



## Howard I. Elman

Partner

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Phone: (646) 780-8101

### Education

- Cornell Law School, J.D.
- Brandeis University, B.A. in Politics, cum laude

### Bar Admissions

New York

New Jersey

### Court Admissions

US Court of Appeals,  
Second Circuit

US District Court, Southern  
District of New York

US District Court, Eastern  
District of New York

US District Court, District of New  
Jersey

Howard has defended some of the nation's largest law firms against malpractice, fiduciary-duty, defamation, and other professional-liability claims, and has represented attorneys in disciplinary proceedings.

For his corporate clients, he has litigated partnership disputes, intra-family disputes, employment claims, and contract claims, in a wide range of industries. He provides corporate counseling and has structured many complex transactions. He has won multi-million dollar trials, appeals, and arbitrations throughout the country.

Howard is recognized as a skilled negotiator and is a certified mediator and member of the New York Supreme Court Commercial Division's panel of mediators. In the courtroom, Howard is equally at home cross-examining a recalcitrant witness, and arguing the finer points of law to an appellate panel.

Prior to forming Elman Freiberg, Howard was a founding partner of Matalon Shweky Elman PLLC. He previously worked at Wachtel & Masyr, LLP, as an associate, and later as a partner.

### Selected Experience

- When a former girlfriend of Viacom founder, Sumner Redstone, claimed ownership rights in Mr. Redstone's multi-million-dollar apartment in the Carlyle Hotel in Manhattan, Howard achieved total success for Mr. Redstone. Howard persuaded Supreme Court, New York County to award judgment to Mr. Redstone, later affirmed on appeal, declaring that he is the sole owner of the apartment.
- When a senior real estate partner of an AmLaw 100 firm was sued for defamation at a closing, Howard successfully moved in the Commercial Division, New York County, for summary judgment dismissing all claims. He argued that the partner's alleged statements either had not been made at all, or were statements of opinion, and therefore were constitutionally protected. The court, and then the Appellate Division, agreed.
- After asset management professionals left Deutsche Bank for another firm, Deutsche Bank first sued its former employees in Supreme Court, New York County, and then sought to enforce its restrictive covenants through a FINRA arbitration. Howard convinced the panel to relieve his clients from any continuing obligation under their restrictive covenants.
- In proceedings that earned him the accolade "Legal Lion" from Law360, Howard convinced the Commercial Division, New York County, to dismiss a \$10 million legal malpractice suit against a prominent New York litigation firm. The Court granted the firm's motion to dismiss after Howard demonstrated the insufficiency of the complaint.

## Howard I. Elman continued

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- In a case of first impression, Howard convinced Supreme Court, New York County that the continuous representation doctrine does not extend from the representation of a decedent in the drafting of a will, to the representation of the estate in its administration. As a result, the Court dismissed a will-drafting malpractice claim asserted against Howard's client on statute of limitations grounds.
- In a case brought against an AmLaw 100 firm alleging aiding and abetting a breach of fiduciary duty, Howard obtained the complete dismissal of all claims against his client, totaling over \$9 million. That dismissal was affirmed on appeal.
- When Tommy Hilfiger sought a \$5 million profit participation from Howard's clients in connection with the sale of a Manhattan office building. Howard obtained the complete dismissal of the claims.
- In a twelve-day arbitration, Howard obtained a \$3.2 million award for his diamond-industry client. Howard's client alleged that his brother breached his fiduciary duty and converted corporate assets by forming a new entity through which he sold corporate assets to the company's clients.
- In a FINRA arbitration on behalf of an investment banker against his former employer, Howard obtained an award fully compensating his client for the bank's failure to notify him of the delivery of stock upon his termination.
- When three family groups who together owned a 100+ unit Park Avenue apartment building were warring, Howard spearheaded the negotiations among them. Those negotiations resulted in a family agreement to sell the building for a reported \$250 million.
- As a young associate, Howard obtained a judgment after trial holding the defendant liable for breach of fiduciary duty in an Orlando hotel project. The Court also sanctioned the defendant for committing perjury as the direct result of Howard's cross-examination. The decision was affirmed on appeal. (Alan Dershowitz and a senior litigation partner of Simpson Thacher & Bartlett represented the adverse party on appeal.)