

BWM&S

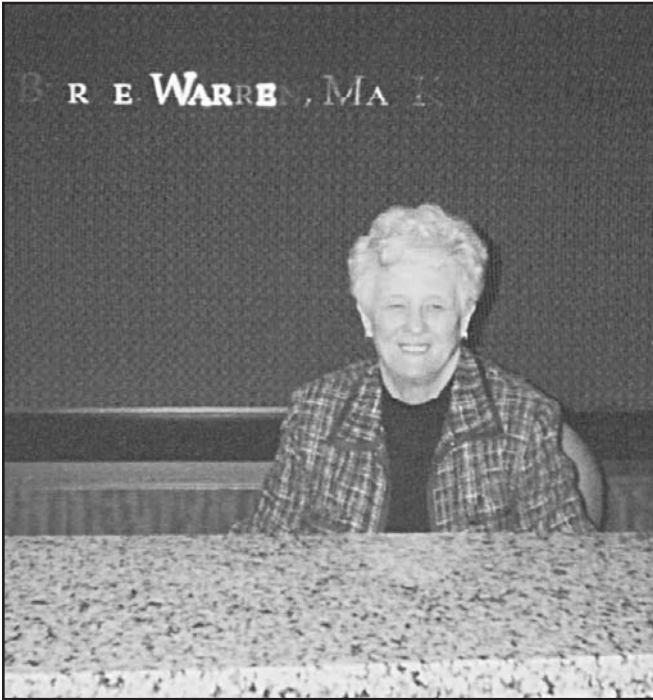
BURKE, WARREN, MACKEY & SERRITELLA, P.C.

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BWM&S BULLETIN

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BWM&S



BWM&S RECEPTIONIST LORNA HAMILTON RETIRES

For more than 23 years, Lorna Hamilton provided a friendly greeting to all callers and visitors to the firm. In her official role, she served as the voice and face of the firm – unofficially, she functioned as a family member to scores of firm attorneys, staff and clients alike.

In January, Lorna turned the receptionist and switchboard reins over to Crystal Rojas to begin a new chapter in her life – a well-earned retirement. Initial misgivings about leaving so many colleagues behind at the office have been more than made up for with increased quality time with friends and family. At last, a life without train schedules! Her immediate plans include travel to Arizona where she will attend both Cubs and Sox preseason games.

Best wishes to Lorna Hamilton from her BWM&S family. **B**

REAL ESTATE LAW

NEW CHICAGO ZONING ORDINANCE FINE TUNES DEVELOPMENT OPTIONS

First Overhaul Since 1957

Chicago's real estate boom of recent decades has occurred under the Chicago Zoning Ordinance put in place nearly 50 years ago. Developers, real estate owners and investors should take note of the city's comprehensive and long overdue make-over to zoning rules and regulations, which took effect late last year.

One of the most prominent features of the 2005 edition of the Zoning Ordinance is the introduction of "half-step" districts, which are designed to better match zoning regulations to the changing nature of many Chicago neighborhoods. The "half-step" districts give developers more flexibility to tailor projects to the character of the surrounding community while still presenting opportunities to be creative with a site.



Joe von Meier

Prior to the change, property zoned R5 had a height limit of 45 feet or 4 stories. A developer interested in building a five-story building with a height of 55 feet would have to petition for a change to rezone the property R6, the next available zoning district, with a maximum height limit of 90 feet or 8 stories. Neighbors concerned about the changing character of their neighborhood might justifiably protest

Continued on page 4

INSIDE THIS ISSUE:

Real Estate Associate Joins Firm	2
New BWM&S Partner	2
State's Attorney Joins Firm	3
Estate Planning Back to School	3
Summer Associate Joins Firm	4

NEXT ISSUE:

Municipal law, cyber squatting, the firm grows again, and more.

REAL ESTATE ASSOCIATE JOINS FIRM

Chris Lane recently joined the firm as a real estate associate. He brings a wealth of experience in real estate, bankruptcy and related fields.

As an associate in the Chicago office of Katten Muchin Rosenman LLP, Lane represented lenders in mortgage and mezzanine financing deals. Real estate assets included apartment complexes, condo conversions, office portfolios and hotels across the country. He also represented a special servicer in loan restructuring activities including the amendment and assumption of mortgage obligations and the transfer of ownership of a portfolio of office properties in suburban Boston as well as the sale of a hotel in North Carolina. Lane represented a pension fund advisor in the management of its real estate portfolio, including buying and selling apartment complexes. In addition, he represented a REIT in the acquisition of a number of resort communities. He also represented a structured finance investment fund purchasing interests in mortgage loans and subordinated loans secured by real estate.

