

Litigation Leaders: Carol Goodman Aims to Keep Growing Herrick's Employment and New York Real Estate Disputes Practices

By Ross Todd
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Welcome to another edition of our *Litigation Leaders* series, featuring the litigation practice leaders of the biggest firms in the country.

Meet **Carol Goodman**, the co-chair of the litigation department and chair of the employment practice at **Herrick Feinstein**, the midsize New York law firm which landed at [number 199 on the Am Law 200](#) list this year. Goodman, who is based in New York, advises public and private companies in all things employment law-related and has clients in industries including government, sports, multimedia, real estate, finance, hospitality and the arts.

Litigation Daily: Tell us a little about yourself — beyond what's in your law firm bio.

Carol Goodman: Outside of the office, I am an avid long-distance runner and have completed numerous half and full marathons. Before the pandemic, I enjoyed frequent runs alongside clients and friends in 200-plus mile overnight team relay races. I've also been extremely active in my hometown, the village of Rye Brook, where I chaired the village's comprehensive plan advisory committee and, in the past, have served as deputy mayor and trustee of the village, as well as chair of the ethics committee. Additionally, I am passionate about mentoring junior lawyers, which during the pandemic took a heightened priority both for me, personally and our practice. Lastly, over the past 18 months I have worked, along with several associates, within our own firm and for our clients to navigate the workplace during a world pandemic.

How big is your litigation department and where are most of your litigators concentrated geographically?

Herrick's litigation department has more than 40 lawyers, including 21 partners, throughout New York City and New Jersey.

In what three areas of litigation do you have the deepest bench? (I know it's hard, but please name just three.)

The three areas where Herrick's litigation department has the deepest bench are: real estate and construction, including foreclosures/workouts; employment, which has become an intense area focus throughout the pandemic as clients have sought counsel on how to operate their businesses amidst the changing laws, rules and guidance that govern the workplace; as well as dissolutions and business divorces.

As co-head of the department, what are some of your goals or priorities?

As with heads of departments at most law firms, we obviously want to position Herrick as the ideal choice for clients in need of experienced counsel and law firms looking for trusted partners. This involves business development, but also developing the skills of our talented lawyers. As a young associate, I remember being told that the best way to learn is to shadow a partner. Being forced to work from home due to the pandemic over the past 18 plus months did make that more difficult. Nevertheless, we worked hard, and we continue to work hard to ensure that junior lawyers continue to develop the skills they will need in their practice. Of course we



Carol M. Goodman
co-chair litigation
department with
Herrick, Feinstein.

Courtesy photo

also want to train our junior lawyers to develop business, which includes using the resources of Herrick (i.e., the expertise of lawyers in other departments) to help bring in business in other areas of the law. Last, but certainly not least, diversity and inclusion is a critical focus in our department and firm.

What do you see as hallmarks of your firm's litigators? What makes you different?

Our experience and unique culture of collaborative problem solving has allowed us to build significant depth in a variety of areas. We partner with our clients, making sure we understand their business and operations. We are pragmatic and business-savvy. This allows us to successfully resolve even the most contentious disputes.

We are known for our exceptional strength in litigating disputes in New York State and federal courts, where we have established an excellent reputation among judges and opposing counsel. Our partners often lecture before New York judges and court attorneys and have served on several important committees charged with establishing rules, regulations, and ethical guidelines for the New York State judiciary. Our pre-eminence in the New York courts is recognized as a powerful asset for clients, and we are often retained by major international law firms with local offices of their own that nonetheless seek us out as co-counsel for high-stakes litigation filed in New York courts in recognition of our deep understanding of the state court system. Due to our success in so many cases we have handled, our lawyers have earned the respect of the judges in these courts and have developed relationships with the key counsel and other players in this particular arena.

How many lateral litigation partners have you hired in the last 12 months? What do you look for in lateral hires?

In the past 12 months, our firm hired three lateral litigation partners, **Bruce Cholst**, **Deborah Koplovitz** and **Andrew Wagner**. At the time, they joined with four additional lawyers to bolster Herrick's cooperative & condominium practice. Their addition supports our efforts to strengthen our existing deep and wide-ranging expertise providing counsel to developers, lenders and

investors in all types of affordable housing, condominium and shared ownership projects, as well as related litigation and restructurings.

