

MARC PORTER

'Cut From a Whole Different Mold'

by Pat Milhizer

If attorneys are graded on how well they balance the different aspects of their lives, Marc Porter could make a case for high marks.

Porter, 56, is a partner at **Figliulo & Silverman P.C.** who specializes in real estate and construction law. In a breach-of-contract lawsuit last year, he worked on a legal team that secured a \$41.6 million jury verdict for a client.

Before his workday starts, Porter catches a 5:30 a.m. Metra train to get from his Grayslake home to his Loop office. He makes the early-morning trip every weekday to attend the 7:15 Mass at St. Peter's Church.

And here's the part that makes jaws drop: Porter has nine kids.

"Marc is an outstanding lawyer," says Don Storino of Storino, Ramello & Durkin in Rosemont. "We all gotta have an intellect, but he's highly motivated and has a huge work ethic. He's a real bright guy, and he has real excellent legal instincts in his trial tactics."

"And he's very devoted to his faith. He's a regular attendee at Mass, things that you don't really see. You don't see a guy do this with nine kids.

"But Marc's not a regular guy. He's cut from a whole different mold," Storino says.

Porter drafts contracts, and if a contract is breached, he represents clients in court when a construction project faces trouble.

"It's gone bad as a result of a subcontractor defaults, or the owner gets in financial trouble, cannot complete the project, bails out," Porter says. "And banks take over, and the project goes into foreclosure.

"You go into the idea of completing the project. Circumstances occur, whether it's the economy, money issues, just bad subcontractors on occasion," Porter says.

A Melrose Park native, Porter grew up the middle child of five boys. He attended Holy Cross High School, where he played on the basketball team and had Storino as a coach.

"When I met him, he was 14 years old," Storino recalls. "He wasn't the biggest kid, wasn't the strongest. In fact, he had been on the smaller side, not really developed physically. But he played at a higher level, always striving to do better than what was expected."

After high school, Porter went to Omaha to attend Creighton University. He graduated in 1976 with degrees in finance and accounting.

Before heading to law school, Porter returned home to work at his father's business—a

printing brokerage that produced direct-mail advertising for clients such as Sears Roebuck, Reader's Digest, and Helene Curtis.

He started classes at Northern Illinois University College of Law and helped pay his tuition and school expenses by working as a sorter at UPS, making \$9 an hour.

Learning the Public Sector

After earning a law degree in 1979, Porter landed a job with the Illinois Department of Labor. He served as a hearing officer, handling disputes about unemployment benefits in the public and private sectors.

In 1981, he left the state job to work for Gabriel Berrafato, a Morton Grove attorney who was a well-known municipal lawyer with an extensive real estate practice.

At Berrafato's firm, Porter learned about land development and the related legal issues

runs Figliulo & Silverman's eminent domain practice. "He seems to know something about every area of the law."

Gigante remembers a case from about 10 years ago in which a suburban client wanted to be annexed into a suburb.

"I'd never heard of such a thing. Usually, it's a city trying to annex land," Gigante says.

But Porter knew a way to do it.

"Here was some obscure law that allows a landowner to file a petition where he can get himself into the suburb, and it's hardly ever invoked," Gigante says. "I remember going over to pay for the filing fee [at the Daley Center], and nobody at the county knew about it. They had to call in some old-timers."

"But Marc knew about this," Gigante says. "He's amazingly versatile in what he knows. And what he does know, he's right on the mark every time."



in the public sector. The firm represented the Village of Morton Grove, the Morton Grove Park District, and the Nilas Park District.

Working in the public sector, Porter developed the tools needed to represent developers and contractors in the private sector.

In his practice, he crossed paths with attorneys Jim Figliulo, Peter Silverman, and Carl Gigante. When the lawyers opened Figliulo & Silverman in November 1996, Porter joined them.

"From the legal standpoint, he is a jack-of-all-trades," says Gigante, a firm partner who

These days, Figliulo & Silverman's client roster includes mega-developers such as Walsh Construction and Bovis Lend Lease.

On the construction side of his practice, Porter represents general contractors and occasionally, subcontractors. He drafts and reviews contracts for them and helps them in the bidding process to try to get work on construction projects.

In the construction industry, the disputes come with more than just legal paperwork.

First, there can be colorful language when the phone call hits Porter's office to explain that

something has gone wrong a construction site.

"Generally, you have a highly-stressed project manager that contacts you. He's under the gun to get a project completed," Porter says.

Next, there might be a project site dispute that almost looks like it could lead to fistfuffs.

"Whoever it is, you try to take them outside, talk to them, try to get together with another attorney, try to diffuse the situation, just to get them to settle down," Porter says.

"That's all you really can do. Sometimes, the meeting becomes so heated that it's unproductive. Then we'll try to discuss things through the attorneys, try to see what you can resolve," he says.

When disputes arise over missed payments, defective work claims and any of the many contract disputes that can come up, Porter goes to court.

On the real estate side of his practice, Porter helps developers with land acquisition.

In a typical case, Porter represents the developer in deals that lead to land development and the eventual sale of the property. That includes zoning issues, construction contracts, leasing the finished space and ultimately selling the property.

