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A photograph of two men in dark suits and ties sitting at a restaurant table. They are leaning on a wooden railing. The man on the left is balding with a friendly expression, wearing a blue patterned tie. The man on the right has grey hair, wears glasses, and a red patterned tie. They are in a restaurant with large windows in the background showing a snowy outdoor scene. The table in front of them has a white tablecloth and two water glasses.

Midsize firms find a home for quirky practices

(From left to right) Jim Horan of Blue Plate and Anthony Licata of Shefsky & Froelich.



Midsize firms often offer outside-the-box practices

By Amanda Robert

When one of Chicago's famous chefs or ambitious entrepreneurs comes up with a fresh, innovative concept for a new restaurant, they often think of Anthony Licata.

Licata, a real estate and venture capital attorney, first ran across restaurant deals during his work on the North Pier Chicago mixed-use development in the 1980s. He met key players in the restaurant and food service industry and, over the years, he earned a reputation for expertise in raising capital, negotiating leases and obtaining permits for the city's premiere dining hotspots.

"They all talk to each other," said Licata, now a shareholder and chief operating officer at Shefsky & Froelich. "There's a guy thinking of opening a restaurant, or a chain expanding to Chicago, and they ask around, 'Who's good at this?' Today, we have a great lineup of restaurant clients that we've been able to develop over the years."

Licata, who counts his fondness for food as his only prior qualification, helped build a restaurant and food service practice that caters to major clients like Jim Horan, the owner of Blue Plate, a Chicago catering company that also owns and operates Park Grill in Millennium Park and Rhapsody in the Symphony Center.

In the case of Park Grill, Horan called on Licata to help him build a restaurant that would operate not under a private-property owner, but the city government. Licata succeeded in working with other law firms, city officials and community members to push the deal through, Horan said.

"The restaurant industry is a people business, and Tony is a good people person," Horan said. "The Park Grill deal is a complex project and it's unique. You won't find many situations like it not just in this city, but in any city.

"For Tony, that's where his intelligence, political savvy and people-skills kick in."

Licata also represents Daniel Rosenthal, owner and manager of Trattoria No. 10 and Sopraffina Marketcaffe; Sue Gin, owner of Flying Food Group; and Richard Melman, founder and chairman of Lettuce Entertain You Enterprises. After Chick-fil-A announced its move into Chicago, he began assisting the

(From left to right) Anthony Licata of Shefsky & Froelich and Jim Horan of Blue Plate.

fast-food restaurant chain with its real estate and regulatory matters.

“The restaurants are a tremendous economic driver in the city,” Licata said. “They employ lots of people, they create tremendous amounts of commerce and they add to the vitality and the exciting nature of the city.

“There is also a side benefit — if you work on these restaurant deals, you know the managers, you know the owners,” he said. “If you go to your client’s restaurant, they usually take pretty good care of you.”

Like Licata, many lawyers in midsize firms have developed their own quirky interests into niche practices.

As they work in diverse areas such as luxury goods, sports and even fire and explosions, they get the chance to meet interesting clients and master skills that take them beyond the regular realm of corporate, trial or personal-injury law.

These lawyers said midsize firms inspire a sense of ingenuity and adventure and serve as the ideal setting for experiments with new industries to grow into full-fledged practices. Lawyers approach these unique areas from many different directions and continue to prove that it’s always possible to achieve success by taking risks and trying something new.

Finding their niche

Wendi Sloane, a partner and the head of the intellectual property practice group at Barack Ferrazzano Kirschbaum & Nagelberg, works with everything from automobile components to eye makeup.

Several years ago, she started working on acquisitions for LVMH Moët Hennessy Louis Vuitton. As she handled the IP-related provisions of the company’s transactions, she met an investment banker who liked her work and passed her name to other luxury goods companies.

“Sometimes people say, ‘How do you get business?’” Sloane said. “I have no idea, other than to do the very best work you can do. This is one of those circumstances where doing good work actually did bring in business.”

She continues to oversee IP litigation and transactions for LVMH, which owns several luxury goods manufacturers and distributors such as Donna Karan, Belvedere Vodka and Sephora. She represents a variety of other cosmetics and body-care products companies like

Pixi, a new line of high-end, low-cost beauty products at Target.

Sloane discovered a “good synergy” in working with women executives in the luxury goods area.

