

Ray J. Koenig III

Member

Ray J. Koenig III is a member in Clark Hill's Litigation and Tax & Estate Planning groups. Ray also serves in leadership roles within the firm, which includes serving as the Managing Member of Clark Hill's Chicago office and on the firm's Executive Committee. His areas of emphasis and experience include:

- will contests
- will construction
- citations to recover
- probate litigation
- trust contests
- trust reformation
- trust construction
- total return trusts
- trust litigation
- breach of fiduciary duty claims
- fiduciary litigation
- claims for fiduciary and legal fees
- guardianship litigation
- elder law
- estate planning
- probate estate administration

Ray has represented individuals, families, financial institutions, medical institutions, and governmental organizations in all areas of his practice. Ray has extensive trial, appellate and mediation experience in state and federal courts. Ray is frequently appointed Guardian Ad Litem and defense counsel by judges in complicated guardianship matters; he is also appointed Special Administrator by judges in problematic probate matters. Ray has also been retained as an expert witness in multiple guardianship and probate matters.

Ray is a Fellow of the American College of Trust and Estate Counsel (ACTEC) and previously served as a member of its Fiduciary Litigation Committee. Ray has been recognized by Super Lawyers magazine as a Trust and Estate Litigation Super Lawyer or Rising Star for most years from 2010 through 2020, and was named one of the Top 100 Lawyers in Illinois in 2018, 2019 and 2020. Ray was also named an Illinois Leading Lawyer in Trust, Will & Estate Planning Law from 2013 through 2020, having been nominated by his peers as one of the top 5% of practitioners in the state. Ray also received an "AV®" Preeminent Rating by his peers through Martindale-Hubbell, the highest possible rating. Finally, Ray was selected from over 1,350 nominations as one of the 40 Illinois Attorneys Under Forty to Watch in 2013 by the publisher of the Chicago Daily Law Bulletin and Chicago Lawyer.

Ray was recognized by Crain's Business as a Notable Gen X Leader in Law and as a Notable LGBTQ Executive. Ray was also profiled in an article titled "A Fierce Advocate for LGBT Rights" written by Dustin J. Seibert in *Leading Lawyers Magazine – Consumer Edition for 2016*.

Select Publications

- Co-Author, Guardianship Litigation chapter in IICLE's 2020, 2016, 2012 and 2009 Handbook: Litigating Disputed Estates, Trusts, Guardianships, and Charitable Bequests
- Co-Author, "The Pandemic is Bad Enough: How to Avoid Creating Post-Death Controversies During the Current Crisis," ISBA Trusts and Estates Newsletter, September 2020
- Co-Author, "Effectively Employing the Tools Provided by a Decedent," Fiduciary & Investment Risk Management Association's publication FIRMA FORUM, December 2018
- Co-Author, Claims Against Decedent's Estate chapter in IICLE's 2017 Handbook: Causes of Action, Probate Actions
- Co-Author, Advice on Creating Advanced Directives and a Living Will, Expert Beacon, 2014
- Co-Author, Defending Your Principals: Suing Agents Under the Revised Illinois Power of Attorney Act, Illinois State Bar Journal, October 2012
- Author, Proactive Measures and Key Concerns for the Trust and Probate Attorney chapter, Inside the Minds: Trust and Probate Litigation book, Aspatore Publishing, 2010



Office

Chicago
130 E. Randolph St.
Suite 3900
Chicago, IL 60601

(312) 985-5938 (phone)
(312) 985-5985 (fax)
rkoenig@clarkhill.com

Education

J.D., DePaul University College of Law, Chicago, Illinois, 1999
B.A., Michigan State University, East Lansing, Michigan, 1995

State Bar Licenses

Illinois

Court Admissions

U.S. District Ct., N.D. of Illinois

- Co-Author, Equal Protections, Equal Responsibilities: The Impact of HB 1826 on Probate in Illinois, Chicago Bar Association Record, September 2009
- Co-Author, Wishes Aren't Enough: Why the Five Wishes Document May Fail in Illinois, Illinois Bar Journal, June 2009
- Co-Author, Will Contests chapter in IICLE 2009 Handbook: Litigating Disputed Estates, Trusts, Guardianships, and Charitable Bequests
- Co-Editor, Update of Chicago Lawyer's Court Handbook, Chapter 7: Circuit Court Probate Division
- Co-Author, Removal of a Guardian, ISBA Trusts and Estates Newsletter, August 2005
- Author, Legal Issues Faced by LGBT Seniors, Windy City Times, July 27, 2005
- Co-Author, Disappointed Would-Be Legatees: Who Has Standing to Contest a Will?, Illinois Bar Journal, June 2005
- Co-Author, The Legal and Governmental Response to Domestic Elder Abuse chapter, Clinics in Geriatric Medicine, Volume 21, Issue 2, May 2005

