

CHAMBERS & PARTNERS

LEGAL PUBLISHERS

CHAMBERS USA

America's Leading
Lawyers for Business

PodhurstOrseck
TRIAL & APPELLATE LAWYERS

2010
The Client's Guide

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is ranked in Chambers USA 2010 as follows:

FLORIDA

LITIGATION

Litigation: General Commercial
Leading Firms
Band 2
Podhurst Orseck P.A.
Leading Individuals
Band 1
Diaz Jr Victor <i>Podhurst Orseck P.A.</i>
Josefsberg Robert C <i>Podhurst Orseck P.A.</i>
Podhurst Aaron S <i>Podhurst Orseck P.A.</i>
Band 4
Marks Steven C <i>Podhurst Orseck P.A.</i>
Litigation: White-Collar Crime & Government Investigations
Leading Firms
Band 2
Podhurst Orseck P.A.
Leading Individuals
Band 1
Josefsberg Robert C <i>Podhurst Orseck P.A.</i>
Band 2
Prieto Peter <i>Podhurst Orseck P.A.</i>

Podhurst Orseck P.A.

THE FIRM This widely respected Miami firm focuses exclusively on trial and appellate litigation. Its commercial litigation practice covers securities litigation, business torts, trademark and patent infringement, employment law, lender liability, attorney and accountant malpractice, and director and officer liability. The group is also renowned for its experience in aviation disputes, and has strong white-collar criminal defense and commercial fraud capabilities.

Sources Say: "An impressive plaintiff-side firm."

KEY INDIVIDUALS Founding partner **Aaron Podhurst** continues to be known as an outstanding trial lawyer and "probably the most renowned aviation litigator in Florida." He is praised for his skill in complex class actions and "judges just love him," according to sources. Superb trial lawyer **Bob Josefsberg** excels in both civil and criminal litigation. "His courtroom presence is second to none," peers report. Considered one of the pillars of the south Florida legal community, he is described as an "amazingly generous lawyer" who acts as a mentor to a number of younger attorneys. **Victor Diaz's** assertive style divides opinion but interviewees agree: "He is a formidable opponent in

court." He draws praise as a brilliant strategist, persuasive writer and great communicator in the courtroom. "He makes accomplishing great results look effortless," market competitors admit. **Steven Marks** is "one of the best aviation practitioners in town." He also has strong experience in personal injury and wrongful death litigation, products liability, class actions and medical malpractice. The firm recently made the significant acquisition of former federal prosecutor **Peter Prieto** from Holland & Knight, where he had chaired the national litigation practice. He is especially respected for his fantastic white-collar criminal defense work, with particular experience in healthcare fraud and Foreign Corrupt Practices Act matters. "Always perfectly prepared," he also handles complex civil litigation. Interviewees describe him as a "levelheaded, confident team player."

LITIGATION APPELLATE

Litigation: Appellate
Leading Individuals
Band 1
Eaton Joel <i>Podhurst Orseck P.A.</i>
Up-and-coming Individuals
Rosenthal Stephen F <i>Podhurst Orseck P.A.</i>

Notable Practitioners

Joel Eaton of Podhurst Orseck P.A. draws praise as a superb appellate litigator, with particular emphasis placed on his "immaculate writing skills." At the same firm, **Stephen Rosenthal** is regarded as "an emerging star." He has argued over a dozen appeals in federal and state courts.

Leaders

DIAZ JR, Victor

Podhurst Orseck P.A., Miami
305 358 2800
VDiaz@Podhurst.com

Recommended in Litigation (Florida)

Practice Areas: Partner focusing on a broad range of civil litigation, including complex commercial and securities litigation, class actions, aviation and mass tort litigation. Practice extends to all federal and state courts. Experienced in multi-district litigation, including being named Lead Counsel in national MDL proceedings. Special emphasis on trial practice.

Professional Memberships: ABA; American Association For Justice, formerly ATLA (President, Section on Aviation Law); AFTL (Sections on Commercial and Aviation Litigation); Florida Bar; Dade County Trial Lawyers (Board of Directors); Cuban American Bar Association (Past President); American Bar Foundation Fellow.

