



## Andrew L. Herz

Of Counsel

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Andy Herz is a member of the American College of Real Estate Lawyers and is included in *The Best Lawyers in America*® and recognized as a leading lawyer in *Chambers USA* as a key member of our highly rated real estate department. Specifically, *Chambers* notes that “the “*terrific*,” “*excellent*” and “*very capable*” Andrew Herz has “*developed a great reputation for himself*” as “*a seasoned real estate practitioner*” in the New York market. Contemporaries state that they would refer leasing matters to him “*without a shadow of a doubt*.” Clients have stated that he is “*an incredible leasing lawyer, probably the best in the city in terms of leasing*.” He has also been designated as one of only 32 real estate lawyers in the world to be included in the 2017 edition of *The Best of the Best in Real Estate* published by Legal Media Group. He has been an adjunct professor at both Vanderbilt Law School and Brooklyn Law School where he taught intensive commercial real estate law courses. For the past fourteen years, Mr. Herz has been a member of the Advisory Board and presenter at Georgetown University’s Advanced Commercial Leasing Institute. His clients include major real estate owners and developers, hedge funds, technology providers, hospitals, professional service companies, charitable institutions and other law firms.

Andy Herz received the 2016 New York Bar Association’s Real Property Law Section Professionalism Award for his “exceptional contributions of time and talent to New York real estate lawyers.” The award identifies a person “possessing an outstanding level of competence, legal ability and achievement; a continuing civility and appreciation for others in his/her practice; a person who has engaged in mentoring of younger attorneys and who has been involved in Bar activities both on a state and local level.”

Based substantially on his background with workouts, financing and real estate operation, Andy has three times been named a receiver in commercial property foreclosures; one of which required him to complete construction of a Manhattan office building and another of which placed him in charge of a 288 room Manhattan hotel with a restaurant. The value of all of these properties increased during his receiverships. Earlier in his career, Andy was the General Counsel of the New York State Mortgage Loan Enforcement and Administration Corporation, the workout arm of New York’s Urban Development Corporation, which handled its defaulted \$1.2 billion mortgage portfolio.

Andy has held leadership positions in numerous professional organizations, having served as chair of the Leasing Committee of the American College of Real Estate Lawyers; co-chair of the Office Leasing Committee and the Real Estate Asset Management Committee of the American Bar Association; and chair of the New York State Bar Association’s Commercial Leasing Committee. He has also been designated as a Fellow of the American Bar Foundation and is a member of the New York City Committee of the Regional Plan Association. Andy has participated in seminars on workouts, commercial leasing, loan restructurings and mortgage financing for numerous industry groups, including New York University Real Estate Institute, the Real Estate Board of New

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York, the Practising Law Institute, the International Council of Shopping Centers, the *New York Law Journal*, The National Association of Corporate Real Estate Executives and the Harvard Business School Real Estate Club. He served as a contributing editor to the New York Bar Association's text, *Commercial Leasing*, published in 2017.

Mr. Herz was a frequent guest on "[Wake Up With Whoopi](#)" talking about real estate law issues with Whoopi Goldberg. He is a member of the Board of Directors of White Plains Hospital and of Planned Parenthood of New York City, Inc.

## **Representative Legal Matters**

### ***Major Banking, Professional and Law Firms***

Represented major national and international banking firms and prominent national and international law firms in their leases for New York headquarters.

### ***Major Hospital***

Represented a major hospital in a variety of acquisitions, dispositions and major leasing transactions including sale of large commercial complex for over \$100 million.

### ***Leading Landlords***

Represented landlords of prime New York office buildings in leases to major office and retail tenants in the entertainment, publishing, finance and retail fields.

### ***Lenders***

Represented lenders in financing over seven hundred cooperatively owned apartment buildings.

### ***Hotel Owner***

Advised owner of a resort property in the negotiation of its hotel management agreement.

### ***Joint Venture***

Represented publicly traded insurance company in joint ventures to construct luxury apartment communities.

### ***Borrowers***

Represented borrowers for mortgage financings of office buildings, industrial complexes, warehouses and apartment buildings.

### ***Hedge Fund***

Represented a hedge fund in redemption of an investor's interest for over \$100 million.

