

by John Toth

For nearly 40 years, Lorence H. Slutzky has resolved sophisticated construction contract disputes for owners, developers, designers, contractors and insurers involved in public and private building projects throughout Illinois. His work at Chicago's **Robbins Schwartz Nicholas Lifton & Taylor, Ltd.** hinges on complex facts.

"You can't try these cases unless you understand and articulate their technical issues. After 40 years of construction law, I think I have the equivalent of a Ph.D. in chemical engineering, structural engineering and architecture."

Beyond science and engineering, Slutzky believes the key to construction litigation is properly defining and documenting expectations in the construction contract.

"I am an advocate of meticulous preparation of construction contract documents," Slutzky asserts. "Problems arise when the expectations

illustrates both the intricacies of major building projects and the straightforward way Slutzky deals with them.

Knowing Every Nut and Bolt

Dick Hults has 35 years of experience as the owner of a general contracting firm and sought Slutzky to arbitrate a dispute with a 596-unit condominium development that, if not properly resolved, threatened the future of his company.

"Lory analyzed the issues correctly up-front, and was both methodical and extremely thorough. He developed the data used in the case with ultra precision," Hults recalls. "When we got to the arbitration after a year of discovery, Lory had by far outgunned and outperformed the other side. He knew every nut and bolt in the project, in a case file that involved more than 10,000 pages, and categorically prevailed on the issues."

Slutzky's capabilities and understanding. Richard Pearse, a shareholder at Chicago's Vedder Price, engaged Slutzky on behalf of an international engineering and construction client to mediate a chemical processing plant dispute that involved multiple jurisdictions.

"Lory brought the parties from very far apart to reach a settlement that everyone could live with," Pearse recalls. "He showed an unusual command of detail and fact. He knew where the soft spots were on each side of the dispute and used his vast understanding of the industry to bring the parties together."

For his part, Slutzky relates these and most other construction disputes back to the contract terms themselves.

"Meticulous preparation of the contract is the key," he explains. "Project owners always have expectations, but more often than not, when these are not satisfied it turns out that the owners never defined what they wanted. They need specific guidance, and I always tell my clients that we need to ask, not make assumptions, about what must happen and when."

Working with contractors, engineers and architects is hardly a matter of talking around the negotiating table.

"I don't just sit behind a desk," Slutzky says. "I'm on call to be at the job site if needed for questions about project schedules or other issues in a project and to handle problems like personal injury cases for insurers when scaffolding collapses. I understand and enjoy the industry's language and the processes."

Advocating as a Gentleman

This active perspective shaped the start of Slutzky's legal career. He got an accounting degree from Southern Illinois University in 1968 but, in his words, "I didn't want to be in a warehouse shuffling documents."

His father, uncle and brother were lawyers, so the decision to attend John Marshall Law School came naturally. He clerked for Judge Julius Hoffman of "Chicago Seven" fame and became a state's attorney in 1972. One of his first construction cases involved Cook County Hospital.

"There were five prime contractors renovating a hospital that was more than 100 years old and had so many problems it was in danger of decertification," he recalls. "Nobody was managing the process except the five contractors, and lots of controversy was the result. I thought, this (*Continued on Page 163*)



of the respective parties are not properly understood. Trust and confidence deteriorate and the whole process spirals down. What I want the parties to do is to understand their respective contractual and project expectations at the outset. The likelihood of problems is much less when this is done."

This never comes easily when a project like a hospital can involve up to 600 architectural drawings and a 12-inch thick specification book. But Slutzky's clients attest to how clearly he explains the details and how well he prepares to resolve construction lawsuits, arbitrations, and mediations.

Hearing them describe his approach

Similar high praise comes from Mel Rull, executive director of the Will County Building Commission, who has worked with Slutzky for more than 15 years on design, construction and dispute resolution involving such projects as a courthouse, a juvenile detention center, county jail, and nursing home additions.

"Lory is a top-notch guy and a top-notch lawyer and is always able to lead me through the complex issues that our major building projects involve," Rull says. "He explains all the key points so that I can understand them, and I'm always comfortable with the opinions and guidance he provides."

Other lawyers are equally impressed with

SLUTZKY

(continued from page 88)

is an area of law that I would like to get into. It's interesting from a legal and a technical perspective—the architecture, science and physics."

After three years as assistant state's attorney of Cook County's Civil Litigation Division, Slutzky joined Robbins, Schwartz in 1976—partly drawn by the firm's many public sector clients—and has been there since.

The immensely positive reputation that Slutzky has with clients is similar to that accorded by professional peers, who give him high marks in *Chambers USA* and *The Best Lawyers in America* (among other authoritative references) and selected him as a fellow of the American College of Construction Lawyers.

Since 2004, he has taught a 13-week post-graduate construction law course at John Marshall Law School, and he is contributing author and editor of several Illinois Institute

of Continuing Legal Education construction law treatises.

Particularly impressive is that Slutzky is a founder and past president of the Society of Illinois Construction Attorneys.

"I recognized there was a select group of construction lawyers in the state, people who work together collegially," he says, adding with a trained arbitrator's and mediator's perspective: "In construction litigation, you're constantly in a confrontational mode but you can be an advocate while being a gentleman. Confrontation simply escalates the conflict. Working together to enforce rules of clarity and quality is the best way to serve clients."

'We Do Provide Value'

There is no doubt in Slutzky's mind that his role negotiating construction contracts, litigating, or arbitrating conflicts as an advocate or as a neutral arbitrator or mediator is a positive one.

"A construction lawyer in California told me

he felt he couldn't justify his fee because he wasn't providing brick and mortar. I told him we do provide value," Slutzky says. "We create a system for people to define their expectations, and enforce those expectations through our legal system better than in any other country. We are the best system because expectations are enforced through the rule of law. You can't just walk away if you don't fulfill expectations and obligations."

Walking away is not part of Slutzky's professional or personal credo. He is an active skier, handball and tennis player and golfer—despite recently having both knees replaced—and enjoys being active with his wife, Linda, two sons, and four grandchildren.

As for his future, Slutzky is typically direct. "I'm going to keep practicing until they carry me out of here," he says with a laugh. "I like doing what I do and intend to keep at it as long as my clients want me to, and I am capable of giving them the professional services they deserve." ■

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