Career: Experienced trial lawyer, recognized by numerous national and regional publications for excellence in the fields of commercial and general civil litigation. A frequent lecturer at a state and national level on complex civil and mass tort litigation topics, also invited to address several international law conferences as an expert on comparative law and US federal court jurisdiction. In 2000, awarded the Tobias Simon Award by the Florida Supreme Court, the state's highest recognition for public and pro bono service. Listed in Best Lawyers in America, World's Guide to Leading Product Liability Lawyers, Super Lawyers, Florida's Legal Elite, Top Lawyers in South Florida and other listings of elite trial lawyers.

Publications: Has lectured and written extensively on civil procedure and comparative law issues.

Personal: Yale Law School (JD, 1985) (Editor-in-Chief, Yale Law and Policy Review); Duke University (BA, 1982) (Valedictorian). Fluent in written and spoken Spanish.

EATON, Joel

Podhurst Orseck P.A., Miami
305 358 2800
JEaton@Podhurst.com

Recommended in Litigation (Florida)

Practice Areas: Appellate.

Career: Has handled civil appeals in state and federal courts for 30 years, and is a former Chairman of the Florida Supreme Court's

Appellate Rules Committee. He also served two terms as a Member of the Supreme Court's Committee on Standard Jury Instructions in Civil Cases. He is a co-founder of the American Academy of Appellate Lawyers, is listed in Best Lawyers of America, and currently serves as an Adviser to the American Law Institute's Restatement of the Law (Third) Torts: Liability for Physical Harm.

Personal: Harvard University (JD cum laude, 1975); Yale University (BA 1965).

JOSEFSBERG, Robert C

Podhurst Orseck P.A., Miami
305 358 2800
RJosefsberg@Podhurst.com

Recommended in Litigation (Florida)

Practice Areas: A broad range of civil and criminal litigation in all federal and state courts.

Career: One of Miami-Dade County's premiere trial lawyers, listed annually since 1987 in the Best Lawyers in America in two categories-Business Litigation and Criminal Law. Past President and Dean of the International Academy of Trial Lawyers, a Fellow of the American College of Trial Lawyers and a member of the American Board of Trial Advocates. He has served on the American Bar Association Standing Committee on the Judiciary, as Chairman of the Southern District of Florida Judicial Evaluation Committee, and the Florida State University Law School Board of Visitors. In addition to commercial practice, he also handles the firm's white-collar criminal defense work - an outgrowth of his background as an assistant US attorney for the Southern District of Florida, as Special Counsel to the Dade County Grand Jury, and member of numerous commissions and task forces in the area of criminal law, including the U.S. Supreme Court Advisory Committee on Criminal Rules and Chairmanship of the Florida Bar's Criminal Law Certification Committee.

Personal: BA Dartmouth College, 1959; JD Yale Law School, 1962.

MARKS, Steven C

Podhurst Orseck P.A., Miami
305 358 2800
SMarks@Podhurst.com

Recommended in Litigation (Florida)

Practice Areas: Partner focusing on aviation litigation, personal injury and wrongful death litigation, product liability, commercial litigation,

class actions, premise liability, and admiralty.

Professional Memberships: American Bar Association (former Chair, Aviation & Space Law Committee), Editorial Board Member; Tort and Insurance Law Journal Committee; The Florida Bar; The Florida Justice Association; American Association For Justice (former Chair, Aviation Law Section); Dade County Trial Lawyers; Lawyer-Pilots Bar Association; American Board of Trial Advocates, former President (Miami Chapter); and the Inns of Court.

Career: Experienced trial lawyer, recognized by several international, national and regional publications. Has represented victims in numerous major commercial airline crashes (Air France, SpanAir, Silk Air, ValuJet, TAM Airlines, Concorde, GOL Airlines, SAS Airlines, DHL, Bashkirian Airlines, Swiss Air, Sibir Airlines), and countless victims of general aviation and military accidents. Listed in 'Best Lawyers in America' and 'Top Lawyers in South Florida' and is listed in the 'Guide to the World's Leading Aviation Lawyers'.

