

SmithAmundsen Workers' Compensation

FULL RANGE OF SERVICES

Consultation Services

- Network partnership to brokers, businesses
 - Insurance coverage analysis (overlaps and gaps in programs)
 - Claims handling
 - Analysis of loss ratio evaluation
 - Policy drafting
- Employers
 - Insurance coverage analysis
 - Subrogation/lien protection
 - Third party defense/tenders of defense
 - Employment policies analysis and drafting
 - Leaves/lost time
 - Discipline/separation
 - Risk analysis

Litigation Services

- Declaratory judgments
- Intervention in 3rd party litigation
- Discovery actions and consulting on preparation therefore
- Defending claims before:
 - IWCC through Circuit, Appellate, and Supreme Courts
 - The courts in
 - Retaliatory discharge
 - FELA
 - Administrative agency for EEOC/IDFR agency level actions

Contractual Services

- Indemnity agreements
- Independent contractor status
 - Review and revise agreements
 - Workers' compensation status
- Construction and transportation business's needs

for further INFORMATION,
please contact
Anita S. Johnson
ajohnson@salawus.com
312.894.3327



SmithAmundsen Labor & Employment

L & E FRONTLINE PROGRAM

Who we are:

SmithAmundsen is a nationally recognized full-service firm serving the business needs of our clients. The Labor & Employment practice group assists clients, including small to mid-sized, family owned/operated businesses, Fortune 500 companies, and public sector entities, in all their labor and employment matters.

What is it?

The Labor & Employment Frontline Program is a full-service preventative program designed to counsel and guide employers *before* problems develop. At a minimum, the program offers employers the ability to access experienced labor and employment law attorneys to help diminish negative repercussions when managing workplace issues.

The Frontline Program Offers:

- **UNLIMITED** telephone counseling on general L & E issues with the SmithAmundsen labor and employment attorney of your choice. The program is designed to allow clients the ability to speak with someone who knows the latest in both substantive and procedural law, is familiar with the client's operations, and (perhaps most importantly) understands management's philosophies. *The L&E Frontline Program includes 24/7 access to cell phones, emails, and general office contact information.*

Typical issues include counseling on questions relating to:

- Managing employee medical leaves
- Proposed discipline and termination issues
- I-9 problems
- COBRA compliance issues
- Welfare and pension plan administration guidance
- Walking through the plethora of government regulations

- **SAMPLE COMMON POLICIES AND PROCEDURES ARE AVAILABLE UPON REQUEST** and may be distributed when new legislation or current events dictate.

Sample policies and procedures include:

- Pandemic policies/procedures
- FMLA
- ADA
- Cash advance agreements
- Union free statements

- **COMPLIMENTARY NEWSLETTERS AND E-ALERTS** are also available regarding breaking legislation and case law developments.

Cost:

For a flat retainer of \$150 a month, the SmithAmundsen L&E Frontline Program is arguably the most cost effective and efficient employer defense tool available. The program can be billed on a monthly, quarterly, semi-annual, or annual basis. *All major credit cards are accepted.*

for further INFORMATION,
and to ENROLL
please contact
Emily Lempa
elempa@salawus.com
630.587.7939



SmithAmundsen Labor & Employment

FULL RANGE OF SERVICES

Discrimination/Wrongful Termination

- All types of discrimination, harassment and retaliation claims brought under Title VII, the ADA, the ADEA, the EPA, the FMLA and equivalent state statutes
- Whistleblowing
- Common law retaliatory discharge

Litigation Services

- Defending companies against a vast array of employment-related claims in state and federal courts across the country
- Defending employers against government claims brought by the EEOC, NLRB, OSHA, DOL, and numerous state agencies

Unfair Competition Matters

- Sales representatives
- Drafting enforceable non-compete and sales representative agreements
- Litigating breaches of restrictive covenant agreements

Government Regulations

- Affirmative action plans
- Office of federal contract compliance
- Wage and hour laws
- OSHA
- Unemployment Insurance Hearings
- Responsible Bidder
- Prevailing Wage

Labor Union Matters

- National Labor Relations Board matters
- Union negotiations
- Counseling employers in union avoidance strategies
- Counter-organizational campaigns and decertification procedures
- Strikes and picketing
- Grievances and arbitration
- Construction industry labor matters, including union trust fund claims
- Project Labor Agreements

Human Resource Matters

- All aspects of the hiring process and harassment and discrimination investigations
- Employee handbooks
- Disciplining and terminating employees
- Policies and procedures
- Affirmative action plans

Employee Benefits

- Benefit plan compliance; design and administration
- Deferred compensation plans
- ERISA litigation
- Multi-employer welfare & pension plan audits and litigation
- COBRA compliance and administration
- HIPAA compliance
- Employee benefit issues arising out of mergers and acquisitions
- ERISA fiduciary obligations

Workers' Compensation Defense

- Defense of workers' compensation claims before state industrial commissions
- Handling related cases such as workers' compensation retaliation actions, FMLA and ADA cases
- Consulting on workers' compensation cost containment

Independent Contractor Status

- Reviewing and revising independent contractor agreements
- Helping strengthen independent contractor relationships
- Defending companies when they are audited by state departments of unemployment insurance, the IRS, and other government agencies
- Keeping companies up to date about any changes in the law which might impact independent contractor situations
- Advising companies about their risk in using independent contractors and helping them lower that risk

Employment Immigration

- Bringing foreign nationals to the U.S. for temporary employment/securing valid Visa status
- Labor certification/PERM
- Social Security no-match letters
- Advice on I-9s
- I-9 audits

Insurance Coverage

- Insurance coverage analysis
- Declaratory judgment actions
- Equitable subrogation/contribution
- Policy drafting
- Extra-contractual/bad faith defense

Class Action

- FLSA, Wage/Hour
- Discrimination and wrongful discharge
- ERISA, Employee Benefit Claims

for further INFORMATION,
please contact
Jeffrey A. Risch
jrisch@salawus.com
312.894.3302



SmithAmundsen



Top flight counsel. Bottom line results.®

SmithAmundsen, a firm of highly experienced attorneys, provides the quality legal services clients require to achieve their goals. We strive to demonstrate the highest degree of professionalism in our relationships with the bench, the bar, and the clients we represent.

The foundation for our success is the integrity, quality, and experience of our staff; an understanding of the relationship between business risks and business objectives; and the desire to explore new and innovative ways to expeditiously solve client problems.

SmithAmundsen

+YOU

our

F O C U S

As one of the FASTEST GROWING law firms in Chicago, we understand the *entrepreneurial thinking* that drives business decisions.

We use this insight to respond to the business needs of our clients—creatively, expeditiously, and pragmatically.

212

INDIVIDUALS

working in tandem,
WORKING FOR YOU.

We work closely with clients from the outset to identify their goals and ideal outcomes, never losing sight of the financial ramifications. Then we act accordingly. Helping our clients realize the best resolution in the shortest period of time is our priority.

When it comes to developing resolution strategies or fee arrangements for an engagement, our attorneys work to align the firm's interests with our clients' business objectives.

ONE Single GOAL

to translate our

KNOWLEDGE

and experience
INTO SUCCESSFUL RESULTS AND
EXCEPTIONAL VALUE.

978

Y E A R S

OF ACCUMULATED EXPERIENCE
of SmithAmundsen partners.

When you engage a SmithAmundsen attorney, you are not just securing the knowledge of one lawyer but also the collective experience of our entire firm. We use state-of-the-art knowledge management tools to ensure that the benefits of prior work performed on a subject are brought to bear. Experience makes the difference.

