





Bruce J. Berman

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Overview

Bruce Berman focuses his nationwide practice on large and complex commercial disputes in federal and state trial and appellate courts, and in domestic and international arbitration tribunals. He represents U.S. and international clients in cases spanning a wide range of substantive law, including mergers and acquisitions (including post-acquisition representations and warranties), corporate finance, securities, aviation, health law, and intellectual property (copyright, trademark, and unfair competition).

Bruce is a legal scholar and author of the leading state treatise, *Berman's Florida Civil Procedure*, published annually since 1998 by West Group. Bruce has also been recognized by the Florida Supreme Court and The Florida Bar with long-term leadership appointments to numerous committees focused on court proceedings and administration.

Experience

Mergers and Acquisitions

- Defeating a \$30 million negligent appraisal claim for a corporate acquisition and obtaining a seven-figure affirmative recovery against defense costs.

- Defending national insurers of sellers' financial and business representations and warranties in multiple post-acquisition cases initiated by strategic and investment purchasers in arbitration proceedings and courts.
- Represented the buyer in a lawsuit between two public companies over the consummation of a \$1.2 billion acquisition.
- Defended public and private company buyers against multimillion-dollar earnout claims.
- Represented the parent company of one of the largest cruise lines in the world in defense of a \$17 million claim by Israeli and New York brokers arising out of a hostile acquisition in Europe.

Securities Class Actions

- Defeated class certification in a \$1.5 billion post-merger securities litigation in Georgia state court and sustained the lower court's ruling through appeal and denial of certiorari in the state Supreme Court.
- Defended federal and state RICO and common law fraud claims in major class action litigation over one of the largest Ponzi schemes in the Southeast.

International Disputes

- Represented a major European manufacturer in an international arbitration dispute arising out of a successful joint bid for a \$7 billion U.S. government aviation contract.
- Defended a major European bank in multiple federal litigation in the United States over applications for discovery of foreign documents in aid of litigation in foreign countries.
- Represented the European parent company of one of the largest global insurers in the successful transfer of U.S. litigation to Germany.

Product Liability/Aviation

- Defended a European aircraft manufacturer in product liability litigation in state and federal courts across the United States arising from fatal accidents in general aviation.

Health Care

- Co-counsel in hospital's defense of billion-dollar qui tam litigation over alleged Stark Law violations.
- Represented a major Florida hospital center and special taxing district, in multiple litigation, as special counsel for sovereign immunity issues.
- Defended health care insurers in class action litigation by medical service providers challenging reimbursements.

- Coordinated, prosecuted, and defended tens of millions of dollars of payor-provider claims in multiple, related arbitration proceedings before tribunals of the American Health Lawyers Association and the American Arbitration Association.

Bankruptcy

- Represented the Federal Deposit Insurance Corp. in a bankruptcy case arising out of the failure of the largest state bank in Florida, at a cost to the Deposit Insurance Fund substantially in excess of \$5 billion.
- Litigated the right of a joint venturer to sue its former partner/purchaser of the assets of a major aircraft company in bankruptcy, after final approval of a Chapter 11 reorganization plan approving the sale.

Areas of Focus

Practices

- Litigation and Trials
- Aviation
- International Litigation & Arbitration
- Securities Litigation and Enforcement
- Mass Tort and Product Liability
- Appellate & Trial Support
- International
- Business Transactions
- False Claims Act, Qui Tam, and Whistleblower Defense
- Class Actions

Industries

- Securities & Investment Companies
- Property & Casualty Insurance

Insights

09.28.2023

SCOTUS Removes Burden Handicapping Appeals Seeking Arbitration

06.29.2023

11th Circuit: District Courts May Equitably Toll FAA 3-Month Deadline to Challenge Arbitration Awards

06.27.2023

SCOTUS Interprets FAA to Impose Mandatory Stay of Proceedings in District Courts Pending Interlocutory Appeal From Denial of Motion to Compel Arbitration

10.01.2021

Fla. High Court Codifies the 'Apex Doctrine': Discovery Protection for Corporate Decision-Makers

04.16.2020

Foreign Arbitration and Discovery in the U.S. Under Section 1782: Servotronics Inc. v. Boeing Co.

05.30.2017

Ninth Circuit Expands American Pipe Tolling to Subsequent Securities Class Action by Unnamed Class Members, but Leaves Related Comity and Issue Preclusion Questions for Another Day

09.01.2016

Aviation Law 2016 Virtual Round Table

08.15.2016

Post-Daimler: Are Non-U.S. Companies Safe from Suit in U.S. Courts? What if the Non-U.S. Parent Registers to Do Business in a State?

