

**KRISTA  
KAPP**

## Seeing Construction Projects Through a Developer's Lens

by Elizabeth Davies



Some Bears fans might know more about the team. But Krista Hallberg Kapp is pretty certain she knows Soldier Field better than them all.

A construction lawyer with Laurie & Brennan LLP, Kapp spent the better part of 2002 and 2003 working from a construction trailer at the Chicago Bears' football stadium. She was on-site as counsel for Soldier Field's \$600 million historic renovation, and she learned "everything there was to know about the mechanical, electrical and plumbing systems at Soldier Field," she laughs.

And for a lifelong Bears fan, it was an exciting experience.

"It's amazing to me that I even got to work on it," she says. "It's fun because we'll tell the kids, 'Mom worked on that.'"

It might make for a good war story, but Kapp's time at Soldier Field actually was a pivotal point in her legal career.

"For me, that's when I learned more about construction law," she says. "It carved the path for representing owners because I really learned about the risks owners take."

It's a perspective her clients appreciate. Bruce Armstrong, senior vice president of development for Golub & Company, says that's what makes Kapp a stand-out lawyer.

"Krista has the talent and experience to see the deal issues through the same lens I do as

the developer, while at the same time making certain that the decisions I make can be legally documented and defended," Armstrong says. "That may seem like a fundamental requirement of any construction attorney, but her ability to exercise that flexibility is unmatched."

Construction law gives Kapp visual evidence of a job well done. Her goal through the process is to get her client beyond legal needs and to building the project.

"If we can get the deal done, everyone is happy," she says. "They've basically got the lawyers out of the way and can get on with what they do best."

### WANTING TO BE A JUSTICE MAKER

Growing up in suburban Des Plaines, Kapp was the daughter of a speech pathologist and a Lutheran pastor and lobbyist for Lutheran Social Services of Illinois to the Illinois General Assembly. Because of her father's political involvement, Kapp spent many of her early years in Springfield. She recalls the life-altering experience of watching state legislators vote on the Equal Rights Amendment.

"I sat on the floor of the viewing area and watched it being voted down," says Kapp, who was just a young girl at the time. "It had a huge impact on me. I thought it was a tremendous injustice. Why couldn't girls be like boys?"

That event sparked a fire inside of Kapp, who knew then and there that she wanted to be a justice-maker in the world. She went on to pursue a degree in political science from Miami University, followed by law school at Loyola University Chicago.

Just as she was heading to law school, another event in the headlines caught her attention. She remembers the Baby Richard case in which a judge granted custody to a biological father years after a child had been with adopted parents.

"The news coverage was very disturbing to watch," she recalls. "Particularly the moment Richard was taken from his adoptive mother's arms and given to the biological father because of a judge's decision."

Spurred on by a sense of social justice, Kapp interned for an Illinois Appellate Court justice and a Federal District Court judge. She also interned at the U.S. attorney's office, where she was part of a trial team prosecuting two high-ranking members of the Gangster Disciples.

She also spent a semester working at Loyola's Community Law Center Clinic, representing clients on public assistance. While her career didn't take her into issues of social justice, she has continued pro bono and volunteer work there.

"The reason I went to law school was to help people," says Kapp, who feels daily that

she is successful with that mission.

But it's particularly fitting that Kapp, who so desperately wanted girls to be treated like boys, would enter a male-dominated industry such as construction. She was fortunate to find a female mentor early in her career but says it's not unusual for her to be the only woman in a meeting.

"It means you need to do your homework," she says. "If you're going to speak up as a woman, people are going to notice you, so you want it to be in a good way."

Being the only female in the room also requires a solid backbone.

"People are surprised when I don't back down," Kapp says. "Or sometimes they don't think I will speak up. A lot of folks feel they can argue back with me in a way they wouldn't if I were a man. That kind of thing just doesn't happen when there's another woman on the other side."

Whether by personality or by duty, Kapp isn't one to back down. "I still have to represent my client," she says.

Client Justin Pelej has been witness to exactly that as Kapp represented his company, Focus Development, which has more than \$1 billion in real estate construction projects.

"I have been on several conference calls where Krista had to aggressively argue a point," he says. "She never dips below the line and always treats the opposing party with respect—even if they do not deserve it."

## ENTERING A 'DYNAMIC' CAREER

Coming out of law school, Kapp started as a litigator representing insurance companies. While she didn't know much about construction law, an opportunity presented itself in that field. Kapp jumped at it.

"They were looking for someone who was young, but had some courtroom experience," she says.

Her first construction case settled out of court in November 1999, but at that point, Kapp was hooked on this new sector of the law—even if it meant adjusting to the different gender dynamic.