Sophisticated legal solutions require lawyers who are highly trained and carefully supervised. To achieve this level of excellence, SmithAmundsen provides training and professional development other firms may not offer. This includes the SmithAmundsen Trial Academy and a rigorous in-house training program administered by our Director of Attorney Hiring and Professional Development. Continuing education keeps our attorneys ahead of the game and assures the quality of the services we offer—a benefit that works to our clients' advantage, and to ours. It is an investment worth making.

82

average number of

H O U R S

SmithAmundsen attorneys spend annually on
PROFESSIONAL DEVELOPMENT.

92

percentage of clients who said they
RECEIVED VALUE
from SmithAmundsen services.

96

percentage who said
they would USE THE FIRM AGAIN.

96

percentage of

CLIENTS

who reported

OVERALL SATISFACTION with
SmithAmundsen service and legal representation.

All-around excellence is what we promise, and what we deliver. Just ask our clients. We are gratified to know that 96% of our clients in a recent survey gave us the thumbs up. "Thorough, knowledgeable, timely, and a good value," they said. This satisfaction extends to every area of service we provide, including our counsel in both litigation and transactional engagements. At SmithAmundsen, earning the satisfaction of our clients is the reward we value most.

At SmithAmundsen, we recognize that client relationships are our most valuable asset. To make sure that these relationships are mutually rewarding, we provide our clients with superior legal services delivered in a manner that is client-centered and cost-effective.

To this end:

our

P L E D G E

to our
CLIENTS.

we listen

We take the time to FULLY UNDERSTAND our clients' operations as well as their business and personal interests before we act.

we communicate

We REGULARLY REPORT, keeping our clients up to date with our efforts on their behalf.

we adapt

We are OPEN TO ALTERNATIVES that align client interests and firm interests in all engagements.

we respond

We are SENSITIVE and RECEPTIVE to the needs and inquiries of our clients.

we deliver

Top flight COUNSEL. Bottom line RESULTS.

for further INFORMATION

please call us at

3 1 2 . 8 9 4 . 3 2 0 0

email smithamundsen@salawus.com

or visit [S A L A W U S . C O M](http://SALAWUS.COM)

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

Chicago, IL

Milwaukee, WI

St. Louis, MO

Rockford, IL

St. Charles, IL

Woodstock, IL



Scan this QR code with your
smartphone to learn more
about our services.



SmithAmundsen

Commercial Litigation Practice Group

SmithAmundsen's attorneys have a broad range of experience in handling complex commercial disputes and representation of public and private companies in contract disputes, business torts, risk assessment, litigation avoidance. Our diverse corporate clients include national and international corporations, as well as local and regional businesses across a wide range of industries and sizes. The types of cases handled by our commercial litigation attorneys includes:

- Contract disputes, including breach of contract
- Tortious interference with contracts or business relationships
- Shareholder and partnership disputes
- Breach of fiduciary duty cases
- Disputes over corporate management and control
- Business dissolutions
- Employment disputes
- Disputes over non-compete agreements

We understand that any litigation matter can have a serious impact on our clients and their business. With that, we are committed to developing solutions to help our clients solve their toughest problems, and we approach each new challenge as an urgent business matter to be resolved expeditiously and cost-effectively. We work closely with our clients to develop and implement strategic solutions to meet goals and control costs. Utilizing the latest technology, we are equipped to organize and manage large document intensive cases and conduct innovative courtroom presentations. Our expertise includes not only extensive trial and appellate work, but creative resolution of commercial disputes through alternative dispute mechanisms. However, when trial is unavoidable, our over 125 attorneys bring exceptional experience and skill to the court room as well as an impressive record of success.

for additional INFORMATION,
please contact

Glen E. Amundsen
gamundsen@salawus.com

312.894.3200

www.salawus.com



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

Construction Practice Group

SmithAmundsen's Construction Practice Group understands that our clients often encounter complex issues in this ever-changing industry. By recognizing strategic relationships necessary to successfully complete a project, our attorneys structure agreements that fairly allocate responsibilities and avoid unnecessary risks to our clients under various project delivery systems. We share the goal of making your project a success.

Nevertheless, as a premier litigation firm, we realize that tough issues, such as OSHA compliance, failure to perform, construction defects, insurance requirements, and catastrophic injury claims are a part of today's construction industry. By challenging ourselves to stay abreast of and, where possible, ahead of industry and legal trends, we are able to counsel our clients on the most effective approaches to risk management, dispute resolution, and litigation.

We focus our primary efforts on advising clients as to the means to avoiding claims, finding cost-effective business solutions to impasses during the course of a project, and using alternative methods of dispute resolution prior to costly and protracted litigation. However, when adversarial proceedings cannot be avoided, we combine our intimate knowledge of the construction industry, extensive trial experience and proven track record of successful courtroom decisions for local and national clients, to produce outstanding yet efficient results for our clients.



EXPERIENCE AND CAPABILITIES

Through our decades of experience in the construction industry and legal system, we have acquired the skills needed to handle any legal situation that might arise.

- Analyzing, drafting, and negotiating construction contract packages
- Litigating commercial and contract claims
- Representing clients in mechanics liens, payment, and performance bond issues
- Analyzing and litigating construction defect claims
- Defending catastrophic personal injury, property damage, environmental and toxic exposure claims arising in the construction setting
- Evaluating and implementing job site safety programs
- Evaluating existing and necessary insurance coverage, including commercial general liability, professional liability, builders' risk, contractor-controlled, and owner-controlled (wrap-up) policies
- Evaluating and developing alternatives to traditional coverage schemes
- Identifying, evaluating, tendering, and enforcing coverage on behalf of design professionals, owners, and contractors
- Providing emergency response services during OSHA investigations and other catastrophic events

PROFESSIONAL AFFILIATIONS

We are members of, and leaders in, the following trade groups and legal organizations:

- American Bar Association's Construction Forum
- American Arbitration Association
- American Subcontractors Association
- Associated General Contractors of America
- Association of Crane and Rigging Professionals
- Ceilings and Interior Systems Contractors Association
- Defense Research Institute Construction Law Committee
- Illinois Association of Defense Trial Counsel
- Northern Illinois Building Contractors Association
- Society of Illinois Construction Attorneys
- Specialized Carriers & Rigging Association
- USLAW Network's Construction Practice Group

PRESENTATIONS AND PUBLICATIONS

Our attorneys are regularly invited to serve as featured presenters and speakers on industry-specific topics on both a regional and national level. We routinely provide written materials for educational seminars and are contributing authors on construction-related articles and publications. We also developed the SmithAmundsen Construction Safety Institute to provide content-intensive and industry-focused training and education to our clients.

Recent presentation and publication topics include:

- Two-day Construction Safety Institute
- OSHA 10-Hour Construction Safety Training
- Additional Insureds and Target Tenders
- Reduction and Avoidance of Risk for Illinois Contractors
- Insurance Certificates: The Real Impact on Coverage
- Construction Defects and Insurance Coverage in Illinois
- Construction Mold Seminar
- Key Pitfalls to Avoid in Construction Contracts
- Joint and Several Liability
- Negligence Liability in Construction Cases
(Section 414 of the Restatement of Torts)
- Payment for Construction Invoices
- Crane Safety Issues

REPRESENTATIVE CONSTRUCTION
INDUSTRY CLIENTS

Owners and Developers

- Commercial and Residential
- Condominium Associations
- Large and Small Scale Developments

Design Professionals

- Architects
- Engineers

**General and Specialty
Contractors**

- Carpentry
- Construction Managers
- Concrete
- Design-build Contractors
- Electrical
- General Contractors
- HVAC

Interior Systems

- Masonry
- Mechanical
- Ornamental Ironwork
- Plumbing
- Roofing Contractors
- Structural Steel
- Trenching and Excavation

**Material and Equipment
Suppliers**

- Fabrication
- Sale/Lease

Insurers

- Builders' Risk
- Commercial General Liability
- Excess Insurers
- OCIPs and CCIPs ("wrap-ups")
- Professional Liability
- Railroad Protective Liability



SmithAmundsen

150 North Michigan Avenue
Suite 3300
Chicago, IL 60601
312.894.3200 *tel*
312.894.3210 *fax*
S A L A W U S . C O M

for additional INFORMATION,
please contact
Dennis J. Cotter
dcotter@salawus.com
312.894.3229

Corporate Practice Group

SmithAmundsen's corporate and transactional attorneys serve as general counsel for emerging, mid-sized, and large business and enterprise clients nationally. We understand the multi-faceted issues faced by businesses in industries including manufacturing, professional services, national and international distribution, retail, technology, nonprofit organizations, and commercial real estate, and our lawyers are equipped to assist clients in all stages of business development. We place value on long term client relationships which allow our attorneys to understand and keep a company's goals in focus while resolving issues and preventing setbacks.



