



**Scott J. Silverman (Retired Judge 11th Judicial Circuit)**

**Scott J. Silverman**, retired Judge 11th Judicial Circuit, joined the JAMS panel of neutrals after nearly 22 years on the bench in Miami. He distinguished himself as a stellar judge and one of South Florida's highest rated circuit court judges.

Known for his keen intellect, down to earth manner, and pragmatic approach to problem solving, Scott J. Silverman fosters an atmosphere that is conducive to achieving positive results, and he is determined to achieve a successful outcome, regardless of the complexity or the time needed.

As a jurist, Mr. Silverman presided over tens of thousands of cases. He believes that a trial is the most inefficient way of resolving a conflict. The "abyss of litigation," as he calls it, can be aggravating, time consuming, expensive, and places the lives of otherwise productive people on hold. His experiences and breadth of knowledge can prove useful to the parties as they work towards the conclusion of their case.

Scott J. Silverman is available to serve as a mediator, arbitrator, special magistrate, neutral evaluator, private judge, or umpire. He is available to preside over mock trials.

**Representative ADR Matters**

As follows is a selection of Mr. Silverman's successfully resolved mediations and arbitrations:

- Successfully mediated claims made by a well known rapper and adult actress over their "sex tape" which was posted on a popular website, without their alleged consent
- Successfully mediated a claim made by the winner of a major state beauty pageant who was later disqualified for allegedly violating the pageant's rules
- Numerous international maritime/admiralty arbitrations in which seafarers claimed serious personal injuries under the Jones Act and sought monetary damages for maintenance and cure
- Complicated closely held corporate dissolution which resulted in a buy-out from one corporate officer to another
- Commercial landlord-tenant dispute between a large well-known Florida law firm and its lessor over a security deposit
- International labor arbitration in which a multi-national corporation allegedly engaged in unlawful age and sex discrimination
- Half-million dollar corporate mortgage foreclosure deficiency dispute between a guarantor and the lender bank
- Personal injury case in which a propane gas grill, sold by a national retailer, exploded causing the plaintiff third and second degree burns
- Claim for damages brought by the client of well known accounting firm who alleged that she loaned the firm's partner a large sum of money and the partner defaulted. The claimant alleged a breach of a fiduciary duty and negligent supervision/hiring in part because the loan violated the firm's ethics code.
- Petition to modify a judgment of dissolution of marriage which sought to increase one parent's time sharing with the divorced couple's minor children
- Dispute between a hospital and a professional recruiter over a claimed commission
- Claim by a major for-profit hospital chain against an international insurance company regarding alleged monies owed to it by the insurance company for medical services provided to its insureds

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**Case Manager**

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Recognized in the  
2016 edition  
of *Chambers USA*  
*America's Leading*  
*Lawyers for Business*

Selected as one of the  
"Top Three Mediators"  
in the *Daily Business*  
*Review's "Best of"*  
survey four years in a  
row (2012-2015)

*"Scott Silverman is an  
outstanding mediator.  
He is caring,  
professional,  
accommodating, and  
highly  
knowledgeable. His  
extensive experience  
as a former trial judge  
provides a very  
unique insight into the  
benefits of settlement  
thereby ensuring that  
the parties reach a  
mutually acceptable*

resolution." -  
Attorney

*"Though I am now in the private sector, my role as a problem solver continues. I actively facilitate and promote discussions between the parties to a dispute. I work towards developing options and alternatives that enable them to craft a resolution to their disagreement. My goal is to achieve an end to the dispute so the parties can move forward with their lives."*

- Commercial loan default by an institutional lender against a well known physician
- Legal Malpractice and spoliation case in which a prominent attorney allegedly lost an integral piece of evidence, which resulted in an adverse result for a plaintiff in an underlying lawsuit
- Claim for injuries resulting from exposure to asbestos
- Dispute in which an officer was allegedly denied the opportunity by a city to make payments from his IRC 457(b) deferred compensation plan to the city's defined benefit plan, to purchase service credits
- Personal injury claim in which a plaintiff was seriously injured after coming into contact with a power line
- Served as an umpire between an insurance company and homeowners for losses arising from a storm
- Dispute between the FDIC, as receiver, and the officers and directors of a failed bank

