

Ross Altman

Construction Attorney Has Architectural DNA

by Dustin J. Seibert

Ross J. Altman's fascination with architecture is not just a passing interest. It runs in his blood. His 14-year-old daughter Leah stands as a living testament.

Like her father, Leah has wanted to practice architecture since she was 8 or 9.

"At first I thought maybe she just wanted to please her father," Altman says. "But that's not it...It's in her DNA. Hopefully, she won't have to face some of the same vicissitudes of the economy that I did, and she'll stick with it."

Altman was headed down his daughter's path when he was her age, but ultimately wound up a construction lawyer — a different path arising out of the same passion. He now is the head of the construction law practice at **Dykema**.

The Milwaukee native has been fascinated with architecture since he was a young boy in Milwaukee. His father Larry was an Army reservist who worked in sales, and his mother Annette was a teacher, receptionist and homemaker.

He became the first in his lineal family to go to college ("My parents were very pleased that I chose to pursue a professional path"), attending the University of Michigan's highly ranked College of Architecture and Urban Planning. During summers, Altman worked for a small Milwaukee architecture firm where he learned, for the first time, that the traditional practice of architecture might not be his exclusive career path.

"Architecture is a tremendously romantic profession, and what draws most people to it is design," Altman says. "But what I found out through working was that there are other aspects of the profession that are important and make up a large part of architecture as a whole, like business-related and legal concerns. Architects have a reputation of not being very good at those types of things."

Influenced by his summer job, Altman enrolled in The George Washington University Law School to learn more about the business and legal aspects of architecture, working part time for an architecture firm while taking classes. His dreams of practicing architecture were impeded by a prime interest rate that hovered at 21.5 percent when he graduated in the early 1980s.

"No one was building, let alone thinking



about hiring architects at the time," he says. "Meanwhile, I'd developed habits like eating and paying rent that I thought would be good to maintain."

Though economic circumstances took Altman off his original path, he does not view with regret the decision he made decades ago to permanently stop pursuing the practice of architecture.

"There's an analogy between the practice of architecture and transactional construction law, even if the end product is a bit different," he says. "There's creativity in problem solving in construction law and trying to put together a transaction that's acceptable to all parties, just as architects design solutions to problems and memorialize them through the production

of drawings and specifications in a way that people can understand."

Pursuing Opportunities in Chicago

Following law school, Altman moved to the Chicago area after accepting a job at Evanston-based Shand Morahan & Company, Inc., where he worked for just over three years for the insurance underwriting manager. The company kept a stable of lawyers that handled claims against architects and engineers on behalf of various professional liability carriers.

"I found it interesting and learned an awful lot about business and legal considerations in a short period of time," he says. "It also helped me confirm pretty quickly that I wanted to spend my career

with a focus on the transactional side.”

Altman’s realization that he was more interested in the transactional side of construction law was borne of his demeanor.

“I find it much more enjoyable to be involved in work on the front end and to be — no pun intended — doing things that are constructive,” he says. “I like work that has an end product, and it’s really gratifying to work on projects and contribute in some small way to their success.”

A childhood friend who was an attorney at then-Rudnick & Wolfe — now DLA Piper — contacted Altman. He became the firm’s 162nd lawyer when he started in 1985. Though he went to law school with no intent on practicing traditional law, he says the opportunity was a watershed moment for his career.

“When I made the decision to join the firm, it was like crossing the Rubicon for me,” he says. “I found it very fulfilling, and I knew this was the path I’m going down and not turning back.”

In 1998, Altman left Rudnick to serve as general counsel for global construction-related companies in need of a turnaround. The first endeavor involved a large equipment manufacturer and engineering procurement and construction contractor that could not be saved. He spent almost three years resolving claims and completing projects while liquidating the company.

“It was labor-intensive work,” he says. “The reorganization consultants I was working with called me and asked if I would do it again. Much to my surprise, I said ‘yes.’”

He helped the second company successfully emerge from bankruptcy; it still thrives today. Around that time, Altman married his wife Barbara, who became pregnant with Leah shortly thereafter.

Though Altman enjoyed the intellectual aspect of the turnaround work, it was time-consuming and physically demanding. He was required to spend lots of time overseas and away from home.

“With that second company, I knew I didn’t want to do this anymore,” he says. “I called up Lee Miller, who was then the managing partner of the law firm that had become Piper Marbury Rudnick & Wolfe and told him I was ready to come home.”

Transitioning to a New Firm

When Altman returned to the firm after five years, the name wasn’t the only thing that changed.

“It was a much larger firm,” he says. “There were about 350 lawyers when I left, and I came back to over 800. Private practice had changed a bit in general while I was gone. There was a much greater

emphasis on the business side of the practice in addition to rendering legal services.”

After more than 20 years with DLA Piper and the legacy firms, Altman’s desire to practice in a more intimate environment better suited to his style of practice sent him to Dykema.

“Generally speaking, Dykema allows me greater flexibility, which is important in the construction industry, where profit margins are very thin,” he says. “It also reduces the likelihood of issues caused by conflicts of interest that can be very problematic in a megafirm.”

