Commission to surrender her law license for a period of time, effectively ending her ability to serve.

“Mike was not involved in this at all,” Kinnally says. “It appeared to be something that Gorecki just said. But Mike also had no representation in this matter, so he hired me.”



Kinnally used his previous experience as an Immigration and Naturalization Service Lawyer to travel to Ojo de Agua San Luis Potosi Mexico in 1987 to assist Mexican families with immigration problems.

McCoy was fully exonerated. Gorecki refused to resign, and the Kane County Board could not muster enough votes to remove her. She remained state’s attorney under a cloud for most of her term before being forced to step aside by the ARDC decision.

Kinnally’s vast experience and varied interests has led him to a rich tapestry of legal cases. “I represent the owner of a small quarry in South Elgin. The case involves the obscure notion of riparian or water rights. The homeowners around the quarry sued, saying they should have access to the water for fishing and swimming under this section of the law. We have lost so far—but it may not be over,” he adds with a smile.

That willingness to take on odd cases and his tenacity generates admiration from his peers and clients alike. Throughout his career, Kinnally has served many people who are immigrants in this country. With his help, Aurora was able to establish a legalization office in 1986. His work has run the full gamut of representation: removal, naturalization and helping immigrant children without parents in the Kane County court system.

Hearing Everyone Who Has a Stake

Consistent with the theme of exploring all aspects of the legal profession, Kinnally has

create a record for the deciding body.

“Under the statutes, the county board makes the final decision, but the hearing officer makes a recommendation. I like the process. My hearings tend to take longer because I let every person who has a stake in the matter be heard. In a lot of these hearings, the lawyers just want to take it over. I did not permit that.”

In a nod to the young student who graduated from Loyola with an English degree, Kinnally also finds time to write, publishing several articles in law journals each year on a variety of topics. Somehow, he also finds time to teach, serving as an adjunct professor at Northern Illinois College of Law. He teaches Illinois civil procedure, immigration and nationality law, and trial skills.

The loyalty that he shows to his clients is an image of his own life. He and Sally have been married for 38 years and raised four children. Not surprisingly, their two oldest—Moirra and Rorry—are attorneys, and their two youngest—Cara and Calan—are teachers. He and Sally just returned from Thailand where Calan is teaching English at a public university 40 miles from Bangkok. It is a source of mild concern, but also great pride, for parents whose son has a teaching job in a tough economy.



Kinnally, his wife Sally, and their son Calan enjoying a break from their hike in the Chiang Mai area of northern Thailand.

served as a hearing officer for landfill expansion requests in Kane and Kendall counties, presiding over hearings that

“I’m very happy being a lawyer,” Kinnally reflects. “I was made for the role of helping people who can’t help themselves.” ■