

Alan A. Heller

Principal | New York

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Overview

Alan's practice concentrates on commercial litigation and litigation prevention, with over 25 years of experience. For 20 of those years he was a Partner at Heller, Horowitz & Feit, P.C. Primarily, Alan acts as general counsel to small and mid-sized privately-owned businesses. He has trial and appellate practice in both federal and state courts as well as commercial arbitrations before the American Arbitration association and private panels.

Areas of Focus

- [Litigation](#)
- [Alternative Dispute Resolution](#)
- [Construction](#)
- [Real Estate](#)
- [Real Estate, Land Use & Environmental](#)
- [Trusts & Estates Litigation](#)
- [Trusts, Estates & Charitable Organizations](#)

Admissions

- New York, 1989
- U.S. District Court, Eastern District of New York, 1991
- U.S. District Court, Southern District of New York, 1991
- U.S. Court of Appeals for the 1st Circuit, 2008
- U.S. Court of Appeals for the 2nd Circuit, 1999
- U.S. Court of Appeals for the 3rd Circuit, 2001
- U.S. Court of Federal Claims, 2003

Education

- J.D., Benjamin N. Cardozo School of Law, Yeshiva University, 1988
 - *Cardozo Arts and Entertainment Law Journal*, Articles Editor
- B.A., Queens College, City University of New York, Accounting, 1985

Honors & Recognition

- New York Metro Super Lawyers List, 2019-present
- Martindale-Hubbell AV Preeminent rating

Professional Activities

- Licensed Real Estate Broker, New York State

Community Activities

- Congregation Beth Shalom of Lawrence
 - Chairman of the Board
 - Former Executive Vice President
- The Community Association for Jewish At-Risk Cemeteries

Experience

- Defeated a motion for a preliminary injunction brought by a laundry service provider attempting to enforce an automatic renewal clause in an agreement between the laundry service provider and the owner of a residential multi-family building successfully arguing that the automatic renewal clause could not be invoked because the agreement was a license rather than a lease and the failure to provide a timely notice of the automatic renewal in accordance with General Obligation Law 5-903 negated the renewal.
- Defeated a motion to vacate a default judgment entered on behalf of a client in the amount of \$856,000, procured an affirmance on Appeal after oral argument to the Appellate Division, First Department and successfully collected the full amount of the judgment with interest to through the date of collection after leave to appeal to the New York Court of Appeals was denied.
- Obtained a jury verdict in New York State Court after a three day trial awarding a full real estate brokerage commission to a commercial real estate broker notwithstanding the argument that, among other things, the tenant procured by the broker never paid rent and was shut down soon after possession was tendered for health code violations.

- Obtained an Award after a three day arbitration before the American Arbitration Association directing that clients owned a 91% interest in a family limited partnership despite the fact that company tax returns showed a 0% ownership interest for the clients over the preceding ten years. Successfully confirmed the Award in Supreme Court, Nassau County, prevailed on the Appeal of the lower court judgment confirming the Award after oral argument in the Appellate Division, Second Department and successfully procured from both the Appellate Division, First Department and the New York Court of Appeals a denial of leave to appeal the affirmance of lower court judgment.
- Obtained an Order vacating an arbitration award on, among other things, the grounds that one of the arbitrators did not fully disclose a financial relationship with one of the parties in the arbitration and, accordingly, the client did not provide his informed consent to arbitrate the dispute when he executed the arbitration agreement.
- Obtained summary judgment in New York State Court for a full real estate brokerage commission owed to a commercial real estate broker after the landlord entered into a lease with a tenant introduced by the real estate broker client to the landlord during the term of the broker/client's exclusive representation, but after the exclusive term expired, successfully arguing that the extension clause in the exclusive brokerage agreement entitled the broker to its full commission.
- Obtained summary judgment in the amount of \$1,850,000 against a major banking institution for breach of contract after the bank failed to prevent the theft of client funds by the client's accountant/bookkeeper defeating among other things, bank's alleged defenses under the Uniform Commercial Code and Statute of Limitations.
- Regularly counsel and troubleshoot for closely held and family-owned entities (i.e., litigation prevention) in connection with their day-to-day contractual issues and business law needs by, among other things, identifying contractual trouble spots and pitfalls and drafting the necessary language to protect the company and its owners and avoid litigation.
- Regularly counsel and troubleshoot for commercial real estate brokers and salesmen involved in the rental and sale of commercial real estate including, but not limited, the negotiation of exclusive agreements, landlord/owner brokerage agreements and landlord/leasing agent/outside broker co-brokerage agreements
- Successfully appealed and procured a reversal in the Appellate Division, First Department of an Order vacating an arbitration award resulting in the confirmation of the award and the entry of a judgment in the client's favor in the amount of \$17,381,547.36.
- Successfully defended a \$38,000,000 claim filed by a national insurance carrier/bonding company against a client based on the client's personal guaranty of his company's debt.
- Successfully represented two limited partners claiming breach of fiduciary duty against their general partner, a national real estate developer, resulting in a favorable settlement for the clients.

News & Insights

News

[Four Attorneys Recognized in 2025 New York Metro Super Lawyers](#)

[10.30.25](#)

[Six Attorneys Named to 2024 New York Metro Super Lawyers Lists](#)

[10.24.24](#)

[Five Attorneys Recognized on 2023 New York Metro Super Lawyers Lists](#)

[09.22.23](#)

[New York Attorneys Recognized in the 2021 New York Metro Super Lawyers List](#)

[09.30.21](#)

[New York Attorneys Recognized by Super Lawyers in New York Metro](#)

[10.28.20](#)

[32 Attorneys Named Super Lawyers and Eight Named Rising Stars](#)

[06.10.19](#)

Connect with Alan

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