

DAN BRENNAN

Helping Make the
Fabric of Chicago

by Olivia Clarke

Photos of various well-known construction projects decorate the walls of Daniel S. Brennan's law firm office as reminders of how he and his partners have positively affected the fabric of the community.

A founding partner of **Laurie & Brennan LLP**, an 11-lawyer firm that opened in January 2010, he handles both the transactional and litigation sides of construction law.

His practice over the years has included major buildings and developments in Chicago and Illinois—everything from Arlington Park Racetrack to Soldier Field to the future Ann & Robert H. Lurie Children's Hospital of Chicago.

Brennan focuses his practice on advising owners, designers, and contractors on risk management in the construction process; prosecuting and defending construction

claims, including professional negligence and delay claims; and negotiating and drafting construction and design contracts for architects, engineers and owners.

He jokes that it was such a predestined path to becoming a construction law lawyer.

He was walking down the hall at his first firm, today's Schiff Hardin LLP, minding his own business when the head of the construction practice asked him to write an appellate brief involving the State of Illinois building and all the "fun and games that arose out of the HVAC problems there."

He gets great enjoyment from participating on the construction project team and helping complete a project.

"I like the people in the industry, I really do," says the 45-year-old lawyer. "They work hard.

Especially on the contracting side, they are very smart and savvy people from the standpoint of building their business. They are down to earth. I like that.

"We do transactional work and we do litigation. On the transactional side, as a lawyer you don't often get to see something tangible that results from what you do. Even if it's a small piece, it's nice to be able to drive by something and say, 'I worked on that and I know this or I know that about the building.' That's helpful because sometimes in the legal practice the tangible rewards can be few and far between."

Big-Firm Lawyers, Small Firm

Brennan grew up in Philadelphia with a mother who was a homemaker and a father



who worked in manufacturing. He has two brothers and one sister.

He attended the University of Notre Dame and Georgetown University Law Center. He met his wife at Notre Dame, and she was from Northbrook, which is how he ended up practicing law in Chicago. He and Connie have four children, ages 15, 13, 11 and 8.

His first firm was Schiff Hardin & Waite, where he worked for 14 years. One of the first large projects he worked on at the firm involved Arlington Park Racetrack and the litigation that arose involving the reconstruction of its grandstand.

He worked with lawyer Ty Laurie on Soldier Field and its massive expansion project. He helped with the legal side of its design, construction contract and insurance.

He and Laurie left Schiff in 2004 and went to what was Piper Rudnick. Five months later, the firm became DLA Piper.

In January 2010, he, Laurie, and three other people left DLA Piper to start Laurie & Brennan.

"When you open up a law firm, you realize that the whole gamut of opening and running an office sometimes falls on your desk," he says. "As someone said, my responsibilities range from chief bottle washer to first chairing a case to going out and drumming up business. It's all three of those on any given day in various combinations. Even an office as small as ours, it's truly astounding how much time can be consumed by administrative tasks. There are different sets of challenges at any size law firm. But while there are challenges I enjoy coming to work."

Laurie has known Brennan for at least 20 years and considers him a trusted and valued partner.

Laurie and Brennan first met when Brennan was a young associate; it was evident how smart he was and what a good partner he would be. Brennan has the whole package, Laurie says: a strong ability to handle litigation cases as well as transactional matters.

"We have a wonderful small-firm environment," Laurie says. "Its large-firm lawyers in a small-firm environment. He's a great leader at the firm. We have a lot of fun together with our colleagues, both the associates and the other partners. It's a very team-oriented firm."

These days, on the project side, Brennan assists with preparing and negotiating contracts associated with the future Ann & Robert H. Lurie Children's Hospital of Chicago. He also acts as a counselor wherever he is needed.

"It's a great project and an example of a project that you can take pride in being involved with," he says.

Children's Memorial Hospital Associate

General Counsel Nancy Borders describes Brennan as a low-key, practical lawyer with a breadth of experience in the construction law area. She says the new hospital facility is a very large, multi-million dollar project, and they need a lawyer like Brennan to assist them in such a large endeavor.

"He has the ability to explain things so that he gets to the nut of what is important and what could be a risk for us," she says. "He makes sure we know the options so that we make the right choices."

"He's really been a good partner, an excellent adviser and someone in whom we have a lot of confidence. His personality meshes with our organization, and that is important."

Throughout his career, he has also worked on health-care projects, such as an entity affiliated with Midwest Orthopaedics at Rush. Brennan represented the LLC in connection with the development of a new office building—the first project completed in an overall capital project.

Dennis Viellieu, CEO of Midwest Orthopaedics at Rush, says Brennan's strengths lie in his ability to serve as a liaison between the business issues and team and the technical legal issues and team.

"Dan was always very successful in working with all the other attorneys involved so that a specific and maybe minor legal issue didn't blow up the project," Viellieu says. "Lots of different elements of the project continue to live on. Issues pop up all the time that we go back to Dan on. ...Five different legal documents govern that transaction and he helps us work through any related issues."

On the litigation side, he's handled a variety of condo defect matters; he's represented the New Jersey Devils in a matter surrounding the team's Prudential Center arena; and he's worked for an American Indian group that owns a casino in Michigan.

One large pro bono project that he started working on in 2005 and continues to handle with DLA Piper lawyers involves a death penalty inmate in Mississippi and his post-conviction proceedings.

They filed a post-conviction petition with the Mississippi Supreme Court asking for relief on a number of grounds. Only one was granted, and that was whether their client was mentally disabled; if so, he can't get the death penalty. They continue to work at the Supreme Court level, as well challenging the constitutionality of lethal injection in Federal Court in the Northern District of Mississippi.

This case reminds him of the importance of tackling new challenges to become a better lawyer.

Through his 20 years in the business, he's

learned that if he can tackle a problem when it's small, then it won't turn into a big problem. If he waits until the problem gets big, he won't be in a position to come up with as many solutions or as effective of solutions as if he had done it earlier.

When asked what he hopes people understand about him and his practice, he says, "The thing that I try to do and what I try to achieve and take pride when I do is figuring out how to help the client solve a problem at a reasonable cost to them, whether it is to resolve a dispute, to get a transaction completed, or offering them sound counseling and advice on the best way to get there."

"It doesn't always mean scorched earth. ...I advocate for my clients but also recognize that they are running a business and their best interests are the ones that have to be served."

Changing Practice

Brennan says the overall practice of law has changed because of technology: not only in the day-to-day practice, but also in what clients expect their lawyers to understand about how they use technology in their businesses.

Technology also affects how young lawyers learn. Today's young lawyers learn through the digital age, which is a series of peepholes into the world. They eventually learn how to have a broader perspective; when he started as a lawyer, he learned that broader perspective earlier on.

Much of the construction practice is influenced by the economy, he says. About five years ago, they handled a lot more transactional work because there was more building and development going on. Now they handle almost entirely dispute resolution, whether it's litigation, arbitration or mediation. The number of construction projects has decreased due to tight credit markets and the overall poor economy.

"I think the construction industry is also looking more closely at how to expunge the inefficiencies and the tension involving the old ways of delivering projects," he says. "The more advanced contractors and architects, while preserving their role and the values that they bring, are trying to work more collaboratively."

"The industry has had something of a black eye and was sometimes the butt of jokes because everyone believes no project is on budget and no project is on time. That situation may have been tolerable when the money was flowing like milk and honey. But everyone is now looking more closely at the bottom line and the architects and engineers are looking for ways to better their performance and better the industry's reputation." ■