SpencerFane®

David Rubin

Partner

Contact

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Overview

David Rubin brings a comprehensive, solutions-oriented approach to real estate law, representing clients in all phases of commercial and retail real estate transactions with an aim to efficiently close deals that meet each client's goals while navigating the risks faced with various options and contract terms. With extensive experience developed over years of advising stakeholders in high-value, complex matters, he serves as a trusted advisor to owners, landlords, and tenants across a broad range of asset classes.

As a skilled attorney with a strong business sense, David adds value to all matters he has a hand in, whether in drafting materials, identifying and avoiding risk, or litigating. His broad experience as a litigator gives him a strategic advantage in both negotiation and drafting.

David's transactional practice includes the negotiation and documentation of all types of commercial leases on a national level and the purchase and sale of commercial property, including office buildings, industrial buildings, warehouses, shopping centers, ground leases, and mixed-use developments. He also works with nonprofits on unique issues encountered in the management of their real estate.

David often connects with in-house counsel and in-house real estate professionals in a manner that eases the stress on the client, regularly highlighting issues that improve end results from legal, risk, and business perspectives. As a result, he often serves as *de facto* in-house counsel.

In addition to transactional work, David maintains an active arbitration practice as an adversary and neutral arbitrator representing clients and sitting in cases involving lease interpretation, audit rights, title issues, use restrictions and brokerage fee claims. His ability to navigate both the transactional and litigation arenas related to real estate matters enables him to provide strategic, full-service counsel tailored to each client's goals. He also devotes a fair amount of time to legal and professional ethics.

Education

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

Bar Admissions

- New York

Court Admissions

- U.S. Supreme Court
- U.S. Claims Court
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

Community Involvement

- Hudson Link for Higher Education in Prison

Distinctions

- Martindale-Hubbell, AV Preeminent
- *New York Metro Super Lawyers*, 2006, 2021-2026
- City Bar Justice Center, Jeremy G. Epstein Awards for Pro Bono Service, 2010

Memberships

- American Arbitration Association, Panel of Arbitrators
- City of New York, Small Claims Court
- New York City Bar Association, Committee on Professional Discipline, Complaint Mediation Panel
- New York State Bar Association, Committee on Standards of Attorney Conduct
- Lawyers Foreclosure Intervention Network
- First Judicial Department, Departmental Disciplinary Committee, Panel Chair
- New York Bar Association, Committee on Diversity, Former Member

Presentations and Publications

- "Test Your Health Inspection Knowledge," *Restaurant Hospitality*, June 2015
- "Restaurant Grading Systems: A Real-World Perspective," *Restaurant Hospitality*, June 2015
- "What You Should Know About Sprinkler Retrofitting," *Real Estate Weekly*, January 2010
- "Bearing Risks Under a Cloud of Terrorism," *New York Law Journal*, June 2005
- "A New Era for Lease Negotiations," *New York Law Journal*, January 2003

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

Related Experience

- Negotiated office leases varying in size from a few thousand to hundreds of thousands of square feet in major cities across the U.S., including leases where his client was the largest tenant in the facilities.
- Negotiated a four-party sublease of 100,000 square feet with two separate subtenants and independent agreements with the overlandlord so that the sublandlord came out whole on the transaction.
- Managed the sale of a commercial property in Williamsburg, New York, to a development group with potential title and zoning issues and tenant removal issues.
- Led the recovery of the possession of a portion of a residential apartment building for a nonprofit organization through negotiation with each of the residential tenants, all without recourse to litigation.
- Led an action to quiet title a property in New York City arising from adverse possession and the purchase of air rights in connection therewith.
- Led an action to recover a substantial down payment arising from breach of contract to purchase property in conjunction with renegotiation of the contract of sale.
- Managed litigation to recover and defend against brokerage claims pertaining to commercial real estate matters.
- Negotiated employment and severance agreements and acted as general counsel to various closely held corporations, including guidance on a range of legal issues.
- Represented a developer in the assemblage of property on the upper east side of Manhattan and purchase of property out of bankruptcy.