CLIENT SERVICES

The firm's corporate, business, and enterprise services address:

- Business design and formation, including corporations, limited liability companies, and partnerships
- Governance documentation and stakeholder agreements
- Mergers, acquisitions, business divestitures, and succession planning
- Intellectual property protection and licensing (trademark and copyright)
- Commercial contracts: negotiate and draft commercial sales and purchase contracts, service, marketing, distribution, consulting
- Employment law matters including employment agreements, handbooks, restrictive covenants, and employment law compliance
- Finance and secured transactions
- Real estate and land use
- Closely-held and family-owned companies
- Securities compliance
- Joint ventures and strategic alliance agreements

ENTERPRISE LAW PROGRAM

Under our enterprise law program, SmithAmundsen serves as the Illinois registered agent for more than 300 business entities providing business entity maintenance services including systematically receiving and preparing Illinois entity annual reports, annual shareholder and director minutes, and maintaining company minute books. SmithAmundsen also affords business clients an annual opportunity to conduct ownership and management meetings at our offices with the assistance of our corporate attorneys.

Our philosophy

As outside counsel to many emerging and middle market businesses navigating business entity decisions, we understand the importance of positive working relationships in order to render strategic legal advice. Our attorneys include a former SEC employee, Certified Financial Planner, and former general counsel for a financial derivatives trading firm at the Chicago Mercantile Exchange. These strong and diverse backgrounds allow our team to assist business owners in strategic exit and succession planning projects and transactions.

Our experience, along with the firm's vast litigation resources, makes SmithAmundsen a unique full-service partner in your business' success.

for additional INFORMATION,

please contact

Rita W. Garry

rgarry@salawus.com

312.455.3912



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

Financial Services Group

Financial institutions and sophisticated borrowers require experienced, seasoned legal counsel to deliver a full range of legal services. The attorneys of SmithAmundsen's Financial Services Group assist banks and other financial institutions through all phases of the credit life cycle, commitment letter, underwriting, documentation, redocumentation, enforcement, and representation in bankruptcy proceedings. The scope and quality of our work reflects a high level of familiarity with the credit structures and the issues confronting the finance industry.

The attorneys of the Finance and Corporate Lending Group assist financial institutions and borrowers in a wide variety of credit transactions, including corporate lending, secured and unsecured lending, equipment leasing, tax-exempt transactions, project financing, and letter-of-credit transactions.

Should the need arise, SmithAmundsen offers banks and other financial institutions skilled, practical, and efficient representation to enforce their rights and remedies in state or federal court. The SmithAmundsen Financial Services Group works closely and carefully with our clients to deliver effective, efficient and economical solutions to enforcement proceedings.



areas of practice

FINANCE & CORPORATE LENDING

The Finance & Corporate Lending Group represents banks, finance companies, financial institutions, borrowers, and other participants in a wide variety of financial products and transactions. SmithAmundsen attorneys serve clients in:

- Asset-based and secured lending
- Subordinated lending
- Credit facilities
- Real estate lending
- Structured and leveraged finance
- Corporate finance
- Acquisition finance
- Commercial lending
- Public finance transactions

Effective representation of lenders and borrowers requires skills and knowledge that transcend the process of preparing loan documents. Our attorneys are steeped in knowledge of business sectors requiring special attention in loan documentation including health care, broker dealers, construction, real estate, government contracting, environmental services, telecommunications, transportation, retail, and other business sectors.

Effective representation of lenders also requires knowledge and sensitivity to the inner workings of financial institutions. Custom advance formulas, monitoring metrics, notice and grace periods, interest rate calculations, financial reporting, initial and continued funding deliveries, representations, and warranties. Internal documentation and underwriting standards also differ among financial institutions. Having represented virtually every national, regional, and local financial institution, SmithAmundsen Finance and Corporate Lending attorneys apply this knowledge to effective, efficient, and economical documentation on behalf of lenders and borrowers.

COMMERCIAL & BANKING LITIGATION

The Commercial & Banking Litigation Group offers its clients skilled, practical, and experienced counseling and support to assist with all types of business problems. We are as comfortable in small town courtrooms as in federal courtrooms around the nation. Often, because of our years of experience counseling businesses of all sizes, our lawyers are called on by clients to serve as general corporate counsel, or as liaison with a client's general counsel, to administer all types of litigation matters.

In the forum of banking litigation, we provide for our lender-clients' needs on all levels, from defending lender liability actions, to enforcing rights against borrowers in state courts and before the federal (including bankruptcy) courts. Our litigators represent lenders in actions to recover unpaid obligations from principals and guarantors, foreclosures, and assertion of claims for fraud on the part of borrowers or their principals. We also offer effective, efficient, and economical service in responding to the unique problems lenders routinely face, such as regulatory issues, records subpoenas, grand jury subpoenas, and non-wage garnishment summons.

BANKRUPTCY & CREDITORS' RIGHTS

Attorneys of the Bankruptcy and Creditors' Rights Group represent a myriad of parties and interests that interact in bankruptcy and creditors' rights matters, such as:

- Chapter 11 reorganization cases
- Chapter 7 liquidation cases
- Acquisition of distressed/bankruptcy assets
- Non-judicial loan restructuring, "workouts" and other alternatives
- Asset recovery and foreclosure
- Bankruptcy and creditors' rights related litigation in state and federal courts

In the Bankruptcy and Creditors' Rights arena, our attorneys regularly represent financially troubled entities, secured lenders, trustees, unsecured creditors, official creditor and equity committees, commercial landlords, sellers, purchasers, shareholders, and investors in all aspects of in-court and out-of-court workout, restructuring, and reorganization matters, include negotiation and confirmation of plans of reorganization / liquidation, debtor-in-possession financing and cash collateral arrangements and contests, foreclosures and other disputes regarding lenders' rights and remedies, preference and fraudulent transfer actions, and assignments for the benefit of creditors.

