



Brett Dockwell

Partner

Brett.Dockwell@haynesboone.com

[New York](#)

[+1 212.835.4870](tel:+12128354870)

PRACTICES Real Estate, Real Estate Litigation

Brett Dockwell is a partner in the Real Estate Practice Group in Haynes Boone's New York office.

His practice focuses on disputes involving real estate financing, ground leases and property valuation. He has extensive experience litigating and negotiating workouts of troubled mortgage and mezzanine loans and large commercial leases (including office and retail leases) and litigating and arbitrating disputes over the valuation of property, including rent reset determinations.

QUALIFICATIONS

EDUCATION

- J.D., Georgetown University Law Center, Staff Member, *The Tax Lawyer*
- M.Sc., London School of Economics and Political Science
- A.B., Lafayette College, with honors

ADMISSIONS

- New York

COURT ADMISSIONS

- U.S. Court of Appeals for the Second Circuit
 - U.S. District Court for the Southern District of New York
 - U.S. District Court for the Eastern District of New York
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Real Estate Valuation in an Age of Chaos," moderator, Practising Law Institute, 2024
- "The Valuation of Real Property," author, *Commercial Litigation in New York State Courts*, 5th edition, 2020.
- "Retail Closures: Clearing the Continuous Operation Clause Hurdle," co-author, *Daily Beat New York*, July 29, 2020.

- "Commercial Rent Control: Back Again?" co-author, *New York Law Journal*, Nov. 28, 2018.
 - "When Mall Stores Move to Close, Simon Says Sue You," co-author, *Real Estate Weekly*, April 4, 2018.
 - "Avoiding a Litigation Nightmare in a Commercial Mortgage Foreclosure," co-author, *American Banker*, Dec. 2, 2013.
 - "Ground Leases and Value-Based Rent Resets: An Alternate Reality," co-author, *New York Law Journal*, Nov. 12, 2013.
 - "Negotiating a Building's Ground Rent," co-author, *The Cooperator*, Sept. 2011.
 - "Where Do We Go From Here? Rules, Standards, and Vertical Price Restraints," co-author, Paper for ABA Section of Antitrust Law Spring Meeting 2010.
 - "Resale Price Maintenance After Leegin," co-author, *New York Law Journal*, Mar. 8, 2010.
 - "Competition and Antitrust Law: United States," co-author, Practising Law Institute, 2009.
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Counselors of Real Estate
 - Appraisal Institute – Affiliate
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SELECTED CLIENT REPRESENTATIONS

Valuation Matters

- Representing land owner in rent-reset proceeding involving 3.6 acre mixed-use development site in Midtown.
- Representing land owner in rent-reset proceeding involving 26 acre development site in the Bronx.
- Represented investor in 2-week jury trial over valuation of 8.2 acre mixed-use development site in Philadelphia, Pennsylvania.
- Represented ground tenant in rent-reset proceeding for the Lever House in Midtown.
- Represented property owner in 6-day trial over the valuation of 63,000 square foot retail building in the Bronx.
- Represented property owner in 2-day valuation arbitration for exercise of purchase option on 73,000 square foot mixed-use building in Garment District.
- Represented property owner in 2-day rent-reset arbitration involving 218,000 square foot retail center in Long Island City.
- Represented international retailer in 4-day rent-reset arbitration involving 25,000 square foot retail space in Herald Square.
- Represented property owner in 2-day valuation arbitration for exercise of purchase option on 36,000 square foot mixed-use building in Flatiron District.
- Represented international fast-food chain in 5-day rent-reset arbitration involving 6,200 retail space in Times Square Bowtie.
- Represented board of non-profit corporation in 15-day trial involving the question of whether the non-profit received adequate value in the sale of a 16-unit apartment building in Prospect Heights, Brooklyn.
- Represented fee owner in 22-day rent-reset arbitration involving 30,000 square foot development site at 57th Street and Lexington Avenue.
- Represented fee owner in 5-day rent-reset arbitration involving 18,000 square foot development site at Broadway and 37th Street.
- Represented co-op corporation in 3-day rent-reset arbitration involving residential apartment building at 57th Street and Second Avenue.

- Represented co-op corporation in successful renegotiation of ground rent for residential apartment building at 72nd Street and Third Avenue.
- Represented fee owner in successful renegotiation of ground rent for office building at Avenue of the Americas and 45th Street.
- Represented co-op corporation in successful renegotiation of ground rent for residential apartment building at 63rd Street and Third Avenue.

Real Estate and Financing Matters

- Represented lender on matured \$50.5 million junior mezzanine loan. Developed a strategy for dealing with borrower and other lenders to maximize the client's odds of recovery as the junior-most debt-holder. Borrower paid off loan pursuant to terms of forbearance agreement, including payment of all legal fees.
- Represented mezzanine lender in action to recover \$100 million under guaranty triggered by bankruptcy of 75,000-key hotel chain.
- Represented lender in foreclosure on partially finished hotel on Orchard Street on the Lower East Side in Manhattan.
- Represented private-equity firm in suit to collect on mezzanine loan; borrower repaid debt in full, with default interest and fees, including all of lender's legal fees.
- Represented developer in lender liability suit arising from lender's termination of funding on construction loan during 2009 financial crisis; litigation settled before trial with developer maintaining ownership of property.
- Represented religious institution in long-running enforcement action by state agency involving remediation of cemetery property in Queens. Client obtained favorable disposition from agency's assistant commissioner, setting aside years of prior adverse determinations by agency staff.
- Represented landlord in dispute involving retail tenant's assignment of long-term lease, triggering clause requiring payment to landlord; dispute was resolved with the renegotiation of lease on terms highly favorable to landlord.
- Co-chaired 13-day trial involving dispute over title to 16-unit apartment building in Prospect Heights, Brooklyn.
- Successfully argued appeal in real estate litigation before state appellate court, obtaining reversal of trial court order that had dismissed clients' claims.

Some of these representations were handled by Brett prior to joining Haynes Boone.