



Darlene Fairman

Counsel

dfairman@herrick.com

(212) 592-1436 PHONE

(212) 545-3324 FAX

Darlene Fairman's practice includes a wide range of civil litigation with emphasis on complex commercial and real estate litigation in New York's state and federal courts. Darlene has also been an active member of Herrick's Art Law Group since 1994.

Art Law

Beginning with the successful representation of the Republic of Turkey in recovering the "Elmalı Hoard" of rare and valuable ancient silver coins, Darlene has represented Turkey in matters seeking the return of looted cultural property. In addition, she has represented the heirs of world-renowned Russian artist Kazimir Malevich in their litigation against the City of Amsterdam to reclaim his artworks. This litigation was successfully settled in 2008 when the City of Amsterdam returned five paintings to them.

Darlene is actively involved in Holocaust looted art matters, including the ongoing representation of Marei von Saher in her efforts to recover hundreds of Nazi-looted artworks from the collection of her father-in-law, the Dutch art collector and dealer, Jacques Goudstikker. Additionally, she has represented art dealers and galleries in various matters and has successfully represented a jewelry designer in a copyright dispute.

Since its inception in 2009, Darlene has been the editor-in-chief of *Art & Advocacy*, Herrick's art law newsletter.

Complex Commercial and Real Estate Litigation

As a result of Darlene's broad based experience as a real estate litigator, she has been retained by nursing home owners and operators, commercial and affordable housing developers, and the Real Estate Board of New York in connection with a variety of thorny issues including zoning and governmental disputes, challenges to local laws, environmental issues and fraudulent transfers. Her complex commercial experience in both State and Federal courts includes a wide variety of matters including breach of contract, business divorce, family and partnership disputes, and economic torts including fraud, breach of fiduciary duty and tortious interference claims. Darlene also has experience with accounting and accountants' malpractice matters.

Darlene's representative matters include:

- Successful litigation to preserve the lien of a mortgagee whose borrower was revealed to be the knowing recipient of a fraudulent transfer of the mortgaged property
- Represented the owner of a former inactive hazardous waste site in connection with litigation over a seawall built at the site and the sale of the property
- Represented a major affordable housing developer and operator in a dispute with the New York City Housing Authority

- Litigation of a partnership dispute involving the sale of six low income housing developments
- Represented the Real Estate Board of New York in its successful lawsuit against the New York City Council to overturn Local Law 79
- Successfully represented a developer in litigation over its right to convert a building it purchased from office/retail use to mixed office/retail and residential use
- Represented a nursing home owner and operator in numerous business and real estate concerns, both transactional and litigation.

Services

- Art
- Litigation
- Business Litigation
- Alternative Dispute Resolution
- Real Estate Litigation & Dispute Resolution

Education

- Georgetown University Law Center (J.D., *cum laude*, 1989)
- Cornell University