

Ann Zwick

Focus, Deep Background Yield Superior Results in Environmental Law

by Mike Bailey

Ann M. Zwick has always known what is important, both to her clients and her family.

As an environmental and real estate attorney with the Chicago firm of **Freeborn & Peters LLP**, Zwick's style is to encourage cooperation, inclusion and compromise. She counsels clients on all aspects of environmental law, including compliance matters, permitting, site remediation, due diligence reviews, public hearings, enforcement actions and appeals.

Her clients revere her ability to cut quickly to the central issue without wasting their time or raising needless matters. Those attributes are essential as Zwick balances a successful and respected practice with the demands of being a single mother.

That balance is constantly tested. As her law career advanced, so did her family and she recognized early on that parental presence in the lives of her two children was critical. That realization put her at personal and professional crossroads.

After starting at Freeborn & Peters, Zwick quickly rose to partner, due to her previous work in the Illinois Environmental Protection Agency and her skill as one of the few attorneys handling landfill-siting petitions in Illinois. But when her daughter, Samantha, was born in 2002, Zwick had to make a decision.

"I told my boss, Jerry Callaghan, that I just could not leave her (every day)," a decision with which many mothers struggle. "Jerry was able to work out a solution that allowed me to stay with the firm."

Although she officially remained at Freeborn & Peters, she stayed home most of the time with her children, working on an hourly basis when needed.

"There aren't too many attorneys who handle landfill siting work, and I think I left Jerry holding the bag a little bit. I was grateful for the opportunity to remain a part



of the firm during that time. I was invited to all the firm gatherings and parties and when I did come into the office, everyone was very welcoming.”

Callaghan says Zwick had attributes he knew would be beneficial to the firm in the long run. “Ann is very smart, and that’s something you can’t teach,” he says of his decision to keep her connected to the firm. “She is very efficient and gets right to the important issue, identifies and analyzes it. She is really good with clients and develops a good rapport with them. And, she knows environmental law.”

So Zwick was listed on the Freeborn & Peters roster as “of counsel” and she remained a stay-at-home mom, a job she loved.

“I immersed myself in being a mom. I volunteered for everything at (Samantha’s) school. I was in charge of programs and projects. I was very active.” When her second child, William, was born a year after Samantha, it cemented Zwick’s decision.

“I thought it was important to keep her connected to the firm,” Callaghan says. “She did some work from home for us, and I would contact her about any significant changes in the law. Because we were (in the same area of law) I think it was easier for her (to stay current). When she came back (12 years later in 2014), she jumped right in and was fully immersed in (the practice). She caught up quickly and the return was seamless.”

Children Old Enough Now

Her children, now 13 and 12, are old enough that Zwick felt she could return to practice. She initially interviewed at some other firms until Callaghan made a strong push to retain her. She has flexible hours according to family needs. She leaves most days at 3 p.m. to pick up her children from school and has no set schedule, working as needed.

“I’m always accessible through email or cell phone, and I frequently work from home,” she says. “I am so thankful that Jerry and the firm are supportive of this arrangement.”

She managed to stay current during her 12-year absence with the evolving environmental laws, but says that once she returned, it all came naturally.

Challenges have always intrigued Zwick, who grew up in Naperville and attended the University of Illinois with thoughts of being a chemical engineer. Her father, who practiced as an accountant, had a law degree and gradually Zwick gravitated toward accounting, architecture and finally, finance.

She graduated from the University of

Illinois with a degree in finance from the business school and had accepted a job at what was then Arthur Andersen, but she became interested in attending law school.

“I felt unqualified, like I still had so much more to learn (about finance). I didn’t feel like I was done with my education, and I was not ready to enter the workforce.”

With the help and advice of professors and family, Zwick applied and was accepted at Northwestern Law School. “I didn’t have a burning desire to be a lawyer, but I liked the challenge and the academics.”

She explored different aspects of law and quickly learned she did not enjoy arguing motions or litigation, so she entered the field of real estate law, eventually landing with a Chicago firm. But the exchange of documents and deal making of real estate law at that firm was “not a good fit for me.”

Instead, she evolved to environmental law, a changing regulatory practice that challenged her and played to her talents nicely.

