

ED McCARTHY

Steady Hand Directs Realtors and Consumers in the Metro East

by Laura Fletcher

GLEN CARBON—Edward McCarthy, of **Edward T. McCarthy & Associates** in Glen Carbon, can be a bit of a ham. This is especially true when it comes to educating Realtors about their legal responsibilities. For the past 36 years, as general counsel for the Greater Gateway Association of Realtors in southwestern Illinois, McCarthy has been putting his theatrical skills to work at conferences and orientations with informative parodies that help to define where real estate salesmanship ends and where the law begins.

McCarthy usually plays the straight man, a Realtor or buyer who finds himself treading the thin line between right and wrong. He has, however, been known to wear a clown nose.

"I would travel to many associations throughout the state," says Al Suguitan, Greater Gateway Association of Realtors president and chief operating officer, "and I always enjoyed coming to the Edwardsville-Collinsville Association because Ed would always be the emcee... The thing I saw time and time again was that Ed was not afraid to involve himself with the activities of the association in a humorous way."

Educating Realtors about their legal limitations is crucial, Suguitan notes, because many agents are tempted to all but practice the law themselves. "After they've gotten some experience in the business, they have a tendency, because of their desire to help their buyers, to start interpreting sales contracts."

Frank Flanigan, a real estate and title attorney who practices in Edwardsville, points out the patience that's necessary to educate a group of 250 to 300 people about laws that "become very important to their ability to make a living."

In cases where a malpractice occurs on the part of the builder, contractor, or homeowner, it is easy for the Realtor to be brought in and saddled with some of the blame. McCarthy, who is also a CPA, frequently advises agents on how to conduct themselves in such cases. He also represents numerous homeowners who are struggling with quality-of-construction issues and other problems with their property. Particularly vital for both buyers and sellers now is a legal understanding of short sales

and foreclosure transactions.

"Now we're seeing also a lot of people who we think are being treated cavalierly if not unfairly by some of the large lenders in foreclosure," McCarthy notes. "We've got some litigation going on about the propriety... [of] some of the foreclosure acts that are being taken."

Litigation, a process which McCarthy enjoys, is actually easier than tackling the detailed

who visit this area after just being gone five years are amazed at how attractively the growth has been managed."

Part of the region's growth has been spurred by its reasonable commuting distance to Saint Louis, transforming many towns into up-and-coming suburbs, since hamlets on the west side of the city have become less affordable. The recession, he notes, was slow



problems that Realtors seek advice for on a daily basis.

Such issues might involve disciplines as varied as engineering, environmental safety, and town governance. The southwestern Illinois region, which encompasses seven counties outside St. Louis, has grown significantly in the last 20 years. Between the Greater Gateway Association, which McCarthy joined in 1974, and the Southwestern Illinois Regional Multiple Listing Service, which formed in the early '90s, McCarthy counsels more than 2,000 Realtors on the legal aspects of property sales.

No Real Estate Bust Here

"It's been very, very high quality municipal leadership from Glen Carbon and Edwardsville and the Madison county political leaders also," McCarthy says of the area's growth. "People

to come here, and Realtor membership in both the associations he represents has remained steady.

Still, despite his regular work with the Regional Listing Service, the Home Federal Savings and Loan of Collinsville, and the Greater Gateway Association of Realtors, an organization that has grown with his career, McCarthy is most proud of the drop in the amount of work he has to do these days.

This is due to the fact that the area-wide seller's contract that he helped develop for the seven metropolitan counties east of Saint Louis in the 1990s has been such a success. The document he co-wrote is "an even-handed contract written in plain English," according to McCarthy, and it has caused little of the controversy that used to keep him busy in the early days of his practice.

He once relished the negotiation of happy sales transactions between parties, but he now finds that buyer, seller, and Realtor are often able to close deals without his intervention.

“When I think of thousands of people every year using a document that I was preparing and having it be part of some of the most important transactions of their lives, that is extremely rewarding,” McCarthy says.

Grand Tradition

In a conference room during a quarterly orientation program for new members of the Greater Gateway Association of Realtors, Suguitan and member Bev George brainstorm GGAR moments that are “uniquely Ed McCarthy.”

“The helmet,” George says decisively.

The helmet is, as Suguitan puts it, “an antique of no great design or beauty,” vintage 1973, which former GGAR president Doug Hartmann Sr. purchased at a regional RPAC auction and began wearing to meetings to promote forming an auction for the GGAR. Eventually, members scraped together what flea market items they could, and the helmet was among the goods auctioned.

Hartmann chuckles at the memory of the helmet. “We pulled the cloth out of it because it smelled so bad.”

Over the years, the GGAR replaced their garage-sale auction items with more sophisticated and valuable merchandise, but the helmet has remained. Hartmann and McCarthy go head-to-head over it every year in a bidding battle that has brought in more than \$15,000 for the GGAR’s Realtors’ Political Action Committee.

“It shows how much he cares about the association. I know he’s a lawyer first, but he’s a Realtor probably second,” Hartmann says. “He’s our conscience and our guiding light.”

The relationship between the GGAR and its general counsel has been enhanced by the fact that McCarthy’s office is just one hundred yards from the GGAR headquarters, and Suguitan has made a Friday afternoon ritual of wandering over to general counsel’s desk to discuss business.

Deb Frazier, chairman of the Southwestern Illinois Regional Multiple Listing Service, calls McCarthy “our advisor and our friend.” Sylvia Brandt, a former director of the board at the GGAR, confesses that McCarthy has “always been a very caring person,” and that he has even advocated for her professionally during hard economic times.

“The word ‘mentor’ was in my mind. He is one who is willing to help mentor younger attorneys,” says John McCracken, of Coffey

and McCracken Law Firm in Edwardsville.

Administrative Legal Assistant Pam Fuller first met McCarthy in the 1970s when he began working for the Madison County Fire Association, where her father was an officer. As far as she is concerned, McCarthy “ought to be boss of the year.” He’s incredibly sensitive to the needs of his employees and his clients, she says, and he makes her job easy.

Getting Perspective

McCarthy’s empathy for his employees made it natural for them to step up and run the firm when McCarthy was diagnosed with cancer of the colon in March 2007. Both Fuller and McCarthy live fewer than five miles from the office, so she was easily able to bring him his mail and keep contact by phone.

“The judges and the other attorneys in the area were all very generous about continuing cases and putting them off for a while,” notes Fuller. “We just struggled a bit.”

After an initial surgery, the cancer disappeared but re-emerged two years later, and McCarthy underwent chemotherapy and another surgery. He has been cancer-free since 2009.

“I’m still very vertical as far as my life is concerned, but it puts perspective on playing. You’re a lot more grateful for the things you have closer to you. You don’t feel so compelled to reach out beyond yourself,” he says, referring to the fishing trips he used to take in Montana.

These days McCarthy, who is married and has four adult children and 10 grandchildren, is content to entertain his grandkids with his treasure trove of Lionel trains. And his counseling sessions with couples suffering from home problems give him ample opportunity to recall why he moved into this field of law in the first place.

“To have a problem with your house... It’s there when you get up in the morning. It’s there when you go to bed at night. The tension builds, and it’s so upsetting.”

Recognizing that homeowners’ plight is emotional as well as physical helps him to build a connection with his clients.

“I’m not Dr. Feel-Good as a lawyer goes, but [the emotional issue is] real, and it’s helped with a lot of client relations.”

The key thing, he says, is for a couple to find a solution together, “so they can live happily in their house.” ■