Prior to joining Katten, Lane worked for four years at the Chicago office of Kirkland & Ellis LLP. There he divided his time between the firm's Real Estate and Restructuring practice groups. Lane's Real Estate work included representing a packaging company in the financing and disposition of a portion of its significant timberland holdings and manufacturing facilities and creation of joint-venture partnerships for the utilization of a large portion of the timberland. Lane also assisted a number of private equity clients with the real estate aspects of corporate mergers, acquisitions and dispositions in a variety of industries. He drafted and negotiated documentation for the sale of leased and owned real estate and related personal property for a regional grocery

store chain with over 200 stores and a number of national retailers and manufacturers. Other representation involved negotiating restructuring agreements for the loan facilities of one of the largest restaurant franchisees in the United States.

While in the Restructuring Group, Lane served a number of clients, including a global specialty chemical manufacturer and a television broadcasting group, in all aspects of their chapter 11 bankruptcy cases, including: negotiating purchase and sale documentation for real estate and other corporate assets, negotiating DIP financing agreements and negotiating reorganization plans. He gained substantial experience in the litigation and settlement of creditors' claims and the preparation of "first-day" motions.

According to Lane, "I was attracted to Burke Warren because of the collegiality of the firm and its excellent client base. I look forward to the opportunity to develop relationships with our clients and help their businesses grow and thrive."

Prior to joining Kirkland, Lane served as law clerk to the Honorable Robert D. Martin on the United States Bankruptcy Court in Madison, Wisconsin. A native of Sioux Falls, South Dakota, Lane received his J.D. *cum laude* from the University of Minnesota School of Law in 1998. Lane graduated from Stanford University with an A.B. in Urban Studies in 1993. He was admitted to the Illinois Bar in November 1998.

For more information, please contact Chris Lane at 312/840-7006 or clane@burkelaw.com. **B**



Chris Lane

NEW BWM&S PARTNER

Burke, Warren, MacKay & Serritella is pleased to announce that John J. Kobus, Jr. has been promoted to partner. He joined the firm in early 2005 and previously practiced with Kirkland & Ellis's mergers & acquisitions and venture capital groups, and more recently, with a boutique corporate firm in Chicago.

Kobus provides guidance to clients on corporate formation, organization and start-up, private offerings, venture capital and other financing, mergers and acquisitions, and general legal issues of business operation, contracting, and management. He also conducts a broad-based commercial real estate practice, representing owners,

developers and managers of retail, office and industrial properties in all types of transactions, including leasing, acquisitions, sales and other dispositions of commercial property.

Kobus received his undergraduate degree in accounting and finance from Augustana College in Rock Island, Illinois in 1992. He received his J.D., *cum laude*, from Valparaiso University School of Law in 1995 where he was an Articles Editor of the Valparaiso University Law Review. He can be reached at 312/840-7093 or jkobus@burkelaw.com. **B**



John Kobus

FORMER STATE'S ATTORNEY JOINS FIRM

Daniel Klapman recently joined the firm's litigation group and brings many years of valuable commercial litigation and prosecution experience to the firm.

Klapman began his practice in the public sector with six years of investigative and prosecutorial experience at the Cook



Daniel Klapman

County State's Attorney's Office. He served in several different divisions and also trained and supervised many junior attorneys.

As a State's Attorney, Klapman tried

hundreds of cases before many different courts and scores of judges. "For years, I spent more time in the courtroom than my office. That forced me to quickly and effectively present our clients' positions,

whether to a judge, jury or [even] opposing counsel," says Klapman. "I learned how to tailor litigation strategies for effective argument in the courtroom and avoid others that wouldn't fly."

Firm clients will benefit from Klapman's common sense, his business knowledge and his communication skills. "I work hard to translate complex business and legal issues into plain English," says Klapman. "I've found that when everyone involved truly understands the issues as seen on both sides of the table, a little common sense can lead to efficient resolution of many disputes, cutting short, or even avoiding altogether, a great deal of litigation." But not always, says Klapman. "Of course, people can be unreasonable. Sometimes there is no choice but to leave the decision making to the judge."

Immediately prior to joining the firm, Klapman represented clients in complex litigation matters at a mid-sized commercial law firm based in Chicago.

He serves clients ranging from entrepreneurs to Fortune 500 companies in complex litigation cases before state and federal courts. He has represented clients in matters including shareholder and other business investment, ownership and governance disputes, commercial contract cases, estate and trust litigation, employment and labor matters, as well as manufacturer-representative, real estate, landlord-tenant, consumer fraud, intellectual property and trade secret litigation.