Having graduated *cum laude* from Northwestern Law, Zwick was easily able to land a job with the Illinois Environmental



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Protection Agency in Springfield, a “huge pay cut” from her job with the Chicago firm, but decidedly more satisfying.

She remembers seeking counsel from a former professor about whether she should take the job and veer toward a new career path. “He asked me if I had a chance to clerk for a judge, would I do it? Of course, I said. ‘Well, think of your time at the IEPA in the same way,’” he told her.

The two years she spent at the IEPA were very busy and critical times in the evolution of environmental law in both Illinois and the country.

“I worked in the air division and in 1990 the federal government passed the Clean Air Act Amendments, which obligated the states to enact legislation and regulations to comply with the new, stricter federal requirements. I co-wrote a piece of legislation that is still in effect today,” she remembers.

The legislation concerned the permitting program called Title V or CAAPP for major sources of air pollution, requiring negotiation with the largest companies in Illinois, such

as utilities and refineries. The law set out permit requirements for air emissions, record keeping, reporting and monitoring.

“I had an incredible boss, Bharat Mather, who eventually moved to Chicago as the head of the air division for the United States Environmental Protection Agency, Region 5, and just retired as the Deputy Regional Administrator. Industry had a lot at stake in writing this legislation, and his process was to work with them to satisfy the mandates in the Clean Air Act Amendments.”

IEPA Was Background for Practice

That cooperative, inclusive philosophy is the bedrock of Zwick’s approach today. Having worked two years at the IEPA, she looked to return to private practice and was referred to Freeborn & Peters where she was hired as environmental counsel.

“I had a different perspective when I returned to private practice. I knew what the government was looking for and how best to represent our clients. Those two years (at the IEPA) were invaluable.”

She says the attorneys at IEPA were bright, young and hard-working people, trying to do a good job. They were not victimizing businesses. And, she learned, most businesses today really want to do the right thing. The trick is to reach a middle ground because, as she acknowledges, the government has a lot of power.

“It’s usually better to reach a compromised settlement. That’s much better than ending up in expensive and protracted litigation. Of course, if the allegations are unfounded, then I will take a much more aggressive stance.”

Jim Kallas, Environmental Manager for General Iron Industries, a large scrap yard in Chicago, respects Zwick’s preparation, demeanor and her ability to know when to compromise and when to challenge.

“The fact that she worked at the IEPA has given her a background in knowledge of regulations and how best to represent her clients. She understands the law and having worked on both sides, knows how (to reach an acceptable compromise).”

But that doesn’t mean she backs down when she believes her client is being wronged.

“The best example I can give you is when we received an unreasonable and unfounded notice of violations (concerning General Iron Industries). She was tougher than I would have even expected in dealing with the IEPA, and she got them to back off and many of the violations were dropped,” he remembers.

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In addition to environmental law, Zwick also does land use and zoning, a key component of not only landfill siting, but also of any project with which there are any social or environmental concerns.

“I just worked on a smaller project out in Kane County in which WLS TV (ABC 7) sought to install a Doppler radar tower. We met with county staff to get their initial comments on the proposal and then came back to them with a design we felt met all of their concerns.

“They were very satisfied with the initial design, but there was some concern from a nearby village about the visual impact of the tower. We then hired a landscape architect to do a site line analysis, which showed what the tower would look like from a mile away in every direction.”

The project was approved with little controversy and no dissent, an outcome that pleased the client. In fact, Zwick remembers that a Kane County Board member commented that the zoning petition was the best one he had ever read and that it should serve as a template for future zoning petitions, as it addressed all of the board’s concerns.

Building Block Approach

“Ann takes a very pragmatic approach,” says John Idler, president and general manager of ABC 7 in Chicago. “She didn’t make it any harder than it had to be. It was refreshing to see her take an almost building block approach so that when we went to the committee (for approval), the work had already been done. She reached out proactively to the people we needed to reach, identified the potential pitfalls, and addressed them appropriately. She also worked well with our engineering consultants.”

Idler says Zwick helped him manage his time, telling him which meetings he needed to attend and which ones he could skip. “The default position (of attorneys) is often that I better be there. But she knew which ones were crucial and waved me off of others. I really appreciated that.”

