

# FREDERICK M. KAPLAN | PARTNER

ADA Litigation, Advice and Counseling, Banking and Finance, Commercial Real Estate, Commercial Tenant Leasing, Corporate Law, Real Estate Construction and Finance



Fred's practice focuses on commercial real estate development, finance, leasing, construction, transactional and land use work and he is also a recognized expert on the public accommodation and real estate provisions of the Americans with Disabilities Act (ADA). Fred's work for his clients is both national and international in scope, including experience in every region of the United States, and in Austria, Brazil,

Croatia, England, Hong Kong, India, Ireland, Japan, and Spain.

In Fred's ADA practice, he has represented more than 200 business clients, including many Fortune 500 companies, on a wide range of accessibility issues, including on the applicability of the ADA to the Internet. Fred has authored many articles and is a frequent speaker on a variety of ADA and real estate topics.

Prior to joining MPS, Fred was a name partner in a boutique Chicago law firm, and before that was a partner in the Chicago office of a large multinational law firm.

## CONTACT

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## EDUCATION

- J.D., Chicago-Kent College of Law, Illinois Institute of Technology, Lead Articles Editor of the Chicago-Kent Law Review
- B.A., The George Washington University
- L'Universite de Montpellier, Montpellier, France

## ADMISSIONS

- Illinois

"There's no substitute for great attorneys.  
You either have them or you don't. We  
have them."

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## EXPERIENCE

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- Commercial real estate development, including construction contracts, owner-architect and other design professional agreements, annexation agreements, sales tax rebate agreements, redevelopment agreements, and tax increment financing documentation.
- Commercial real estate transactional experience (office buildings, industrial properties, multi-family projects, data centers, and retail centers), including acquisitions, dispositions, sale-leasebacks, Section 1031 exchanges, conventional, construction, conduit, municipal bond and mezzanine debt financings, and deal and entity structuring matters.
- Office, retail, industrial and data center leasing, representing property owners and tenants.
- The public accommodation provisions of the Americans with Disabilities Act. Fred has represented more than 200 business clients in a broad range of Title II and Title III issues since the inception of the ADA more than thirty years ago, including (a) design and construction, (b) policy, practice, and procedure, and (c) website and related accessibility issues. Fred also represents clients in federal and state administrative agency enforcement actions under the ADA and counterpart state statutes, and acts as an advisor to the firm's ADA litigation team in litigated matters across the country.
- Outside general counsel work/general business advice and counseling for closely held entities, family offices, middle-market companies, and high net worth individuals.
- Representation of public company in the acquisition of a \$87.5 million manufacturing, laboratory, distribution facility.
- Representation of fee owner/lessor of air rights parcel developed with a 1 million plus square foot downtown Chicago office building in connection with lessee's proposed C-PACE financing of energy efficiency upgrades for building.
- Representation of Fortune 50 company in the sale and partial leaseback of a \$450 million pharmaceutical R&D campus.
- Representation of a Fortune 50 company in the sale of a three million square foot pharmaceutical R & D campus.
- Representation of various real estate developers in the acquisition, development/lease up, and/or sale of multiple community, fashion, neighborhood, and power centers.
- Representation of Fortune 50 company in the acquisition of the land for, and in the subsequent development of, a 1.1 million square foot regional consumer products warehouse/distribution facility.
- Representation of public company in the negotiation of a build-to-suit lease for its corporate headquarters building.
- Representation of public company in the negotiation of a build-to-suit lease for a single tenant office/research laboratory building.
- Representation of national retailer in shopping mall leases across the country.
- Representation of supermarket operator in retail center leases across the country.
- Representation of public company in office, laboratory, and warehouse leases across the country and internationally.
- Representation of international data center owner in multiple data center leasing transactions.
- Representation of national retailer in the defense of national class actions brought under Title III of the ADA, and various provisions of the 1973 Rehabilitation Act, alleging architectural barriers.
- Representation of various retailers in claims alleging violations of Title III of the ADA due to the alleged inaccessibility to hearing and sight impaired individuals of their respective websites.
- For manufacturer and operator of freestanding wayfinding/digital media display kiosks, provide advice and counsel on matters concerning the accessibility of the kiosks to hearing and sight impaired individuals.
- Provide general Title III advice and counsel to national retailer on the design and rollout of certain self-serve kiosks.

### Schaumburg

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### Chicago

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## EXPERIENCE CONT'D

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- Provide general Title III advice and counsel to the operator of the "Bay to Breakers" race.
- Provide general Title III advice and counsel to a major airline in the design and rollout of its self-check-in machines.
- Provide general Title III advice and counsel to national retailer on the development of its COVID-19 mask policy and in actions challenging that policy before various state administrative bodies.
- Representation of international real estate brokerage/real estate services company on various brokerage commission matters.
- Representation of high net worth individual in various investments, including condominium developments, student housing developments, hotel development, and debt/equity participation in start-up company.
- Representation of high net worth individual in dispute with other partner in matters relating to the expiration and dissolution of the partnership.
- Representation of individual in matters related to the buyout of his interest in media company.

## MEMBERSHIPS

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- American Bar Association
- Chicago Bar Association
- Illinois Bar Association

## PUBLICATIONS

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- "An Overview of the Real Estate Provisions of Title III of The Americans with Disabilities Act", Presentation, Real Property Law Committee of the Chicago Bar Association, February 1992
- "Architectural Barriers and Alterations under the ADA", Building Owners and Managers Association of Chicago, 1996
- "Electronic Commerce," Shopping Center Law Report, November 1999
- "Pragmatic Approach to Deterring ADA Litigation," Retail Law Strategist, February 2003

## AWARDS

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- Illinois Super Lawyer (multiple years)
- Illinois Leading Lawyer (multiple years)