When looking at lateral hires, our goal is to integrate our new attorneys into our practice areas. Our greatest success as a department is to expand our talent, both within the firm through mentorship, and by hiring lateral attorneys who will embrace our culture of collaborative problem solving and aren't afraid to work side by side with clients and each other to produce legal strategies that hold up to the rigors of the real world.

What were some of your firm's biggest in-court wins in the past year, and can you cite tactics that exemplify your firm's approach to success?

Herrick handled litigation where the New York Supreme Court ruled in favor of our client, hotel developers Trinity NYC Hotel, in a court battle with the Metropolitan Transportation Authority, where the MTA attempted to halt construction by issuing stop-work orders and using the Public Authorities Law to hold up construction permits. The team took an aggressive approach and successfully obtained an injunction permitting the MTA from interfering with the project. This decision is important in limiting the broad-based authority of the MTA and other public works organizations in construction projects.

Herrick recently achieved a significant victory in a high-profile, multi-year dispute over the approximately \$1 billion dollar development at 200 Amsterdam — an important ruling for both our clients and developers throughout New York City. Herrick represented SJP Properties and Mitsui Fudosan as co-counsel in the zoning litigation involving their development of the luxury high rise 200 Amsterdam. In this matter, a neighborhood coalition of Upper West Side residents and politicians challenged the NYC Department of Building's approval of the project and two approvals by the NYC Board of Standards and Appeals. Opponents of the tower argued that if it were allowed to stand at its full height, the precedent would allow developers to flout the intent of zoning laws to erect buildings out of context with their neighborhoods. Supporters, however, warned that if the

courts ruled against 200 Amsterdam, it would have a major effect on developers' confidence to move forward with projects that received building permits. In 2020, a New York Supreme Court trial judge ordered that our clients deconstruct several floors of the 55-story building. In March 2021, New York State's Appellate Division ruled in favor of the developers, finding the building permit issued was lawful and that the trial court should have deferred to the NYC Board of Appeals.

In July, Herrick obtained a court decision that demonstrated there is possible relief for commercial landlords, despite the extended moratorium. In this matter, Gramercy Park Partners, LLC, the owner of 2 Lexington Avenue in Manhattan – the property where the iconic Gramercy Park Hotel is situated – sought relief against GPH Ground Tenant LLC, the tenant under the commercial ground lease, and certain of its corporate affiliates, for non-payment of rent, declaratory judgment that the lease has been terminated, and ejection of defendants from landlord's property. The tenant defaulted under the parties' lease by failing to pay rent since November 2020 and failing to pay real property taxes due to the city of New York. Due to these defaults, the landlord terminated the lease, but the defendants have refused to vacate or surrender the premises. By its order, the Supreme Court of the State of New York, New York County, directed the tenant to make use and occupancy payments to its landlord from the date that the nonpayment and eviction action commenced. This action shows that while this moratorium did limit commercial landlords' ability to evict tenants, there were still tools to recover sums owed to them during this period, including the ability to terminate leases and obtain court intervention to require the payment of rent owed to them, so long as the tenant remained in possession of the leased premises.

Where are you looking to build or expand in the next year?

There are two areas we view as opportunities for expansion in the litigation department in the coming year. The first is New York real estate disputes. We have full-service real estate capabilities and are one of the only firms to have a true full-service department – with litigation, transactional, zoning, environmental, government relations, public private partnerships, leasing, finance, tax and co-op and condominium capabilities. As moratoriums lift, we begin to adjust to the new, permanent normal of hybrid working, and the courts begin to operate with additional capacity, we see real estate disputes increasing substantially in the coming months.

The second is our employment practice, which has already seen significant growth in the past 18 months due to COVID-19, the shift to working from home, mask and vaccine mandates and other health and safety requirements such as the New York Hero Act. Moving forward, as more employers reopen their doors to employees, contractors and customers, questions will remain, new issues will continue to be brought to light. In addition, despite some workers being remote, there has been a constant influx of harassment and discrimination cases, and workplace harassment litigation will continue to expand.

What does your firm's coming trial docket look like?

As most litigators have experienced throughout the course of the pandemic, it has been challenging to proceed with trials over the past year given the inability to meet in-person. While we continued to appear in court remotely, our team was thrilled to resume live appearances and trials this year and recently concluded an in-person trial in July. We currently have several cases pending in New York and Florida that could be tried in 2022, and we are optimistic that these will go forward. But this is very much dependent on the courts' ability to continue to operate in this matter safely and based on the various federal and state regulations and guidelines.