

Rising Star: Thompson Hine's Erin Luke

By Grace Dixon

Law360 (June 16, 2022, 2:02 PM EDT) -- Erin Luke of Thompson Hine LLP shepherded negotiations over the construction of St. Louis' first soccer stadium through the pandemic and hammered out complex contracts worth more than \$1 billion for Cleveland Clinic, landing her a spot among the construction attorneys under 40 honored by Law360 as Rising Stars.

THE BIGGEST DEAL OF HER CAREER:

Luke singled out her role as lead construction counsel to the developer and owner of St. Louis' first Major League Soccer stadium as the biggest deal of her career thus far.

Luke was tapped by TKFC LC in June 2019 to spearhead negotiations of the design agreement and construction management agreement for the \$450 million, 22,500-seat Centene Stadium. But negotiations quickly ran into trouble in March 2020, when the pandemic hit.

"In the middle of the crux of our negotiations we had to stop the negotiating style we were using, switch to completely virtual negotiations and had to deal with how to factor in the pandemic unknowns into the risk profile of the deal," Luke said.

With conditions changing week to week and hour by hour, Luke had to negotiate a new, flexible framework through which the project could move forward.

"It was a big unknown to deal with right in the thick of negotiating this agreement that's supposed to govern the next two years or so of everyone's life," Luke said. "We couldn't really outline all of the problems or risks that the pandemic might unfold, we had to negotiate a framework for addressing those things as they came up."

Now, work on the stadium is slated to wrap up in the late summer and the stadium is set to open when St. Louis City SC joins Major League Soccer in 2023.



Erin Luke
Thompson Hine

Age: 39

Home base: Cleveland

Position: Partner

Law school: Saint Louis
University School of Law

First job after law school:
Associate at Reinert Weishaar
& Associates PC

HER MOST INTERESTING DEAL:

When Cleveland Clinic began negotiating contracts for three major projects, the medical center turned to Luke for her guidance on the transactional construction projects. Luke negotiated integrated project delivery agreements for all three projects, a method that has not been widely adopted in the U.S. thus far and attempts to bring the various parties, such as owners, architects and builders under one contract or one set of objectives.

"What's interesting and unique about the [integrated project delivery] model is that it makes a conscious effort to realign the positions of the parties to bring them together in a collaborative joint decision-making environment, and it creates shared risk pools that all parties share — common goals that the project and all the parties drive toward in order to achieve project success," Luke said.

Finalizing the contracts for a neurological institute, eye care facility and expanded research facilities required Luke to negotiate simultaneously with multiple players on each project in order to finalize the joint agreements under an aggressive timeline.

And seeing the collaborative agreements between adverse parties come together made the project stand out in Luke's recollection.

"These are meant to be collaborative risk-sharing agreements, but that doesn't work if the parties aren't committed to collaboration and risk sharing," Luke said. "What was interesting about it was seeing in real-time with the clinic leadership, bringing these parties with contrary interests together, and establishing a team and a collaboration when you're negotiating against adverse parties."

HOW SHE THINKS THE LEGAL INDUSTRY WILL CHANGE IN THE NEXT 10 YEARS:

Though the legal industry has a strong attachment to tradition and precedent, Luke cautioned that it will need to change and keep pace with reality. Just as the introduction of the iPhone in 2007 erased the clear distinction between work and personal life, technological innovations will continue to push the legal industry forward, Luke said, citing the metaverse as one such example.

"Not only will our legal environment exist in the metaverse, but how did you build a case for a dispute that occurred in the metaverse?" Luke questioned. "So it's kind of philosophical and esoteric, but I think technology is going to bring a lot of changes in the legal industry."

Luke added that she believes transparency around scoping and budgeting in the business of law will also be a major driver of change in coming years, saying that Thompson Hine has been on the forefront of this trend.

"We developed this SmartPaTH™ approach to legal project management which allows us to ... track how we're doing across various matters and use that information to model and predict how another matter might be scoped and budgeted in the future," Luke said.

HER PROUDEST MOMENT AS AN ATTORNEY:

Rather than singling out an individual accomplishment, Luke told Law360 that her ability to take on more mentorship roles in recent years has been her proudest accomplishment.

"I spend a lot of time mentoring associates that I work with," Luke said. "I spend a lot of time reviewing drafts with them, sharing my thoughts behind markups that I give — not just giving them markups, but

sharing thoughts on what I do, sharing tips and tricks that I've learned over the years."

Luke added that part of her mentorship strategy involves pushing associates out front as early as possible, even when it scares mentees.

"I've had very proud moments recently with some of my associates that I told to take the lead on a negotiation," Luke said. "I hold my tongue, I listen, I don't participate unless it's absolutely necessary and the associates that I'm working with shine, they really prepare and they step up."

— As told to Grace Dixon

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.