Klapman received his J.D. in 1997 from Chicago-Kent College of Law with a focus on strategic business planning. He earned his B.A. in Economics in 1994 from the University of Illinois. Klapman is admitted before the Supreme Court of Illinois and the U.S. District Court for the Northern District of Illinois. He is a member of both the Illinois and Chicago Bar Associations. Dan Klapman can be reached at 312/840-7064 or dklapman@burkelaw.com. **B**

ESTATE PLANNING

BACK TO SCHOOL

This spring, Stephanie Denby and Jonathan Michael will head back to school to co-teach an Estate Planning course at The John Marshall Law School in Chicago. The course is designed for students seeking their Juris Doctor and Masters of Law degrees.

"It is exciting to work with students," says Jonathan Michael. "They bring energy to the classroom and enthusiasm to the subject matter."

The course is Tax 371, an estate planning course designed to introduce Illinois common law, Illinois statutes and Federal tax laws associated with estate planning to students. The course will provide students with a technical and practical understanding of



Stephanie Denby



Jonathan Michael

the application of these concepts and laws. A student who completes the class should have sufficient knowledge of the basics in the area of estate planning.

Students in the class are a mix of full- and part-time students seeking their J.D. They include practicing attorneys seeking their L.L.M. in Taxation who are working at a law firm and practicing in this area. Others are attorneys who are looking to expand their practice into this area.

Both Stephanie Denby and Jonathan Michael are members of the adjunct faculty at The John Marshall Law School and in the Estate Planning practice at BWM&S. For more information, please contact Stephanie Denby at 312/840-7068 or sdenby@burkelaw.com or Jonathan Michael at 312/840-7049 or jmichael@burkelaw.com. **B**

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The Bulletin is written by the firm of Burke, Warren, MacKay & Serritella, P.C. to keep clients and friends current on developments in the law and the firm that might affect their business or personal lives. This publication is intended as a general discussion and should not be construed as legal advice or legal opinion on any specific facts or circumstances. It is meant as general information only. Consult an attorney with any specific questions. This is a promotional publication. ©2006 Editor: Cy H. Griffith, Director of Marketing; Legal Editor: Jay S. Dobrutzky, Esq.

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CHICAGO ZONING

Continued from page 1

any zoning change that would double the maximum height limit; the developer might not be able to complete the project. Under the new Zoning Ordinance, RM5.5 was introduced which permits buildings to be 47 feet tall with less than 75 feet of frontage and 60 feet for buildings with more than 75 feet of frontage. Half-steps connected with other zoning categories offer similar intermediate opportunities.

Another major change is the introduction of the B2 District. The former Zoning Ordinance contained 52 separate Business and Commercial Zoning Districts. Under the 2005 version that number has been reduced to 30, including the new B2 – Neighborhood Mixed-Use District. The purpose of B2 is similar to B1, i.e. to accommodate a broad range of small-scale retail and service uses. However, B2 provides a greater

range of development options where market demand for retail and service uses is relatively low, by permitting the development of residential dwelling units on the ground-floor without the necessity of seeking a variance from the Ordinance. B2 can be combined with the various bulk and density designations available under the ordinance.

Chicago's revised Zoning Ordinance creates many new opportunities within city neighborhoods. Developers and others should become familiar with the changes. From half-step districts to B2 zoning, the Chicago Zoning Department's efforts have the potential to make Chicago development more flexible and responsive to the needs of communities and the companies that build them.

For more information about the Chicago Zoning Ordinance, contact Joe von Meier at 312/840-7063 or jvonmeier@burkelaw.com. **B**

SUMMER ASSOCIATE JOINS FIRM

Jean Gallo, a 2004 summer associate at BWM&S, joined the firm in September 2005 and was admitted to practice law in the state of Illinois in November 2005.

As a member of the litigation group, Gallo has been working with a number of the firm's litigation partners. Her experience to date includes drafting preliminary pleadings, motions, and discovery responses, assisting with research, and making court appearances on behalf of the firm's clients.

"It has been exciting for me to move from law school to the law firm

environment," says Gallo. "The litigation partners provide thorough training, which has been invaluable to my growth as a lawyer at Burke Warren."

Gallo received her Bachelor of Science degree, with honors, in Marketing with a minor in Spanish from the University of Illinois. She graduated from Chicago-Kent College of Law with high honors and as a member of the Order of the Coif. Gallo also earned a certificate in Litigation and Alternative Dispute Resolution and was a teaching assistant for the school's legal writing program, as well as a member of the Moot Court

Honor Society. While on Moot Court, she participated in several oral advocacy competitions, not only locally, but also in Washington, D.C. During the summer of 2003 as well as the spring of 2004, Gallo worked in the Employment and Civil Rights Litigation Clinic at Chicago-Kent. Jean Gallo can be reached at 312/840-7005 or jgallo@burkelaw.com **B**



Jean Gallo