



# 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 aviation, corporate finance, securities, mergers and acquisitions, health law, intellectual property (copyright, trademark, and unfair competition), and real estate and commercial lending (real estate, asset-based and lease financing).

A legal scholar and author of a leading state treatise, *Berman's Florida Civil Procedure* (published annually by West), Bruce has been recognized by the Florida Supreme Court and The Florida Bar by long-term appointment to numerous committees, including the Committee on Standard Jury Instructions in Civil Cases, the Civil Procedure Rules Committee, and the Rules of Judicial Administration Committee.

Bruce has been recognized as a leading lawyer, internationally, nationally, and locally, by, among others, *Chambers USA* (for commercial litigation, since first issuing Florida rankings), the National Corporate Counsel Edition of *Super Lawyers* (for Florida Business Litigation), *Florida Trend's* Florida Legal Elite, and *Florida Super Lawyers*, in addition to being selected for biographical reference in *Who's Who in the World*, *Who's Who in America*, and *Who's Who in American Law*.

## Experience

- Defending a national insurer of sellers' financial representations and warranties in multiple post-acquisition arbitration cases initiated by strategic and investment purchasers.
- Defeated class certification in a \$1.5 billion post-merger securities litigation.
- Defended a European aircraft manufacturer in product liability litigation in state and federal courts in the United States arising from fatal accidents in general

aviation.

- Co-counsel in hospital's defense of billion-dollar qui tam litigation over alleged Stark Law violations.
- Represented the Federal Deposit Insurance Corp. in a bankruptcy case arising out of the failure and seizure of the largest state bank in Florida, at an estimated cost to the Deposit Insurance Fund in excess of \$5 billion.
- Represented the buyer in a lawsuit between two public companies over the consummation of a \$1.2 billion acquisition.
- Represented a major European manufacturer in the mediation of an international arbitration dispute arising out of a successful joint bid for a \$7 billion U.S. government aviation contract.
- Represented a major Florida hospital center and special taxing district, in multiple litigation, as special counsel for sovereign immunity issues.
- 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.
- Defended health care insurers in class action litigation by medical service providers challenging reimbursements.
- Defended a public company against a \$20 million earnout claim following the client's acquisition of a smaller public company based on a prior acquisition by the target company.
- 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.
- 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 and American Arbitration Associations.
- 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.

## All Insights

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|------------|--|
| 06.12.2018 | Put This in Your Pipe: Supreme Court Rules 9-0 That American Pipe Tolling Does Not Permit Filing of Serial Class Actions Beyond the Statute of Limitations                           |
| 03.31.2018 | Berman's Florida Civil Procedure   |
| 06.28.2017 | SCOTUS Holds American Pipe Tolling Does Not Apply to Securities Class Action Opt-Out Claims Filed Outside Repose Period: CalPERS v. ANZ Securities, Inc.                             |
| 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 |
| 08.31.2016 | Aviation Law 2016 Virtual Round Table  |

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- 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?
- 
- 08.07.2016 New Federal Drone Regulations Leave Unanswered Questions
- 
- 09.07.2015 The Case Against Removing to Federal Court
- 
- 03.24.2015 Up, Up, and Away: Insurance Market for Commercial Drones Set to Take Off
- 
- 02.17.2015 FAA Unveils Proposal for Regulating Commercial Drones
- 
- 11.05.2013 AAA/ICDR Adopts New Optional Appellate Arbitration Rules
- 
- 01.01.2008 Strategies for Successful Mediation

### All News

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- 05.08.2019 Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author New Edition of "Berman's Florida Civil Procedure"
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- 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 New Edition of "Berman's Florida Civil Procedure"

### Recognition

- Listed in *Daily Business Review*, Most Effective Lawyers Award, Appellate (2017)

- Listed in *The Best Lawyers in America*, Commercial Litigation (2013-2020)
- Selected for inclusion in *The International Who's Who of Aviation Lawyers* (2014, 2018)
- Selected for inclusion in *Florida Trends Florida Legal Elite* (2011)
- Listed in *Chambers USA Guide to America's Leading Business Lawyers* (2007-2018)
- Selected for inclusion in *Florida Super Lawyers* (2009-2019)
- Listed in *Super Lawyers*, National Corporate Counsel Edition (2010)
- Listed in *Who's Who in the World*, *Who's Who in America*, *Who's Who Legal – Aviation*, *Who's Who in American Law*, and *Who's Who in the South and Southwest*

## Professional & Community Involvement

- The Florida Bar
  - Standard Jury Instructions Committee — Civil Cases (2000-2007)
  - Former Chair, Civil Procedure Rules Committee (1984-2004)
  - Former 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)
- Miami-Dade County Circuit Court
  - Former Member, Ad Hoc Trial Practices and Procedures Committee
- Beacon Council, Aviation Committee, Miami-Dade County
- New World Symphony
  - Former Community Board Member
- Feeding South Florida
  - President (2008-2010)
  - Board of Directors (2008-2011)

## Speaking Engagements

- "Departures From the American Rule on Attorney's Fees," Federalist Society Annual Florida Chapters Conference, Lake Buena Vista, FL (February 2, 2018).
- "Civil Procedure, Civil Trial Certification Review Course," The Florida Bar (2009, 2011).
- 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.
- "International Discovery," Fourth Annual International Litigation and Arbitration Update, International Litigation and Arbitration Committee of The Florida Bar International Law Section, Miami (2006).

## Credentials

### EDUCATION

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

### COURT ADMISSIONS

- Florida State Courts

### BAR ADMISSIONS

- Florida

## Background

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

## Areas of Focus

### PRACTICES

- Appellate & Trial Support
- Aviation
- Business Transactions
- Class Actions
- International
- Litigation and Trials
- Mass Tort and Product Liability
- Property & Casualty Insurance
- Qui Tam/Whistleblower Defense
- Securities and Derivative Litigation

### INDUSTRIES

- Health Care
- Securities & Investment Companies