Personal: BA University of Florida, (cum laude, 1982), JD University of Miami, (Editor-in-Chief of Law Review, cum laude, 1985).

PODHURST, Aaron S

Podhurst Orseck P.A., Miami
305 358 2800
APodhurst@Podhurst.com

Recommended in Litigation (Florida)

Practice Areas: A broad range of civil litigation, including complex commercial litigation, aviation and mass tort litigation in all federal and state courts.

Career: His distinguished career has brought him honors and offices from virtually every major legal organization, including the presidencies of the International Academy of Trial Lawyers and The Florida Justice Association, fellowship in the American College of Trial Lawyers, Member of Board of Governors of Association of Trial Lawyers of America, membership in the International Society of Barristers and the Inner Circle of Advocates, and chairmanship of important aviation committees of the American Bar Association, American Association For Justice and The Florida Justice Association. Although he made his reputation as one of the nation's premiere plaintiff's aviation lawyers, and continues to hold that status,

he has guided the firm in recent years to its status as one of the major commercial litigation firms in South Florida.

Personal: BA from the University of Michigan in 1957, and Harland Fiske Stone Scholar and Juris Doctorate Degree from Columbia University.

PRIETO, Peter

Podhurst Orseck P.A., Miami

Recommended in Litigation (Florida)

Practice Areas: A former federal prosecutor with significant trial experience. Prieto practices in the areas of complex civil litigation and white-collar criminal defense, representing individual and corporate clients in civil litigation, including commercial, antitrust, product liability and class action litigation. He represents individual and corporate clients in criminal investigations and prosecutions involving public corruption, banking and healthcare fraud, and aviation and environmental violations. Prieto has represented clients in litigation in a variety of industries, including the healthcare, telecommunications, petroleum, aviation, entertainment and banking industries. Prieto has extensive experience prosecuting and defending RICO claims.

ROSENTHAL, Stephen F

Podhurst Orseck P.A., Miami
305 358 2800

Recommended in Litigation (Florida)

Practice Areas: Partner focusing on appeals and complex civil litigation, including mass tort, commercial disputes and constitutional law.

Professional Memberships: US Supreme Court; US Courts of Appeals for the Second, Fifth, Seventh and Eleventh Circuit; US District Court, SD Florida; Florida Bar; District of Columbia Bar; American Association for Justice; Florida Justice Association.

Career: US Department of Justice Civil Division, Federal Programs Branch, Law clerk to US Circuit Judge Rosemary Barkett (11th Cir.) and to US District Judge Mark Wolf (D. Mass.).

Personal: Harvard Law School (JD, cum laude, 1996), Harvard College (BA, magna cum laude, 1992).

PODHURST ORSECK, P.A.

THE FIRM

Founding & Managing Partner: Aaron S Podhurst

Number of partners: 9

Number of other lawyers: 4

Number of other lawyers (of Counsel): 2

FIRM OVERVIEW: Podhurst Orseck continues a legal practice, established over four decades ago, concentrating exclusively in trial and appellate litigation. The firm is dedicated to offering the highest calibre legal representation in both federal and state trial and appellate courts throughout the United States. The firm's commercial practice focuses on complex civil litigation of all types. The firm serves as general litigation counsel to several major corporations, as well as represents companies and individuals in substantial matters of commercial litigation. The firm's General Tort Practice places a major emphasis upon representing claimants in aviation, automobile, products liability and medical malpractice litigation. From its inception, the firm also has cultivated an appellate practice, handling appeals of not only the firm's trial lawyers, but of other lawyers throughout the nation, in the various state and federal appellate courts, including the United States Supreme Court. The firm's practice serves clients residing or based throughout the United States, and in several foreign countries.