Our attorneys are also experienced in bankruptcy sales, Uniform Commercial Code sales, assumption and rejection of real property leases and executory contracts, landlord-tenant disputes, environmental issues, insurance matters, and other aspects of the complex workings of in-court and out-of-court proceedings. The wide range and scope of the knowledge and experience of the Bankruptcy and Creditors' Rights Group provide effective, efficient and economical service when dealing with distressed financial situations.

for additional INFORMATION,
please contact

William S. Hackney
Bankruptcy & Creditors' Rights
whackney@salawus.com
312.894.3370

Thomas P. Scherschel
Commercial and Banking Litigation
tscherschel@salawus.com
630.587.7912

Michael G. Cortina
Financial and Corporate Lending
mcortina@salawus.com
815.337.4900



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

Insurance Services Group

Insurance is a business. When insurance companies have legal problems, they need counsel that understand their business. In the Insurance Services Group, SmithAmundsen has experienced attorneys that have a comprehensive understanding of the business environment in which our insurance clients operate. Our attorneys represent the interests of insurers in all aspects of their business, including claims counseling, litigation, dispute resolution, reinsurance and policy drafting. A number of our attorneys have held positions in insurance companies, which provides us with a unique perspective on our clients' concerns. We maintain a perspective beyond the individual case and look for solutions consistent with the long term interests of the company. Whether the issue involves policy coverage, avoidance of bad faith, representation in arbitration or litigation, reinsurance disputes or drafting policy language, we have the expertise to provide reliable and cost effective solutions. At SmithAmundsen, insurance is our business.



areas of practice

CLAIMS COUNSELING

SmithAmundsen attorneys regularly advise clients regarding coverage issues involving commercial, professional, primary, umbrella, excess and surplus lines, and reinsurance. We provide an honest assessment of the issues and we will recommend that the company extend coverage where that is appropriate. However, we will also recommend that claims be denied where that would be consistent with the underwriting intent of the contract. We will generally present a range of alternatives for responding to a claim, together with our recommendation of the most cost effective response to the claim.

LITIGATION

Sometimes litigation is unavoidable. SmithAmundsen attorneys have regularly represented insurers in courtrooms throughout the country. As early as is feasible, we provide a detailed opinion outlining the issues in the case and a recommended strategy for a cost effective resolution. We find that we can often dispose of litigation at the pleading stage. If discovery is necessary, it will be tailored to the issues at hand with a continual focus on the recommended strategy for resolution. Where appropriate, we will pursue dispositive motions or settlement. Where necessary, we have the experience and resources necessary to defend the interests of the company at trial.

REINSURANCE

SmithAmundsen attorneys offer comprehensive counseling, arbitration, and litigation services to domestic and foreign cedents, reinsurers, retrocessionaires, MGAs, and intermediaries. We use our combined insurance industry experience to help our clients anticipate and react to industry trends. Our overall goal is to assist our clients in achieving commercially reasonable solutions to their reinsurance problems. We work diligently to facilitate creative compromises that advance the long-term business interests of our clients, while vigorously protecting our clients' rights and interests through arbitration and litigation where necessary. We represent clients in cases addressing such issues as late notice, loss adjustment expense, allocation, aggregation, premium disputes, follow the fortunes, claims cooperation, setoffs, and right to associate clauses. We have assisted our reinsurance clients through associating in the defense of large complex litigation matters protecting their interests before the resolution of underlying claims.

POLICY DRAFTING

The best way to handle coverage disputes is avoid them. This can be accomplished by attempting to anticipate potential coverage issues at the time that a policy provision is drafted. SmithAmundsen's extensive experience with coverage disputes involving many types of insurance is helpful in evaluating policy language and perceiving potential disputes that could arise. When addressing claims issues, we will commonly recommend changes in policy wording that could clarify the underwriting intent. SmithAmundsen also regularly uses its expertise to assist its clients in drafting or revising policy language.

for additional INFORMATION,

please contact

Victor J. Piekarski

vpiekarski@salawus.com

312.894.3248



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

Insurance Services

Extra-Contractual Practice

SmithAmundsen has experienced counsel that provide representation to insurers defending against extra-contractual and “bad faith” claims. Our attorneys have extensive experience in a wide variety of insurance coverage matters. The coverage background provides a necessary perspective for the successful defense of many extra-contractual claims. We understand the unique gravity of these disputes which often bring into question the institutional integrity of our clients claim practices or claim decisions and the personal integrity of claims professionals in their professional endeavors.

In any litigated matter, we promptly review the pleadings, along with any relevant additional materials, and provide a detailed opinion regarding the issues in dispute and a recommended strategy to achieve a cost-efficient resolution. We find that we are often able to dispose of such claims at the pleading stage. If discovery is necessary, it will be tailored to the issues at hand, with a continual focus on the goal of bringing a dispositive motion at the earliest possible time. Our attorneys have extensive trial experience in various types of extra-contractual disputes.



In addition to handling litigated matters, our attorneys regularly consult with insurers in an effort to minimize the risk of incurring extra-contractual claims. We understand the business of insurance and the issues facing claim professionals as they attempt to resolve claims on a daily basis. A number of our attorneys have worked as claim professionals. The experience of our attorneys with a wide variety of insurers in the insurance industry gives us the unique ability to evaluate claim handling practices, identify potential risks, and recommend solutions.

areas of practice

SmithAmundsen attorneys have developed a comprehensive understanding of the business in which our clients operate. We handle extra-contractual claims in the context of both primary and excess insurance in personal, professional, and commercial lines. Our attorneys regularly advise companies on risk management and avoidance of claims related to bad faith, fraud, spoliation of evidence, and other extra-contractual matters. Our practice includes representing insurance companies and agents/brokers or producers of insurance in resolving disputes that allege improper claim practices, improper regulatory conduct, noncompliance with insurance regulatory directives, improper placement of insurance, and the like. We also represent insurers in commercial litigation and class actions relating to claim or underwriting procedures. SmithAmundsen is committed to providing cost-effective solutions to even the most difficult extra-contractual problems.

for additional INFORMATION,
please contact
Glen A. Amundsen
gamundsen@salawus.com
312.894.3220

Insurance Services

Property Coverage & Litigation Practice

SmithAmundsen's Property Coverage and Litigation Practice provides counsel regionally for both first party coverage (including arson and fraud) and third party liability claims. Our group is committed to providing timely and accurate analysis of losses for subrogation recovery potential, liability defense, and SIU, including coordination of on-site investigation. We have represented insurers throughout the region in major losses, and in state and federal trial and appellate courts. Our group has considerable experience in handling both first and third party claims involving fires, explosions, structural collapses, gas leaks, and water flooding (and resultant mold). We are committed to partnering with clients to identify creative means of efficiently and effectively resolving legal matters.



areas of practice

- Coordinate immediate on-site investigation with experts
- Coordinate early analysis for claim file strategy region-wide
- Insurance coverage (including Arson and Fraud)
- Manage complex coverage issues in commercial policies
- Conduct examinations under oath to assist insurers in analyzing arson and other property claims
- Analyze damage claims that may be exaggerated or fraudulent
- Analyze financial data concerning business interruption claims
- Manage litigation and ADR, as most efficient
- Subrogation/Third Party Fire and Flood and Structural Losses

INDUSTRY LEADERS

Our attorneys publish articles, conduct seminars, and act as advisors for clients and trade organizations such as the International Association of Arson Investigators, Property Loss Research Bureau, Federation of Insurance and Corporate Counsel, International Association of Special Investigation Units, Illinois Advisory Committee on Arson Prevention, and the National Fire Protection Association. We have been asked to educate clients and association groups on topics including:

- Mega Fire Loss Investigation: Challenges for the Claim Supervisor During the Initial Investigation
- Are Origin and Cause Investigators 'Fire Scientists' According to NFPA 921 And What Effect Under Daubert/Carmichael?
- Spoliation of Evidence: Issues for the Insurance Industry
- Suggested Methodology for Management of the Arson Claim
- Understanding and Effectively Utilizing the Arson Reporting Immunity Laws
- The Illinois Condominium Property Act (1st and 3rd Party Applications)
- Coverage Issues Relating to Mortgage Claims
- Network, Inc. member

for additional INFORMATION,
please contact

Victor J. Piekarski
vpiekarski@salawus.com
312.894.3248

Intellectual Property Practice Group

SmithAmundsen's Intellectual Property Practice Group provides a full range of viable business solutions and legal services for copyright and trademark matters, as well as unfair or deceptive business practices, business disparagement, business disruption, invasion of the right to privacy/publicity, insurance coverage, and fraud. Our attorneys ardently represent the interests of our clients in State and Federal Courts nationwide, as well as before the Trademark Trial and Appeal Board, the USPTO, and the US Copyright Office.



