

People



Jose R. Riguera

Partner, Litigation

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vCard

Jose Riguera defends lawyers and law firms in professional malpractice actions. He also handles commercial litigation disputes. With more than 30 years of experience, Jose has represented clients in state and federal court proceedings, arbitrations, and appeals in cases involving claims for breach of contract, business torts, judgment enforcement and defense, real estate disputes, commercial landlord-tenant disputes, defamation, misappropriation of trade secrets, and violation of non-competition agreements, among others. Jose has also been a Florida Supreme Court Certified Civil Mediator since 2012.

Jose is consistently ranked as one of South Florida's top litigators by highly regarded publications, including *Best Lawyers*, *Super Lawyers Magazine*, *South Florida Legal Guide*, and *Florida Trend's* Legal Elite. He has also been an AV-rated lawyer by Martindale-Hubbell since 2004.

Jose was born in Havana, Cuba, and is fluent in Spanish.

Notable Work

Malpractice Defense of Prominent Local Law Firm: Represented a prominent local law firm and one of its partners in a case filed by a disappointed would-be beneficiary husband who challenged the provisions of a Special Needs Trust the law firm drafted for his disabled wife's benefit. The plaintiff asserted claims for legal malpractice, professional negligence, breach of fiduciary duty, and breach of contract, alleging the attorney (who represented the wife's guardian) failed to adequately protect the wife and him from self-dealing and misappropriation of assets by the trustees appointed to administer the Special Needs Trust. Jose prevailed on summary judgment, convincing the court that the plaintiff lacked standing to maintain a legal malpractice action against the law firm and the partner and, further, that the plaintiff failed to establish that the defendants fell below the standard of care in drafting the Special Needs Trust.

Areas of Experience

Litigation
Commercial Disputes
Professional Liability
Real Estate Litigation

Education

J.D., University of Miami School of Law, magna cum laude, Order of the Coif, *University of Miami Law Review*
B.S., Florida International University, cum laude

Admissions

Bars

Florida

Courts

U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida
U.S. Court of Appeals, Eleventh Circuit

Languages

Spanish

Related Content

Akerman Sponsors the ABA Spring 2025 National Legal Malpractice Conference
April 02, 2025

Akerman Expands Premier Litigation Practice With Top Professional Liability Lawyer David Keller and Elite Team
February 18, 2025

Defense of Am Law 100 Law Firm: Obtained the dismissal with prejudice of a lawsuit asserting claims for defamation and tortious interference against an Am Law 100 law firm headquartered in Florida and one of its former partners. The claims against the former partner were dismissed on personal jurisdiction grounds, and the court also granted the law firm's motion to dismiss based on *forum non conveniens*. Jose successfully handled the appeal, which resulted in an affirmance of the order of dismissal by the Third District Court of Appeal.

Legal Malpractice and Professional Negligence Defense: Obtained the dismissal with prejudice of a lawsuit filed by the deceased client's wife asserting claims for legal malpractice, professional negligence, breach of fiduciary duty, vicarious liability, and breach of contract. The plaintiff alleged that the law firm and one of its partners failed to prepare an estate plan in a timely manner before the decedent passed away. The trial court dismissed the wife's claims with prejudice, finding she lacked standing to bring those claims against the law firm because she was not the client and could not demonstrate that the decedent's testamentary intent, as expressed in a will or other testamentary instrument, was frustrated. The order of dismissal was affirmed on appeal to the Third District Court of Appeal.

Commercial Dispute Involving Real Estate Transaction: Represented a bank in a dispute following the sale of foreclosed property. After years of contentious litigation, the team prevailed in a week-long trial, during which the plaintiff was forced to voluntarily dismiss his claims when it was revealed that he had failed to disclose critical evidence previously withheld, which established that his entire claim was a fraud on the court. The plaintiff also agreed to the relief requested in the defendant bank's counterclaim, and the court reserved jurisdiction to award attorneys' fees and costs to the bank. The case was later resolved with the plaintiff and the closing attorney in a confidential settlement.

Malicious Prosecution Defense: Defended a claim for malicious prosecution filed by a public adjuster against a property insurance company (represented by co-counsel) and several of its employees (including the client) who reported the plaintiff to the Florida Department of Financial Services, Division of Insurance Fraud, in connection with his handling of a fire damage claim. The trial court granted summary judgment in favor of the defendants, finding that the public adjuster failed to prove the defendants acted with malice in causing the underlying criminal charges to be filed against him (although the prosecutor later dropped the charges) and further holding that the defendants were immune from civil liability under § 626.989, Fla. Stat. because they were under a statutory duty to report suspected insurance fraud. The Fourth District Court of Appeal upheld the order of dismissal.

Appeals: Jose's published appellate decisions include:

- *Norman v. Padgett*, 125 So. 3d 977 (Fla. 4th DCA 2013)
- *Lavado v. Gen. Elec. Capital Auto Fin. Services, Inc.*, 711 So. 2d 1237 (Fla. 3d DCA 1998)
- *Bridgepoint Ventures, LLC v. Panam Mgmt. Group, Inc.*, 524 Fed. Appx. 553 (11th Cir. 2013)
- *Bridgepoint Ventures, LLC v. Panam Mgmt. Group, Inc.*, 459 Fed. Appx. 871 (11th Cir. 2012)

Published Work and Lectures

- 44 *University of Miami Law Review*, p. 197, Author, "NCAA v. Tarkanian: The State Action Doctrine Faces a Half-Court Press," September 1989

Affiliations

- Certified by the Florida Supreme Court as a Circuit Civil Mediator
- The Florida Bar, Seventeenth Judicial Circuit, Grievance Committee "I," Former Chair
- Broward County Bar Association, Member
- Broward County Hispanic Bar Association, Former Treasurer
- Florida Bar Justice Teaching Program
- Legal Aid Service of Broward County
- Our Lady of the Lakes Catholic School Dads Club, Former President

Honors and Distinctions

- *Best Lawyers*, 2022-2025, Listed in Florida for Commercial Litigation
- *Super Lawyers* Magazine, 2007-2025, Listed in Florida for Business Litigation
- *Florida Trend's* Legal Elite, 2006-2007, 2009-2012, 2015, 2020, Listed for Commercial Litigation
- *South Florida Legal Guide*, 2011-2016, Listed for Corporate and Business Litigation
- Martindale-Hubbell, AV Rated, 2004-Present