#### **Additional Experience and Qualifications**

- **Appeals:** presided by designation on Florida's First and Fourth District Court of Appeals, adjudicating appeals in civil and criminal cases; presiding on the Eleventh Judicial Circuit's Appellate panel adjudicating appeals in civil and criminal cases, including coverage disputes
- **Arbitration:** presided over litigation involving the enforcement of arbitration clauses, cases pertaining to arbitration awards, and matters related to non-binding arbitration; presiding arbitrator in international cases under JAMS, ICDR, IBA and ICC rules; served as both sole and presiding arbitrator on tripartite panels
- **Business/Commercial:** presided over thousands of commercial disputes, including a case in which a judgment creditor brought an action against transferees of funds from the judgment debtor's bank account, alleging a violation of Florida's Uniform Fraudulent Transfer Act (FUFTA); Unfair Trade Practices; and the foreclosure of a mechanic's lien on a Boeing 767
- **Construction:** presided over cases involving delay, defects, and complex/multiparty disputes
- **Defamation:** presided over cases in which parties claimed defamation by an international producer of television programming
- **Employment:** presided over cases in which
  - Former employees alleged racial discrimination and sexual discrimination, as well as retaliation, lost wages, and compensatory damages;
  - Former employees claimed unpaid wages
  - Former employees claimed harassment
- **Family Law:** presided over all types of family law cases, including disputes involving:
  - Equitable distribution of assets
  - Time-sharing among parents
  - Parental relocation
  - Hague Convention on the Civil Aspects of International Child Abduction
  - Adoptions
- **High Profile Parties:** presided over cases involving high profile entertainment and sports figures, as well as numerous cases which appeared in electronic and print media. These cases included contractual disputes, family matters, criminal charges, and torts.
- **Insurance:** presided over declaration of rights actions; first party claims against carriers; and many types of coverage issues resulting from claims of breach of contract
- **Maritime:** presided over numerous maritime cases, including:
  - Actions involving injured seamen (Jones Act; maintenance and cure) and passengers;
  - A case in which a cruise ship passenger took her own life;
  - Facilitated and coordinated a program at Florida's Advanced College of Judicial Studies entitled, "Maritime Law-A Primer, or How to be the Captain of Your Own Ship While Avoiding Motion Sickness," 2010
- **Motor Vehicle:** presided over a multitude of vehicular accident cases, including wrongful death or serious bodily injury claims
- **Personal Injury:** presided over numerous personal injury actions, including:
  - A wrongful death case allegedly caused by mold;
  - A case in which a premises owner was allegedly negligent for failing to provide adequate and reasonable security causing plaintiff to be sexually battered by a

- third person;
  - o A vehicular accident in which plaintiff received a verdict in excess of \$2 million
- **Products Liability:** handled a case in which an allegedly defective tire resulted in a crash and death; and an allegedly defective boat engine
- **Professional Malpractice/Medical:** experience in addressing a variety of malpractice matters, including
  - o Medical malpractice against a hospital in which the hospital, after learning of a discrepancy in the reading of test results, failed to notify the patient which allegedly resulted in the patient's death;
  - o A healthcare provider allegedly failed to appropriately diagnose, treat, and/or prevent the formation or aggravation of a decubitus pressure ulcer resulting in a verdict in excess of \$3 million;
  - o A case in which the plaintiff, a charitable foundation, allegedly relied on the work of the defendant, accounting and auditing firms, and invested in a real estate company which ultimately went bankrupt
- **Real Property/Condominium:** presided over a wide variety of litigation involving real property, including:
  - o A dispute between a major South Florida city and a veteran's organization in which the city claimed the veteran's group violated a deed restriction, and sought the return of the property;
  - o Condominium contract rescission and revocation cases brought under common law and the Interstate Land Sales Full Disclosure Act (ILSA);
  - o A dispute in which the plaintiff sought to enjoin the construction of a two-story bank which purportedly violated a lease agreement;
  - o Foreclosure matters and issues related to lis pendens.
- **Securities:** presided over a case in which investors in a shipping company brought an action against shareholders of that company alleging fraudulent inducement, a violation of the Securities Act, and other claims