A TAILORED APPROACH

SmithAmundsen recognizes the complexity of intellectual property matters. Our clients require expert counsel pertaining to copyright and trademark protection, development, and licensing and our attorneys provide necessary, knowledgeable advisement to fulfill these needs.

Our attorneys protect and service intellectual property for the entertainment and media industries, public and private companies, manufacturers, as well as suppliers and merchants.

We have designed individualized training programs on protecting against and avoiding copyright and trademark infringements, assisted in enhancing brand recognition, increased and negotiated licensing and exploitation opportunities to drive revenue, and developed strategic alliances on behalf of clients to allow them to partner with other entities for their mutual benefit.

AREAS OF REPRESENTATION

Our services include representation and advisement regarding:

- Registration
- Prosecution
- Licensing
- Exploitation
- Infringement
- Advertising Injury
- Insurance Coverage
- Protection
- Training
- Best Business Practices
- Rights and Clearances
- Portfolio Management

client management philosophy

With an understanding of the importance of protecting and defending creations of the mind, our attorneys are mindful of our client's expectations and meeting or exceeding them. We work with our clients to maintain creative objectives, obtain financial incentives, and achieve economic growth.

for additional INFORMATION,
please contact
Brian A. Rosenblatt
brosenblatt@salawus.com
312.894.3358



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

Labor & Employment Practice Group

Our Labor & Employment Practice Group offers the experience and expertise necessary to customize legal solutions for businesses and their insurers with regard to complex employment and labor law matters. We act as employer defense, coverage, and monitoring counsel on a regional and national basis. We also serve as trusted advisors on complex labor disputes. We provide our clients with expedient advice and practical analysis. When necessary we develop a thorough litigation plan, and a resolution objective.

Recognizing the enormous time and expense involved in these matters, we counsel our clients on the various defense and early resolution options available, and work to resolve these disputes in the most expeditious and efficient manner. Depending on the case, this often means early mediation. However, in some cases where this is not feasible, we are fully prepared to litigate a case through administrative hearing or trial.

SmithAmundsen attorneys develop a comprehensive understanding of the businesses and industries in which our clients operate and we understand the effect labor disputes and employment claims have on an employer's ability to conduct business. In addition to defending labor charges and employment claims, we pride ourselves on our ability to counsel clients on developing and implementing solid business practices to avoid future controversy or litigation.



Our attorneys are well attuned to client expectations, the demands of running a business, and the day-to-day issues that today's business owners encounter. We are skilled at analyzing the impact that particular types of litigation may have on a client's business and reputation. Our lawyers are adept at defending and overseeing the defense of a multitude of labor disputes and employment-based claims while being mindful of corporate objectives and policies.

AREAS OF PRACTICE

- Employment Litigation
- Wage/Hour Matters
- Traditional Labor Law
- Government Regulation
- Immigration
- Employee Benefits
- Class Action Defense
- Workers' Compensation Defense
- Independent Contractor/Contingent Workforce Matters
- Unfair Competition
- Prevailing Wage & Responsible Public Bidder Obligations
- Human Resources Consultation

Coverage

- Insurance Coverage Analysis
- Declaratory Judgment Actions
- Equitable Subrogation/Contribution
- Policy Drafting
- Extra-Contractual/Bad Faith Defense

INDUSTRY LEADERS

Our labor and employment attorneys publish newsletters, conduct seminars, and provide in-house client training. Our attorneys have presented on various topics to international, national, and local trade associations such as:

- American Bar Association (ABA)
- American Immigration Lawyers Association
- Associated Builders and Contractors (ABC)
- Associated General Contractors of America
- Association of Insurance & Risk Managers (AIRMIC)
- Builders Association of Chicago
- Casualty Adjusters Association of Chicago
- Chicago Claim Managers' Association (CCMA)
- Chicago Healthcare Risk Managers Society (CHRMS)
- Federation of Insurance Corporation Counsel (FICC)
- Hispanic American Construction Industry Association (HACIA)
- Illinois Association of Defense Trial Counsel (IADTC)
- Illinois Chamber of Commerce
- Illinois Trial Lawyers Association
- Lloyds Underwriters
- National Lawyers Association
- Professional Association of Defense Trial Counsel (PADTC)
- Professional Liability Underwriters Society (PLUS)
- Risk & Insurance Managers Society (RIMS)
- Society of Human Resource Management (SHRM)
- Valley Industrial Association
- Variety of Local Chamber of Commerce Associations
- USLAW Network

case management philosophy

Our philosophy is based upon the following:

- Establishing an open and candid rapport with the client, counsel, and insurer;
- Obtaining an early command of the facts, evaluating the case, and developing a plan for resolution; and
- Being mindful of our client's expectations and meeting or exceeding them.

for additional INFORMATION,

please contact

Jeffrey A. Risch

jrisk@salawus.com

312.894.3302 (Chicago)

630.587.7922 (St. Charles)



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

Construction Payment & Mechanics Lien Solutions

In today's complex construction and construction finance world, securing payment for work completed and avoiding payment of justifiably disputed amounts is becoming increasingly more difficult. SmithAmundsen can help. Our diverse team of attorneys has substantial experience in the following areas:

- perfecting and pursuing mechanics lien and bond claims on public and private projects so our construction clients collect what is due and owing to them for work completed;
- defending owners, lenders, lessees, and others with interests in real property against invalid and overstated mechanics lien claims; and
- representing all parties in mechanics lien and mortgage foreclosure actions.

CREDIT MANAGEMENT & ENFORCEMENT OF LIENS

As part of a total risk management system, the proper use of mechanics liens can help construction clients control accounts receivables. SmithAmundsen is knowledgeable and experienced in establishing and implementing effective risk management systems to meet this end, and works intimately with its construction clients to ensure that mechanics lien and bond claims are properly and timely perfected and pursued so as to limit losses to a client due to uncollectable receivables.



SmithAmundsen

ENFORCING MORTGAGES AND DEFENDING AGAINST LIENS

SmithAmundsen's Construction Practice Group works closely with our Financial and Banking Services Group to defend owners, lenders, lessees, and others against mechanics lien claims. We have the ability to quickly review a mechanics lien claim, and devise a strategy to best handle the matter. We also advise lenders, owners, and others on how to use the Mechanics Lien Act to successfully avoid lien claims.

COST CONTROL

Litigation is expensive. The key to success at a lower cost is the proper use of associates and paralegals acting under the supervision of experienced and knowledgeable partners. SmithAmundsen is unique in its structured use of partners, associates, and paralegals functioning as a team to achieve the best results at the lowest cost consistent with effective service.



150 North Michigan Avenue
Suite 3300
Chicago, IL 60601
312.894.3200 *tel*
312.894.3210 *fax*
S A L A W U S . C O M

for additional INFORMATION,
please contact
Dennis J. Cotter
Chair, Construction Practice Group
dcotter@salawus.com
312.894.3229

Municipal Litigation Practice Group

SmithAmundsen understands the goals, the thinking, and the motivation that drive business decisions inside and outside of the courtroom. The extensive and diverse experience of our attorneys enables us to bring the highest level of legal skills to our clients.

Our attorneys have experience handling complex municipal litigation for a variety of public entities, municipalities, and governments. We have broad based government and municipal legal experience, ranging from civil rights and business matters to environmental and employment law.

