



David M. Rubin

Partner

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Practice Areas

Food, Beverage & Hospitality | Real Estate

Mr. Rubin is an experienced real estate attorney with a depth and breadth of experience in real estate law co-extensive with the types of transactions that one confronts in a major real estate practice. His practice includes internal contract negotiations, representation of purchasers and sellers of commercial buildings, warehouse and office structures, shopping centers, and ground leases. He has negotiated the purchase of properties out of bankruptcy and negotiated extensive office, manufacturing, retail and restaurant leases, along with extensive ground leases. Mr. Rubin has, in the course of his practice, represented parties in substantial real estate litigation involving lease and audit disputes, trespass and brokerage fees.

Representative Transactions

- Negotiation of offices leases varying in size from a few thousand to hundreds of thousands of square feet in major cities across the United States, including a number of leases where client was the largest tenant in the facilities.
- Negotiation of four-party sublease of 100,000 square feet with two separate subtenants and independent agreements with the overlandlord so that sublandlord came out whole on the transaction.
- Sale of commercial property in Williamsburgh to development group with potential title and zoning issues and tenant removal issues.
- Recovery of possession of a portion of a residential apartment building for a not-for-profit organization through negotiation with each of the residential tenants, all without recourse to litigation.
- Action to quiet title on certain property in the City of New York arising from adverse possession and the

purchase of air rights in connection therewith.

- Action to recover substantial down payment arising from breach of a contract to purchase property in conjunction with renegotiation of contract of sale.
- Litigation to recover and defend against brokerage claims pertaining to commercial real estate matters.
- Negotiation of employment and severance agreements and acting as general counsel to various closely held corporations, including guidance on a range of legal issues.
- Representation of developer in the assemblage of property on the upper east side of Manhattan and purchase of property out of bankruptcy.
- Arbitration and mediation.

Professional Activities

- Member, Panel of Arbitrators, American Arbitration Association
- Arbitrator, Small Claims Court, City of New York
- Member, Complaint Mediation Panel of the Committee on Professional Discipline of the Association of the Bar
- Former Member, Committee on Diversity of the New York Bar Association
- Member, Committee on Standards of Attorney Conduct of the New York State Bar Association
- Member, Lawyers Foreclosure Intervention Network
- Panel Chair & Member, Departmental Disciplinary Committee, First Judicial Department
- Member of the Board, Hudson Link for Higher Education in Prison

Publications

- "Good Guy Guaranties: Beware of the Pitfalls!" *Client Alert*, April 5, 2016; *Real Estate Weekly*, March 18, 2016
- "Test your health inspection knowledge," *Restaurant Hospitality*, June 15, 2015
- "Restaurant grading systems: A real-world perspective," *Client Alert*, June 2, 2015; *Restaurant Hospitality*, June 12, 2015
- "What You Should Know About Sprinkler Retrofitting," *Real Estate Weekly*, January 6, 2010
- "Bearing Risks Under a Cloud of Terrorism," *New York Law Journal*, June 27, 2005
- "A New Era for Lease Negotiations," *New York Law Journal*, January 13, 2003

Awards and Honors

- "Preeminent A-V" Rated by *Martindale Hubbell*
- Recognized by City Bar Justice Center's 2010 Jeremy G. Epstein Awards for Pro Bono Service, for work on City Bar's Foreclosure Project
- New York Metro *Super Lawyers* – 2022-2023

Speaker/Author

- “Bearing Risks under a Cloud of Terrorism,” Trends in Real Estate & Title Insurance, *New York Law Journal* (June 27, 2005)
- “A New Era for Lease Negotiations,” *New York Law Journal* (January 13, 2003)
- “Staying out of Trouble: What Every Attorney Must Know About Ethics,” PLI Conference, (2003, 2004)

Education & Honors

- University of Michigan Law School, J.D., *cum laude*
- Maxwell School of Citizenship, Syracuse University, M.P.A
- Syracuse University, B.A.,

Prior Work Experience

- Menaker & Herrmann LLP
- United Merchants & Manufacturers, Inc.
- White & Case

Bar Admissions

- State of New York
- U.S. District Court, Southern and Eastern Districts of New York
- U.S. Court of Appeals for the Second and Third Circuits
- U.S. Court of Claims
- U.S. Supreme Court