08.08.2016

New Federal Drone Regulations Leave Unanswered Questions

09.08.2015

The Case Against Removing to Federal Court

03.25.2015

Up, Up, and Away: Insurance Market for Commercial Drones Set to Take Off

02.18.2015

FAA Unveils Proposal for Regulating Commercial Drones

11.06.2013

AAA/ICDR Adopts New Optional Appellate Arbitration Rules

01.01.2008

Strategies for Successful Mediation

News

07.27.2023

Who's Who Legal Names Carlton Fields Attorneys to 2023 Lists

05.19.2023

Bruce Berman and Peter Webster Co-Author 2023 Edition of "Berman's Florida Civil Procedure"

04.11.2023

Bruce Berman and Rick Gross Recognized With Miami-Dade Bar's Circle of Excellence Award

05.31.2022

Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author 2022 Edition of Trusted Treatise "Berman's Florida Civil Procedure"

04.20.2021

Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author 2021 Edition of Trusted Treatise "Berman's Florida Civil Procedure"

06.02.2020

Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author Latest Edition of "Berman's Florida Civil Procedure"

05.08.2019

Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author New Edition of "Berman's Florida Civil Procedure"

07.09.2018

Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"

06.28.2018

Bruce Berman and Peter Webster Co-Author New Edition of "Berman's Florida Civil Procedure"

05.04.2018

Carlton Fields Ranks Among Best in 2018 Chambers USA Guide

08.15.2017

78 Carlton Fields Attorneys Named "Best Lawyers in America"

06.23.2017

Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 "Super Lawyers" and "Rising Stars"

06.08.2017

Carlton Fields Ranks Among Best in 2017 Chambers USA Guide

05.12.2017

Bruce Berman and Peter Webster Co-Author 2017 Edition of "Berman's Florida Civil Procedure"

Recognition

- Circle of Excellence Award, Miami-Dade Bar (2023)
- *The Best Lawyers in America*, Commercial Litigation (2013–2024)
- Florida Super Lawyers, *Super Lawyers Magazine* (2009–2023)
- *Who's Who Legal: Transport - Aviation Contentious* (2023)
- *The International Who's Who of Aviation Lawyers* (2014–2020)

- Most Effective Lawyers Award, Appellate, *Daily Business Review* (2017)
- *Chambers USA* (2007–2018)
- Florida Legal Elite, *Florida Trend Magazine* (2011)
- *Super Lawyers Magazine*, National Corporate Counsel Edition (2010)

Professional & Community Involvement

- The Florida Bar
 - Standard Jury Instructions Committee — Civil Cases (2000–2007)
 - Chair, Civil Procedure Rules Committee (1984–2004)
 - Chair, Rules of Judicial Administration Committee (1988–2002)
- Florida Supreme Court
 - Supreme Court Workgroup on Public Records (2000–2001)
 - Court Reporter Certification Planning Committee (1995–1998)
- Feeding South Florida
 - President (2008–2010)
 - Board of Directors (2001–2010)
- Miami-Dade County Circuit Court
 - Former Member, Ad Hoc Trial Practices and Procedures Committee
- Miami-Dade Beacon Council
 - Aviation Committee
- New World Symphony
 - Former Community Board Member

Speaking Engagements

- "Representations and Warranties Insurance Coverage and Disputes," ARIAS-U.S. 2023 Spring Conference, Amelia Island, FL (May 17, 2023)
- "Departures From the American Rule on Attorney's Fees," Annual Florida Chapters Conference, The Federalist Society, Lake Buena Vista, FL (February 2, 2018)
- "Civil Procedure," Civil Trial Law Certification Review Course, The Florida Bar (2009, 2011)
- "International Discovery," International Litigation and Arbitration Update, The Florida Bar, Miami, FL (2006)
- Bruce has lectured to the state court trial bench on issues of jurisdiction and venue as part of the faculty of the Florida Conference of Circuit Judges.

Credentials

Education

- Boston University School of Law (J.D., 1972)
- Columbia University (MBA, 1972)
- Williams College (B.A., 1968)

Bar Admissions

- Florida

Background

- Partner, McDermott Will & Emery, Miami, FL
- Partner, Weil, Gotshal & Manges, Miami, FL

Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida