

# JORDAN PETERS

## Pushing the Boundaries of Real Estate Law

by Melissa Birks



It may come as a surprise, but legally, Lake Michigan is an arm of the open sea. Yachters can thank Jordan H. Peters for that.

Peters, one of the founders of **Freeborn & Peters LLP**, recalls with pride one of the more unusual cases in his long career—a case that, he admits, arose from his involvement with the Chicago Yacht Club but also illustrates his firm’s creative and even brash approach to the law.

It so happened that in the 1970s and into the 1980s, the New York Yacht Club held a vice grip on the America’s Cup sailing race. As the long-time trophy holder, New York enjoyed a lock on representing the United States. But when Australia won the Cup in 1983, that opened the door for another American yacht club to challenge. Some at the Chicago Yacht Club might have been daunted by rules that required a club to have sailed “on the sea or an arm of the sea.” Not Peters.

“So the question is: Is Lake Michigan an arm of the sea? The answer now is yes, thanks to the litigation we brought to have the trust

that governs the rules of the contest construed,” Peters says. “The reason I like this case is that I think it was indicative of spirit of our firm in those days—and the spirit that still characterizes it—which is that we’re willing to think outside the box to get things done.”

Peters, 65, can point to a lifetime of thinking “outside the box,” from being a math “whiz” in high school, to majoring in Russian as an undergraduate at Brown University, to applying for a job with the CIA as a young man. When the CIA turned him down expecting that he’d be drafted and pointing to a stable of Russian immigrants already on staff, Peters decided to be proactive.

He enlisted in the U.S. Army, where he became a counterintelligence special agent. He took more language training, this time in Korean, at the prestigious Defense Language Institute in Monterey, California.

And when the Lake Bluff native returned to Chicago in 1968 and became restless in his entry-level management position at Continental Bank, he quickly determined that his future might lie elsewhere. A friend on the adjunct faculty at The John Marshall Law School suggested Peters look into that path.

One day at lunch, Peters walked the three blocks from the bank to the school, planning to pick up a catalogue. A woman at a reception desk asked, somewhat coldly, what he wanted. When he told her, she asked where he attended undergraduate school. Brown, he responded. “Brown? Oh,” she assured him, “we’ll admit you.”

“So there I was. I’d just been admitted to law school. The rest is history—and a very good history.”

Peters’ “outside the box” thinking even translated to law school. Most students, he says, hate law school. Not Peters.

“It was a tough place. I just loved it,” he says. “I was successful there. It changed my whole way of thinking, in terms of what my career might be.”

John Corkery, the law school dean who started at John Marshall some 35 years ago as a professor, recalls knowing Peters early on by “reputation.”

“He was kind of a legendary student back then, very bright,” Corkery says, pointing to Peters’ high profile at school, for instance as

editor-in-chief of *The John Marshall Journal of Practice and Procedure*, now known as *The John Marshall Law Review*.

While a John Marshall student, Peters managed the docket department for a well-known firm, which introduced him to the world of large firm practice. After a stint clerking for a judge, Peters joined Rooks Pitts and Poust, where he enjoyed his first exposure to corporate real estate work.

Among other interesting clients, Rooks Pitts represented U.S. Steel. The company provided many unique projects in real estate law, including, Peters remembers, actually “creating” new land by driving pilings into Lake Michigan and filling in behind them with materials that eventually could be developed. At the point when the “new land” could be built on, the company’s lawyers, like Peters, would handle the appropriate federal patents.

“I’m probably the only living real estate lawyer in the state to apply for a federal patent to create the origin of new land,” he says.

But working at Rooks Pitts whetted Peters’ appetite for branching out, which he did in 1983 by forming Freeborn & Peters with five other founding partners. He remembers a time when the close-knit group shared all responsibilities without the luxury of titles such as “managing partner.”

“We joked that there was no clearer manifestation of the principle that all partners have an equal right to manage the firm than all six of us thrashing out: Were we going to hire this person? Lease this copier?” he says with a laugh. “But somebody had to coordinate things, and that turned out to be me for several years.”

Today, Freeborn & Peters counts 120 lawyers among its offices in Chicago and Springfield. The firm is the original occupant of three of its six floors at 311 S. Wacker Drive, its Chicago headquarters that opened in 1992.

Peters recalls touring the raw construction, when offices were marked by chalk lines on the concrete. Choosing his future office was easy.

“I came to the southwest corner and saw the view out to Oak Brook in the west and down the Chicago River to the south. I’d never seen it before from a Loop office building. It was such a dramatic view that I picked a southwest corner office, and I haven’t moved since. And

I still find the view to be very dramatic.”

The firm has practice groups in litigation; business law; real estate and land use; bankruptcy, reorganization, and creditors’ rights; and government and regulatory law. Peters is a member of the Real Estate and Land Use Group but has retreated from active management following a firm philosophy of allowing younger lawyers to step up to the task.

“We think that’s important, because it brings vitality to the management of the firm. It gives younger lawyers a chance. I think it sends a good message that we’re committed to opportunities for younger lawyers, that the old guys are not going to hog the top, so to speak,” he says.

### Call Him ‘Teacher’

Peters remains firmly entrenched at the top of the real estate law practice, as shown in his membership in the Ely Chapter of Lambda Alpha International, a land economics fraternity. Membership is by invitation only, and members must be more than just competent in their professions; they must also demonstrate community involvement and mentoring.

