

Howard N. Ellman

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Howard N. Ellman is a Shareholder in the firm's Real Estate Practice Group in San Francisco and is Co-Chair of the firm's Marketing and Continuing Legal Education Committees. Mr. Ellman has practiced law since 1960, concentrating in the areas of real estate, land use and environmental regulation. Mr. Ellman handles transactions and litigation involving such diverse matters as constitutional rights of property owners and others, property transfers, development, environmental regulation, endangered species, debtor/creditor's rights, real property security (loan agreements, mortgages, deeds of trust, etc.), development joint ventures, real estate investment entities, water law, conservation easements and habitat plans.

Mr. Ellman has served as lead counsel on numerous high-profile projects. These include representing AT&T in the complex real estate aspects of the telephone divestiture in 11 western states, representing developers of major high-rise office projects, shopping centers and other similar developments in an urban context from the initial acquisition, through the entitlement process, financing, construction, leasing and sale. He has also handled major litigation including successful defense of a lender in a \$250 million lender liability case and presentation of cases in the United States Supreme Court, the California Supreme Court, the United States Court of Appeal for the Ninth Circuit and the California Courts of Appeal.

A recognized expert in his field, Mr. Ellman has spoken and taught extensively on the subject of real estate and land use law. He served as a Visiting Lecturer in Law at Boalt Hall School of Law, University of California at Berkeley; an Adjunct Professor at Stanford School of Law where he taught a seminar on advanced real estate problems, and various advanced real estate and land security courses at Golden Gate University School of Law. He has also been a guest lecturer at John Muir College, University of California at San Diego. Mr. Ellman has been a lecturer and panelist in continuing legal education programs on real estate, land use, condominium/planned-unit development and construction financing sponsored by the California Continuing Education of the Bar (CEB), the University of California Extension, American Law Institute/American Bar Association (ALI/ABA) Joint Committee on Legal Education and Practicing Law Institute (PLI). He has also spoken at many programs offered by business and professional associations. He is also a published author having written an historical novel set in the Thirteenth Century.

Publications & Presentations

- Co-Author, "California's Water Woes: A Deeper Look at the Sustainable Groundwater Management Act," *WaterWorld*, May Issue 2015
- Co-Author, "What the Drought Emergency Declaration Means for Your Business," *Buchalter Nemer Client Alert*, April 2015
- "Traditional California Water Rights Take a Significant Hit." *CEB Real Property Law Reporter*, Vol 36, no 6, November
- Co-Author, "California's Water Anxiety Prompts Landmark Groundwater Legislation," *Buchalter Nemer Points & Authorities*, Fall 2014
- Commentary, "5 Things Lawyers Need Know About Latest CEQA Changes," *Law360*, May 19, 2014

- "U.S. Supreme Court's Koontz Decision Seemingly Broadened Landowner Protection in the Realm of Regulatory Takings Law, While Leaving Several Intriguing Questions Unanswered," *Buchalter Nemer Client Alert*, September 2013
- "The Evolution of Smart Growth," *Western Real Estate Business*, October 2012
- Commentary, "Youth, Existing Businesses and Enterprise Zones Equal Growth," *GlobeSt.com*, August 29, 2012
- Commentary, "Transit-Center Development Breathes New Life Into Cities," *GlobeSt.com*, July 26, 2012
- "Triumph of the Impractical: Treatment of Water Supply Under the California Environmental Quality Act," *Points & Authorities*, Summer 2011
- "The Real Drought Has Just Begun," *Points & Authorities*, Spring 2011; *Environmental Leader*, June 28, 2011
- "Land Use & Environmental Planning," 12th Annual Commercial Real Estate Institution, San Francisco, CA, November 9, 2010
- "Protect Land Use Permits to Guard Value," *Globe Street*, August 30, 2010
- Co-author, "New Guidelines for Analyzing Air Quality Impacts Could Thwart Bay Area Infill Development," *Points & Authorities*, Summer 2010; *Environmental Leader*, September 30, 2010
- "Distressed Property Developments: Protect The Property Value By Protecting the Land Use Permits," *Points & Authorities*, Spring 2010
- "The Housing Development War: The State Wins the First Battle," *Points & Authorities*, Spring 2010
- "Important Ruling: Municipal Residents Growth Caps Invalid If They Conflict With Fair Share Housing Allocations," *Client Alert*, March 2010

An active participant in California's real estate community, Mr. Ellman owned and operated a rice farm in the Sacramento valley for 15 years and has been active in water and conservation issues. He is a member of the State Bar of California, the American Bar Association (Real Property, Probate and Trust, Environmental and Agricultural Law sections), the Bar Association of San Francisco, the American College of Real Estate Lawyers, and the Northern California Water Association.

Mr. Ellman, who is AV Preeminent rated by Martindale Hubbell, has been recognized as a 2014 Top Rated Lawyer by American Lawyer Media. He is recognized by Chambers USA as a leader in the field of Real Estate and Land Use. He has also been recognized eleven times as one of Northern California's Super Lawyers (2004 to 2015) including Super Lawyers' Corporate Counsel Edition (2009, 2010) and was selected as a 2012 San Francisco Best Lawyer. Most recently, Mr. Ellman was recognized by Best Lawyers in America™ in the areas of Land Use & Zoning, Real Estate Litigation and Real Estate Law, an honor he has received since 1983.

Mr. Ellman earned his J.D. at Stanford University. He received a Certified Public Accountant Certificate at the University of Illinois Committee on Accountancy, and received his B.S. degree in Business Administration at Northwestern University.

Areas of Practice

Real Estate
Land Use
Environmental Compliance
Water Resources

Bar Admissions

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