

Walter D. Goldsmith, Esq.
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Attorney, Mediator, Arbitrator, Expert Witness

WORK HISTORY

Founding Partner, Goldsmith & Fass, 1998-present; Partner, Sonnenschein Sherman & Deutsch, 2004-08; Partner, Friedman, Krauss & Zlotolow, 1993-04; Partner/Associate, Phillips, Nizer, Benjamin, Krim & Ballon, 1979-93; Special Deputy New York State Attorney General, Department of Securities and Public Financing, 1973-79; Assistant District Attorney, Office of the District Attorney, Queens County, 1972-73.

EXPERIENCE AS AN ATTORNEY

Forty years' experience as a lawyer. Primary areas of experience include:

Real Estate

- Cooperatives and Condominiums, 40 years experience as a mediator, regulator and advocate.
- Complex commercial, industrial, residential, office leasing work. Negotiated an eight-figure lease with Chanel in midtown Manhattan for commercial space in a cooperative building owned by our client. Simultaneously litigated with the cooperative regarding our client's right to lease the premises.
- Contracts for sales and acquisition of real property.
- Representation of developers and owners in complex construction, promotion, and sale transactions, one of which was acquisition of six major Manhattan properties pursuant to a tax free exchange; we then converted the buildings to cooperatives.

Litigation

- In private practice and as a Special Deputy New York Attorney General: claims of purchasers, including fraud, faulty construction, breach of warranty, noncompliance with cooperative and condominium prospectuses, the New York Securities Law and Regulations of the New York Attorney General.
- In complex business disputes, including partnership and corporate breakups. Recently litigated dispute between two doctors, partners in a medical business which generated \$15 million per year. Issues were disputed terms of the partnership agreement, rights, powers, and obligations of interlocking, entities and valuation of partnership assets.
- Successfully represented a homeowners association with 200 members against the City of New York; an unprecedented case involving demands by the City that each member construct and pay for sewer lines from their homes, connecting to New York City sewer lines.
- Represent purchasers and developers in new construction claims, including faulty construction, non-compliance with law, contract disputes.

Commercial

- Represent real estate brokers and purchasers in lease and contract negotiations, contract rights and enforcement, requirements of law and regulations, including those of Department of State.
- General corporate representation, advice regarding corporate documentation, duties of Boards of Directors, rights of stockholders, issues regarding corporate powers and limitations, law regarding business transactions.
- Corporate/Commercial work with cooperatives, condominiums and homeowner associations; advice to Boards on actions and procedures, issues with shareholders, contractors, developers, promoters and sponsors. Review of bids, proposals and plans for construction and repair work on buildings. Communications with contractors and other building professionals, physical inspection of the work.

Construction

- Represent developers and occupants regarding alleged construction defects, repair and replacement of building components and systems, responses to complaints of building inspections, communications with architects, engineers and contractors, procedures, timing and expense of work.
- Appearances before New York City agencies, including the Department of Buildings, Environmental Control Board, Landmarks Preservation, regarding alleged violations of law and regulations.

Securities and Guarantors

- Represent individuals and corporate guarantors as sureties under commercial leases when tenant defaults.
- Representation in disputes regarding guarantees of performance in real estate agreements.
- Represent sureties in commercial transactions; represented a doctor who was a guarantor of payment for medical equipment with value in seven figures.
- Represented an individual guarantor of the obligations of a corporate tenant under a lease with a major developer; the tenant was in the process of declaring bankruptcy.

PROFESSIONAL LICENSES

Admitted to the Bar, New York, 1971.

PROFESSIONAL ASSOCIATIONS

New York State Bar Association (Real Estate Section, Committee on Cooperatives, Condominiums and Property Owners Associations).

EDUCATION

Queens College of the City of New York (BA); New York University School of Law (JD; LLM).

PUBLICATIONS, SPEAKING ENGAGEMENTS, AND TEACHING

EXPERIENCE

Publications

Co-author, "Cooperatives, Condominiums and Homeowners Associations," REAL PROPERTY PRACTICE GUIDE, Matthew Bender; "Mediation and Arbitration of Cooperative and Condominium Disputes," NEW YORK LAW JOURNAL; author, for 25 years, McKinney's Practice Commentaries to THE CONDOMINIUM ACT; author, for 25 years, of Practice Commentaries to the NEW YORK STATE SECURITIES LAW (THE "MARTIN ACT"), including COOPERATIVES AND CONDOMINIUMS; author "Alternative Dispute Resolution as a Problem Solving Device," publication, Commercial Leasing Law and Strategy, September 2010; author, "Cooperative and Condominium Disputes," NEW YORK LAW JOURNAL.

Speaking Engagements

Chairman, "Cooperatives, Condominiums and Homeowners Associations – The Emerging Role of the Attorney General," New York Practising Institute Program; "Real Estate Aspects of Franchising," convention of gas station/convenience store franchisors and franchisees, Miami, FL; "Shopping Center Leasing - Problems and Pitfalls," convention of shopping center owners and tenants, Washington, DC; Adjunct Professor, "Arbitration and Mediation," "Real Estate Workouts," and "Cooperatives and Condominiums," Baruch University of the City University of New York; Speeches at the New York Bar Association on real estate topics; has spoken for 15 years at the Annual Convention of the New York Counsel of Cooperatives and Condominiums including cooperative and condominium boards, real estate brokers, managers, and title companies.

Teaching Experience

Baruch College of the City University of New York: courses included building management, responsibilities of board of directors, rights of owners, work with contractors, subs and lenders, dealing with construction lending and construction contract problems.