



Howard I. Elman
Partner

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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. He also counsels firms and attorneys in connection with attorney-departure issues.

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

Howard also maintains a robust employment counseling practice, advising c-suite executives in diverse industries and managing directors of global financial institutions, in their professional transitions. Howard has negotiated multi-million dollar compensation packages for his clients and has helped them navigate restrictive covenant issues raised by their former employers. And when needed, Howard has successfully litigated in federal and state courts and various arbitration forums for his employment clients.

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

- On behalf of the Firm's AmLaw 200 client, Howard obtained complete dismissal of a \$100-million-plus malpractice claim asserted in connection with a failed \$1.3-billion merger. In dismissing the claims, Commercial Division (NY County) Justice Jennifer Schecter called plaintiff's claims "absurd," holding that "an attorney cannot be held liable for malpractice for failing to inform a client of a fact of which it was plainly aware."

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Selected Experience continued

- In a multi-million-dollar malpractice case brought in the Southern District of New York by a national law firm's aggrieved clients, Howard convinced Judge Lewis Liman to grant post-discovery summary judgment dismissing all of plaintiffs' claims.
- Represented managing directors of global bank in the negotiation of the transition of their multi-billion dollar book of business to another global bank and successfully navigated them through contentious issues surrounding their departures without the need for litigation.
- On behalf of a global law firm, Howard obtained a unanimous reversal from the Appellate Division, which overturned a trial-court decision and dismissed a \$7.5 million legal-malpractice counterclaim that arose out of a loan litigation.
- When an alleged finder sued a public technology company, seeking a multi-million dollar fee in connection with a Brazilian acquisition, Howard obtained a complete dismissal of all claims, an injunction against filing suits abroad, and Rule 11 sanctions against the plaintiff. In the same case, convinced the Second Circuit to unanimously vacate the district court's decision denying the Firm's motion to impose additional "inherent powers of the court" sanctions on the plaintiff.
- 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.

Howard I. Elman continued



Selected Experience continued

- 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.
- 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.
- In a multi-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.