The following are examples of decisions authored by Mr. Silverman while serving as an Associate Judge on Florida's First and Fourth District Courts of Appeal:

- *Remington, v. City of Ocala*, 940 So.2d 1207 (Fla. 1st DCA 2006) (A worker's compensation case in which the claimant sought reimbursement for travel to and from his pharmacy)
- *Solorzana v. First Union Mortgage Corporation*, 896 So.2d 847 (Fla. 4th DCA 2005) (Purchaser of a residential property filed an action for fraudulent nondisclosure against the seller who failed to disclose the existence of material housing code violations)
- *Broz v. Rodriguez*, 891 So.2d 1205 (Fla. 4th DCA 2005) (Dispute on whether a general release signed in connection with the settlement of a negligence action barred the injured party from proceeding with a medical malpractice action)
- *Haskins v. City of Fort Lauderdale*, 898 So.2d 1120 (Fla. 4th DCA 2005) (Former civilian employee of a police department who brought an action against the city for invasion of privacy and negligent investigation of allegations that the employee had illegally sold diet pills to police department employees)
- *Bellino v. W&W Lumber and Building Supplies*, 902 So.2d 829 (Fla. 4th DCA 2005) (A lumber company sued a general contractor for damages on unpaid invoices and sought to foreclose its mechanic's lien)
- *Anesthesiology Critical Care & Pain Management Consultants v. Kretzer*, 802 So.2d 346 (Fla. 4th DCA 2001) (A mother brought a medical malpractice action against the anesthesia clinic on behalf of her minor child who suffered temporomandibular joint dysfunction after the administration of anesthesia during sinus surgery)

### Honors, Memberships, and Professional Activities

Hon. Scott Silverman (Ret.) was recognized in the 2016 edition of *Chambers USA America's Leading Lawyers for Business* selected to the first ever National Mediators list. Mr. Silverman was listed under National Mediators and described as having "very good business sense" and "is able to come up with creative solutions that people normally don't think about. He is very good at identifying intangibles that people can use in negotiations and mediation." Judge Silverman was also listed as a noted practitioner in International Arbitration.

#### ● Honors

- Recognized by Best Lawyers as one of the 2016 *Best Lawyers in America* for ADR
- Identified in the 21st Edition of the *Best Lawyers in America* in the practice area of Mediation, 2015
- Rated the #1 "Alternative Dispute Individual Mediator" in *The Daily Business Review's* "Best of" survey four years in a row, 2012-2015
- Manny Crespo Award, Miami-Dade Justice Association, 2012
- Justice Award, League of Prosecutors, 2011
- David C. Brotemarkle Award, Florida Historical Society, 2011
- Pro Bono Service Award, Put Something Back, 2005, 2011
- Miami Beach Senior High School, Hall of Fame, 2010
- Public Service Award, Greater Miami Jewish Federation, Attorneys' Division, 2010
- First recipient of the Judge Scott J. Silverman Award in Judicial History and Preservation, Eleventh Judicial Circuit Historical Society, 2007
- Meritorious Public Service Award for service on the Rules of Judicial Administration Committee from 1999 to 2005, presented by The Florida Bar, 2005
- Distinguished Community Service Award, Dade Heritage Trust, 2004
- Presidential Merit Citation, Florida Historical Confederation, 2003
- Nominated by the Judicial Nominating Commission for service on Florida's Third District Court of Appeal, 2002
- Herbert Harley Award (premiere state honor), American Judicature Society, 2000
- Judge Harvey Ford Leadership Award (highest honor conferred), Conference of County Court Judges of Florida, 1998
- Chief Justice Commendation, Florida Supreme Court, 1998
- President's Award, Conference of County Court Judges of Florida, 1997
- Certificate of Award, The National Judicial College, for service to the College with distinction as a Special Presenter, March 15, 1996
- Florida Bar Citation of Merit, member of *Florida Bar Journal* Editorial Board, 1995
- **Professional Activities**
  - Fellow of the Chartered Institute of Arbitrators
  - Founder, member, board of trustees, Eleventh Judicial Circuit Historical Society, 2006-present
  - Board of Trustees, Florida Supreme Court Historical Society, 2009-present
  - Admiralty Law Committee, Florida Bar, 2013-2014
  - Rules of Judicial Administration, Florida Bar 2013-2015
  - Court Historian, Eleventh Judicial Circuit, 2004-2012
    - Led the effort to restore courtroom 6-1 of the Dade County Courthouse, 2003-2008
    - Led the Eleventh Judicial Circuit in its centennial celebration, 2011
  - Member, Miami International Arbitration Society, 2012
  - Member, Conference of Circuit Court Judges of Florida, 1999-2012
  - Board of Trustees, HistoryMiami (f/k/a Historical Museum of Southern Florida), 2004-2010, 2012-present
  - Member, Rules of Evidence Committee, Florida Bar, 2005-2009
  - Member, Judicial Independence Committee, Florida Bar, 2007-2010
  - Member, Florida Supreme Court Judicial Ethics Advisory Committee, 1994-2003
    - Chair, 1997-1998 and 2001-2002
    - Vice-Chair, 1996-1997 and 2000-2001
  - Member, Rules of Judicial Administration, Florida Bar, 1997-2005; 2012-present
    - Chair, 1999-2000
    - Vice-Chair, 1997-1998
  - Member, Florida Supreme Court Technology Commission, 1996-2003
    - Trial Court Technology Subcommittee, 2000-2003
    - Drug Court Subcommittee, 2001-2003
    - Chair, 2001-2003
  - Member, Technology Committee, Conference of County Court Judges, 1996-1998 (Chair, 1996-1998)
  - Member, Conference of County Court Judges of Florida, 1991-1999
  - Member, Editorial Board of the *Florida Bar Journal* and *Florida Bar News*, 1992-1995
  - Judicial Mentor, appointed by Florida Supreme Court Chief Justices, 1996-2004
  - Faculty, Florida Advanced College of Judicial Studies, 1994-2011
  - Faculty, Florida New Judges College, 2000