Select Presentations and Appearances

- "Do As I Say, Not As I Write: Perspectives on Drafting, Administration, and Beyond," Co-Presenter, IICLE 63rd Annual Estate Planning Short Course, May 2020, and Chicago Estate Planning Council, January 2020
- "Judicial Perspectives on Guardianships," Co-Moderator, IICLE Elder Law Short Course, November 2019
- "Lending as a Creative Planning Solution: Understanding the Bad and Avoiding the Ugly, So All Is Good," Co-Presenter, ACTEC 2019 Fall Meeting, October 2019
- "Expanding the Litigator's Toolkit: Ever-Expanding No Contest Clauses and the Growing Use of Arbitration Clauses," Co-Presenter, IICLE 62nd Annual Estate Planning Short Course, May 2019
- "Trust and Estate Disputes Involving Children" Co-Panelist and Moderator, ACTEC Summer Meeting, June 2018
- "Preventing Post-Death Administrative and Probate Nightmares" Presenter at IICLE Estate Planning Short Course, May 2018
- "Visitation Issues in the Context of Guardianships and POA's" Co-Presenter at IICLE Elder Law Short Course, December 2017
- "Dealing With Decision-Makers in a Health Care Setting: Identifying Red Flags and Avoiding Pitfalls," Co-Presenter at Loyola University Summer Institute on Aging, May 2017
- "Key Developments in Guardianship," Co-Presenter at IICLE 60th Annual Estate Planning Short Course, May 2017
- "Non-Traditional Families and Estate Planning," Co-Presenter to the DuPage County Estate Planning Council, April 2017
- "Representing Principals in Difficult Situations," Co-Presenter at IICLE Elder Law Short Course, November 2016
- "Disabled Persons: Planning for and Implementation of Special Needs Trusts and Guardianships," Co-Presenter to Chicago Estate Planning Council, October 2016
- "Dealing with Behavioral Disorders Exhibited by Clients and Beneficiaries," Co-Presenter to Greater North Shore Estate & Financial Planning Council, March 2016
- "Rights of Third Parties in Guardianships," IICLE Elder Law Short Course, November 2015
- "POA & Guardianship Litigation," IICLE Powers of Attorney and Guardianship seminar, June 2015
- Presentation on financial and tax planning at Federal Reserve Bank of Chicago Money Smart Week, April 2015
- "What You Can Do in Guardianship That You Might Not Know," IICLE Elder Law Short Course, November 2014
- "Navigating Public & Private Benefits Post-DOMA," National Conference of Life Care Planning Law Firms Association, St. Louis, September 2014
- "Guiding Principles of Elder Law," IICLE Estate Planning Short Course, May 2014
- "Defending Your Principals: Litigation and Removal of Bad Agents," NAELA Comprehensive Review, February 2014
- "To Probate or Not to Probate: Opening the Estate," ISBA Estate Administration Boot Camp, October 2013
- Presentation on Access to Benefits post-DOMA/Windsor to the National Academy of Elder Law Attorneys' Annual Council of Advanced Practitioners Conference, August 2013
- Presentation on trust and estate beneficiary issues at the IICLE Estate Planning Short Course, April/May 2013
- Presentation on "Contested Guardianship Estates" at ISBA Guardianship Boot Camp, February 2012
- Guest, NPR/Vocalo The Barber Shop radio show, "What's at Stake in the Gay Marriage Debate Impacts Families," January 2013