When she graduated from the University of Chicago Law School in 1982, women equity partners were few-and-far-between and the glass ceiling reached much higher. Now, by creating a niche practice and generating her own business, she serves as a role model for other women lawyers who want to do the same, she said.

“What I have found is that enabling myself to have a good book of business and a particular expertise has shown other women that, ‘yes, we can do this,’” Sloane said. “I have a lot of kids, and so far, none of them are ax murderers. I always tell younger lawyers that it is absolutely possible to have a profession and a personal life.”

While Sloane discovered her interest in luxury goods through a little bit of luck and a lot of hard work, Paul O’Grady found his niche practice in representing police officers after making a series of strategic decisions throughout his career.

O’Grady, a shareholder at Querrey & Harrow, worked as a police officer in the Cook County sheriff’s office until he attended Loyola University Chicago School of Law and became a prosecutor in the Cook County state’s attorney’s office in 2000.

The next year, when traffic court moved from 321 N. LaSalle St. to the Daley Center, he bumped into then-Cook County Sheriff Michael Sheehan, who asked him why he left the sheriff’s office. The sheriff persuaded him to return as his assistant general counsel and later promoted him to chief counsel and director of operations.

O’Grady honed his expertise in legal issues that affect police officers by attending the FBI National Academy in Quantico, Va., and getting involved with the International Association of Chiefs of Police. He also became certified by the Illinois Law Enforcement Training and Standards Board as an instructional expert in such areas as criminal law, use of force and detainee rights and privileges.

In 2006, he moved into private practice and now represents 10 different villages and police officers in current litigation.

“I never really saw myself leaving the sheriff’s

office, but all of a sudden, I started getting approached by law firms about defending police officers in civil rights and constitutional claims,” O’Grady said.

He has as many as 80 active federal cases in the Northern District of Illinois and 15 active state and federal cases in the Central District of Illinois.

He served as counsel to Cook County Sheriff Thomas Dart in the case brought by the U.S. Department of Justice over violations of inmates’ constitutional rights. More recently, he agreed to advise Will County State’s Attorney James Glasgow in the “Honeybee case,” which involved a series of recent shootings that occurred along the Illinois-Indiana border.

O’Grady, who is one of very few former police officers in his line of work, said he believes his background can only benefit his service to clients.

“A lot of law enforcement have a general distrust of lawyers because of their experiences,” O’Grady said. “When they’re testifying in cases where they’re the arresting officer, they are cross-examined by other lawyers who make them look bad.

“My experience as a police officer, and having that experience on the stand, helps me put them at ease and helps them put their trust in me.”

Paul Jenson took a different approach to developing his niche practice, joining Shefsky & Froelich as a young corporate and securities lawyer and growing into the firm’s established gaming practice.

Jenson, now a shareholder, said the firm started working in the casino industry in the early ’90s when casinos scarcely existed outside of Las Vegas and New Jersey. The firm first worked with a developer client from Hawaii who became interested in a potential casino deal in Colorado and later handled other deals in New Orleans and Detroit.

Shefsky & Froelich began representing gaming clients in Illinois when the state became the second in the country to legalize riverboat casinos in 1990.

“We’ve really seen the casino industry evolve,” Jenson said. “They used to have to cruise in the river any time you had gambling. You got on the boat, you have your \$100, and if you lost it in the first 20 minutes, you were stuck on the boat.

“Ten years after that, Illinois changed the

Niche > feature

law and you didn't have to cruise in the river anymore."

In the past decade, Jenson focused the majority of his practice on corporate and regulatory matters for publicly-held casino clients.

In 2009, he revamped his practice after the state passed a law that allows most liquor-license establishments to install up to five video-slot machines.

He represents a variety of different players within the new market, including companies that manufacture, own or distribute video-gaming terminals and bars, restaurants and fraternal organizations that plan to house those terminals. He expects the Illinois Gaming Board to issue the rules and regulations for these licensees some time this year.

Jenson said he likes working with large, publicly-held casino clients, but he also enjoys dealing with small businesses and private individuals who get involved in the new area.

"Your gaming license is a privilege and not a right," Jenson said. "There are guys who are going to be able to better their lives, families and communities by becoming involved in this."

Seeking good sports

Several lawyers from midsize firms developed a practice in sports, but they took different steps to stand out from the rest of the crowd.

Timothy Epstein, a partner at SmithAmundsen, started his sports law practice based on his interest in a specific topic — disappointment lawsuits, for lack or misuse of an athlete's playing time.