MAIN AREAS OF PRACTICE:

General Tort Practice Concentrating in Automobile Negligence, Product Liability & Medical Malpractice Litigation: Since its inception, a significant portion of the firm's trial practice has been general tort law. The firm's experience runs the gamut of such cases, from automobile liability to complex products liability, to business-related torts. Literally thousands of general negligence and product liability cases of all sorts have been prepared, negotiated or tried by the members of the firm. An abbreviated listing of the types of cases handled would include all types of general negligence cases (from automobile and slip and fall accidents to boating and diving accidents), product liability cases (involving cranes, automobiles, rollover and tire tread separation, trenchers, food processing equipment, marine engines, pharmaceuticals, hand tools and ladders, to name a few) and complex medical, legal, accounting, architectural and engineering malpractice claims.

Aviation Litigation: A major emphasis within the firm's General Tort Practice is aviation litigation. The firm is recognized worldwide for its work as a plaintiffs' aviation law firm. Podhurst Orseck believes that it has handled more plaintiffs' aviation cases than any other firm in the southeastern United States and more foreign air crashes than almost any other firm in the country. The firm has represented multiple victims of over 40 major air disasters in the past 36 years, most of them as lead counsel or in a major role. In addition, the firm has handled in excess of 100 small or light plane and helicopter crashes involving private, non-commercial aircraft.

Commercial Litigation: Nearly fifty percent of the firm's trial and appellate litigation involves the resolution of corporate and commercial disputes. Its practice varies from the most complex commercial cases to simple contract litigation. The firm's commercial clientele includes *Fortune* 500 companies, small and middle-sized companies, and private individuals. Regular litigation clients include: Alienware Corp., Codina Construction Corp., Perry Ellis International and Florida East Coast Properties, Inc.

Class Actions: The firm has a very active class action and multi-district litigation practice. Members of the firm have been court-appointed lead or liaison counsel in numerous major class actions, ranging from securities litigation, investor fraud cases, pharmaceutical, health-care and insurance litigation. In addition, firm lawyers have chaired and served on the steering committee of many national multi-district litigation proceedings in federal courts involving products defects, major commercial aviation crashes and other mass torts. Significant firm resources have been invested, and a sizeable support staff trained and developed to service this practice area.

OFFICES

FLORIDA

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Probate & Matrimonial Litigation: For many years, the firm has represented clients in the field of probate and matrimonial litigation. It has engaged in the preparation of prenuptial agreements, and in litigation involving marital dissolution, child custody and property settlement agreements. The firm has also represented clients in claims challenging pre-nuptial agreements. Further, the firm has had substantial experience in litigation involving post-dissolution of marriage proceedings pertaining to modifications, as well as will contests and complex probate litigation.

Criminal Litigation: The firm has a special interest and concentration in the areas of white-collar crime and commercial fraud. The focus of these practices is the representation of individuals, corporate executives and corporations, in both state and federal proceedings, ranging from grand jury investigations to criminal prosecutions and appeals. The firm has handled litigation involving environmental matters, bank fraud, tax fraud, mail and wire fraud, RICO violations, securities fraud, antitrust price fixing, bar grievances, official corruption, and various other economic crimes. The firm has also handled quasi-criminal forfeitures and seizures of assets.

Appellate Practice: Two of the firm's attorneys devote their practice exclusively to appellate litigation and complex trial level motions, handling all in-house matters as well as referrals from attorneys and clients all over the United States. They practice primarily in the United States Court of Appeals for the Eleventh Circuit, the Florida Supreme Court, and the intermediate Florida District Courts of Appeal. The head of the firm's Appellate Litigation Division, Joel Eaton, also has handled appeals throughout the United States and has argued several cases before the United States Supreme Court. The firm's appellate practice mirrors the substantive diversity of the firm as a whole, and includes plaintiffs' personal-injury, malpractice, and wrongful-death cases, including aviation related matters and commercial matters of all types.

Recognition: Many of the firm members are recognized annually by their peers for their work as trial and appellate lawyers, regionally, nationally and internationally. The firm has also been recognized by numerous publications. In 2010, six of the firm's nine partners were selected by their peers for inclusion in the 'Best Lawyers in America guide'; five of the firm's partners were found to be among the 'Top Lawyers in South Florida' by the 'South Florida Legal Guide' and two of the firm's partners were named as being among 'Florida's Legal Elite' by 'Florida Trend Magazine'. See www.podhurst.com for more information.

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