## **Education**

- Columbia Law School (J.D., 1971)
  - Harlan Fiske Stone Scholar
  - Articles Editor, *Columbia Journal of Law and Social Problems*
- Columbia College, Columbia University (B.A., 1968)

## **Admissions**

- New York

## Professional Activities

Adjunct Law Professor at Vanderbilt University Law School (2007-2010); Adjunct Professor of Law, Brooklyn Law School (2015-2016); Georgetown University Law Center Advanced Commercial Leasing Institute (2004-present); Fellow, American Bar Foundation; Member, American Bar Association, Real Property, Probate and Trust Law Section (Co-Chair, Office Leasing Committee, 1999-2001; Chair, Lender and Financing Concerns Subcommittee of the Office Leasing Committee, 1997-1998; Chair, Real Estate Asset Management Committee, 1994-1995; Chair, Commercial Real Estate Management Committee, 1990-1992); Advisory Board, Commercial Leasing News (1999-2001); American College of Real Estate Lawyers (Chair, Leasing Committee, 1999-2002; Vice Chair, Leasing Committee, 1997-1998); New York State Bar Association, Real Property Law Section (Executive Committee, 1991-1996; Co-Chair, Commercial Leasing Committee, 1991-1996); Association of the Bar of the City of New York (Real Property Committee, 1977-1980); Director, Columbia Law School Alumni Association (1999-2003); Editor, New York Real Property Law Journal (1996-1997); Associate Member, Real Estate Board of New York, Inc.

HONORS: Recipient of The New York Bar Association's 2016 Real Property Law Section Professionalism Award; Designated as one of the world's leading real estate lawyers by Euromoney magazine; Named in *Chambers USA* in the area of Real Estate: New York; Elected a Fellow of The American College of Real Estate Lawyers; Elected a Fellow of the American Bar Foundation; Recognized in *The Best Lawyers in America*® in the area of Real Estate Law; Named in *Super Lawyers* in the area of Real Estate; Included in the 2017 Guide *The Best of the Best in Real Estate*

SPEAKING ENGAGEMENTS: "Commercial Real Estate Leases," The New York Bar Association (October 10, 2018)

## Publications

- Contributing Author, "Commercial Leasing," New York State Bar Association (2010, 2017)
- Co-Author, "What To Expect When a Receiver Takes Over A Troubled Property (With Mortgage Foreclosure Receiver's Checklist)," *The Practical Real Estate Lawyer* (2011)
- Co-Author, "Real Estate Joint Venture Agreements; Avoiding Disjointed Joint Ventures," ICSC Law Conference (2012)
- Co-Author, "Negotiating the Major Office Lease," Bloomberg Law Reports (2008)
- "Leasing from an Underwater Landlord," *The ACREL Papers* (Spring 2011)
- Co-Author, "Negotiating the Major Office Lease," Bloomberg Law Reports (July 2008)
- Co-Author, "Subleases: The Same Thing as Leases, Only Different, Real Property," *ABA Real Property Probate & Trust Journal* (Fall 2000)
- Author, "How to Use the Internet to Help Negotiate Real Estate Transactions," *The ACREL Papers* (Fall 2001)
- "Loan Participation Agreements," Practising Law Institute (2000)
- "The Use and Misuse of Estoppel Certificates," *ACREL Newsletter* (2000)
- Co-Author, "Leasing and Start-Up Technology Tenants," *The ACREL Papers* (Fall 2000)
- "Leasehold Financing," Practising Law Institute (1999)
- Author, "Mezzanine Financing," Practising Law Institute (1998)
- "Lender's Analysis of Commercial Space Leases and Ground Leases; Issues in Subordination and Non-Disturbance Agreements," Practising Law Institute (1996)
- "Leasehold Liability and Security," Practising Law Institute (1996)

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- “Liability Risks for Ducking Loan Commitments,” *The National Law Journal* (1995)
- “How a Tenant May Deal with a Problematic Landlord,” Practising Law Institute (1995)
- “Actions A Loan Participant Should Take When A Loan Goes Into Default,” *Real Estate Workouts & Asset Management* (1993)
- Co-Author, "Real Estate Management Agreements," *The Practical Real Estate Lawyer* (1990)
- "Japanese Yen Financing of U.S. Real Estate: Benefits, Risks and Opportunities," *Real Estate Finance Journal* (1989)
- Practice Consultant, "New York Real Property Service," *Lawyers Co-Operative Publishing Service* (1987)