Colleagues in the LLM real estate program at John Marshall, where Peters is an adjunct professor and a board member, nominated him.

“I was flattered by that, because...if you ask me how I’d like to be remembered, I’d like to be remembered as a teacher,” he says. “I really enjoy being a teacher, from having somebody stop me as I am walking through the firm and ask ‘hey, have you heard of this?’ to standing in front of my students at John Marshall for a three-hour course and presenting an organized curriculum. The fact that someone from the law school proposed me for membership in Lambda Alpha was particularly significant to me.”

Peters likes to incorporate timely, relevant issues in his curriculum. Recently, for instance, he presented a case study on the United Homes bankruptcy case to his real estate and finance students, who range from third-year students to lawyers who have been practicing for many years.

“So their level of practical knowledge varies somewhat, but the students seemed to like hearing the practical approach, the real dynamics of the negotiations. What were the interests of the parties? How were they reconciled? That sort of thing,” he says.

For client Jennifer Oppenheimer, Peters has a gift for explaining the dynamics of complex negotiations.

Oppenheimer, vice president of Optima, Inc., which develops condominiums in

Chicago and Phoenix, describes Peters as a master at interpreting the law for clients who might not grasp its nuances.

“He relates well to clients,” Oppenheimer says. “He puts things in such a way that you can understand them. You want to interpret condominium law—can we do this, can we do that? If we want it in writing, he’ll put it in writing. He makes sure the client understands his advice.”

Forceful without being arrogant, Peters is also calm and resourceful on the job, Oppenheimer says. She remembers being grateful for his stalwart leadership in the economically turbulent days after the terrorist attacks of Sept. 11, 2001. Financing for an elaborate rental property sale fell through.

“There were complicated issues with the city; we were dealing with the city council. He attended city council meetings. He just had a calming effect, like, ‘don’t worry,’” she recalls.

Indeed, Peters seems to convey a calm confidence in most endeavors.

“He’s no-nonsense, gracious, to the point, efficient, a gentleman always,” says client Veronica Buckley, administrator at the intellectual property firm of McCracken & Frank. Peters represents the firm in real estate matters, such as when it entered into a lease on a new building, as well as partnership issues.

Regarding the grim state of retail properties, Peters recently told students at John Marshall that “even though things are not looking good now in retail, retailers have long horizons. They’re trying to project what’s going to be happening 2010 or 2011; that’s one reason there is still some activity.”

Regarding the “out-of-synch” credit market, with developers’ uncertainty affecting leaseings, he says “we have a lot of waiting and watching. I think we are cautiously optimistic about this.”

And—on an issue unrelated to the law but related to his work—Peters even regards a flood at 311 S. Wacker three years ago with triumph.

A fire protection line on the 29th floor burst with such force that it blew out ceiling tiles. The sprinklers activated. The pumps kicked in. The water level rose to nearly two feet in the firm library. The building was evacuated.

The firm’s space was significantly damaged, prompting it to take turns moving to temporary space during repairs.

“It was an unfortunate incident, but we capitalized on it,” Peters says. “We had these ‘camps’ in the temporary space. There was ‘Camp Freeborn’ and ‘Camp Peters.’ There were rivalries between the camps. We got these fake campfires and fake moose heads.

It turned out to be a tremendous morale builder and demonstrated our firm’s ability to bring teamwork and creativity to any situation. Overall, it was a positive event.”

### ‘Pearl of Great Price’

Developers of the Chicago Spire skyscraper at 400 N. Lake Shore Drive have capitalized on Peters’ smarts. He worked on original site acquisition and analyzing various legal interests involved in the complex project. “It’s a very complicated site. There are a lot of folks above, below, and at the ground level that claim interests in it.”

Despite that complexity, Peters smiles when he explains how surrounding developments in the area-wide Planned Unit Development face smaller height restrictions than the Spire.

“You get to our site, and what’s the height restriction? Two-thousand feet.”

A West Side church that needed a new home benefited from Peters’ pro bono services in assembling the site and handling zoning issues, financing and construction.

“The bottom line is now it’s a thriving church in a beautiful building and, just as in their vision, a community center,” he says.

And The John Marshall Law School Board of Trustees looks to Peters for his sound judgment, as the member who guides the rest of the board on real estate matters, Corkery says.

The board relies on Peters’ sophisticated expertise in issues ranging from the offices it maintains in nine floors of a building at 321 Plymouth Court, to campus facilities at 315 Plymouth Court and the 304 State Street Building.

“He’s someone who is recognized as having good judgment, which is a pearl of great price in any lawyer. Good judgment you want in any lawyer, any member of the board. It’s a wonderful quality,” Corkery says.

For Peters, the quality of the firm’s lawyers stands for itself; what he’s most proud of is helping imbue the firm with a positive work environment.

From attorneys to staff, the firm develops careers in an “open, cordial, team-oriented, positive” atmosphere, he says. Some employees, for instance, started in high school and finished college while at Freeborn & Peters. The firm’s practice of promoting from within strengthens opportunities for advancement for everyone in the firm.

“That’s turned out to be the most satisfying aspect of it all,” Peters says. “Not that I don’t love practicing law. But I think it has been more satisfying for me to have been part of creating an organization that has made a difference in peoples’ lives.” ■