Altman’s concerns were related to the floundering economy, which had an especially damaging effect on real estate and construction businesses.

“The downturn in construction did certainly cause a reduction in business generally, but at DLA, it really just changed our focus more than anything else,” he says. “We’d historically done a litany of real estate development work, but there was less of that and a greater emphasis placed on heavy construction, infrastructure work and industrial projects.”

Dykema put Altman in charge of its construction law practice immediately. The

practice comprises 100 percent of his work, but as many as 15 attorneys assist him in the transactional and litigation sides of the practice.

“I don’t think that managing a practice group brings with it the same types of demands that a formal managerial role takes,” he says. “There’s an element of management there, but I haven’t found it to be overly demanding. It just means being aware of certain issues and staying in touch with all the attorneys.”

Altman says he adapted immediately and quickly to Dykema because of its strong client-facing focus and the interesting work he’s been able to tackle.

Not Like Typical Office Buildings

“I do an awful lot of work in the energy sector — including work in renewables, power generation and transmission — which is technically, commercially and legally interesting,” he says.

Dennis Powers, Altman’s former DLA Piper colleague, learned after years of working with him as a construction practitioner that Altman’s architecture background makes him ideal in handling complex transactions.

“I view him as at the very top tier among us construction practitioners because he handles the very difficult, complicated infrastructure projects that have a lot of moving parts,” Powers says. “Things like light rail and biofuel processing that aren’t like working on your typical office building. He’s so detail oriented, and he has the patience and intellectual capacity to handle in a capable fashion the many little parts of these projects.”

Among Altman’s larger current projects is his work with client M-1 Rail, which is in development on a project that will result in a 3.3-mile circulating streetcar on Detroit’s popular Woodward Avenue. He says the project in the economically challenged metropolis is a “public-private partnership in the truest form of the expression” that can also lead to added jobs and other development in the area.

“So many P3s get a lot of press these days, but many of them are just financing vehicles and a way of transferring risk,” he says. “M-1 Rail is more of a true partnership between the federal government, state government, the city of Detroit and a lot of philanthropic people and companies.”

Cameron Piggott, a Dykema member based out of the firm’s Detroit office, works closely with Altman on the M-1 Rail project, scheduled for completion in 2016. He says Altman is the ideal attorney to be working on such a complex project with so many moving parts.

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“Ross has a truly amazing grasp of the details of construction law and contracts,” Piggott says. “He has a depth of understanding that few in his practice area even have. Also, when things tend to get pressure cooked a little bit and the timing deadlines are significant, he makes sure everything gets done right and everyone is still talking to each other in the end.”

For nearly 16 years, Altman has served as an adjunct professor in a master of laws program in real property development at the University of Miami in Florida. He will return this spring to teach the two-week, one-credit accelerated course.

“They are kind to me to schedule my classes when the weather’s cold in Chicago,” he says.

Following Tested Philosophies

Altman instructs his students to, among other things, follow the philosophies that have led to his success in transactional law, including his tendency to allocate risk instead of blindly shifting it during a transaction.

“It doesn’t make sense to me to prepare documentation or walk into a negotiation where I simply try to transfer all the risk I possibly can to another party,” he says. “I like to prepare documentation that provides a clear understanding of what the deal is, because you want the transaction to be successful and achieve your client’s goals.”

He says it’s also essential to manage a client’s expectations in order to reduce the likelihood of disputes.

“Oftentimes, disputes arise due to a disparity between one party’s intentions and the other party’s expectations,” he says. “You can work through a lot of that when putting a transaction together and help avoid those types of problems down the road. Hopefully I’ve done a fair amount of that throughout the years, and my clients have recognized that.”

Richard Pearse, a partner with Vedder Price, has worked with Altman in several disparate capacities: opposing counsel, a teammate as they represented separate clients with the same interests, and as his attorney during Altman’s period as general counsel.

He says Altman’s personality and agreeable temperament make him a delight to work with, or for, in any capacity.

“He gives you tremendous confidence that you’re always getting the truth from him,” Pearse says. “He also makes you feel at ease by creating nice working conditions, which is unusual among lawyers in the construction industry. His genial

disposition can be disarming. You want to help him out, so things tend to get done when Ross is involved.”

Altman’s most important student, of course, is his daughter Leah. He takes seriously his role as her muse as she looks ahead to a career in architecture. He answers any questions she has and continues to enroll her in the Taliesin Preservation youth architecture camp in Spring Green, Wis., where she learns about Frank Lloyd Wright’s architecture.

When he sees himself as a youngster through her endeavors, Altman thinks about the alternate direction his own career path took. He is careful not to say anything that might discourage her from following her dreams.

“We spend so much of our lives working that I think it’s really important to enjoy what you do and pursue your passions,” he says. “It gives so much more meaning to our day-to-day lives.”

“The fact that she has those interests and passions is just wonderful, and it resonates with me personally. So right now, I’m doing what I can to encourage her to pursue that passion and develop those skills as much as she can. There’ll be plenty of time in the future to deal with some of the economic realities and practicalities of practicing architecture.” ■