

Howard Jeruchimowitz

Litigator Goes the Extra Mile for Real Estate Clients

by Nancy Ryan



In the last decade, Howard K. Jeruchimowitz has been front and center in some of the real estate world's splashiest legal dramas.

He and colleagues in the formidable real estate litigation group of **Greenberg Traurig LLP** handled one of several disputes that erupted during the condo conversion of Chicago's landmark Palmolive Building. Then he helped complete a complex construction settlement for a co-owner of one of Europe's tallest residential high-rises, the Daniel Libeskind-designed tower in Warsaw.

The Palmolive case — involving a \$34 million construction dispute — even raised new and complex legal issues in the area of mechanics liens and how they apply in condominium developments. It was a major milestone for a 43-year-old real estate litigator.

Yet the more prosaic cases seem to hold equal weight with Jeruchimowitz. Sitting in a 31st-floor conference room on a gloomy afternoon in downtown Chicago, he lights up just as readily when talking about helping a shopping mall owner negotiate lease terms, for example, or advising a mom-

and-pop operation.

"I do get a thrill out of watching a business develop," Jeruchimowitz says, "whether it's helping a shopping center build from the ground up or advising them on why the parking lot is there or the reason this tenant was placed over there, or (knowing) whatever decision they made was, in part, because of legal advice I was able to give them."

His in-depth approach dovetails nicely with the client-centered philosophy of Greenberg Traurig, one of the nation's largest law firms with 38 offices worldwide. Jeruchimowitz is a shareholder and commercial litigator in the Chicago office whose practice focuses on real estate and financial services.

His approach is born from necessity, as well. Real estate cases "are often more complex than people think they are," he explains, "and there are a lot of nuances to real estate litigation that, if you don't normally work in that field, you don't think of."

Jeruchimowitz estimates 70 percent of his general commercial litigation practice is in real estate, and he typically juggles more than

a dozen clients at one time. He represents owners, developers, landlords and tenants in landlord-tenant disputes, mechanics liens, foreclosures and construction disputes. He also represents banks and lenders in litigation involving mortgage fraud, foreclosures, mechanics liens and issues related to the Fair Debt Collection Practices Act.

His clients are based in numerous locales, from Hawaii to New York and Europe, and he's argued cases in California, Arizona, New York, Florida and Chicago, to name just a few.

But the emotional and intellectual payoff in his work, he says, just as often comes from finding alternatives to litigation.

"You're the ultimate 'dirt lawyer' because you're helping owners and tenants and lenders take a piece of property and build it for the community, and it becomes part of the fabric of that community for years to come."

For Nick Sarillo, owner and founder of Nick's Pizza & Pub restaurants in Elgin and Crystal Lake, the help from Jeruchimowitz and Greenberg Traurig could not have

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come soon enough.

His business was upside down on loans issued by private lenders and the Small Business Administration. It faced bankruptcy and foreclosure a year ago when he hired Jeruchimowitz and his colleagues to help renegotiate several million dollars in loans.

The previous two years, “I was with another lawyer that didn’t get me anywhere and then when Howard got involved, it took less than a year,” Sarillo explains.

Before his debt troubles, Sarillo’s plan was to expand Nick’s Pizza & Pub from two to five restaurants. “Now, because of his support, we can actually start talking about it again.”

Firm Change Led to Real Estate

Jeruchimowitz was born on New York City’s Staten Island and grew up in Queens, where he attended a yeshiva until seventh grade. His mother, a teacher, “thought it would be a good idea for me to experience the real world and sent me to a New York public junior high and high school.”

His father, the son of Holocaust survivors, was born in Germany and immigrated to Cuba after World War II with his family before finally moving to New York City in May 1961, where he eventually rose to managing director for Merrill Lynch. He has a younger brother, Paul, a managing director at Accenture Strategy, and several stepsiblings.

By age 12, Jeruchimowitz had already set his sights on becoming a lawyer and, after graduating from John Adams High School, enrolled at Brandeis University where he majored in politics and American studies. After graduation in 1994, he headed straight to Cornell Law School and worked his way up to general editor of the law review as well as editor in chief of the law school newspaper, which he started, and senior symposium editor of the *Cornell Journal of Law and Public Policy*.

All the while, Jeruchimowitz never wavered from his goal. “I always wanted to be a litigator,” Jeruchimowitz recalls. “There’s something about being able to write your position in a brief or to stand before a judge to try to convince whoever you’re advocating to that your position is correct.”

Jeruchimowitz worked in Chicago as a summer associate in 1996 for the now-defunct law firm of Altheimer & Gray. After graduating from law school in 1997, he returned as a fulltime associate and worked as a general commercial litigator until 2003, the year the venerable firm stunned Chicago’s legal world when it was forced to dissolve for financial reasons.

