



Juan Ramirez, Jr. (Ret. Chief Judge 3rd District Court of Appeal)

Juan Ramirez, Jr., retired Chief Judge Third District Court of Appeal, joined JAMS following 24 years of distinguished service on both the trial and appellate courts of the state of Florida.

A prolific writer, former Judge Ramirez authored a three-volume treatise entitled "*Florida Civil Procedure*," originally published by Michie/Lexis Publishing in 1997 and a three-volume set entitled "Florida Evidence Manual" published in 2000, also by Lexis. He continues to write yearly updates for both treatises and has also written for a number of Florida Bar publications and a casebook on Florida Civil Procedure, published by Carolina Academic Press. In addition to writing, former Judge Ramirez has taught numerous law school courses and has lectured before many legal organizations.

His extensive experience as an appellate and a trial court judge, author, and teacher have provided former Judge Ramirez with an acute understanding of the law, sound judgment, and a sharp legal mind.

Born in Havana, Cuba, former Judge Ramirez is fluent in Spanish.

ADR Experience and Qualifications

As a trial judge, Juan Ramirez served in the General Jurisdiction, Family, and Criminal Divisions and, during his last year, was the Administrative Judge of the Appellate Division of the Circuit Court. He presided over jury and non-jury trials involving virtually every type of civil dispute, including complex matters. Highlights of his ADR experience appear below; please see separate bios describing his experience in specific practice areas.

- **Arbitration:** Handled numerous matters involving arbitrations, either to compel the proceeding or enforce the awards.
- **Banking:** Handled numerous matters involving banking issues, including disputes between banks, and between banks and its customers, in addition to complex banking transactions.
- **Business/Commercial:** Handled several matters involving commercial disputes within the corporate structure and among merchants under numerous legal theories. The diversity of his cases have given him a broad exposure to many unique situations and complex business arrangements, which he has handled expeditiously with a view to minimizing the damage to their commercial relationships.
- **Class Action/Mass Tort:** Handled numerous complicated matters, including class actions, and is comfortable mediating complex, multi-party disputes, or serving as a special magistrate supervising discovery disputes.
- **Construction:** Handled several construction disputes involving a multitude of issues, including construction defect disputes involving major construction projects.
- **Employment:** Presided over numerous employment-related disputes. Mediated alleged discriminatory employment discharge on the basis of sex or national origin.
- **Estate/Probate/Trusts:** Presided over technical issues in estate, probate and trust matters involving complex property and income disputes. He had presided over will contests, trust interpretations, creditor claims, breach of fiduciary duty and distribution of property.
- **Family Law:** Presided over numerous family law matters. His treatises include the latest family law cases and developments.
- **Government/Public Agency:** Handled numerous matters involving government and public agencies. His treatises discuss the numerous procedural and evidentiary issues that frequently permeate these cases.
- **Healthcare:** Deep knowledge of and experience in the healthcare and insurance industries. He acquired his extensive experience in resolving disputes arising out of the provision of healthcare, ranging from billing and management cases to wrongful death and injury claims.
- **Insurance:** Handled numerous matters involving insurance issues, involving bad faith, coverage, subrogation, property damage, and reinsurance in a wide range of contexts including manufacturing, service, construction, higher education, retail, professional, and healthcare industries.
- **International:** Handled numerous cases involving parties and enterprises from all around the world, including Latin America, Europe, Asia, Canada, and the United States. His extensive

T: 305-371-5267
F: 305-371-5288

Case Manager

Lisa Balkin
JAMS
600 Brickell Ave.
Suite 2600
Miami, FL 33131
305-371-5267 Phone
305-371-5288 Fax
Email:
lbalkin@jamsadr.com

experience covers a wide range of issues, including appeals, arbitrations, business and commercial, class actions, construction, employment, healthcare, insurance, maritime and admiralty, personal injury, professional liability and real estate disputes. He is fully bilingual in English and Spanish.

