

## DAVID SHAW

### Immersing Himself in All Aspects of Real Estate Law

by John Flynn Rooney

When David L. Shaw represents clients in land development projects, he becomes fully immersed in the property at issue.

"I try to make sure I know every aspect of the property," says Shaw, a member of **Shaw, Gussis, Fishman, Glantz, Wolfson & Towbin LLC** in Chicago.

Shaw wants to know what type of neighborhood and neighbors are near the property, along with engineering and access issues. He also tries to identify all the government agencies that will be dealt with during the project.

For about the past dozen years, Shaw represented clients in commercial real estate deals, including transactions, finance, land use, and zoning. Clients include individuals and large business entities, and most of his business comes from referrals.

Shaw worked as land use counsel for most suburban CVS/pharmacy stores in the past five years. He also worked on the development of a number of Walgreen's stores.

And he served as zoning counsel for Mundelein Crossing, a 600,000-square-foot development in the far northwestern suburb. He continues work on a 25,000 square-foot retail center in Highland Park.

Richard E. Vogel, a partner with Tracy, Johnson & Wilson, in Joliet, worked on a number of development and annexation projects involving Shaw during the past 10 to 15 years. Shaw typically represents the developer of property, while Vogel represents the Village of Romeoville.

"I think when I have (Shaw) on the other side of the project for the village, there would be no problem getting the job done," Vogel says. "I think there are probably very few, if any, other Illinois lawyers who have greater or broader development experience than" Shaw.

Shaw proved a valuable resource for Vogel when the latter wants to talk through an issue in a matter not involving Shaw, Vogel says.

Shaw, 68, is a Brooklyn native. His father, Arthur, became a lawyer and later worked as the chief executive officer of a large lumber shipping terminal in New York. His mother, Ray, worked as an elementary school teacher for nearly 50 years. Shaw's older brother, a retired mathematician, lives in Colorado.

"My parents were very attentive but definitely gave me my independence," Shaw says. They

"were very encouraging about everything I did."

While a student, Shaw worked some summers for the business his father ran helping ship lumber all over the East Coast.

#### Grueling Early Days

After attending and graduating from Midwood High School, which had an enrollment of about 4,000 students, Shaw enrolled at Union College in Schenectady, N.Y. That school had an all-male enrollment of about 900. Union College was too confining for Shaw, who transferred to the University of Michigan after two years. Several of Shaw's friends attended that school.

Shaw met his wife, Myrna, an Illinois native, while attending the University of Michigan. He studied history and political science and graduated with honors from Michigan in 1963.

the law firm now known as Mayer, Brown LLP. He concentrated on tax, estate planning, probate law, and some real estate work.

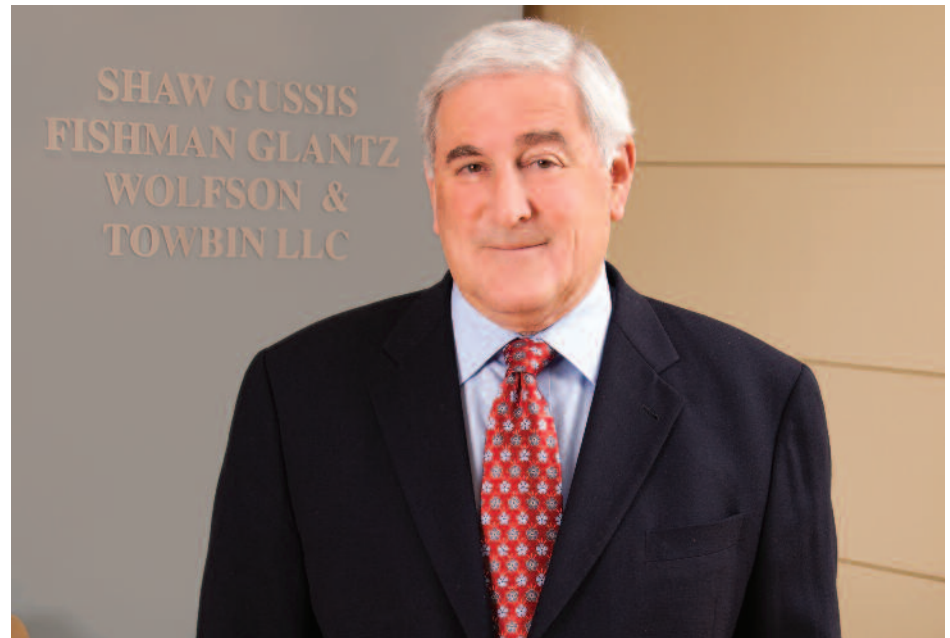
An acquaintance of Shaw's worked as vice president of what is now KB Home. In 1970, that man offered Shaw a job as general counsel of KB Home's Illinois office, Shaw says.