- Member, The Florida Bar, 1983-present
- Member, Oklahoma Bar Association, 1983-present
- Member, Cuban American Bar Association, 1999-present
- Adjunct Professor of Criminal Justice, St. Thomas University, Miami, Florida, 1996
- **Selected Publications and Writings**
  - Author, "Birth of the Eleventh Judicial Circuit," *Tequesta*, The Journal of History, Miami, 2012: 32-53
  - Author, "Mediation Well on its way to Becoming the New Trial," *Daily Business Review*, Miami, May 11, 2012: 1A and 8A
  - Author, "Time for Buildings to Reflect Vibrant Justice System," *The Miami Herald*, December 29, 2011
  - Author, "A South Florida Legal Brief," *The Green Bag - An Entertaining Journal of Law*, 14 Green Bag 2d 467, 2011
  - Author, "The 1904 Dade County Courthouse," *Eleventh Judicial Circuit Historical Society*, Fall 2007
  - Co-Author, "Living with the Death Penalty," *Judicature*, March 2006
  - Co-Author, "Judge Henry Fulton Atkinson – One of the Eleventh Judicial Circuit Greatest Judges," *South Florida History*, 2006
  - Author "Separate, but Equal' by Design," *The Miami Herald*, June 16, 2005
  - Author, "The Florida Supreme Court Takes Aim at Unethical Judicial Campaign Conduct," *Judicial Conduct Reporter/American Judicature Society*, December 1998
  - Author, "Imposing and Recouping Attorneys Fees from Publicly Represented Criminal Defendants," *The Florida Bar Journal*, May 1996 [This article was chosen as a finalist for the Barbara Sanders Memorial Award for Legal Writing by a panel of the *Florida Bar Journal* Editorial Board.]
  - Co-Author, "Expanding the Role of Jurors in Florida Courts," *The Florida Bar Journal*, October 1991 [The article was selected as a finalist for the Barbara Sanders Memorial Award for Legal Writing.]
  - Co-Author, "Impairment of Earning Capacity as an Element of Damages," *The Florida Bar Journal*, November 1990
- **Selected Lectures and Presentations**
  - Panelist, "Judicial Ethics and the Media," The Center for Ethics, St. Thomas University School of Law, Miami, Florida, September 30, 2016
  - Panelist, "Navigating a Career in Maritime Law," University of Miami School of Law, Miami, Florida, March 15, 2016
  - Panelist, "World-Leading International Arbitration Institutions," International Litigation, Arbitration & Transactions (ILAT) Conference, The Florida Bar, Miami, Florida, February 26, 2016
  - Panelist, "Maritime and Cruiseship Arbitration: Making Waves," 4th Annual Arbitration and Investment Summit - Caribbean, Latin America and Other Emerging Markets, Nassau, Bahamas, January 22, 2016
  - Lecturer, "ADR Issues for Circuit Court Judges: What you can't see may help you," Conference of Circuit Court Judges of Florida, Tampa, Florida, August 5, 2015
  - Panelist, "Experts in the Sunshine State: Universal Issues in the Context of Resort, Tourism, and Cruise Line Cases," American Bar Association, Boca Raton, Florida, May 16, 2014
  - Lecturer, "Being a Better Advocate in the Eleventh Judicial Circuit," University of Miami School of Law, November 2011
  - Facilitator, "Maritime Law-A Primer, or How to be the Captain of Your Own Ship While Avoiding Motion Sickness," Florida Advanced College of Judicial Studies, 2010
  - Lecturer, "Current Issues in Community Activities," presented at the 17th National College on Judicial Ethics and Conduct, sponsored by the American Judicature Society, Chicago, Illinois, October 27-28, 2000
  - Panelist, "Merit Selection vs. Elections," presented in Washington, D.C. at the American Judicature Society, March 2000
  - Lecturer, "Judicial Ethics for Eastern European Judges," presented to judicial attendees at the American Bar Association's Central and Eastern European Law Initiative in Budapest, Hungary, December 9-11, 1998
  - Lecturer, "Judicial Ethics Advisory Committees," presented to attendees of the American Judicature Society's bi-annual Ethics Conference, Chicago, Illinois,