- **Maritime/Admiralty:** Handled several cases involving parties and enterprises litigating maritime personal injury cases – including longshoremen, seamen, and fishermen -- many of whom suffered catastrophic, career-ending injuries. As a judge, he presided over many accident and contract cases, bringing his distinctive qualities of patience and fairness to these cases.
- **Personal Injury/Torts:** presided over numerous matters involving allegations of serious personal injuries and wrongful death. He has the ability to settle these complex cases with a combination of sensitivity, patience and understanding.
- **Professional Liability:** Presided over numerous matters involving allegations of professional malpractice.
- **Real Property:** Resolved numerous real estate disputes involving countless issues and parties, including individuals, developers, banking institutions, consumers, contractors, and investors.
- **Securities:** Handled cases involving securities law and related matters, including class actions, allegations of fraud, real estate related securities, malfeasance by financial advisors, and the sale of unregistered securities.
- **Telecommunications:** handled various telecommunication cases dealing with FCC issues, jurisdiction, choice of law and broadcast rights. Mediated a dispute involving “Must Carry” broadcast rights, Market Modification Orders and their effect on the valuation of a television station.

Representative Matters

- **Administrative Law**
 - *Toirac v. Department of Business and Professional Regulation, Division of Real Estate*, 2 So. 3d 1035 (2009); Commission improperly increased the penalty recommended by the administrative law judge
 - *Lawrence v. State, Dept. of Management Services, Div. of Retirement*, 995 So. 2d 603 (2008); appeal of an order denying employee a claim for permanent and total disability caused by an in-line-of-duty accident
- **Agribusiness**
 - *Agrofollajes, S.A. v. E.I. Du Pont De Nemours & Co., Inc.*, 48 So. 3d 976 (2010); product liability action by twenty-seven Costa Rican commercial growers of leatherleaf fern marketed in Japan and Europe, for damages caused by Benlate; indexation under Costa Rican law; statute of limitations; procedural errors; evidentiary issues; prior settlements; expert testimony
- **Arbitration**
 - *Sunshine State Ins. Co. v. Rawlins*, 34 So. 3d 753 (2010); appeal of an order compelling appraisal and abating the court action while preserving the right to contest coverage
 - *Laquer v. Convergency Plaza Partners*, 24 So. 3d 1229 (2009); presented the enforceability of an order directing the parties to arbitrate a fee dispute after the parties had agreed to waive arbitration
 - *Lifemark Hospitals of Florida, Inc. v. Afonso*, 4 So. 3d 764 (2009); arbitration of wrongful death action involving medical malpractice claim; damages limited to Wrongful Death Act
- **Banking**
 - *Cukierman v. BankAtlantic*, 89 So. 3d 250 (2012); standing by guarantor to challenge a foreclosure judgment and judicial sale
 - *Banco Ficohsa v. Aseguradora Hondureña, S.A.*, 937 So. 2d 161 (2006); a claim for a fire loss to a textile plant in Honduras which resulted in a settlement; the plaintiff bank was an assignee suing the insurance company for negligence in not ascertaining the existence of the assignment, and for breach of contract
- **Bankruptcy**
 - *Puig v. PADC Marketing, LLC*, 26 So. 3d 45 (2009); automatic stay provision applies only to the “debtor” and not to guarantors of the debt
- **Business/Commercial**
 - *Gemini Investors III, LP v. Nunez*, 78 So. 3d 94 (2012); suit stemming from the purchase of stock for fraudulent misrepresentations and securities act violations
 - *Sol Melia, S.A. v. Fontana*, 67 So. 3d 1226 (2011); whether Spanish corporation as parent of Florida subsidiary could be sued in Florida for an accident in the Dominican Republic
- **Civil Rights**
 - *Jackson v. Worldwide Flight Services, Inc.*, 960 So. 2d 3 (2005); a civil claim alleging racial discrimination filed prematurely was subsequently cured when the Commission issued a right-to-sue letter
 - *Jones v. Brummer*, 766 So. 2d 1107 (2000)
- **Class Action/Mass Tort**
 - *Broin v. Phillip Morris Companies, Inc.*, 84 So. 3d 1107 (2012); suit by flight attendants to

