



Krista Hallberg Kapp

PARTNER

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Krista represents owners, developers, contractors, and subcontractors in drafting and negotiating contracts for construction and design professional services for stadiums, healthcare centers, condominiums, hotels, residential, commercial, and adaptive reuse.

Through such representation, Krista advises her clients throughout the design and construction process to avoid disputes, resolve claims, and provide assistance to close-out contracts and projects. In addition, Krista also has extensive experience working with property owners and managers on license, easement, technology, and maintenance and repair agreements with vendors and suppliers of goods and services.

Clients turn to Krista for her innovative and effective skills managing all parties who impact the construction contract, including lenders, title companies, and adjacent landowners.

Prior to focusing her practice on primarily transactional matters, Krista represented construction industry professionals in dispute resolution and litigation which brings a unique perspective and set of abilities to her work, resulting in proven and effective results in avoiding disputes and understanding the contractual provisions which tend to be the subject of disputes.

In her free time, Krista spends time with her husband Jay and shepherding their two children to cross country meets and baseball and basketball games.

Awards and Honors



- ▶ Ranked in Chambers USA (2019-present)
- ▶ Recognized as a Leading Lawyer in Illinois (2017-present)
- ▶ Listed in *The Best Lawyers in America*® (2021)

Professional Organizations



- ▶ American Bar Association
 - Construction Law Forum
- ▶ Chicago Bar Association
- ▶ Society of Illinois Construction Attorneys
- ▶ Construction Lawyers Society of America, Fellow

Representative Matters



- ▶ The \$600 million historic reconstruction of Soldier Field.
- ▶ The multi-billion-dollar, multi-building development in downtown Manhattan at Ground Zero to replace the World Trade Center.
- ▶ A development and investment firm in the drafting and negotiating several design and construction contracts for projects across the country including the design and construction of a luxury residential condominium development in West Palm Beach, Florida; the redevelopment of Chicago's Tribune Tower; a 45-story 490-unit luxury residential apartment building in Chicago's Streeterville neighborhood; and the construction and development of a portion of an area in San Francisco, California known as Block 6 containing a 32-story high-rise tower and 6-story podium with 402 apartments, seven 3-story townhouses, below grade parking garage, retail space and two amenity levels.

EDUCATION

- ▶ Loyola University Chicago School of Law, J.D., *cum laude*, 1998
- ▶ Miami University Oxford Ohio, B.A., *cum laude*, 1995
 - ▶ Phi Beta Kappa
- ▶ University of Valencia, Valencia, Spain, Summer 1993



RECENT NEWS

- ▶ Chambers USA 2022 Ranks Laurie & Brennan LLP as a Band 1 Construction Law Firm and Five Attorneys Individually Ranked
- ▶ Laurie & Brennan Again Ranked as a Band 1 Construction Law Firm by Chambers USA 2021, With Five Attorneys Achieving Individual Rankings
- ▶ 10 Laurie & Brennan Attorneys Earn 2020 Leading Lawyers and Emerging Lawyers Accolades
- ▶ Laurie & Brennan Attorneys Individually Ranked by Chambers USA 2020
- ▶ Retention: Is it Really that Bad? An Owner's Perspective
- ▶ Are You Ready to Bid Farewell to the AIA 2007 Forms?
- ▶ Laurie & Brennan Sponsors Camp NAWIC

- ▶ A real estate investor and developer in the drafting and negotiating of design and construction contracts for the construction of a 335 room hotel and retail and multi-purpose space in the Randolph Corridor in Chicago, Illinois on a tightly constrained site requiring analysis of air rights and crane easements.
- ▶ Construction contracts for an owner of a cannabis cultivation and distribution center.
- ▶ An independent hotel developer in the drafting and negotiation of design and construction contracts for the adaptive re-use construction of boutique hotels in Kansas City, Kansas, Detroit, Michigan, Minneapolis, Minnesota, Tampa, Florida and Des Moines, Iowa.
- ▶ A developer, owner and operator of power generation and energy storage facilities in the drafting and negotiation of a design build contract for a solar energy project in Oregon.
- ▶ A not-for-profit owner in the drafting and negotiation of design and construction contracts for the construction of older-adult residences in Evanston, Illinois, Tucson, Arizona, and Tysons, Virginia.
- ▶ A billion dollar transnational food and drink company in the drafting of its form construction and design build contracts.
- ▶ A private university with approximately 23,000 students in the drafting and negotiation of the construction contract for the university's new theater school.
- ▶ A national power generation and development company in a bankruptcy court adversary action based on an EPC agreement involving cost overruns and construction delays in a \$250 million electric power plant.
- ▶ A commercial general contractor in the negotiation of a general contract for a warehouse and automated distribution center.
- ▶ A specialty public contractor/manufacturer in breach of contract and tort claims against a governmental transportation agency.
- ▶ Condominium unit purchasers in a construction defect, design error, and fraud action against a real estate developer, its architect, engineer, contractors, and real estate listing agent resulting in a multi-million dollar settlement.

