SHULMAN ROGERS

David M. Kochanski

Senior Counsel

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Clients come to David Kochanski when they need practical, forward-thinking solutions for complex real estate transactions. He is a recognized leader in the field, and he is not afraid to suggest an unconventional approach when he can back it up with solid legal and business reasoning. Clients trust his judgment and have real confidence in his advice.

David has produced results for clients across decades of practicing real estate law, acting as lead counsel for national and regional developers, builders, and related clients through both boom cycles and challenging periods. His use of alternative structures and creative strategies lets clients achieve strong outcomes without starting from scratch on every deal.

Clients rely on David when they acquire, develop, and operate income-producing property, including office buildings, shopping centers and retail operations, apartment complexes, industrial and flex properties, and mixed-use projects. He manages due diligence, negotiates contracts and financing, and closes deals with particular attention to survey, entity, and title matters. He also advises on construction and development documentation, reciprocal easements, and operating agreements, and helps clients disposing of real estate evaluate tax-deferred alternatives like like-kind exchanges and installment sales.

BAR & COURT ADMISSIONS

District of Columbia

Maryland

U.S. District Court for the District of Maryland

U.S. Supreme Court

EDUCATION

University of Maryland School of Law, J.D., 1973

University of Maryland College Park, B.A., 1969

A significant part of David's practice is serving as local counsel in Maryland, Virginia, and Washington, DC for national and international clients, advising on local custom and practice around title, survey, entitlement, and zoning matters, and on local transfer and recordation tax strategy. Among his longtime clients are multigenerational families of regional developers and builders who own a substantial share of real estate and business assets across Maryland, Virginia, and DC

David is recognized as a leading voice on the construction and development industry and works regularly with American Institute of Architects contract documents and related agreements between owners, design professionals, contractors, project managers, and lenders. Over more than 40 years, he has been recognized by peers, clients, and leading trade groups for his knowledge and leadership. He is a member of the American College of Real Estate Lawyers (ACREL), the invitation-only premier organization for U.S. real estate lawyers, and Chambers USA describes him as whip smart, experienced, and sharp. The Section of Real Property, Planning and Zoning of the Maryland State Bar Association unanimously named him Distinguished Maryland Real Property Practitioner.

David has provided expert testimony in real estate proceedings, including on standard of care and legal ethics, and has chaired, authored, and presented continuing legal education programs in real estate for more than 25 years. He has appeared on local and national television discussing real estate topics and has served as an adjunct professor at the University of Maryland, University College and Montgomery College, and as a mentor to Shulman Rogers attorneys, young Maryland lawyers, and incoming ACREL members.

David has also been a longtime leader in pro bono and community work, serving on citizens' advisory commissions that advise the county executive and county council, and as a Fellow of the Maryland Bar Foundation. He has served on the Maryland State Bar Association's Board of Governors and chaired its Section Council for Real Property Planning and Zoning, as well as the Bar Association of Montgomery County's Real Estate Section. He chairs Attorney Discipline Peer Review Panels, which recommend sanctions to the Maryland Attorney Grievance Commission, and is currently vice chair of the American Bar Association's Legal Opinions Subcommittee, having served on the steering committee that produced the Maryland State Bar Association's report on lawyers' opinions in business transactions.

Results

Multi-use and Ownership Developments

- Preparation of Reciprocal Easement and Development agreement for 1,500,000 square feet of mixed use separate ownership transit station project, including parking garage and public amenities.
- Design and documentation of common ownership community organizational documents for 5,000 residential units and local retail.
- Agreements for the acquisition and development of 20-acre transit-oriented development with mixed use and diverse ownership.

Property Acquisition

- Disposition of two properties in like kind exchange to acquire and develop new headquarter and operations facility, together with preparation of all documentation to design and construct entire buildout and structure bond financing for acquisition and construction.
- Acquisition, development, construction and financing of 20 acre site into major regional church and senior housing project.

- Acquisition of office building from regional public utility and conversion to church with international acceptance and bond financing.
- Lead counsel for acquisition and financing of largest trophy office building in the District of Columbia in less than 30 days for 120 million dollars as part of a like kind exchange.
- Handled the acquisition of major residential development project for purchaser and personally designated, contracted for and acquired 40 replacement properties to complete exchange for seller.
- Prepared and negotiated joint acquisition and development agreements for national homebuilders allocating risk and responsibility.

Development and Construction

- Joint development agreement between builder and national grocery chain to demolish existing inner city store and rebuild modern structure topped by seven stories of residential construction.
- Designed model program whereby homebuilder constructed residential units on property owned by unrelated third parties for sale to consumers. Development, construction, financing, marketing and sales were all addressed in a single package.
- Represented receiver for lender in Opus bankruptcy to acquire partially constructed and abandoned office building being constructed for government agency on public land, and satisfied existing obligations, contracted with new general contractor and subcontractors to complete and warrant the building, arranged for sale to third party for 75 million dollars who became landlord to government agency.
- Negotiated construction contracts for 50 million dollar development of raw land into building lots, multi-family apartment complexes and retail ranging from office building to restaurants.
- Preparation of residential outsale contracts, custom home contracts and home improvement contracts for builders, as well as consumers.

Recognition

- The Best Lawyers in America, Potomac, MD, Litigation – Real Estate; Real Estate Law, 2007-2027
- Maryland Super Lawyers, 2007-2027
- Distinguished Member of The American College of Real Estate Lawyers (ACREL)
- Chambers USA – America's Leading Lawyers for Business
- Distinguished Maryland Real Estate Practitioner
- AML – Top Rated Lawyer
- Martindale-Hubbell AV Preeminent Rating