

CHAMBERS & PARTNERS

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# CHAMBERS USA

America's Leading  
Lawyers for Business

PodhurstOrseck  
TRIAL & APPELLATE LAWYERS

2008  
The Client's Guide

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## is ranked in Chambers USA 2008 as follows:

### FLORIDA

#### LITIGATION

|   |
|---|
| <b>Litigation: General Commercial</b>                                 |
| Leading Firms   |
| <b>Band 1</b>   |
| Podhurst Orseck P.A.  |
| Leading Individuals   |
| <b>Band 1</b>   |
| Josefsberg Robert Podhurst Orseck P.A.                                |
| Podhurst Aaron Podhurst Orseck P.A.                                   |
| <b>Band 2</b>   |
| Diaz Jr Victor Podhurst Orseck P.A.                                   |
| <b>Band 4</b>   |
| Marks Steven Podhurst Orseck P.A.                                     |
| <b>Litigation: White-Collar Crime &amp; Government Investigations</b> |
| Leading Individuals   |
| <b>Band 2</b>   |
| Josefsberg Robert Podhurst Orseck P.A.                                |

#### Podhurst Orseck P.A.

**The Firm:** This boutique's dominance in aviation matters is its strongest hand: "The firm is ubiquitous in major aviation cases around the world." This is particularly true with issues in the Southern hemisphere, where the firm is truly a global leader. Unsurprisingly it has recently been involved in a suit arising out of the TAM Airlines crash at Congonhas Airport in São Paulo in which the team is acting on behalf of the family of one of the victims. However, repeat clients and market observers were keen to emphasize that this niche does not sum up the extent of the practice: "Although it's best known for its airline cases, the firm is outstanding in any kind of litigation – commercial, banking, contract, divorce, criminal – you name it."

**The Lawyers:** Sources were quick to praise **Robert Josefsberg** and highlighted his "intellectual power." Those who have witnessed him in court describe his ability to "simplify complex ideas and communicate them quickly, commanding the attention of everyone in the room." He expertly juggles complex commercial litigation with white-collar work. **Aaron**

**Podhurst** has carried the firm's name across the globe through his first-class involvement in massive class actions. "He is an extraordinary human being," commented one source; "unbelievably talented." The talented **Victor Diaz** leads the group's commercial litigation practice and has amassed a loyal client following through "intelligent, extremely dependable litigating." Recently, he has turned his hand to business tort litigation including filing a nationwide class action against ADT. Aviation and mass tort expert **Steven Marks** is leading the claim against TAM and is gaining a strong reputation on an international basis for his roles in similar large cases.

#### LITIGATION

|                                 |
|---------------------------------|
| <b>Litigation: Appellate</b>    |
| Leading Individuals             |
| <b>Band 1</b>                   |
| Eaton Joel Podhurst Orseck P.A. |

#### Notable Practitioners

The "amazing" **Joel Eaton** of Podhurst Orseck P.A. has accumulated "a wealth of experience arguing in Florida and before federal courts," and consequently "does a terrific job of representing plaintiffs." He has argued numerous cases before the US Supreme Court.

#### APPELLATE

## Leaders

### DIAZ JR, Victor

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

*Recommended in Litigation*

**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.

**Prof. 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 of America, Florida's Legal Elite, Top Lawyers in South Florida, Super Lawyers, World's Guide to Leading Product Liability Lawyers 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*

**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*

**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 US 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*

**Practice Areas:** Partner focusing on aviation litigation, personal injury and wrongful death litigation, product liability, commercial litigation, class actions, medical malpractice, premise liability, and admiralty.

**Prof. Memberships:** American Bar Association (former Chair, Aviation and 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 national and regional publications. Has represented victims in numerous major commercial airline crashes (Silk Air, ValuJet, TAM Airlines, Concorde, GOL Airlines, SAS Airlines, DHL, Swiss Air, Sibir Airlines), and countless victims of general aviation and military accidents. Listed in "Best Lawyers of America" and "Top Lawyers in South Florida" and is one of only four US Plaintiff's Counsel 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*

**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 Academy of Florida Trial Lawyers, 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.

# PODHURST ORSECK, P.A.

## THE FIRM

**Founding & Managing Partner:** Aaron S Podhurst

**Number of partners:** 8

**Number of other lawyers:** 3

**Number of other lawyers (of Counsel):** 2

**FIRM OVERVIEW:** Podhurst Orseck continues a legal practice, established 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, and either settled 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 as one of the premier plaintiffs' aviation law firms in the world. Podhurst Orseck believes that it has successfully 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 twenty years, most of them as lead counsel or in a major role. In fact, one of the firm's partners successfully tried one of the last major commercial crashes to be tried, obtaining one of the most significant verdicts in recent aviation trial history. 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, healthcare 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.

## OFFICES

### FLORIDA

City National Bank Building, 25 West Flagler Street, Suite 800,

Miami, FL 33130

Tel: 305 358 2800 Fax: 305 358 2382

Email: info@podhurst.com

Website: www.podhurst.com

Significant firm resources have been invested, and a sizeable support staff trained and developed to service this practice area.

**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, has argued several cases before the United States Supreme Court and is recognized as one of the nation's premier appellate practitioners. The firm's appellate practice mirrors the substantive diversity of the firm as a whole, and includes plaintiffs' personal-injury, medical 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 as being in the top rankings of trial and appellate lawyers, regionally, nationally and internationally. The firm has also been recognized by numerous publications. Five of the firm's eight partners were selected by their peers for inclusion in the 'Best Lawyers in America'. Five of the firm's partners were found to be among the 'Top Lawyers in South Florida' by the 'South Florida Legal Guide'. Three of the firm's partners were named as being among 'Florida's Legal Elite' by 'Florida Trend Magazine'. Five of its partners were named to be among 'Lawdragon's Top 500 Leading Plaintiff's' Lawyers in America' and three of its partners were listed in 'Lawdragon's Top 3000 Leading Lawyers in America'. The firm has also been recognized for overall excellence by 'The Miami Herald', 'South Florida CEO', 'South Florida Business Journal' and 'The National Law Journal'.