enforce a class action settlement using counsel of their choice

- *Rearick v. R.J. Reynolds Tobacco Co.*, 68 So. 3d 944 (2011); wrongful death action was dismissed because the decedent was not a member of the class of smokers whose disease manifested while living in Florida
- **Construction**
 - *South Florida Coastal Electric, Inc. v. Treasures on the Bay II Condo Ass'n*, 89 So. 3d 264 (2012); dispute between a contractor and a condominium association for work performed when the property was under the control of the developer
 - *Kelsey v. Metro Constr.*, 31 So. 3d 252 (2010); action for breach of contract and foreclosure of construction lien; what constitutes "prevailing party" for purpose of awarding attorney's fees
- **Construction Defect**
 - *South Florida Coastal Electric, Inc. v. Treasures on the Bay II Condo Ass'n*, 89 So. 3d 264 (2012); dispute between a contractor and a condominium association for work performed when the property was under the control of the developer
 - *Chodorow v. Porto Vita, Ltd.*, 954 So. 2d 1240 (2007); suit by owners against developers, builder, association and architect over interior water leaks inside luxury penthouse unit
- **Employment**
 - *Diaz v. Impex of Doral, Inc.*, 7 So. 3d 591 (2009); action by employee involving Florida's Whistle Blower Act and the Occupational Safety and Health Administration's regulations
 - *Zupnik v. All Florida Paper, Inc.*, 997 So. 2d 1234 (2008); temporary injunction restraining former employee from competing against his former employer; appropriation of trade secrets
- **Estate/Probate/Trusts**
 - *Rosenkrantz v. Feit*, 81 So. 3d 526 (2012); declaratory action and accounting regarding a durable power of attorney
 - *Brigham v. Brigham*, 11 So. 3d 374 (2009); \$3 million trust estate; trustee's transfer of land to himself was void without court approval and violated terms of trust documents; transfer under Illinois land trust; breach of fiduciary duty
- **Family Law**
 - *Rojo v. Rojo*, 84 So. 3d 1259 (2012); post-judgment dispute to enforce award to the former husband of five properties in Mexico; testimony by Mexican lawyer on the transferability of property in Mexico
 - *Gentry v. Morgan*, 83 So. 3d 924 (2012); whether court can nullify a previous court-approved agreement by the parties set forth support
- **Government/Public Agency**
 - *City of Key West, Tree Com'n v. Havlicek*, 57 So. 3d 900 (2011); quashing an order allowing the deposition of members of the Tree Commission
 - *Miami-Dade County v. Wilson*, 44 So. 3d 1266 (2010); injunction against the county for disconnecting the power to a nightclub or demolishing the building
- **Healthcare**
 - *Acevedo v. Doctors Hosp., Inc.*, 68 So. 3d 949 (2011); whether opinion work product protect comments and findings of hospital personnel contained in medical incident reports
 - *Valdes v. Optimist Club of Suniland, Inc.*, 27 So. 3d 689 (2009); action against manufacturer of Tylenol by an athlete who suffered brain damage as a result of heat stroke and cardio-respiratory arrest; failure to warn claim; preemption by FDA's labeling requirements
- **Insurance**
 - *American Safety Cas. Ins. Co. v. Mijares Holding Co., LLC*, 76 So. 3d 1089 (2011); enforceability of venue selection clause in suit by the insured against two insurance carriers
 - *General Asphalt Co., Inc. v. Bob's Barricades, Inc.*, 22 So. 3d 697 (2009); dispute over insurance coverage arising from a tort liability suit by an injured motorist; duty to indemnify
- **International**
 - *Rojo v. Rojo*, 84 So. 3d 1259 (2012); post-judgment dispute to enforce award five properties in Mexico; testimony by Mexican lawyer on the transferability of property in Mexico
 - *Sol Melia, S.A. v. Fontana*, 67 So. 3d 1226 (2011); whether Spanish corporation as parent of Florida subsidiary could be sued in Florida for an accident in the Dominican Republic
- **Maritime/Admiralty**
 - *Caraffa v. Carnival Corp.*, 34 So. 3d 127 (2010); action based on prolonged exposure to asbestos while working on cruise line ships; untimely motion to transfer to Italy for forum non conveniens; witnesses located in Nicaragua
 - *Pota v. Holtz*, 852 So. 2d 379 (2003); a Liberian vessel was subject to the law of the port they visit so that Florida could exercise jurisdiction over it and the ship doctor
- **Personal Injury/Torts**
 - *Whipple v. D & D Tree Farms, Inc.*, 66 So. 3d 1011 (2011); suit over two-year-old who drowned in a lake with an improperly maintained fence
 - *Thompson v. Wal-Mart Stores, Inc.*, 60 So. 3d 440 (2011); expert witness radically changed his testimony at trial from his deposition and used of a PowerPoint presentation neither of

which were disclosed prior to trial

- **Professional Liability**

- *Valdes v. Optimist Club of Suniland, Inc.*, 27 So. 3d 689 (2009); action against manufacturer of Tylenol by an athlete who suffered brain damage as a result of heat stroke and cardio-respiratory arrest; failure to warn claim; preemption by FDA's labeling requirements
- *Stemerman, Lazarus, Simovitch, Billings, Finer & Ginsburg, M.D.'s P.A. v. Fuerst*, 4 So. 3d 55 (2009); medical malpractice claim; failure to comply with the pre-suit notice requirements; statute of limitations