He researched these lawsuits, which arise after a coach benches a player or teaches a young player to throw a curveball too early and ruins his arm, he said.

He then began assisting players who sought damages for lost scholarships or, in higher-end suits, lost professional contracts or endorsement money.

"Sports were my inspiration to getting into trial work for a career and I also happened across sports law as a specific subject matter that piqued my interest," Epstein said. "I found interesting and unique issues within the emerging field and I thought that I could stake out a claim as an expert in that field."

Epstein now serves as chairman of his firm's sports law practice group and represents clients

in recreational, amateur and professional sports. He works on other distinct areas within sports law, including National Collegiate Athletic Association eligibility issues.

In one of his NCAA eligibility cases, he represents Enes Kanter, a freshman basketball player at the University of Kentucky who was ruled ineligible to play for the school in December. According to allegations, Kanter received more money than permitted by the NCAA when he played three seasons for a professional team in Turkey, his native country.

"He played basketball in Turkey as a high school kid and his father received actual and necessary expense money so that he could participate in a European basketball club similar to our AAU system in the U.S.," Epstein said. "In this case, you have a father trying to do the right thing to preserve his son's amateur status, so that he can play in the NCAA, but the NCAA staff considers the amount of expense money received to be a technical violation of NCAA rules."

In early January, a student-athlete reinstatement committee affirmed the NCAA staff's determination that Kanter is permanently ineligible, Epstein said.

"This is certainly difficult to swallow in light of the many NCAA athletes permitted to play despite willful violations by the athlete's representatives or the athletes themselves, including Cam Newton at Auburn and Terrelle Pryor at Ohio State," he said. "We are currently exploring potential legal action against the NCAA due in part to this disparate treatment."

Epstein, who teaches sports law as an adjunct professor at Loyola University Chicago School of Law, said most people assume that if a lawyer practices sports law that means they are sports agents or work in-house for a league or professional sports team.

"That's actually not the case," he said. "Sports law, as we define it in academia for those who are sports law professors, and in the practice of sports law for those few of us who practice in the area, involves very distinct aspects of the law specific to sports as well as unique intersections of sports with existing bodies of law."

Steven Thompson, a partner at Ungaretti & Harris, moved into sports law in the late 1980s when he developed an interest in representing college athletic programs accused of NCAA rules violations.

He continues to work on those cases, repre-

senting such clients as Bruce Pearl, the University of Tennessee basketball coach who was suspended for eight games after facing allegations of major recruiting violations.

In 2000, Thompson took his practice in a different direction and joined the small group of 15 lawyers across the country who represent athletes in Olympic selection disputes. During the Sydney Summer Olympics, he represented Matt Lindland, a wrestler who fought for his spot on the team after he accused an opponent of tripping him. After court action, Lindland was able to join the team and win a silver medal.

Thompson also represents athletes involved in drug-testing cases before athletic commissions and doping agencies, which sometimes presents a challenge, he said.

"I find that in representing athletes, the scales are not always balanced," he said. "Athletes are not generally people with a lot of money and they're up against organizations with tremendous resources. An athlete in a drug-testing dispute with the U.S. Anti-Doping Agency has a very hard time financing his own defense."

Even though he calls his work in sports law "somewhat episodic," he enjoys getting involved in the business as both a lawyer and a fan.

"I think athletes bring a special intensity to everything that they do, including when they're involved in litigation," Thompson said. "They're fighters, so it's interesting to watch how they approach these problems."

Scott Rochelle, an associate at Querrey & Harrow, used his interest in sports and his knowledge of law to become an agent for collegiate and professional football players.

Three years ago, Tom Kaufmann, one of his partners, decided to expand his practice in estate planning and wealth management for professional athletes by also becoming their sports agent. Rochelle jumped at the opportunity to get involved, he said.

"It's kind of funny to be involved in football, because I've always been a basketball person," Rochelle said.

"But that's the way this business goes. You kind of have to go with the flow."

Kaufmann and Rochelle developed the Kaufmann Sports Management Group, which operates as a practice group in their firm and represents as many as 15 athletes at a time. They started with football players from the University of Illinois and Northwestern Uni-

versity and now also represent players from Florida State, Temple and UCLA.

As an agent, Rochelle prepares his college-aged clients for NFL scouting events. Clients who are not from Chicago stay with Rochelle or Kaufmann during their training. One player stayed with a partner for two months prior to the NFL draft, Rochelle said.

After handling their training logistics and supporting them during scouting events, Rochelle markets players to professional teams around the country.