Community Involvement



- ▶ Concordia Place, Board Member and Secretary (2013-2018)
- ▶ LAFF, Board Member (2021)

Publications



- ▶ *Owners' Amending AIA A101-2007: "Standard Form of Agreement Between Owner and Contractor Based on a Stipulated Sum,"* Chapter 6, 3rd Ed., *Alternative Clauses to Standard Construction Contracts* (Aspen 2009) and supplements (2010 – 2011)
- ▶ *Owners' Amending AIA A102-2007: "Standard Form of Agreement Between Owner and Contractor Where the Basis of Payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price,"* Chapter 7, 3rd Ed., *Alternative Clauses to Standard Construction Contracts* (Aspen 2009) and supplements (2010 – 2011)
- ▶ Co-Author, *Owners' Amending AIA A132-2009: Standard Form of Agreement Between Owner and Contractor,* Construction Manager as Advisor Edition, Chapter 9, 3rd Ed., *Alternative Clauses to Standard Construction Contracts* (Aspen 2009) and supplements (2010 – 2011)
- ▶ Co-Author, "Construction Industry Expert Testimony In the Aftermath of Kumho Tire Co., Ltd. v. Carmichael and Under Amended Rule 702 of the Federal Rules of Evidence," *ABA Forum on the Construction Industry 2001 Annual Meeting*, Volume 2, April 26-28, 2001
- ▶ Co-Author, "Five Steps an Owner Should Take to Terminate a Construction Contract Properly," *21 Shopping Center Legal Update* 1, 11-13 (Spring 2001)
- ▶ Co-Author, "Construction Site Safety," *Structure Magazine*, p. 19 (April 2001)
- ▶ "Contractual Protections Against Mechanics Liens and the Importance of Lien Waivers," *Commercial Leasing Law and Strategy* (November/December 2001)

Construction Law Corner – Laurie & Brennan Newsletter

- ▶ "Retention: Is it Really that Bad? An Owner's Perspective" (Winter 2020)
- ▶ "Watch Out Owners and Developers: The 2017 AIA Documents Are Coming To A Project Near You" (Fall, 2017)
- ▶ "Failure to Analyze Dispute Resolution Provisions Results in Vacated Arbitration Award" (Spring 2015)
- ▶ "The What, When and How of the 2013 AIA Digital Practice Documents" (Fall 2013)
- ▶ "To Bond or Not to Bond? The Pros and Cons of Bonds on Private Projects" (Fall 2012)
- ▶ "Protections for Completing Contractors" (Fall 2010)
- ▶ "Liquidated Damage Provisions in Construction Contracts: An Owner's Perspective" (Summer 2010)

Presentations



- ▶ Speaker, "Effective Contract Negotiation for Financial Managers," CFMA's 2017 Midwest Regional Conference (September 2017)
- ▶ Speaker, "Effective Contract Negotiation for Financial Managers," CFMA's 2017 Annual Conference (June 2017)

- ▶ Speaker, "Contracts 101," CFMA Chicago Chapter (February 2017)
- ▶ Speaker, "Drafting and Interpreting Additional Insured Agreements," National Business Institute Live Teleconference (April 2015)
- ▶ Speaker, "Development of a Project," American Bar Association Tort Trial and Insurance Practice Section and Fidelity Surety Law Committee Midwinter Construction Meeting (January 2015)
- ▶ Speaker, "The Fundamentals of Construction Law-The Bidding Process and Construction Contract" ABA Construction Law Forum 2013 Regional Program (November 2013)
- ▶ Speaker, "Most Controversial A201 Provisions" Society of Illinois Construction Attorneys (March 2012)
- ▶ Speaker, "The Wonderful World of Construction Law: Basic Concepts and Current Issues," ALI-ABA (November 2010)
- ▶ Speaker, "AIA A201 2007, Highlights of Proposed Changes and Potential Modifications," DLA Piper US LLP Construction Group National Meeting, Chicago Illinois (June 2007)
- ▶ Speaker, "Key Risk Factors in Construction Contracting," Mid-Atlantic Construction Seminar, Lorman Education Services, Baltimore, Maryland (May 2006)
- ▶ Guest Lecturer, "The Economic Loss Rule in Florida," The University of Miami Law School, L.L.M, Program in Real Property Development (February 2006)

Bar and Court Admissions



- ▶ Illinois, 1998
- ▶ U.S. District Court, Northern District of Illinois, 1998