



# Jim Grossman

*Partner*

*Rochester*

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## Education

- Brooklyn Law School, *Cum Laude*; *Brooklyn Law Review*, Articles and Book Review Editor, JD
- Hobart College, BA

## Practices & Industries

- Health & Human Services Providers
- Property Tax & Condemnation
- Real Estate
- Health Care Controversies
- Tax Credits
- Health Care

## Admitted to Practice

- New York

## Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the Western District of New York
- US Supreme Court

## Biography

With over 50 years of legal experience, Jim concentrates his practice on representing not-for-profit health care agencies, specifically those serving individuals with developmental disabilities, mental illnesses, and alcohol and other substance-use disorders. He routinely counsels clients on responding to Medicaid and other government investigations and audits as well as related employment and contract matters.

Jim has extensive experience dealing with the NYS Attorney General's Office Medicaid Control Fraud Unit and the Office of the Medicaid Inspector General as well as the NYS Office for People With Developmental Disabilities (OPWDD), the NYS Office of Mental Health (OMH), and the NYS Office of Alcoholism and Substance Abuse Services (OASAS).

Jim is also a leading practitioner in the real-property-tax assessment and exemption fields, handling significant matters through trial and appeals.

## Bar Associations

- New York State Bar Association, Real Property Law Section Executive Committee Member and Former Chair; Former House of Delegates Member
- New York Bar Foundation, New York Bar Fellow
- Monroe County Bar Association, House Finance Committee Chair and Sitting Judge Evaluation Committee Member; Former Treasurer, President, Board of Trustees Member, and Real Property Section Member

## Selected Memberships & Affiliations

- American College of Real Estate Lawyers
- New York State Conference of Bar Leaders, Chair, Executive Council Member, and Seventh Judicial District Representative
- National Alliance on Mental Illness (NAMI) Rochester, Board of Directors Member

## Representative Experience

- Served as lead counsel in a trial in which the NYS Department of Health and OPWDD were found responsible for funding the reasonable actual costs of administrative overhead in providing services under Medicaid.
- Served as general corporate counsel for a large not-for-profit serving individuals with developmental disabilities. Matters included real estate development and financing; group-home Padavan hearings; corporate-compliance training and audits; and contracting, consultation, and support regarding all aspects of employment issues.
- Successfully handled the first Padavan hearing regarding the site selection of a community residence for individuals with developmental disabilities.
- Served as counsel in a case for a WNY hospital that established the standards for exemption and taxability of doctors' office buildings in New York State.
- Handled the acquisition of plazas, apartments, and other properties and the financing of approximately 20 major real estate transactions.
- Served as lead counsel in an inverse-condemnation matter concerning a building in downtown Syracuse that involved the taking of real property by means of maintaining artificially high real-property-tax assessments. The matter established the three-year statute of limitations under section 1983 of the Civil Rights Act for constitutional claims based upon violation of due process and equal-protection laws.
- Served as lead counsel and lead trial counsel in the 10-week trial of the valuation of a major power-division industrial plant, involving cost approach and the application of a market-comparable sales approach to value.
- Served as lead trial counsel in a case involving the largest power-generating manufacturing facility in the Northeast.
- Prepared all the litigation documents and briefs in the seminal case in New York State for establishing the standards for taxation and exemption of assisted-living facilities in New York State.
- Served as condemnation counsel for Monroe County regarding the establishment of the Riga (Mill Seat) Landfill,

including serving as lead SEQRA-compliance attorney for the county.

- Handled an appellate case establishing exempt status for outpatient facilities operated by hospitals.
- Established the taxability of an assisted-living facility and placement of property on taxable rolls after the property was initially placed on an exempt portion of the roll.
- Represented an agency in multiple Medicaid audits and disclosures, resulting in over \$1 million in client savings.
- Successfully represented several NYS fiscal intermediaries before OPWDD, resulting in the cessation of withholding 20 percent of non-Medicaid local assistance payments.

## Prior Experience

- Hiscock & Barclay, LLP, Partner
- Law Offices of James S. Grossman, Founding Partner
- Beebe, Grossman & Bergins, LLP, Founding Partner
- Burke, Grossman, Valenti, Albright, Harter, Rzepka & Beebe, LLP, Founding Partner
- Smallwood-Cook, Stout & Grossman, Partner
- Mousaw, Vidgдор, Reeves, Heilbronner & Kroll, Partner

## Selected Community Activities

- Foodlink Foundation, Inc., Founding Member and Board of Directors Member
- Al Sigl Center Foundation, Inc., Board of Directors Member and Former Chair
- Mary Cariola Children's Center, Inc., Lifetime Honorary Board Member and Former Board of Directors Member
- Town of Penfield Zoning Board of Appeals, Former Chair and Board Member
- The Advocacy Center, The Epilepsy Association, and PRALID, Former Chair

## Selected Honors

- *The Best Lawyers in America*®: Eminent Domain and Condemnation Law, 2008–2025
- Monroe County Bar Association, Justin L. Vigdor Senior Award for Service, 2020
- *Rochester Business Journal*, ICON Award, 2019
- *The Daily Record*, Nathaniel Award for Professional Accomplishments and Community Service, 2001
- Mary Cariola Children's Center Plaque, 1988

## Selected Speaking Engagements

- New York State Bar Association, Real Estate Section Summer Meeting, “Not So Fast, Assessor: The Reduction or Elimination of Taxes Based on Exemptions or Environmental No-No's”
- DRI, Diversity for Success Annual Seminar, “Everything You Always Wanted to Know About Executive Committees (but Were Afraid to Ask)”
- NYSARC, Inc. Executive Director’s Association Annual Meeting, “Compliance Update”
- Lorman Education Services, “Zoning Board of Appeals”

## Selected Media

- *Commercial Leasing*, “Real Property Considerations for Landlords and Tenants in Negotiating Leases of Commercial Properties” Chapter
- *DRI Journal*, “Everything You Always Wanted to Know About Executive Committees (but Were Afraid to Ask)”
- *The Practical Real Estate Lawyer*, “Counseling the Client on Zoning Issues in Residential Closings”
- *Review and Reduction of Real Property*, “Pleadings and Preparation for Trial”
- *Environmental Law in New York*, “The Impact of Environmental Hazards on Real Property Taxes: Challenge to Traditional Concepts of Valuation and Tax Collection”

## Selected Alerts & Blog Posts

- Emergency Amendment to Informed Consent Process for the COVID-19 Vaccine for Individuals in OPWDD Residential Facilities
- OPWDD Implements Unfunded Withhold on Local Assistance Payments for Self-Directed and Other Consumer Programs