The attorneys in our Municipal Litigation Practice Group include two former assistant State's Attorneys.



EXPERIENCE AND CAPABILITIES

When handling municipal litigation matters, our primary objective is to minimize the risk faced by our clients. We offer a team of highly skilled litigation defense attorneys with strategic approach to achieve this goal. In our practice, our attorneys successfully represent a diverse group of municipal and governmental clients, including:

- Police Officers
- Lawyers
- Doctors
- Nurses
- Bus Drivers
- Business Owners
- School Districts
- Police Departments
- Insurance Companies
- Hospitals
- Park Districts
- Government Entities

Our firm is prepared to handle complex municipal litigation matters from pre-trial litigation and settlement conferences through any necessary appeals. Our attorneys are experienced in successfully representing municipalities in various forms of litigation, including the following:

- Municipal Litigation
- Civil Rights Litigation Matters
 - False Arrest
 - Excessive Force & Battery
 - § 1983
- Eminent Domain
- Labor and Employment Issues
- Risk Management and Preventative Loss Strategies
- Ministerial Functions
- Education and School Related Litigation
 - Sexual Assault
 - Entitlement to services under IDEA
 - § 504
- Negligent Highway Design and Infrastructure

A RECORD OF RESULTS

- Granted summary judgment in favor of our client, the Chicago Housing Authority (CHA). The plaintiff, an employee of a roofing contractor, fell from the roof of a CHA owned building sustaining permanent and disabling brain injuries and cognitive impairment.
- Granted summary judgment in favor of our client, the City of Chicago. This construction wrongful death matter involved a decedent who had been crushed by false work forms on Chicago's Wacker Drive Reconstruction Project.
- Successfully defended two police officers in Federal Court. The plaintiff, a retired investigator for the Cook County Public Defenders Office, alleged various federal and state claims against the officers including improper arrest, illegal search and seizure, and malicious prosecution. The plaintiff filed a § 1983 action against Cook County Forest Preserve District Police Officers and alleged that the defendants falsely arrested him for exposing himself to little girls in a Cook County Forest Preserve.
- Successfully defended four police officers in Federal Court in a two-week jury trial where the plaintiff alleged excessive force and requested compensatory and punitive damages. The jury agreed with the defense, finding in favor of all the officers in the claims.
- In a matter where the plaintiff injured motorist sought review of an order from the Circuit Court of Lake County, Illinois, which had dismissed the motorist's negligence action against our client, we received an order affirming the dismissal of the negligence action and the allegations were properly dismissed pursuant to the Tort Immunity Act.
- Successfully settled a complaint brought against a school district by an individual who fell while visiting school grounds. The plaintiff alleged that the school district was negligent for creating a tripping hazard and failed to warn of such a hazard.
- Successfully represented the City of Chicago and won at trial in Federal Court involving a Reverse Discrimination firefighter case.
- Currently representing the City of Chicago in a \$30 million demand case involving the alleged false imprisonment/civil rights violations for 997 days of the plaintiff who ultimately secured a Not Guilty verdict at his homicide trial. In this case, we have already knocked out a substantial portion of the plaintiff's civil case by winning a dismissal of the plaintiff's Monell claims, which is a very unique accomplishment.

for further INFORMATION,
please contact
Glen E. Amundsen
gamundsen@salawus.com
312.894.3220



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

OSHA Services

SmithAmundsen's Construction Practice Group has represented clients involved in serious and catastrophic work-site injuries and fatalities for more than twenty years. Our experience includes handling OSHA matters in both the construction and industrial sectors. We are experienced in advising and helping our clients through the entire process, from the implementation of an emergency response plan through the administrative hearing.

APPROACH AND RESPONSE

The primary goals following a work-site injury or fatality are to secure the site to prevent further injury or exposure and to reduce potential liability to our client. The most effective way to defend OSHA citations is to prevent their issuance from the inception which requires controlling and monitoring OSHA's investigation, supervising the immediate response team, coordinating employee activity and statements, and generally monitoring the flow of information from our client to OSHA. To that end, our clients have immediate access to counsel, their insurance and risk professionals, and independent consulting safety experts following an incident. All parties work as a team throughout the early stages of the process, including the incident investigation, opening conference, inspection, employee interviews, and closing conference.

If citations are issued, we evaluate the allegations asserted and standards cited and work to determine whether our client has grounds to defend, mitigate, or otherwise contest the citations. If our client has grounds to contest the citations, we frequently raise those arguments at the informal conference in an attempt to encourage the OSHA Compliance Safety and Health Officer (CSHO) to withdraw the citations immediately. If unsuccessful at that stage, and assuming our client is not interested in exploring settlement options, we proceed to the formal contest stage, and, if necessary, to the administrative hearing. If, however, grounds to contest the citations do not exist or our client does not intend to pursue a formal contest, we will work with our client to identify, negotiate, and obtain favorable settlement and abatement terms from OSHA at the informal conference level.

EXPERIENCE AND CAPABILITIES

Our reputation, experience, and continued development in this field are essential to the successful handling of our clients' OSHA-related matters. Our credentials include:

- Significant experience defending, litigating, and trying, catastrophic construction-related injury and wrongful death actions
- Development and implementation of a unique and comprehensive emergency response protocol to manage OSHA investigations and other catastrophic loss incidents
- Regularly conducting OSHA and OSHA-related training and seminars applicable to OSHA standards and the OSHA injury and citation resolution process
- Actively evaluating emerging OSHA injury, citation, and administrative decision trends to keep clients informed as to emerging OSHA-related issues
- Completion of the OSHA ten hour course in Construction Safety and Health

OSHA RESULTS

The following matters are representative of our recent experience in cases representing clients in the OSHA process:

- Death at industrial facility involving a worker struck in the head by load of steel. Our involvement and response during the opening conference and initial inspection ultimately prevented the issuance of any citations, establishing unrelated cause of death.
- Death of an employee in a trench struck by the falling bucket of a backhoe. OSHA issued multiple “serious” and “repeat” citations. Fines could have exceeded several hundred thousand dollars. With our early intervention and response, and involvement of a consulting OSHA safety expert, the majority of the citations were dropped and the fines were significantly reduced to less than \$20,000.
- Death of worker suffocated inside a silo filled with sand and gravel. OSHA issued multiple citations. Due to our proposed abatement steps to prevent similar incidents in the future, several of the citations were dropped and fines were significantly reduced.
- Client cited for failing to adhere to trench protection standards. “Repeat” citation issued assessing fines totaling \$30,000. Due to our proposed training on trench protection to client employees, fines reduced to \$10,000.
- Serious arm injury in unguarded industrial packaging machine at commercial paper production facility. Abatement, safety training, revision of safety protocol, and mitigation initiated immediately, ultimately resulting in reduced fines and violations.
- Counseling of construction client through the practical, legal and OSHA implications of an employee modifying worksite after incident but before arrival of OSHA.
- Client received Notice of Safety Hazard at worksite involving employees lifting loads up to 70,000 pounds with a crane rated 60,000 pounds. Client prepared written response with documentation, which we reviewed, and found deficient. With our recommendations, client modified response, and OSHA accepted it, indicating it satisfied concerns and no further action was required.



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 tel

312.894.3210 fax

S A L A W U S . C O M

for additional INFORMATION,
please contact

Dennis J. Cotter

dcotter@salawus.com

312.894.3229

David A. Johnson

djohnson@salawus.com

312.894.3336

Professional Liability Practice Group

SmithAmundsen represents professionals and their insurers. We act as defense, coverage, and monitoring counsel on a regional and national basis. SmithAmundsen attorneys offer the experience and expertise necessary to tailor legal solutions. Upon assignment, we examine each case to provide our clients with expedient case analysis, a thorough litigation plan, and identification of a resolution path, whether this means early settlement or extensive discovery and eventual trial.

