



## **RICHARD A. FORSTEN**

### **PARTNER**

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**"Richard Forsten is lauded for being 'levelheaded with superior communication skills and a true knack for distilling down to the essence of any legal problem, and crafting a persuasive strategy to solve it.'" - From *Chambers USA 2015***

#### **SERVICES**

Litigation  
Real Estate Services  
Land Use  
Real Estate Litigation  
Regulatory Compliance and  
Government

#### **INDUSTRIES**

Real Estate Services for  
Retail and Hospitality  
Industries  
Real Estate  
Renewable Energy  
Sports and Entertainment  
Gambling

Richard has more than 25 years of experience in land use and land use litigation, commercial and real estate transactions and litigation, financings, construction and mechanics' lien law, environmental law and permitting. His appearances in Delaware courts range from making *en banc* arguments in the Delaware Supreme Court to expedited cases in the Court of Chancery to administrative appeals and lawsuits in Superior Court to landlord/tenant matters in the Justice of the Peace courts. He has also appeared before numerous state, county and local administrative bodies.

The primary focus of Richard's practice is land use and commercial real estate, including transactional work and litigation. He has represented a variety of owners and developers in complex and challenging land use matters throughout the state of Delaware on residential, commercial, office and industrial projects. These projects have included the successful rezoning and redevelopment of the Brandywine Town Center, a former harness race track in northern New Castle County, and one of the most controversial land use matters in Delaware history. He also represented the developers of "Westown," a 2000-acre master planned project in Middletown, DE that includes residential, commercial, office and industrial park components. Richard has also handled numerous other rezonings, subdivision approvals, variances and other Board of Adjustment proceedings throughout Delaware.

In addition to land use and transactional work, Richard's practice also involves litigation. He has handled numerous appeals to the Delaware Supreme Court and argued several cases *en banc*. He has handled numerous expedited matters before the Court of Chancery and litigated matters in Superior Court. He is experienced in federal civil rights claims, and, with fellow Partner William E. Manning, represented the first developer in a Delaware case where attorneys' fees were awarded under 42 U.S.C. §1988 to a developer. He also represents clients in eminent domain and takings cases, leasing disputes, breach of contract and other matters.

Richard is active in commercial and office leasing, commercial and construction financing, and environmental matters. He has represented purchasers and sellers of

commercial projects, commercial and office tenants, banks and construction companies. He has represented property owners in some of the largest property tax assessment appeals in Delaware, receiving some of the largest reductions in Delaware history, and has drafted, prepared and negotiated construction contracts, as well as mechanics' liens and other construction claims and litigation.

Finally, Richard has experience in the legislative and political process. He was one of the principal draftsmen of Delaware's Video Lottery Act and the Voluntary School Assessment Act, and has drafted numerous other pieces of legislation at the state, county and municipal levels.

Active in his community and a believer in public service, Richard is the President of the Appoquinimink School District School Board, and a past President of the Delaware State Bar Association, where he still serves on the Executive Committee. He also serves as Counsel to the Board of Directors for Goodwill of Delaware and Delaware County and is a past board member of the Ronald McDonald House of Delaware. In 2015, Richard was appointed to the Advisory Council of the Fort DuPont Redevelopment and Preservation Corporation, a council designed to assist in the redevelopment of the state-owned Fort DuPont site adjacent to Delaware City, Delaware. He has also served for over ten years on the Board of Directors of the Homebuilders Association of Delaware. He was appointed receiver for a disbarred lawyer's legal practice by the Delaware Court of Chancery and was recognized for exemplary pro bono public service by the Delaware Supreme Court for his work on the matter. He has served as general counsel to the Delaware Republican Party for many years, and was one of the principal authors of the "Delaware Plan," a plan for revising the presidential primary system, which was endorsed by the Brock Commission and the Rules Committee of the National Republican Party.

Richard is frequently tapped to write and speak on land use and other topics and reviews books every month for *In Re*; the Delaware State Bar Association monthly magazine.

## HONORS

Recipient of the Governor's Outstanding Volunteer Award by the Delaware State Office of Volunteerism and Governor John Carney, 2019

Member, Supreme Court of Delaware Rules Committee, 2019 to 2022

Awarded the Associate Member of the Year Award by the Home Builders' Association of Delaware, 2018

Named to the "Top Lawyers" List by *Delaware Today*, 2016 to 2020

Named one of "America's Leading Lawyers for Real Estate Zoning/Land Use" by Chambers USA, 2003 to present

Named to *The Best Lawyers in America* list, Real Estate Law and Real Estate Litigation, 2013 to present

Named to *The Best Lawyers in America* list, Land Use and Zoning Law and Land Use and Zoning Litigation, 2007 to present

Named the "Wilmington, DE Litigation - Land Use and Zoning Lawyer of the Year,"  
*Best Lawyers*, 2011, 2012, 2018, 2020, 2022

Named to the *Delaware Super Lawyers* List for Land Use/Zoning, 2008 to present

## MEMBERSHIPS AND AFFILIATIONS

Member, Delaware Supreme Court Access to Justice Commission; Co-Chair,  
Subcommittee on Promoting Greater Private Sector Representation of Underserved  
Litigants

Past President and Current Executive Committee member, Delaware State Bar  
Association

President, Appoquinimink School District School Board

Counsel to the Board of Directors, Goodwill of Delaware and Delaware County

Member, Permanent Advisory Committee on Supreme Court Rules, Delaware  
Supreme Court, 2009 to present

Board of Directors, Home Builders Association of Delaware

American Bar Association

Counsel, Delaware Republican Party

Board of Directors, Everett Theatre

Advisory Council to the Fort DuPont Redevelopment and Preservation Corporation

## EDUCATION

J.D., University of Virginia School of Law, 1988

B.S., University of Virginia McIntire School of Commerce, 1985, with distinction

## BAR ADMISSION

Delaware

Pennsylvania

## FIRM MANAGEMENT POSITIONS

Government Involvement Committee, Member