- **Real Property**

- *Cukierman v. BankAtlantic*, 89 So. 3d 250 (2012); standing by guarantor to challenge a foreclosure judgment and judicial sale
- *Demchak v. Davia*, 89 So. 3d 253 (2012); dispute between two real estate investors alleging fraudulent inducement and breach of contract

- **Securities**

- *Gemini Investors III, LP v. Nunez*, 78 So. 3d 94 (2012); suit stemming from the purchase of stock for fraudulent misrepresentations and securities act violations *Espirito Santo Bank v. Rego*, 990 So. 2d 1088 (Fla. 3d DCA 2007); certiorari seeking review of an order granting a motion to amend to assert punitive damages

- **Telecommunications**

- *Angelino v. Santa Barbara Enterprises, LLC*, 2 So. 3d 1100 (2009); dispute between Venezuelan corporations selling telecommunications products in Latin America; temporary injunction
- *Telemundo Network Group, LLC v. Azteca Intern. Corp.*, 957 So. 2d 705 (2007); dispute over the broadcast right to televise the home games of a Mexican soccer team; interpretation of Mexican law; forum non conveniens

Honors, Memberships, and Professional Activities

- Adjunct professor of law, University of Miami School of Law, Florida International University College of Law, St. Thomas University School of Law, and Nova Southeastern University School of Law, teaching numerous law school courses including Florida civil procedure, law science and technology, medical malpractice, criminal procedure, evidence, and family law
- Former member, Council of Chief Judges of the State Courts of Appeal (CCJSCA) Executive Committee (2010-2011) and the Education Committee (2009-2010)
- Hosted the Annual Education Conference of the CCJSCA held at Miami Beach in October 2011
- Former Associate Dean, College of Advanced Judicial Studies
- Served in the Florida Courts Education Council
- As a chief judge, served on the District Court of Appeals Budget Commission
- Elected by his peers to serve as the Third District representative to the Conference of Circuit Court Judges
- Represented the Third District on the Court Technology Committee for the Appellate Courts of Florida and the Education Committee of the Conference of District Court Judges
- Served as Civil Section Chair and Education Program Chair, Third District Courts of Appeal
- Previously lectured at various meetings of the Conference of Circuit Judges on civil topics
- Editorial Board, Lexis Publications Former member, Advisory Board of the Law and Economics Center of George Mason School of Law
- In addition to teaching law, he teaches science and technology at Florida International University College of Law
- Lectures annually at the East Region Construction Defect and Construction Law Conference
- Judges Panel, upcoming National Forum on Construction Litigation, American Conference Institute, 2012
- Lectured for Lawline and will be participating in the Circuit Court Boot Camp, Miami, 2012
- Served in numerous bar activities, including on Florida Rules of Civil Procedure Committee, as well as the Appellate Rules and the Family Law Rules Committees
- Author, "*Florida Evidence Manual*," a three-volume set published by Michie/Lexis Publishing, 2000 (continues to write yearly updates)
- Author, "*Florida Civil Procedure*," a three-volume treatise originally published by Michie/Lexis Publishing, 1997 (continues to write yearly updates)
- Written for a number of Florida Bar publications and a casebook on Florida Civil Procedure, published by Carolina Academic Press

Background and Education

- Judge, Florida District Court of Appeal, Third District, 2000-2012 (Chief Judge, 2009-2012)
- Judge, Florida Circuit Court, 11th Judicial Circuit, 1990-1999
- Judge, Florida County Court, Miami Dade County, 1988-1990
- Private law practice, 1975-1988

- University of Florida, 1969-1971 (Ph.D. candidate in Latin American History)
- J.D., *cum laude*, University of Connecticut School of Law, 1975
- M.A., Vanderbilt University, 1969
- B.A., Vanderbilt University, 1968