Our attorneys are well-attuned to client expectations, the demands of running a professional practice, and the day-to-day issues that today's professionals encounter. We are skilled at analyzing the impact that particular types of litigation may have on a client's business and reputation. The experience of our Professional Liability attorneys provides valuable insight into the practical issues professionals confront. Our lawyers are adept at defending and overseeing the defense of the multitude of errors and omissions, negligence, and misrepresentation claims faced by today's professionals.



AREAS OF PRACTICE

SmithAmundsen attorneys have developed a comprehensive understanding of the businesses and industries in which our clients operate. We understand the regulatory framework that governs the various professionals we represent. We counsel clients on specific engagement letters and contracts that clearly define what their responsibilities are, the limitations of the engagement, and the limitations of responsibility. We also work proactively to help clients create internal protocols to deal with potential areas of exposure and risk management. Some of the areas in which we advise and defend professionals are:

Accountants

- Audit procedures and reports
- Compilations
- Prevention and detection of fraud
- Fiduciary duties
- Privity
- Reviews
- Third party discovery
- Maintenance of work papers
- Independence
- Contract review
- Risk management
- NASD litigation

Architects & Engineers

- Negligence
- Personal injury
- Construction defect
- Construction management
- Design defect
- Structural defect

Attorneys

- Compliance with statutory liability under the Debt Collection Practices Act
- Conflicts of interest
- Attorney disciplinary proceedings
- Sanctions motions under state and federal law
- Partnership liability
- Avoidance of litigation claims
- Real estate collection and bankruptcy
- Pre-claim investigation and negotiations
- Litigation arising out of varied practice areas, including
 - Estate planning
 - Family law
 - Marital dissolution proceedings
 - Probate proceedings
 - Bankruptcy proceedings
 - Commercial transactions
 - Workers' Compensation claims
 - Personal injury lawsuits
 - Commercial litigation
 - Real Estate transactions

Consultants

- Systems implementations
- Independence issues
- Outsourcing
- Litigation support

Directors & Officers

- Investigations
- SEC filings and investigations
- Derivative actions
- Breach of fiduciary duty claims
- Corporate and non-profit governance

Insurance Professionals

- Procurement/renewal/cancellation of policies
- Failure to forward claims
- Adequate communication with insurers and insureds
- Estate planning and insurance annuity
- Liabilities arising from insurance product sales
- MGAs
- TPAs
- Brokers

Real Estate Professionals

- Conflicts of interest
- Intentional/negligent misrepresentation
- Breach of fiduciary duties
- Avoidance of appraisal errors
- Representations regarding financing arrangements
- Lease disputes
- State and federal agency investigations
- Commission disputes
- Risk management

Litigation Oversight and Monitoring

- Develop early resolution plan
- Negotiate rates
- Supervise and implement defense
- Counsel on risk avoidance and transference
- Review bills
- Advise coverage
- Coordinate counsel
- Audit

CASE MANAGEMENT PHILOSOPHY

SmithAmundsen's philosophy is based upon the following:

- Establishing an open and candid rapport with the client, counsel, and insurer
- Obtaining an early command of the facts, evaluating the case, and developing a plan for resolution
- Being mindful of our client's expectations and meeting or exceeding them

INDUSTRY LEADERS

SmithAmundsen attorneys publish newsletters, conduct seminars, and provide in-house client training. We publish a quarterly newsletter focusing on professional liability and employment issues. Our attorneys have been invited to present on various topics by international, national, and local trade associations such as:

- American Bar Association (ABA)-Standing Committee on Lawyers Professional Liability
- Association of Insurance and Risk Managers (AIRMIC)
- Chicago Claim Managers' Association (CCMA)
- Chicago Healthcare Risk Managers Society (CHRMS)
- Civil Trial Counsel of Wisconsin (CTCW)
- Federation of Insurance Corporation Counsel (FICC)
- Illinois Association of Defense Trial Counsel (IADTC)
- Illinois CPA Society
- Lloyds Underwriters
- Professional Liability Underwriters Society (PLUS)
- Professional Association of Defense Trial Counsel (PADTC)
- Risk and Insurance Managers Society (RIMS)
- USLAW Network-Professional Liability



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

for further INFORMATION,

please contact

Timothy J. Fagan

tfagan@salawus.com

312.894.3239

Insurance Services

Property Coverage & Litigation Practice

SmithAmundsen's Property Coverage and Litigation Practice provides counsel regionally for both first party coverage (including arson and fraud) and third party liability claims. Our group is committed to providing timely and accurate analysis of losses for subrogation recovery potential, liability defense, and SIU, including coordination of on-site investigation. We have represented insurers throughout the region in major losses, and in state and federal trial and appellate courts. Our group has considerable experience in handling both first and third party claims involving fires, explosions, structural collapses, gas leaks, and water flooding (and resultant mold). We are committed to partnering with clients to identify creative means of efficiently and effectively resolving legal matters.



areas of practice

- Coordinate immediate on-site investigation with experts
- Coordinate early analysis for claim file strategy region-wide
- Insurance coverage (including Arson and Fraud)
- Manage complex coverage issues in commercial policies
- Conduct examinations under oath to assist insurers in analyzing arson and other property claims
- Analyze damage claims that may be exaggerated or fraudulent
- Analyze financial data concerning business interruption claims
- Manage litigation and ADR, as most efficient
- Subrogation/Third Party Fire and Flood and Structural Losses

INDUSTRY LEADERS

Our attorneys publish articles, conduct seminars, and act as advisors for clients and trade organizations such as the International Association of Arson Investigators, Property Loss Research Bureau, Federation of Insurance and Corporate Counsel, International Association of Special Investigation Units, Illinois Advisory Committee on Arson Prevention, and the National Fire Protection Association. We have been asked to educate clients and association groups on topics including:

- Mega Fire Loss Investigation: Challenges for the Claim Supervisor During the Initial Investigation
- Are Origin and Cause Investigators 'Fire Scientists' According to NFPA 921 And What Effect Under Daubert/Carmichael?
- Spoliation of Evidence: Issues for the Insurance Industry
- Suggested Methodology for Management of the Arson Claim
- Understanding and Effectively Utilizing the Arson Reporting Immunity Laws
- The Illinois Condominium Property Act (1st and 3rd Party Applications)
- Coverage Issues Relating to Mortgage Claims
- Network, Inc. member

for additional INFORMATION,
please contact

Victor J. Piekarski
vpiekarski@salawus.com

312.894.3248

Real Estate Practice Group

SmithAmundsen offers the depth of legal service and extensive business and legal experience needed to successfully represent real estate clients in projects and transactions including regulatory challenges, public/private financing, title clearance, commercial leasing, closings, and much more.

Our attorneys represent public and private clients, including land developers, residential and commercial builders, developers specializing in new urbanism and mixed-use projects, investors in real estate, banks and financial institutions in real estate lending transactions, as well as special purpose taxing districts. Real estate dispute resolution, including litigation and arbitration of contract disputes, construction defect cases, zoning matters, eminent domain, and representation in title disputes arising from adverse possession claims and other title matters, are all part of the variety of litigation services offered to our real estate clients.