October 23-24, 1998

- Lecturer, "Ethics in Government," sponsored by Florida International University and the Northeast Dade Coalition, June 7, 1998
- Lecturer, "Ethics: In & Out of Court," 1998 College of Advance Judicial Studies, Orlando, Florida, May 21-22, 1998
- Lecturer, Judicial Issues, Public Policy and Ethics, Florida International University, September 10, 1997

### **Background and Education**

- Mediator and Arbitrator, JAMS, 2012-present
- Judge, Eleventh Judicial Circuit in and for Miami-Dade County, Florida, 1991-2012
  - Judge, Circuit Court (Civil, Criminal, and Family Divisions), 1999-2012
  - Judge, Miami-Dade County Court (Civil and Criminal), 1991-1999
  - Associate Administrative Judge for Traffic Related Matters, 1996-1999
  - Judge, Appellate Division of the Eleventh Judicial Circuit, 1999-2012
  - Associate Judge, Florida's First District Court of Appeal, by designation, Tallahassee, Florida, 2006
  - Associate Judge, Florida's Fourth District Court of Appeal, by designation, West Palm Beach, Florida, 2001 and 2004
  - Florida Supreme Court appointed referee, 1993, 1996, 2011
  - Presided over the Miami-Dade County Grand Jury, 2009
- Private Practice, Law offices of Scott J. Silverman, 1985-1991
- Private Practice, Marlow, Connell, Smith, DeMahy, and Valerius, 1983-1985
- Law Clerk, Fredericka G. Smith, Circuit Court Judge, Eleventh Judicial Circuit, 1982-1983
- Assistant Attorney General, State of Oklahoma, 1981-1982
- Law Clerk, Getty Refining and Marketing Company, 1980-1981
- J.D., University of Tulsa College of Law, 1981
  - Concentration, Energy law
  - Phi Delta Phi
- B.B.A., University of Miami, 1978
  - *Magna Cum Laude* graduate, finance major and economics minor
  - Phi Kappa Phi National Collegiate Academic Honor Society (the nation's oldest and most selective for all academic disciplines)
  - Beta Gamma Sigma (Business Honor Society)
  - Omicron Delta Epsilon (International Economic Honor Society)
  - Alpha Lambda Delta (Freshman Honor Society)
  - President's Honor Roll
  - Dean's List

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