“We’re helping young guys to achieve their dreams,” he said.

“Many of these guys are fresh out of college, they’re young, learning how to live life out of college and any guidance we can provide them is always appreciated.”

Midsize practice matters

For Licata, Shefsky & Froelich, a midsize firm with an entrepreneurial spirit, served as the perfect place to build his restaurant and food service practice. Many large firms would have avoided the risks that come from working with clients in an industry that has such a high failure rate, he said.

“One of the reasons it’s such a risky business is that the competition is mind-boggling,” he said. “There are so many food choices, so many restaurants. You have to really struggle to have your product offering stand out in the crowd.”

Licata begins his work with new clients by negotiating a lease with the owner of their real estate.

Restaurants can be difficult to construct or add to a building, since many operational issues need to be addressed, such as how the restaurateur plans to eliminate smoke and grease from the kitchen, he said.

While his clients must also deal with a complex set of regulations, such as building and health codes or liquor licenses, capital formation becomes their biggest challenge, Licata said. He assists them with investment structuring and fundraising and, once they open their restaurant, he continues to counsel them in labor and employment matters and other legal issues.

Licata also helps restaurant clients who struggle or fail with closing and liquidating,

which he said is his least favorite part of the job.

“This area is extremely multidisciplinary,” Licata said.

“I tell people if they’re really interested in getting into the business, then come and work in one of those principal areas and learn everything you can,” he said. “Then start cultivating relationships with people who are thinking of opening restaurants.”

Peter Skiko, a partner at Swanson Martin & Bell, also counsels clients through a risky industry and still receives the support of his firm.

As part of his niche practice in fire and explosion law, he represents corporations and insured parties whose products or practices have been implicated in fires.

“I can’t really speak to what it would be like at a Sidley Austin or a Baker & McKenzie, but really, they’re not interested in doing that type of practice,” he said.

Over the course of his nearly 20-year career, he has handled as many as 20 major fires. In 2003, he acted as lead counsel for Cook County after a fire swept through the Cook County Administration Building, killing six people and injuring many others. After four years of litigation, 220 depositions and 23 experts, the county settled with victims and their families for \$9 million, he said.

“That was more than your garden-variety fire case, because I was defending the design of the building,” he said. “I was defending the maintenance of that building and the decisions that were made, such as why doors were locked.”

Whenever Skiko takes on a fire like the one in the Cook County Administration Building, he immediately meets with CNA, the business and personal insurance agency, and advises them on which experts to bring to the fire scene.

Skiko and his experts join lawyers and experts from other interested parties and decide how to investigate the fire. They photograph and videotape the scene to preserve any evidence and to formulate their opinions on the cause, Skiko said.

“Sometimes things are cut-and-dried as far as how these fires start, but many times it’s the experience of the expert witness, the cause and

origin investigator and the persuasiveness of those investigators in front of a jury that makes all the difference,” he said.

Skiko accepts major responsibility when he takes over a fire scene, admitting that his work can become “unbelievably depressing.”

“In the 69 W. Washington fire, we were among the first ones on the scene other than the fire department,” he said. “There were personal remnants of the people who died in the stairwells still in the stairwells. Shoes, and other articles of clothing. When they were taken out of there, they left those things behind. It was just haunting.”

Like Licata and Skiko, Sloane said her midsize firm served as a more appropriate venue for her clients — many of which started as relatively small start-up companies.

As those companies grew over the years, she counseled them in selecting their trademarks to mitigate the risk of them “stepping on anyone’s toes,” she said. She also made sure that other companies were not infringing on their trademark rights.

“In luxury goods, more than anything else, the trademarks and copyrights are so very important,” Sloane said. “The only reason you’re going to buy a Louis Vuitton bag is because of the cachet that comes with having the little LVs on your purse.

“There are a lot of good, quality purses out there that don’t command the same price,” she said. “The reason you command the price is because of that cachet.”

Sloane said she enjoys the creativity and innovation that comes with luxury goods products. She also learned many beneficial lessons from their creators, such as how brands become important and how consumers’ purchases are not always geared toward product-performance, but their “very adorable name.”

She said she remembers one client who laughed at her when she asked about their trade secrets.

They told her that anyone can make their products, but they came up with the “great names and great packaging,” she said.

“It was a very illuminating moment for me, both in terms of my own buying habits as well as really understanding what it takes to be successful,” Sloane said. ■

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