

In The News

Akerman Lawyers Once Again Honored as ‘Most Effective Lawyers’ in Litigation and Arbitration

December 5, 2014

Seven Akerman partners were selected as finalists for the *Daily Business Review*'s "Most Effective Lawyers" award, which recognized their track record of achieving significant victories for clients in the areas of arbitration, class action, corporate securities and intellectual property. For the second consecutive year, Akerman lawyers won the award as the "Most Effective Lawyers in Arbitration."

The lawyers were honored at the Daily Business Review's annual ceremony on December 5.

Most Effective Lawyers in Arbitration - Winners

[Luis A. Perez](#), co-chair of the Latin America and the Caribbean Practice, and Francisco Rodriguez, won the award in the arbitration category for skillfully navigating a multi-jurisdictional arbitration centered around a complex dispute between a Spanish drugmaker and a U.S. pharmaceutical company. The dispute, involving the Spanish R&D firm's right to manufacture a patented drug based on specific scientific procedures, was valued between \$3 and \$5 million. Perez and Rodriguez successfully secured an arbitration award in favor of the Spanish manufacturer, thereby vindicating the company's drug-making procedures.

Most Effective Lawyers in Intellectual Property - Finalists

[Mark Passler](#), co-chair of the Intellectual Property Practice Group, and [David Brafman](#), were among the finalists in the intellectual property category for their involvement in a multimillion, breach-of-contract dispute between renowned guitarist Mark Tremonti of top heavy-metal band Creed and the group's record label, Wind-up Entertainment Inc. Passler and Brafman successfully represented Tremonti throughout the case, which presented difficult, dead-man's statute challenges, since the breach occurred after an oral

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David S. Brafman
Michael C. Marsh
Mark D. Passler
Luis A. Perez
Bryan T. West

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agreement between the band and the label's now-defunct owner. The lawyers demonstrated there was indeed written proof about said meeting, based on relevant *Law360* reports, among other evidence. Passler and Brafman subsequently secured a sizable settlement on behalf of Tremonti for a total \$2.4 million in publishing rights, following his agreement with his band's record label.

Most Effective Lawyers in Corporate Securities - Finalists

Brian Miller, chair of the Securities Litigation Practice, and **Michael Marsh**, were finalists in the corporate securities category for their representation of Opko Health Inc. in the defense of a class action seeking to enjoin its acquisition of Israel-based Prolor Biotech, which is incorporated in Nevada. After extensive expedited discovery, the case was favorably dismissed by the court, obtaining certainty for Opko Health to complete its transaction. Miller and Marsh successfully countered the plaintiffs' claims, which alleged the acquisition was an affiliated-party transaction with an unfair price. Amid challenges in Nevada corporate law and with shareholder voting underway at the time of the acquisition, the lawyers proved that one of Opko's major stockholders did not influence the deal. Once the court accepted their argument under the legal standard called "business judgment rule," allegations of price fairness subsequently fell through, since the court would not second-guess Opko directors about business decisions.

Most Effective Lawyers in Class Action - Finalist

Bryan West was a finalist in the class-action category for orchestrating two decisive victories on behalf of a client, a prominent South Florida lawyer and proprietor of a foreclosure mill. A civil complaint was filed claiming one of the client's companies made misleading and false statements on its financial strengths, which allegedly caused heavy investors' losses. After an intensive investigation, West and his peers provided evidence that the client's company suffered losses caused by the 2008 market slowdown, and repeatedly obtained dismissal of the complaint filed in both district and federal courts.

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