One of his clients is Penta Development Group, a builder of industrial warehouses with projects primarily in Gurnee and Wheeling.

He's represented the company since 1982, and it's part of William A. Randolph Inc., a large general contractor of commercial properties. The company is responsible for many of the Wal-Mart, CVS, and Kohl's stores in the Chicago area.

Tony Ricardi, president of William A. Randolph, has known Porter for 35 years. Asked what he thinks of Porter's work, Ricardi issued grades.

"His work, his ethics, is like an A-plus. On a scale of one to 10, it's 10," Ricardi says. "I trust him. He does all of my family work and anything regarding personal."

"I think he's probably one of the most honest people I've ever dealt with," Ricardi says.

Honesty and trust is important in Ricardi's business, given that his company had a \$300 million backlog of projects to work on in October 2008.

"You've got to have an attorney you can trust, and Marc is one of them. He's the only attorney I know who goes to church every day. And he's just an honest guy. You can look him in the eye and he's just an honest person," Ricardi says.

With any commercial project, there's always the possibility of public backlash. Residents may complain about the project: being too big; causing traffic jams; and creating noise.

To ease community concerns, Porter makes sure that his clients have meetings with the neighborhood before the developer even files a

zoning request with the local governing body.

The goal is to try to discover any potential problems before the zoning application is submitted.

"That's something I learned representing municipal bodies—the tension, the heat that can come about when people are surprised by projects," Porter says. "And if you can diffuse that, if you can diffuse the surprise, answer their question, you're in a much better position of getting that project ultimately approved."

In addition to his commercial construction practice, Porter also represents Ockerlund Construction. The company has built about two dozen suburban schools.

"I like my clients, the people in the construction industry," Porter says. "They're tough; they're very hard-working guys; they're very fair, very creative, and real interesting personalities."

"You're just dealing with large projects, which is much more interesting than the average construction project."

From 1996 to 2002, Porter represented Amoco in the land acquisitions and sales of gas stations in a five-county area in northern Illinois and northern Indiana.

Last year, he was working against the company that ultimately bought Amoco—BP.

One of the firm's clients, Koch Industries, acquires and operates petroleum, chemical and refinery plants.

The company bought a plant from BP, and it alleged in a federal lawsuit that the facility lacked the physical condition and production level that was promised before the acquisition was made.

A federal jury sided with Figliuolo and Silverman's client and awarded \$41.6 million. BP appealed but ended up settling the case after the trial.

Porter says the nine-week jury trial included 18-hour days, every day of the week.

"It's a very taxing, stressful situation," Porter says about preparing witnesses and exhibits while also preparing cross and direct examinations.

'Velvet Hammer'

Since he started practicing law three decades ago, the biggest change that Porter has noticed is the speed in which the business runs.

"They're sending you 200-page contracts and wanting you to review it and give them answers in a day, sometimes within hours," Porter says. "Everything is just moving fast."

"Especially trying to bid jobs, guys are trying to bid jobs all over the country and they need answers quickly, especially in this economy we have now, which is probably one of the worst I've ever seen in my practice in the construction and real estate industry.

"Margins are tight. There's very little room

for error, and they're relying on you to give them really sound advice on these contracts, and it has to be done quickly," Porter says. "So, that's the problem. That's the demand."

There's also plenty of demand in his family life, with nine children, two grandchildren, and a third grandchild on the way. His children range in age from 9 to 29, and Porter credits his wife, Cheryl, for making everybody's life easier.

"I have a great wife; she's a tremendous human being," Porter says. "It's tough, but it's been well worth it. All the sacrifices have been worth it. And it's not over. I've got a long way to go—got four [children] left at home."

Despite Porter's large family, Gigante says it's never affected Porter's work.

"If you had a closing, he's the guy who I'd want to handle it—not just real estate but business transactions, sales of businesses," Gigante says.

"As a partner, he's an incredible man. He's a velvet hammer type of guy. He's got nine kids, and you'd never know. He never complained one day about lack of sleep or being pulled in directions of taking care of his family.

"You go in Marc's office, and he could be working on something; he'll drop what he's doing and he'll listen to you. And I know he's got other things to do, but he'll take the time, every time. He does that for his partners, associates, clients.

"I've been very fortunate to have that guy as a partner," Gigante says.

Porter also serves as president of the Men's Leadership Forum of Chicago. The organization promotes the notion that people should live all parts of their life including one's professional work in accordance with the principles of their faith.

He credits his law firm for helping him find the needed balance.

"It's one of the problems with the legal profession, but any profession now: finding the proper balance between the requirements of your job and your duties at home to your family," Porter says.

"So it's always an ongoing struggle. It's a constant balancing act. Our most important work truly is at home with the wife and kids, and that's one of the great privileges I've had at this firm.

"We all are like-minded in that way. We understand that when the time comes to work hard, we all have to do that. But we try to live a much more balanced life. At the end of my career, I'd like to say that I was a great husband, father, friend and a good lawyer—in that order.

"So," Porter says, "we look at our work here as a sense of service to others. And that work is not an end in itself, but it's a means to higher things." ■