

Howard Graff

COUNSEL

Howard is counsel in the Complex Litigation practice.



Industries

Life Sciences

Practices

Complex Litigation
Corporate & Securities
Finance
International Arbitration & Dispute Resolution
International Trade

International

Europe

Education

Rutgers School of Law JD, 1972
American University BA, 1969

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Howard's practice focuses on creating strategies to advance his clients' business goals. He has been a legal groundbreaker in industries such as commercial real estate, communications, corporate finance, and alcoholic beverages, with a long track record handling sensitive cases in the public spotlight.

Client Work

Given the recent economic climate, Howard recently has been called upon to advise clients — including borrowers, developers, and other lenders (subordinate and/or mezzanine) — in disputes with large, money-center banks. His work representing one major developer led to an historic injunction ordering a bank to continue funding a billion dollar, first-of-its-kind green building project in Upstate New York. It was the first time a borrower had succeeded in this type of suit against a lender.

Previous Work

Howard has worked extensively in the alcoholic beverage industry, primarily representing distributors in disputes with suppliers, manufacturers, and retailers. Howard has served as counsel to wholesalers in litigation across the United States challenging state statutes prohibiting the cross border shipment of alcoholic beverages. These cases have included the case challenging New York's prohibition of out-of-state producers shipping wine to New York consumers (*Granholm v. Heald* (544 U.S. 460 2005)) and the more recent case decided by the Second Circuit upholding New York's ban on cross border shipments of liquor (*Arnold's Wine, Inc. v. Boyle* (571 F.3d 185 (2d Cir. 2009))).

Howard's work has been regularly covered by the press and often involves high profile litigation at the national level. This work includes the successful representation of The International Brotherhood of Teamsters in litigation against Northwest Airlines to enforce options (valued in excess of \$200 million)

associated with preferred shares of stock issued to employees; the successful representation of The New Jersey Economic Development Authority in a challenge (under the state constitution) to the issuance of “revenue bonds” without voter approval and the use of such funds to balance the state budget; the successful representation of Irving Schneider and Alvin Schwartz in acquiring ownership of Helmsley-Spear, followed by the battle to maintain management control over substantial real estate holdings in New York, including the Empire State Building; the successful representation of Itochu defending against a claim of \$450 million for financial fraud in connection with the sale of its leasing business; the successful representation of Stan Lee in a claim against Marvel to recover a share of the profits derived from characters he created including, Spider-Man; the successful lawsuit against Yasser Arafat and the PLO regarding the issuance of a telecommunications franchise in the West Bank and Gaza; and the successful defense of Kim Un Yong (the powerful Korean delegate) before the International Olympic Committee.

Professional Activities

Howard is admitted to practice in New York and before the US Supreme Court. In addition, he has practiced before US Courts of Appeals throughout the country, including the First, Second, Fourth, Eighth, Ninth, and Eleventh Circuits. He also has handled cases in many state and federal courts, including those in Florida, Georgia, Missouri, New Jersey, Nevada, Puerto Rico, South Carolina, Virginia, the US Virgin Islands, and others.

Publications, Presentations & Recognitions

Howard has been recognized as a leading litigation attorney by publication, specifically:

- *New York Super Lawyers* (September 2012)
- *New York Super Lawyers* (October 2011)
- *2011 Lawdragon 3000* (August 2011)
- *New York Super Lawyers* (October 2010)
- *2010 Lawdragon* finalist (June 2010)
- *New York Super Lawyers* (September 2009)
- *Super Lawyers, Corporate Counsel Edition* (March/April 2009)
- *New York Super Lawyers* (September 2008)
- *Super Lawyers, Corporate Counsel Edition* (April 2008)
- Finalist, *Lawdragon 500 Leading Lawyers* (September 2007)
- *New York Super Lawyers* (September 2007)
- *Lawdragon Leading Lawyers* (August 2006)
- *New York Super Lawyers* (July 2006)

Bar Admissions

New York

Court Admissions

US District Court of Appeals

Supreme Court of the United States