Zwick says that once a project like a smelting operation or landfill is approved and permitted, the process is not over. In fact, it never ends. New equipment or processes may cause clients to seek a revision to existing permits. New regulatory requirements may go into effect. Neighborhood concerns are also ongoing, an issue on which she also advocates a proactive response.

“I work with the company’s environmental manager if there is an issue

with an inspection. We work together to address the issue and comply with the applicable law or permit condition. Working with neighborhood groups and villages and municipalities is crucial,” she says.

“Many of my clients set up hotlines for neighbors to call if they have a concern about something they see or smell. A lot of times the client determines that they are not the cause of whatever the neighbor is reporting or the neighbor is mistaken about what they are observing.

“You need to realize that these companies are highly regulated and can determine quickly if there is indeed an issue and how to resolve it. For example, one client received calls from neighbors reporting smoke coming from the facility. When these types of complaints are investigated, it is determined that the neighbors are seeing mist from a dust suppression system, not smoke.”

Working closely with neighbors, inspectors, aldermen or council members avoids major issues later, consistent with an approach she learned at the IEPA.

That doesn’t mean that all issues can be avoided. Sometimes, solid waste disposal sites and transfer stations are initially located well outside developed areas. But as cities annex land and approve development near the landfill and transfer station sites, issues emerge.

“We had one situation where a transfer station had been at its current location for decades. The city then rezoned adjoining property as residential and allowed development right next to the site. The new residents then began complaining and trying to harass the company out of business, and the city followed suit. After the city imposed a fee targeting that particular transfer station, we sued the city,” she says.

The matter has since settled, with the fee being revoked and the transfer station still in business at its original location.

Negotiations with various government agencies take tact and skill and a reading of the local governmental body and the pressures board members face. The key, then, is to meet with the local government officials in advance, identify important issues and concerns and address them ahead of time.

“Landfill siting is highly regulated and requires public notice, a lengthy and detailed siting application to satisfy numerous criteria, a public hearing and findings. We meet with the village attorney and the mayor and take the temperature of everyone well before we decide whether to proceed. We will not if we don’t feel we can get approval. We also meet with other government agencies with a stake in the outcome well ahead of time, so there

are few surprises.”

Because of the complexity of landfill sitings, including the application requirements, siting criteria, local approval process and a host of local, state and federal requirements, Zwick is one of only a handful of attorneys in Illinois who is well versed in that area of law.

As development crowds into formerly open spaces and the amount of refuse generated by a growing population increases, available space for garbage is dwindling at current landfill sites. Opportunities for new locations meet with increased resistance, a trend not lost on Zwick. Even the siting of cell phone towers — which would increase efficiency and ease of mobile communication — has become contentious.

Work and Being a Single Mom

When she is not being a mom or an attorney, Zwick enjoys working out at her local health club or playing tennis or golf. She and her children have traveled to several national parks and spend considerable time outdoors, something she says benefited the kids immensely.

“My son, Will, would much rather be outdoors doing something than playing a video game. We went to the Grand Tetons and Yellowstone recently, and Yellowstone was magnificent beyond words.”

She and her kids also recently went to China with her former mother-in-law who grew up there, bringing back a treasure trove full of memories. “I feel very fortunate and blessed to have been able to have a career and a family.”

Her next national park trip may be to Glacier in Montana, a place her son Will really wants to see. That trip, like everything Zwick does, will be planned and prepared for with consideration of many possible obstacles.

“We love to hike, but are wary of bears. When we hiked in the Tetons, we wore ‘bear bells’ (bells attached to backpacks which make noise), so we wouldn’t surprise one. On one trail, we came face-to-face with very recent bear scat. We then encountered hikers who were upset with us (for making noise) and said there were no bears for miles — despite the obvious scat down the trail. Others were grateful and wanted to stick with us. We have found that many people aren’t prepared when they hike in the national parks. I’ve seen little kids on these arduous hiking trails wearing flip-flops, with no water, hat or day packs.”

Whether handling a knotty legal issue or a hike in a national park, Zwick will never be accused of poor preparation. ■

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