TRANSACTIONAL

SmithAmundsen attorneys have extensive experience working with real estate clients on transactional matters. Recent representative matters include:

Development Work

- Subdivision development from acquisition of the underlying property through construction; drafting of subdivision declarations or indentures; sale of homes; business entity formation for developers and homeowners associations, including advisory representation regarding administration and elections; addition of future phases to subdivisions; trademark and licensing issues related to real estate developments; use or sale of display homes; and management of common ground and subdivision amenities including water features, swimming pools and lakes, and drafting of documents related to liability issues arising from development amenities.
- Negotiation of annexation of property and development agreements with municipalities including zoning, development incentives and municipal services, as well as public/private development projects, redevelopment projects and tax incentive projects, including TIF, CID, TDD and TAD projects.
- Preparation and negotiation of easements required for purchase of real estate for development and for construction related to subdivision development and easements related to permitting limited use of client/owner's real property by others.
- Condominium development, from initial acquisition of underlying property, to drafting Declaration of Condominium, certification of condominium projects for HUD approved (FHA) financing by purchasers, management and/or amendment of common areas or limited common areas during development of additional phases, and the design and formation of business entities for the management of condominium homeowners associations.
- Zoning and entitlement representation.

Title Matters

- Title examination and chain of title review for the purpose of issuing title commitment and policies for a title insurance company in Illinois.
- Examination of real estate title insurance commitments and policies in Illinois.
- Preparation and review of closing documents and conduction of closings of real estate transactions in Illinois and Missouri and issuance of title insurance policies in Illinois.
- Title examination in connection with representation of banks in foreclosure of commercial properties (some residential).
- Negotiation, review, and analysis of issues related to clearing real estate title, including purchase and sale, contracts, inheritance matter, estate and trusts transfers, easements, encroachment, and other title-related disputes.

P u r c h a s e a n d S a l e T r a n s a c t i o n s

- Negotiation and preparation of contracts of purchase and sale, with due diligence investigation and inspection for investments.
- Closing of investment transactions, including commercial (industrial and mixed-use) and residential properties.
- Representation of clients in the purchase and sale of agricultural, mixed-use, commercial, and residential property and subsequent leasing and management.
- Handling of IRS Code Section 1031 exchange transactions, Illinois Forcible Entry and Detainer and Distress for Rent statutes, and Illinois Cook County and City of Chicago security deposit laws and ordinances.
- Representation of purchasers of real property at real estate tax sales, including subsequent perfection and clearance of title.

Property Management and Leasing

- Property rental contracts and property management, including extensive experience with complex lease negotiations with office and commercial tenants.
- Representation of both shopping center owners and retailers in lease negotiations, including percentage rent, expense stop, and other forms of lease transactions.
- Advice on risk assessment and management of property liability issues for a wide array of property types and users.
- Representation of clients in Missouri and Illinois in real estate taxation appeals.

Construction

- Preparation and negotiation of terms of commercial building contracts for office, restaurant, retail and mixed-use projects.
- Preparation and negotiation of terms of residential building construction contracts for both custom and residential tract builders.
- Preparation and negotiation of traditional design build contracts.
- Management of construction loan disbursements for purposes of title, including obtaining mechanics lien waivers and making disbursements.
- Preparation, filing and enforcement of mechanics liens in Illinois and Missouri.

Workouts, Foreclosures, and Enforcement Actions

- Negotiation and preparation of workout and forbearance agreements on behalf of both debtors and creditors in commercial transactions.
- Representation of debtors and creditors in foreclosure of real property related to deeds of trust, enforcement of judgments, and mechanics liens.
- Representation of lien holders in various enforcement actions, including judicial and non-judicial foreclosures, mechanics lien foreclosures, contract for deed enforcement actions and creditor proceedings including Chapter 11 reorganizations.

LITIGATION

Our diverse and experienced real estate attorneys have represented clients in both traditional litigation and alternative dispute resolution proceedings including mediation and arbitration relating to the following types of real property disputes on behalf of commercial, residential, and public clients:

- Breach of contract
- Fraud and misrepresentation
- Unlawful Merchandising Practices Act violations
- Construction and property defect cases
- Boundary disputes
- Adverse possession and prescriptive easements
- Title defects
- Nuisance
- Covenant violations
- Eminent domain and valuation
- Commercial lease disputes (rent, premises violation, maintenance disputes)
- Brokerage commission disputes
- Housing discrimination
- Trespass
- Abandonment
- Environmental contamination
- Zoning and subdivision disputes

Our attorneys' broad-based backgrounds in the real estate industry enhance our ability to effectively and thoroughly advise and service clients. SmithAmundsen real estate attorneys have served in such positions as:

- Board of Directors of the Home Builders Association for St. Louis and Eastern Missouri
- General counsel for commercial developer and residential home building company
- City Councilman for large metropolitan suburb
- City attorney for metropolitan community and member of the Board of Trustees for a local village
- Licensed Illinois real estate broker
- General counsel and title examiner for title insurance company
- General counsel for investment firm which bought, sold, and managed several major high-rise commercial and residential buildings and lots
- Drafter of cutting-edge legislation enhancing tax incentives for real estate development
- Developer of standards for environmental site assessments used nationwide
- Assistance in adoption of numerous zoning code changes
- General counsel to local REALTORS® association



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M

for further INFORMATION,
please contact

Brad Goss

bgoss@salawus.com

314.275.1802

Alan L. Farkas

afarkas@salawus.com

312.455.3800

Workers' Compensation Practice Group

The Workers' Compensation Practice Group at SmithAmundsen provides insured and self-insured clients, as well as insurers, the highest level of legal services through extensive experience in a diverse range of industries. Our attorneys offer the expertise necessary to custom-tailor legal solutions to meet each client's business objectives. Our knowledge of litigation combined with a practical business approach offers client-centered services in an efficient and cost-effective manner.



experience

The attorneys in the Workers' Compensation Practice Group have over eighty years of collective trial experience, which translates into unparalleled claim resolution services. Once sufficient medical and factual information is developed, our attorneys immediately provide trial and settlement values along with the probabilities of success on each contested issue. Our thorough knowledge of arbitrators, commissioners, opposing counsel, and the law is combined with an analysis of the facts and circumstances of each claim to develop a plan that meets the needs of our clients.

The development of contested issues creates a credible trial threat that often results in significantly compromised settlements. A credible trial threat also requires a willingness to try cases. Because of their experience and skill, SmithAmundsen's attorneys welcome the opportunity to try cases when the need arises.

Our practice area group members understand that workers' compensation claim resolution often requires consideration of human resource needs and related legal areas such as ADA, FMLA, retaliatory discharge, and discriminatory practices. Because our workers' compensation attorneys also have jury trial experience, they are uniquely qualified to protect liens through intervention, defend contribution actions against the employer, and pursue civil fraud actions in circuit court.

AREAS OF PRACTICE

The Workers' Compensation Practice Group defends claims before the Illinois Workers' Compensation Commission, the Circuit Court, and the Appellate Court. Our attorneys counsel clients in the following areas:

- Loss Prevention
- Risk Management
- Safety
- OSHA/Toxic Tort

INDUSTRY LEADERS

SmithAmundsen workers' compensation attorneys also conduct seminars, and provide in-house training. They have been invited to present on various topics by national and local organizations such as:

- Casualty Adjustors Association of Chicago
- Pain and Rehabilitation Clinic of Chicago
- Scientific Meeting of the Midwest Pain Society

INDUSTRIES

Our attorneys have handled workers' compensation claims in a variety of industries, such as:

- Food Processing
- Hospitals
- Extended Care and Treatment Facilities
- Messenger Services
- Municipalities
- Packaging
- Petroleum
- Pharmaceuticals
- Printing
- Retailers
- Schools
- Temporary Employment Agency
- Transportation

for additional INFORMATION,

please contact

Anita S. Johnson

ajohnson@salawus.com

312.894.3327



SmithAmundsen

150 North Michigan Avenue

Suite 3300

Chicago, IL 60601

312.894.3200 *tel*

312.894.3210 *fax*

S A L A W U S . C O M