



MICHAEL L. CHARTAN, ESQ.

Construction, Real Estate

Michael L. Chartan, Esq. has been engaged in the practice of law for more than thirty-five years. A seasoned litigator, he has focused his legal practice primarily on construction law and real estate law matters. He has a wealth of experience handling issues involving breach of contract, claims for extra work, contract balance, delay and disruption and property damage, including how to use insurance to cover claims and lien foreclosure. Mr. Chartan has worked with individual clients and companies of all sizes, including public and privately held firms, both locally and on a national scale.

Construction law and defect claims can often be incredibly complex matters due to the nuanced subject matter, number of parties and voluminous documents frequently involved. Mr. Chartan has the consummate knowledge and thorough understanding of this practice having represented a wide spectrum of clients, including owner-developers, construction managers, general contractors, sub-contractors and design professionals. He has successfully handled cases that have involved multiple parties, extensive electronic and paper document production and review, depositions of executives, project personnel and experts and substantive motions.

Mr. Chartan has also served as Special Counsel to the County of Nassau, New York, where he oversaw all construction and real estate property tax disputes. He was lead trial and appellate attorney for Nassau County in a multiple party litigation that concerned the construction of the Nassau County District Courthouse. He has additional construction matter experience involving cases that include the construction of a sewer pipeline, police pistol range and a digester gas plant. He also has previously advised Nassau County in its re-assessment of properties for tax purposes, and claims of over-assessment by commercial property owners, including Belmont Park.

As a litigator, Mr. Chartan has participated in numerous mediations and arbitrations and is a longtime advocate of Alternative Dispute Resolution (ADR) – which he views as an effective method to quickly and cost-effectively move cases to settlement. His integrity and legal acumen has gained the respect of both the plaintiff and defense bars. Through his experience, manner and many years of practice, Mr. Chartan has garnered a reputation for being fair and reasonable. He is known for his ability to accurately evaluate cases and effectively guide parties and counsel to an equitable and impartial resolution.

Mr. Chartan is available to arbitrate or mediate construction cases throughout the New York Metro area.

REPRESENTATIVE MATTERS

- Represented an international banking and financial service organization in litigation to recover damages to its curtain wall during construction of its World Headquarters in Manhattan, Case was settled before trial on terms favorable to client.
- Represented a global security and aerospace company in litigation concerning an accident at McMurdo Station, Antarctica related to the firm’s work for the National Science Foundation. Case was dismissed for lack of personal jurisdiction by the Northern District of New York.
- Represented one of the largest newspaper and digital media publisher’s in the United States in multiple party litigation about the construction of the newspaper’s printing plant in the Bronx, New York. Case was resolved through mediation after extensive electronic and paper document production prior to depositions on terms favorable to the client.

- Represented an American media company in litigation concerning construction at three newspapers in Staten Island, NY, Ann Arbor, MI and Birmingham, AL. Litigation was settled during mediation on terms favorable to the client
- Represented a news agency in an arbitration concerning the renovation of its headquarters in Manhattan. Dispute resolved through mediation.
- Represented a nationally recognized general construction company in multiple party construction litigation against the owner of retirement facility in Westchester County, NY. Case included extensive electronic and paper document production, depositions and motion practice. After years of litigation and appeals, the case was settled prior to trial on terms favorable to the client.
- Represented a hotel renovation company in litigation against the owners of hotels located in upstate NY, Houston and suburban Chicago. The litigation was filed in the New York and Texas state courts and the Federal District Court in Chicago. The dispute was settled after the hotel owners filed for bankruptcy in the Southern District of New York.
- Represented a lessee of commercial property in a dispute with the owner about the right to exercise an option to purchase the property at the expiration of the lease. Lead trial and appellate attorney for multiple lawsuits and appeals in New York State courts.
- Represented a contractor in multiple party litigation concerning the construction of a condominium. Issues concerned whether work was properly completed or was defective. Settled through mediation following discovery.
- Represented a private country club in litigation by its contractor. Settled on terms favorable to client after discovery and prior to trial.
- Represented a construction company in litigation to recover delay damages for a public construction project. Case is nearing completion of discovery.
- Represented a construction company and its surety in multiple party litigation concerning construction of a new law school dormitory in downtown Manhattan. Case was settled on terms favorable to client and surety.
- Represented a construction company in an arbitration concerning construction of new military housing in West Point, NY. Award was made in favor of client and settled by respondent during appeal.
- Represented a general contractor in litigation filed in New York Supreme Court by its concrete sub-contractor. Project was for a rail yard on the west side of Manhattan in New York City. Jury held that sub-contractor was properly terminated and award damages to client. Case was settled while it was on appeal.

AREAS of EXPERIENCE

- Construction
 - Breach of Contract
 - Insurance
 - Public Construction Contracting
 - Settlement Agreements
 - Suretyship
- Real Estate
 - Commercial Lease
 - Construction Contract
 - Real Estate Litigation
 - Tenant Disputes

LECTURES and PUBLICATIONS

- Panelist, *Getting Ready for Trial*, Trial Practice Series, New York State Bar Association- Commercial and Federal Litigation Section, 2018
- Co-author, *Avoiding Sanctions Over Duty to Preserve Evidence*, New York Law Journal, 2010

HONORS and AWARDS

- Listed in 2013 Top Rated Lawyers in Real Estate, 2013
- Listed in New York Metro Super Lawyers, 2010, 2011, 2012
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell

LEGAL EXPERIENCE

- Duane Morris LLP, Partner, 2008 – 2018
- Supreme Court of the State of New York, Nassau County
 - Mediator and Early Neutral evaluator for Part 146 Program
- Thelen LLP, Partner, 2006 – 2008
- Ross & Cohen LLP, Partner, 1993 – 2006; Associate, 1987 – 1992
- Jaspan Schlesinger, Hoffman LLP, Associate, 1985 – 1987
- Nassau County Attorney's Office (New York)
 - Deputy County Attorney, 1982 – 1985

PROFESSIONAL LICENSES and ADMISSIONS

- New York State
- Supreme Court of the United States
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Armed Forces
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Northern District of New York

PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- New York State Bar Association
 - Dispute Resolution Section
 - Commercial & Federal Litigation Section
 - Torts, Insurance & Compensation Law Sections
- Nassau County Bar Association, New York
 - Commercial & Federal Litigation Committee
 - Construction Law Committee
 - Association of the Bar of the City of New York

EDUCATION

- Duke University School of Law, J.D., 1981
 - Editor, *Law and Contemporary Problems, The Burger Court: Reflections on the First Decade* (Vol. 43, No.3), Summer, 1980
- State University of New York at Binghamton, B.A., *phi beta kappa*, 1978