- Panelist with physician and social worker on elder rights issues, Governor's Conference on Aging, December 2012
- Panelist at "IICLE Practice Academy: Essentials of Estate Planning," December 2012
- Presentation on suing and defending agents under powers of attorney using the revised Act, CBA, November 2012
- Presentation on powers of attorney and decision-making, Rehabilitation Institute of Chicago, October 2012
- Presentation on planning and family fights in the age of civil unions, CBA, October 2012
- Panelist at presentation on the confident modern family, Center on Halsted, October 2012
- Panelist at presentation on diversity and affinity fraud, Illinois CPA Society, September 2012
- Presentation on advanced guardianship litigation, IICLE, June 2012
- Presentation on the financial aspects of aging, CBA, May 2012
- Presentation on representing trust & estate beneficiaries, IICLE Estate Planning Short Course, May 2012
- "Dealing With Decision-Makers," Governor's Conference on Aging, December 2011
- "90 Days Before Trial" panelist, CBA, December 2011
- "The New Illinois Power of Attorney Act," Rush University Medical Center, July 2011
- "Short Act, Big Impact: A Practical Guide to Civil Unions in Illinois," Office of Governor Pat Quinn, June 2011
- "Planning to Prevent or Defeat Estate Contests: What Must Be Done Now," IICLE Estate Planning Short Course, May 2011
- Presentation on Citations in Decedent's Estates, Lake County Bar Association, November 2010
- "Red Flags from Clients' Lives: Pitfalls to Avoid When Drafting an Estate Plan," ISBA, May 2010
- Presentation on Contesting and Defending Wills, CBA, November 2009
- Presentation on the use of the Five Wishes document as an advance directive, National Academy of Elder Law Attorneys, August 2009
- Presentation on Mental Health Treatment Declaration Act, Alexian Brothers Behavioral Health, November 2008
- "Inside Justice" CBA television show about adult guardianships, WYCC, September 2008
- "Guardianships for Adults: What is it?," ISBA television show, CAN TV-21, August 2007
- "Responsibilities of the Guardian of an Adult", ISBA television show, CAN TV-21, August 2007
- Presentation on Powers of Attorney and Guardianship, American Medical Director's Association, March 2007
- "Elder Abuse and Law: A Discussion of the Past and Proposals for the Future," Governor's Conference on Aging, December 2005
- Presentation on Will Contests, CBA, November 2005
- Presentation on Elder Mistreatment, Annual Scientific Meeting of the Gerontological Society of America, November 2005

Practices, Industries & Services

Litigation
Tax & Estate Planning

Areas of Emphasis

Elder Law
Guardianship & Conservatorship Administration
Trust Department Services
Trust and Estate Controversy

Memberships

- City of Chicago Commission on Human Relations, Commissioner, 2012-Present
- Chicago Bar Association, Secretary, 2019 - Present; Board of Managers 2012-2014; Founding Chair of the Leadership Development Committee; and Inaugural Chair of the Leadership Institute, 2016-2019
- Illinois Institute for Continuing Legal Education, Board of Directors
- American College of Trust and Estate Counsel (ACTEC), Fellow
- Chicago Estate Planning Council
- DePaul University College of Law Diversity Council Member
- UIC John Marshall Law School, Past Adjunct Professor
- Illinois State Bar Association, Member of the Special Committee on Nonlawyer Legal Service Providers
- Illinois State Bar Association, Past Chair of the Trusts & Estates Section Council & Past Chair of the Section Legislation Committee; Past Member of the Task Force on Unauthorized Practice of Law
- American Bar Association, Past Committee Vice-Chair within the Section on Probate (RPPT)
- LAGBAC

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- Congressman Mike Quigley's LGBT Advisory Council, past member
 - Equality Illinois PAC, Past Board Member and Treasurer
 - Chicago House and Social Service Agency, Past Chair and past Internal Vice Chair, Board of Trustees
 - Pride Action Tank Advisory Council
 - Lambda Legal Education and Defense Fund, Co-Chair of National Legacy and Planned Giving Council
 - Chicago Bar Foundation, Past Board of Directors
 - Heartland Alliance for Human Needs & Human Rights, Past Board of Directors, Junior Board Founding Vice President and Past President
 - Cook County State's Attorney LGBT Advisory Council, Former Chair
 - Clark Hill PLC Diversity & Inclusion Committee
 - Clark Hill PLC PRIDE Committee Co-Chair
 - Clark Hill Federal PAC

Honors

- Named among Best Lawyers in America - Trusts and Estates by Best Lawyers (2021)