"I was very lucky because there was already a woman about my age who really took me under her wing," she says. "But it's very apparent that I'm often the only woman in the room."

Over time, however, Kapp found that transactional law was a better fit for her personal job satisfaction.

"I like that I'm involved at the beginning of a project, making a deal, bringing people together, and finding a resolution," she says. "I need to get two sides to come together, and that can take some creativity."

Over time, her practice has merged more into work with developers and owners as she negotiates construction contracts.

"If you're going to build it, I can draft it," she says.

Kapp has come to appreciate the way transactional construction law literally involves building—a drastic change from litigation.

"I like to think I'm building something, not tearing people down," she says.

With her role at Laurie & Brennan, Kapp is part of a collection of 14 experienced construction attorneys at this specialty firm. She and four other construction lawyers started the entity.

"I enjoy being in my current firm because of the collaboration," she says. "Each of us brings a different skill set to a case, and we work together to diligently represent our clients—regardless of whose client it is."

Kapp negotiates construction and design agreements, then helps the client as problems arise throughout the project. Often, she gets called in on issues such as delays, defects, claims for additional costs or subcontractor problems.

It's not unusual for Kapp to give clients generic forms so they can manage basic legal work themselves. Of course, that brings the challenge of "working myself out of a job," she laughs. "A lot of times we provide clients with form contracts on how to handle paperwork. Sometimes we do this and they don't have to call me anymore—that's not a great business plan."

Client Justin Pelej has been working with Kapp for five years. He is quick to recall a case where his company used a different firm for litigation because its lawyers had more knowledge of a particular case.

"The attorney we used wasn't as practical as Krista, and we weren't making progress toward a settlement," he recalls. "Eventually, I went to Krista for a second opinion. Her input and knowledge empowered me to push back on the attorney we were using to get a better result."

"Krista is stellar because she balances legal arguments with prudent business decisions. She knows when to give on issues for the sake of getting a deal done. She also pushes back when she needs to. Overall, she is very efficient while also being very comprehensive."

And yet, Kapp hasn't struggled to get some large, high-profile matters. She was involved in the multi-building development at New York's Ground Zero to replace the World Trade Center. She worked on a 45-story, 490-unit luxury apartment building in Chicago, a neighborhood development in San Francisco, and a luxury condo development in Florida.

Kapp helped a developer draft contracts to build a 335-room hotel in Chicago on a tight site that required air rights and crane easements. She also negotiated the construction contract for DePaul University's Theater School.

Client Golub & Company, with holdings that include Tribune Tower and The John Hancock Center, has been working with Kapp

for more than 10 years. The company values Kapp's ability to understand its goals and priorities.

"Our collective goal is to limit exposure to risk," says Golub's Bruce Armstrong. "When one deal in particular presented a real threat, she provided clear and thorough recommendations, together with strong leadership, that resulted in a very favorable resolution that minimized our financial exposure."

## BOTH ENDS OF THE BUSINESS CYCLE

After the birth of her second child eight years ago, Kapp began looking for a single-family home to replace the "bachelorette pad" she had purchased during her single days.

She and her husband, Jay, looked at a range of older suburban homes before settling on a nearly new construction home in the city.

"I'm a construction lawyer," she says. "There is not a chance that I'm buying a house that needs an addition, a gut-rehab or a basement renovation. I just know too much, and I know it's not for me."

Kapp's husband also is a lawyer. He focuses on restructuring and bankruptcy, so business is always good for one of them or the other, Kapp jokes.

And it's good they both aren't busy at once because family life calls them as well. Ellie, 10, has cross-country practice and figure skating lessons, while 8-year-old Will alternates between basketball and baseball. Together, the family takes part in a Fantasy Football League and spends time at activities with their church, Luther Memorial.

Kapp also serves as secretary for the board of directors at Concordia Place, a nonprofit group supporting North Side Chicago families. The organization serves about 800 people each year, including child care centers, after-school programs, teen development and senior fitness classes and meal programs.

She holds professional interests as well, with involvement in the Forum on Construction Law of the American Bar Association, the Chicago Bar Association and the Society of Illinois Construction Attorneys.

Despite the chaos of successful law practices, family activities and community involvement, Krista and Jay Kapp make a point of coming together to connect as a couple every week. Ever since their children were young, they have booked a regular babysitter for Thursday nights so they can go on a date.

Typically, they enjoy checking out some of Chicago's hottest new restaurants. It's an evening they look forward to. They even know all the little tricks into making it happen. Kapp's best advice for sticking with date night plans?

"Don't go home first," she warns. "Oh, you can never go home. Then, the kids won't let you leave." ■