

Richman Greer Relocates Miami Office



As of Monday, June 18, 2012, the law firm of Richman Greer relocated its Miami office to the 396 Alhambra Circle office complex - a brand new LEED-certified mixed-use office and retail development located in the heart of Miami suburb Coral Gables. The firm will occupy the entire 14th floor in this state-of-the-art, environmentally-friendly building designed with energy efficiency and sustainability in mind. The new office is located a short drive to the Miami state and federal courthouses, and Miami International Airport, and is convenient for the firm's local and international clients. The firm's Miami office telephone number remains the same (305) 373-4000.

Recent Trends In Litigation & Business Law (by Manuel Farach)



Manuel Farach

Infante v. Bank of America Corp., 2012 WL 744678 (11th Cir. 2012)

The Eleventh Circuit Court of Appeals held that a corporation that purchases the assets of another corporation does not also assume the liabilities of the selling corporation unless: (1) the purchasing corporation agrees to assume the liabilities, (2) the transaction is a de facto merger, (3) the successor corporation is a mere continuation of the previous corporation, or (4) the transaction is a fraudulent transfer.

Bridgeview Bank Group v. Callaghan, 2012 WL 1020044 (Fla. 4th DCA 2012)

A transfer of real property to a husband and wife conclusively creates a tenancy by the entireties while a transfer of personal property only creates a rebuttable presumption the transfer was to the entireties.

Empire Developers Group, LLC v. Liberty Bank, 2012 WL 1232618 (Fla. 2d DCA 2012)

The correct formula for determining a deficiency judgment is the total debt (as set forth in the final judgment of foreclosure) minus the fair market value of the property (as determined by the court) on foreclosure sale date. The party seeking a deficiency has the burden to prove that the fair market value of the foreclosed property was less than the judgment amount.

Recent Trends In Social Media Law (by Ethan J. Wall)

A Company's Social Media Profile May Be A Protectable Trade Secret

Within the past several months, multiple federal district courts have held that a company can state a claim for misappropriation of trade secrets arising out of the theft of an employer's social media profile. Courts have reasoned that an employer's unique list of "friends" and their account information are protected information that cannot be duplicated without a substantial amount of effort and expense.

States Begin to Ban Employers from Requiring Employees' and Applicants from Turning Over Their Facebook Passwords

Employers across the country are requesting access to employees and potential hires' social media profiles to weed out unwanted candidates. Maryland became the first state to pass legislation prohibiting employers from asking current and prospective employees for their user names and passwords to social media sites such as Facebook and Twitter.



Ethan J. Wall

HONORS

Gerald F. Richman, the firm's President, was named The Florida Bar Board Certified Lawyer of the Year for 2012. The award was presented during The Florida Bar's annual meeting, held on June 20-23, 2012.

Litigation attorney **Manuel A. Garcia-Linares** has been selected again to represent the Cuban American Bar Association on the American Bar Association House of Delegates for 2012.

Verdicts, Settlements & Transactions



Bruce A. Christensen



Lyle E. Shapiro



Adam M. Myron



Manuel A. Garcia-Linares



Ethan J. Wall

Family law attorney **Bruce A. Christensen** settled a complicated matter for a successful privately-owned business involving an underlying pre-nuptial agreement. The goal was to settle the family law matter but not have the non-business spouse as an owner of the company. Bruce creatively accomplished that goal.

Lyle E. Shapiro and **Adam M. Myron** obtained a dismissal of a federal court lawsuit filed against an international insurance broker client. The plaintiff sought in excess of \$4.5 million in damages. The federal District Court ruled that the plaintiff failed to state a claim for relief. Thereafter, Shapiro and Myron successfully defended the client on appeal, as the District Court's ruling was affirmed by the U.S. 11th Circuit Court of Appeals.

Manuel A. Garcia-Linares and **Ethan J. Wall** successfully defended a Michigan chemical corporation and its principals by obtaining a second dismissal of a federal court action for breach of contract and fraudulent inducement. After obtaining the dismissal of an initial lawsuit against the defendants for lack of subject matter jurisdiction, Garcia-Linares and Wall argued that the plaintiff lacked personal jurisdiction over the out-of-state defendants, and that the action should be transferred to the Michigan federal court where the defendants reside. After defendants filed their motion to dismiss the second action, the plaintiff voluntarily dismissed the Florida action and opted to litigate the case in Michigan.

In The Community

Litigation attorney **Leora B. Freire** was installed as President of the Palm Beach County Chapter of the Florida Association for Women Lawyers (FAWL) at the West Palm Beach Marriott Hotel on May 19, 2012. The Honorable Patricia Seitz of the United States District Court, Southern District of Florida performed the swearing in ceremony. Attorney **Marta Stypulkowski** was also installed as Secretary and Attorney **Ronald P. Ponzoli** was installed as Co-Chair of Community Outreach, the first male co-chair of a FAWL committee in Palm Beach County.