In a fortuitous move, Jeruchimowitz followed his colleague, Rita Powers, to Greenberg Traurig, with the goal of helping build the firm’s real estate litigation practice in Chicago.

Greenberg Traurig had just opened an office in Chicago in the late 1990s and had not yet focused on real estate in Chicago. Powers, who is currently co-chair of the firm’s national real estate litigation group, and Jeruchimowitz helped develop a “national platform” for Greenberg’s real estate litigation practice, he says. They reasoned that the firm’s experienced real estate litigators from all its locations should be able to coordinate their services, regardless of the client’s jurisdiction.

“What we’ve tried to do here at the firm is be that kind of cohesive unit where you represent a client on all of their needs, no matter where they are,” he says. “We don’t necessarily view ourselves exclusively as real estate litigators. We are litigators that represent our real estate clients.”

Pieter Lesterhuis, chief financial officer of H.W. Lochner, says he recently turned to Jeruchimowitz for fresh legal advice. Based in Chicago, the transportation engineering and construction company has some 40 offices nationwide and is often eyeing potential acquisitions. Jeruchimowitz was tapped for guidance on lease terms and other real estate matters related to the company’s existing locations and properties it might want to acquire.

“What I really like about Howard is he really takes the time to get to know our business,” Lesterhuis says. “He asks business-related questions as opposed to just legal-related questions. ‘OK, these are the kinds of demands (for a particular location). Does it make sense that you have this much square footage there?’ He really talks you through it.”

Jeruchimowitz’s notable cases include representing Medefil Inc., a manufacturer of medical devices, in the resolution of several mechanics liens in the construction of a Glendale Heights facility. For a luxury hotel owner, he obtained dismissal of contract and tort claims brought by a former project manager and general contractor in Arizona and Missouri federal courts after its termination from a \$125 million construction project.

He’s also handled construction-related matters at U.S. Cellular Field for the Illinois Sports Facilities Authority. And, in recent years, he’s developed a niche practice representing marketing and management contractors that manage low-income housing for the Department of Housing and Urban Development.

He’s handled numerous cases involving shopping centers. For instance, he represented Manteca Lifestyle Center LLC in trial and settlement in federal court in California regarding development of a shopping center in Manteca, California, and satisfaction of the co-tenancy condition. The case resulted in the termination of the lease dispute.

Jeruchimowitz is a board editor and contributing writer for the *Shopping Center Legal Update*, published by the International

Council for Shopping Centers, and is a frequent speaker on real estate legal issues at the ICSC’s annual conferences.

While he usually represents developers and owners in shopping mall disputes, Jeruchimowitz says he has worked enough for both sides over the years to be able to analyze these often contentious disputes from all angles.

Shopping center landlords and tenants need to play nice — in other words, try to resolve contract disputes — since they will very likely have to work together again at another mall in another town.

“Sometimes you have to take a step back — not just in real estate litigation, in any litigation,” Jeruchimowitz explains. “Often these parties are dealing with each other on a business level for years and years.”

‘Big Believer’ in Pro Bono Work

In addition to his law practice, Jeruchimowitz has done extensive pro bono work for the Anti-Defamation League for the last decade, most recently serving as a member on its Civil Rights Executive Committee and as co-chair of the 2015 Summer Associate Research Program, where Chicago law firms devote pro bono research with summer associates. Before serving as co-chair, he helped (and continues to help) supervise the summer research program at Greenberg Traurig.

He’s also one of several attorneys at the firm who help write amicus briefs for the ADL. He has also helped with its annual Jerold S. Solovy Freedom Award Dinner and First Amendment Art & Essay Contest for junior high and high school students.

For another favorite cause, Lawyers for the Creative Arts, he’s worked on many cases. He is now working on litigation involving a shareholder fight between a Led Zeppelin tribute band and a former band member. The case has gone on for more than two years, providing an opportunity for several Greenberg associates to gain experience in pro bono work.

“My big plug on pro bono — and I’m a big believer in it — is attorneys should do it,” Jeruchimowitz says. “I think we owe it to the community of people that cannot afford firms like Greenberg Traurig to give back, and I just find it a very rewarding experience.”

Jeruchimowitz lives in Northbrook with his wife, Wendy Seltzer, and their two-year-old son. She serves as senior corporate counsel at Northbrook-based KapStone Paper and Packaging Corporation. Jeruchimowitz has two daughters, ages 14 and 12, from a previous marriage. Besides relishing time with his wife and children, Jeruchimowitz enjoys three other lifetime passions — ballroom dancing, baseball (he’s a Yankees fan) and bowling.

“I already bought my son a bowling set. He’s rolling it in the living room, so we’re getting there.” ■