

Rachel E. Shaw

Partner



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Rachel E. Shaw is a partner in the Litigation Department, where her practice focuses on real estate, hospitality, and complex landlord-tenant litigation. She is also the Chair of the firm's Diversity Committee.

Lauded by judges for her trial skills and courtroom advocacy, Rachel takes a targeted, thoughtful approach to providing cost-effective counsel to her clients.

Results-Driven, Diverse Litigation Experience

With nearly two decades of litigation experience, Rachel has represented, advised, and negotiated on behalf of national landlords and tenants, hotel owners and operators, publicly-traded real estate investment trusts, lending institutions, condominiums, cooperatives, and some of New York City's largest commercial landlords. Rachel has conducted multiple trials resulting in favorable resolutions and determinations on her clients' behalf.

She has extensive experience counseling clients on disputes arising from the purchase and sale of commercial properties, leasing, zoning and development issues, and landlord-tenant matters, among other areas.

A solution-oriented counselor, Rachel also advocates for clients in alternative dispute resolution proceedings. She displays impeccable attention to detail in all preparation and presentation both virtually and in court. Rachel's experience includes representing:

- A commercial landlord in a holdover proceeding involving complex issues arising out of the New York Private Housing Finance Law, relating to the creation of housing development fund corporations.
- A commercial tenant in a complex nonpayment proceeding from case inception through trial and post-trial briefing. The landlord simultaneously commenced a plenary State Court action that involved various motions in the Commercial Division. As lead counsel, Rachel skillfully maintained control over the matter, provided proper guidance, and successfully argued her client's defense at trial.
- A manager of an assisted-living facility in Colorado in a dispute with the facility owner concerning the owner's payment of a termination fee and the manager's exercise of its right of first refusal.
- Various commercial building owners in an arbitration concerning the donation of facade easements to the National Architectural Trust.
- An academic entity in the eviction and/or removal of approximately 30 occupants from a residential dormitory building. Rachel acted as counsel for this highly unusual situation following the discontinuance of a 50-year program where approximately 30 of the individuals remained in occupancy without permission. Through her efforts, the entity is now able to utilize the space for current students and projects.
- An owner of nearly 300 hotels operated under a major brand in a dispute against its manager concerning the manager's failure to fulfill its management obligations. In collaboration with her team, Rachel developed the

case, conducted an investigation into the manager's performance, and prepared a notice of default and several follow-up correspondences that ultimately led to the achievement of optimal settlement results.

- An owner of approximately 12 million square feet of national real estate in the immediate aftermath of the COVID-19 pandemic (serving as co-lead counsel). As a result of a comprehensive strategy, nearly every tenant either remitted payment or entered into a settlement arrangement with ownership.

Services

- Real Estate
- Hotel + Hospitality
- Litigation
- Real Estate Development
- Real Estate Finance
- Real Estate Sales + Acquisitions
- Real Estate Litigation

Education

- State University of New York at Buffalo (J.D., *cum laude*, 2003)
- State University of New York at Albany (B.S., 2000)

Recognition

- Recipient of *The Legal Aid Society* 2021 Pro Bono Publico Award
- Named as a *National Black Lawyers* "NBL Top 100 - New York" (2021)
- Named 'One to Watch in 2020' by *New York Real Estate Journal*

Admissions

- New York

Professional Affiliations

- New York City Bar Association

Languages

- Hebrew (conversational)

Publications

April 16, 2024

Good Guy Guarantees: How One Word May Expand the Liability of Individual Guarantors

New York Law Journal

January 12, 2024

Choice Hotels' Hostile Bid To Take Over Wyndham Hotels

New York Law Journal

October 28, 2020

The Pandemic's Impact on Eviction Proceedings

New York Law Journal

July 15, 2019

The Impact of NYC's New Rent Law on Landlords & Tenants