Richman Greer was a Silver sponsor of the inaugural Gables Earth Fest on April 22, 2012 at Coral Gables City Hall. The event raised awareness about going green and sustainable community activities. The community learned about hybrid/electric vehicles and how to be environmentally responsible. Congratulations to family law attorney **Bruce A. Christensen**, a member of the City of Coral Gables Green Task Force, who helped organize the event.

Law firms Richman Greer, Leopold Law & Searcy Denney Scarola Barnhart & Shipley jointly hosted a panel discussion in West Palm Beach on May 17, 2012 entitled "Defending Justice: Preserving and Promoting an Impartial Judiciary" about judicial merit retention. Event speakers included Florida Supreme Court Justice Barbara Pariente, Judge Martha Warner, Fort Lauderdale Mayor Jack Seiler and **Gerald F. Richman**.



Leora B. Freire



Marta Stypulkowski



Ronald P. Ponzoli



Gerald F. Richman



Manuel Farach

Ethan J. Wall presented at the Meritas annual conference in New Orleans on April 25-27, 2012 on the topic of Social Media for Lawyers and distributed Volume #2 of the popular Social Media Guide for Lawyers handbook.

Manuel Farach was named Chairman of the Palm Beach Commission on Ethics. Farach is the representative of several Bar Associations. The group's goal is to enforce the Palm Beach County Code of Ethics and educate County government.

John G. White, III and **Leora B. Freire** were reappointed to The Florida Bar's Judicial Nominating Procedures Committee by the incoming president of The Florida Bar for three year terms beginning July 1, 2012. This will be Leora's second term on the Committee.

Litigation attorney **Manuel A. Garcia-Linares** was appointed Executive Chairman of the Belen Alumni Lawyers Section's Executive Committee, a resource and support group for the Belen Jesuit Preparatory School, Garcia-Linares' alma mater.

Probate and Estate planning attorney **Charles H. Johnson** has been elected to the Board of Directors of the Greater Miami Chamber of Commerce and will chair its new Miami Military Advocacy Committee starting July 1, 2012.

Michael J. Napoleon was appointed to chair Palm Beach County's Judicial Campaign Practices Commission, the task of which is to monitor judicial elections and respond to written complaints about potential misconduct by judicial candidates. The JCPC provides advisory opinions to judicial candidates regarding actual campaign conduct to help ensure that campaigns for local judicial office are conducted in a manner consistent with the dignity and integrity expected of the legal profession and the judicial system.

Internet and Social Media attorney **Ethan J. Wall** was elected president-elect of the Young Lawyers Section of the Dade County Bar Association beginning June 2012. He will be installed as president in June of 2013.

Litigation attorney **John R. Whittles** was re-elected to the Board of Directors of the Palm Beach County Bar Association for a two year term. This will be his 5th and 6th year on the Board.



John G. White, III



Manuel A. Garcia-Linares



Charles H. Johnson



Michael J. Napoleon



John R. Whittles

Publications

Family law attorney **Bruce A. Christensen** published an article entitled "Jurisdiction Key in Resolving Family Law Matters" about long arm jurisdiction in family law. In the May 25, 2012 edition of the Daily Business Review in its Board of Contributors section.

Litigation attorney **Mark A. Romance** published an article entitled "Non-compete, Trade Secret Litigation Protects Employers" about employee non-compete agreements and trade secrets, in the Daily Business Review's May 23, 2012 Litigation issue.

Litigation attorney **Eric M. Sodhi** published an article aimed at educating insurers entitled "Quasi Subrogation: Recovering Benefits Paid in Defending Regulatory Actions - Net Worth Qualifying Criteria for Insuring Benefits under Equal Access to Justice Act (EAJA)" in Insurance Day's May 3, 2012 issue.

Internet and Social Media attorney **Ethan J. Wall** published an article entitled "Social Media Crossroads - An analysis of the law at the intersection of discovery and privacy in the realm of social media" in Westlaw Journal's Computer and Internet Journal's April 20, 2012 issue.



Bruce A. Christensen



Mark A. Romance



Eric A. Sodhi

Firm Profile

Creating Solutions to Solve Complex Legal Matters

With offices in Miami and West Palm Beach, Richman Greer, P.A. offers a wide range of legal services focusing on commercial and contract disputes, real estate transactions and litigation, family law, estates, trusts and probate, class actions and other commercial transactions. With 25 attorneys in its two offices in South Florida, the firm is extremely proud of its high number of Board-certified and AV-rated attorneys. These attorneys have met stringent criteria for the legal experience required for acceptance and have been favorably judged by colleagues and peers alike in their field.

Richman Greer, P.A. is a member of Meritas, one of the world's largest and most respected legal resources - an integrated, non-profit alliance of more than 7,093 experienced lawyers in 176 full-service law firms serving more than 237 markets worldwide. As a charter Meritas affiliate, Richman Greer has immediate global access to information, resources and representation from member firms in all principal business centers worldwide. In effect, Meritas membership enables Richman Greer to operate as an international law firm without a costly overhead and management structure. Through Meritas, we have the ability to handle or refer matters throughout the world.