The work was grueling, requiring Shaw to be out three nights a week at township and village meetings getting zoning approval and doing acquisition work.

"That's where I really learned what I do today," Shaw says.

#### Branching Out

After two years with KB Home, Shaw went to work at a small Chicago specializing in real estate known as Wexler, Siegel & Shaw Ltd. The firm eventually grew to about 14 lawyers



While an undergraduate, Shaw decided to attend law school at the University of Michigan, receiving his JD from the university's law school in 1966.

"I just thought it would be the right career move," Shaw says.

The summer before his third year of law school, Shaw worked as a clerk for a small Chicago law firm.

After passing the Illinois bar on Nov. 29, 1966, Shaw started work as an associate at

who mainly handled real estate, corporate work and some litigation.

Around 1983, Wexler, Siegel & Shaw merged with a law firm known as Roan & Grossman. Later that year, Shaw left and joined two friends who had a real estate law firm known as Neiman & Graiss. Shaw worked there for five years.

In 1988, Shaw left Neiman & Graiss with another partner, Randy S. Gussis, and launched the Shaw, Gussis firm. The firm now comprises

27 lawyers, including Shaw's son, Brian L. Shaw, who focuses on bankruptcy matters.

Gussis left the firm in 2008 but Shaw continues performing zoning work for Gussis' real estate clients, and she enjoys working with him. "He's very well liked in the communities he works in," Gussis says.

For Shaw, his work never becomes static.

"There are new problems that come up constantly, especially in this rough economy," Shaw says.

Shaw believes "the most challenging part (of his job) today from a zoning and land use perspective is to get the municipalities to recognize the realities of the economic situation today."

Another current challenge "is you're looking at properties that might have previously been approved for development, but the developer is not involved or bankrupt," Shaw says.

The worst part of his job involves "watching very, very, responsible people who have been very cautious and very conservative lose projects just because of economic forces that they can't deal with," Shaw says.

In the 1990s, Shaw represented Bank of America in two difficult projects.

The first in the early 1990s involved a 1,800-acre mixed use project in Will County. The bank took the project back from a developer who defaulted.

The original plans for the project called for 8,400 residential units with a commercial component and a golf course. But the project died after about 490 units were sold, Shaw says.

Shaw and the bank's consultants worked for nearly two years to rezone and restructure the project. They eventually pared the project down to about 4,200 units and sold the multiple family and single units to two different developers.

"It was clearly the most complex development I was ever involved with," he recalls.

The second project, in 1996, involved the bank acquiring most of what is now known as the Bank of America building at 231 S. LaSalle St., from Northwestern University.

About half the property had been leased from Northwestern on a long-term basis since the late 1800s. When the lease expired 100 years later, Bank of America had the option to buy the property and exercised that right. Shaw worked on documents from bank files that were original hand-written leases and amendments from the late 1990s. Those documents were often difficult to decipher.

"The other amusing sidelight was that in the midst of our negotiations, (Northwestern's football team) won the Big 10 title and was headed for the Rose Bowl for the first time in almost 50 years," Shaw says. "Everyone was so consumed with football—even the general

counsel's office—that we had to wait to close the deal until after the first of the year. But it worked out."

Stephen Novack, a partner with Novak and Macey LLP, got to know Shaw about 25 years ago when they squared off in a case. Novack has since used Shaw as a witness in the case of Novack's client.

Novack describes Shaw as a lawyer who is "very practical, gets to the heart of the issue very, very quickly, and has the energy to see it all the way through." He is, Novack says, "not afraid to stand up to village officials."

The case in which Shaw provided testimony as a witness was against the Village of Bartlett involving reversal of a village decision about a development project, Novack says.

Shaw "was an excellent witness and we won the case," Novack recalls.

In his free time, Shaw enjoys spending time with his family, also including a daughter, Leslie Cohen, and five grandchildren.

Shaw also helped found a community theater called the Highland Park Players in that northwest suburb. He serves as a vice president for the group's board of directors.

Shaw acted in plays and musicals in grade school and high school. He resumed acting about 25 years ago and has appeared in at least 20 shows, participating as a lead character or in the chorus. He has produced shows and portrayed characters including Nathan Detroit in *Guys and Dolls*, Beau Burnside in *Mame*, and Horace Vandegelder in *Hello Dolly*.

Community theater, Shaw believes, allows people to see quality performances at reasonable costs.

"It's a great outlet for people who really enjoy performing," he says. "It affords you an opportunity to meet people you would otherwise meet" outside the legal profession. "It opens up a whole new circle of friends." ■