

**NEWTON C. MARSHALL, MEMBER
KARBAL COHEN ECONOMOU SILK & DUNNE LLC**

Newt Marshall has a diverse litigation and mediation practice representing construction companies, corporations, condominium associations, architects, engineers, real estate and insurance brokers, attorneys, and other licensed professionals in contract, tort and fraud-based litigation. Mr. Marshall represents a variety of design professionals, including architects, professional and structural engineers, land surveyors, and design-builders. His representation of design professionals, contractors, developers, and owners includes the areas of breach of contract, construction delay claims, professional negligence, fraud, and mechanic's liens. He has tried bench and jury cases and arbitrations, and has negotiated hundreds of settlements through formal mediation and informal negotiation. He also drafts and negotiates design and construction contracts for his clients, and has a unique expertise in contract negotiation on behalf of hospitals and healthcare organizations.

Mr. Marshall's commercial litigation work concentrates in the areas of business torts, regulatory compliance, breach of contract, consumer claims, and business fraud. He represents real estate and mortgage brokers and agents, attorneys, home inspectors, and other real estate professionals in a variety of cases and administrative claims. He has particular strength in defending clients in actions brought under the Illinois Consumer Fraud Act and various state professional licensing statutes. Mr. Marshall has been successful in mitigating clients' exposure under these statutes, some of which permit plaintiffs to seek punitive damages and attorney's fees in addition to compensatory damages.

Mr. Marshall serves as the Illinois "hotline" attorney for a national professional liability carrier to counsel real estate professionals on immediate legal needs to reduce their exposure to lawsuits. He also represents real estate and design professionals in investigations and prosecutions alleging discrimination and licensing violations brought by local, state, and federal agencies, including the U.S. Department of Housing and Urban Development, U.S. Environmental Protection Agency, U. S. Attorney, Illinois Department of Financial and Professional Regulation, Illinois Department of Human Rights, Illinois Attorney General, Cook County Commission on Human Rights, and Chicago Building Department.

Mr. Marshall frequently lectures to real estate, construction, design, and healthcare associations and their members on contract negotiations, litigation techniques, risk management, and professional liability. His formal and thorough presentations enable these professionals to obtain required continuing education and licensing credits and maintain their business in a manner which limits exposure to legal claims. Mr. Marshall also is a published author of articles in real estate publications, such as *Realtor® Magazine*, *Chicago Realtor Magazine*, *Broker to Broker*, and *Real Estate Finance*. He is the co-author of an Illinois Institute for Continuing Education (IICLE) chapter entitled, "*Condominium Litigation*."

Mr. Marshall has completed intensive training in mediation and negotiation from the faculty of Pepperdine University School of Law's top-ranked Straus Institute for Dispute Resolution, and is a Certified Mediator in the Cook County Court-Annexed Major Case Civil Mediation Program. He is a member of the American Bar Association, Chicago Bar Association, Illinois Association

of Defense Trial Council, Defense Research Institute, Professional Liability Underwriting Society, and AIA Chicago. Mr. Marshall obtained a degree in Economics from Denison University, Granville, Ohio. He graduated in 1992 from Case Western Reserve University School of Law, Cleveland, Ohio.

Publications and Presentations

Mr. Marshall speaks, lectures and has published numerous articles on issues pertaining to real estate agents and brokers, condominium litigation, and design and construction issues. He is co-author of Chapter 16, "Condominium Litigation," in *Illinois Condominium Law*, a book published by the Illinois Institute for Continuing Legal Education (IICLE), and its 2003, 2007, and 2010 Supplements.

Mr. Marshall is also a contributing author to *Broker to Broker: Management Lessons from America's Most Successful Real Estate Companies*, a book for residential real estate brokers and managers that was published by John Wiley & Sons in 2006.

In the October 2006 issue of *Realtor® Magazine*, Mr. Marshall was one of the attorneys interviewed for "Your associate broke the law!," an article offering an insider's view of agent issues that could propel real estate brokers into a liability lawsuit. Other recent real estate articles include:

- i "How to Protect Against a Lawsuit," *Chicago Realtor Magazine*, Vol. 20, Spring 2011.
- i "The Right Road, Risk Management for Brokers," *Realtor® Magazine*, Vol. 40, No. 8, August 2007.
- i "Beware – Before You Buy or Sell Your Own Property: Tips for Brokers, Agents, on Staying out of Trouble," co-author, Victor O. Schinnerer & Company, Inc.'s quarterly newsletter, "Risk Management Reporter," Spring 2007.
- i "Illinois Appellate Court Reaffirms Economic Loss Doctrine," *Construction Law Update of Real Estate Finance*, June 2006.

Mr. Marshall's recent presentations include:

- i "Understanding The Law of Architectural Malpractice," Legal Issues for Illinois Architects, Continuing Education Seminar, December 2011.
- i "Law of Engineering Malpractice," Legal Issues for Illinois Professional Engineers, Continuing Education Seminar, April 2011.
- i "Active Management of Litigation Risks," IEEE Engineering Management Society, Wheaton, Illinois, April 2009.

- i “Strategies for Reducing Exposure to Defects and Failures,” Continuing Education Seminar, “Illinois Law of Construction Defects and Failures,” Wheaton, Illinois, January 2009.
- i “What to Do When Construction Projects Go Bad in Illinois,” Lorman Education Services Seminar, Naperville, Illinois, November 2008.
- i “Disclosure Obligations for Real Estate Professionals,” Live Interactive National Webinar, June 2008.
- i “Professional Engineers: Exposure and Defenses Under Illinois Law,” Half Moon Continuing Education Seminar, Wheaton, Illinois, May 2008.
- i “Construction Law Issues for Health Care Providers,” Chicago Bar Association, Health Law Committee, Chicago, Illinois, May 2008.
- i “Legal Aspects of Professional Engineering,” Illinois Society of Professional Engineers’ Annual Meeting, Oak Brook, Illinois, July 2007.
- i “Construction Contract Basics for Hospital Expansion,” Illinois Hospital Association, live webinar, June 2007.
- i “Legal Actions Arising From the Real Estate Purchase Contract Against Agents and Brokers,” Lorman Education Services seminar, “Real Estate Professionals’ Obligations and Liability in Illinois,” Chicago, Illinois, July 2006.
- i “Risk Management for Engineers,” Illinois Society of Professional Engineers, Chicago Chapter, Chicago, Illinois, April 2006.
- i “Pros and Cons of Designer-Led Building Design,” and “Particular Provisions of Note of all AIA Documents,” Lorman Education Services seminar, “AIA Contracts,” Hoffman Estates, Illinois, November 2005.
- i “Legal Aspects of Engineering,” Illinois Electrical Engineer’s Association, Chicago, Illinois, March 2005.