

SPECIAL REPORT

Lawyers Compensation Survey

THE \$925 MAN

At least one South Florida attorney is billing more than \$900 an hour, but clients are increasing pressure for alternative billing arrangements to control costs.

by Susan Postlewaite
Special to the Review

Global mega-firm Baker & McKenzie in July raised its hourly billing rates in its Miami outpost across the board, leading the charge across the \$900 threshold.

Miami managing partner and senior tax lawyer Robert F. Hudson said the firm brought his office's billing rates closer in line with outposts in other large U.S. cities. The lowest partner billing rate in Miami is now \$625. Associate billing rates now range from a low of \$270 to the \$600s for a senior associate.

The firm has U.S. offices in New York, Washington, Chicago, Dallas, Houston, San Francisco and Palo Alto, California.

"We're not identical because we didn't want to raise more than a certain amount, but we're pretty close," he said. For example he said peers in international tax law in New York are charging \$1,000 an hour. "I didn't want to charge that."

While many firms moved selectively with hourly rates hikes this year, not all were buying into the new era of modest post-recession legal fee rate hikes, according to the Daily Business Review's annual survey of lawyer compensation, which included a review of fee applications and invoices from more than 40 firms.

Hudson is at the top end in South Florida.

"I am at \$925 now. We raised rates across the board, and we haven't seen any mate-

rial push back. Of course clients have only seen it for one month so far. They are just now getting August bills," he said. He added it's common for high-volume clients to ask for a 10 percent discount.

"I think people get good value. So far it seems to be accepted fine, and we're making everybody work harder and smarter."

Other South Florida lawyers are known to have rates in the \$900s.



“For years firms were raising rates by doubling the rate of inflation. It ended in 2007. Some people sort of wish that was going to happen again, but it's not.”

JOSEPH ALTONJI
CO-FOUNDER
LAW VISION GROUP



J. ALBERT DIAZ

Senior tax lawyer Robert F. Hudson holds the honor of South Florida's highest billing rate after Baker & McKenzie raised his rate to \$925 an hour to bring Miami closer in line with other large U.S. cities.

The survey found most South Florida lawyers bill in the \$400s and \$500s. Many hourly billing increases scattered among partners and associates, but also found many instances where rates were flat or where firms discounted rates or used alternative fee structures.

WAITING FOR ELECTIONS

Joseph Altonji at Law Vision Group in Chicago said hourly rate increases nationally and in Florida since 2009 have tended to keep pace with inflation or apply selectively for star partners in sought-after fields.

"For years firms were raising rates by doubling the rate of inflation. It ended in 2007. Some people sort of wish that was going to happen again, but it's not," he said.

"There are firms in South Florida doing extremely well in the market and firms that are doing poorly. I expect average rate increases in the two to four percent range — at most — with some at zero," Altonji said. "Firms are taking a much harder look at individual performance rather than just raising everybody five percent instead of what they used to do."

Altonji said the elections play a part. "Everybody is playing wait and see — we are not going to do anything until we know what the new rules are," he said.

Among firms raising rates for select attorneys, Greenberg Traurig boosted hourly rates at varying percentages; 3 percent for one; 10 percent for another. (For example banking partner Mark Bloom's rate rose from \$825 to \$850 this year, and partner Scott Grossman's rate went from \$550 to \$605. The rates were disclosed in documents filed in U.S. Bankruptcy Court where Greenberg has been representing the estate of the original BankUnited since 2009.)

Greenberg associates went up to a high of \$440 compared to \$400 in last year's survey.

Like some other firms with large bankruptcy practices, Berger Singerman's rates went up by \$20 to \$30 per hour.

Bilzin Sumberg Baena Price & Axelrod, whose lawyers are ushering a Cabi Developers affiliate through Chapter 11, increased rates for various partners. Mindy Mora went up 6 percent to \$600 from \$565.

Klugler Kaplan Silverman Katzen & Levine bumped up rates, as did Ver Ploeg & Lumpkin. Both are working

SEE COMPENSATION, PAGE A13

A QUICK LOOK AT THE COST OF LEGAL SERVICES IN SOUTH FLORIDA



■ Want an international tax lawyer at a mega firm in Miami? It could cost you \$925 an hour.

■ Legal fees for unraveling the Rothstein Rosenfeldt Adler law firm's Ponzi scheme? More than \$20 million, so far.

■ An auto insurer that balked at paying a claim and loses a Personal Injury Protection suit in court can end up paying \$500 an hour in Dade and \$400 in Broward and Palm Beach counties.

SPECIAL REPORT Lawyer Compensation Survey

LAWYER COMPENSATION

A guide to our methodology

Firm	Location	Rate
Akerman Senterfitt		
Partner		
Michael Goldberg	Fort Lauderdale	\$595
Marc J. Gottlieb	Fort Lauderdale	\$500
Of counsel		
Joan M. Levit	Fort Lauderdale	\$435
Associates	Fort Lauderdale	\$250-\$360
Aaronson Schantz		
Geoffrey S. Aaronson	Miami	\$500
Of counsel		
Tamara D. McKeown	Miami	\$425
Paraprofessional	Miami	\$200
Baker & McKenzie		
Partners		
Robert Hudson	Miami	\$925
Associates	Miami	\$270-\$600
Bast Amron		
Partner		
Brett Amron	Miami	\$440
Associates	Miami	\$265
Berger Singerman		
Partner		
Paul Singerman	Miami	\$625
Charles Lichtman	Fort Lauderdale	\$625
Brian K. Gart	Fort Lauderdale	\$610
Leslie Gern Cloyd	Fort Lauderdale	\$575
Frank Scruggs	Fort Lauderdale	\$565
Christopher Jarvinen	Miami	\$550
Sharon Kegerreis	Miami	\$550
James Gassenheimer	Miami	\$540
Robert Barron	Fort Lauderdale	\$525
Nick Jovanovich	Fort Lauderdale	\$505
Michael Greene	Boca Raton	\$490
Ilyse M. Homer	Miami	\$485
Marc Shuster	Miami	\$415
Etan Mark	Miami	\$410
Of counsel		
Arthur Spector	Boca Raton	\$600
Paul Avron	Boca Raton	\$475
Debi Evans Galler	Miami	\$475
Deborah Talenfeld	Miami	\$475
Associates		\$295-\$400
Paraprofessional		\$75-\$200
Becker Poliakoff		
Partner		
Peter Quinter**	Miami	\$500
Bilzin Sumberg Baena Price & Axelrod		
Partner		
Scott L. Baena	Miami	\$700
Alan Axelrod	Miami	\$675

Firm	Location	Rate
Samuel C. Ullman	Miami	\$640
Martin A. Schwartz	Miami	\$605
Carey A. Stiss	Miami	\$605
A. Vicky Garcia-Toledo	Miami	\$600
Mindy A. Mora	Miami	\$600
Howard E. Nelson	Miami	\$575
Mitch E. Widom	Miami	\$570
Jay M. Sakalo	Miami	\$550
Jason Z. Jones	Miami	\$495
Associates	Miami	\$270-\$435
Paraprofessionals	Miami	\$190-\$235
Billbrough & Marks		
Partner		
Bartram Billbrough ***	Coral Gables	\$475
Ehrenstein Charbonneau Calderin		
Partner		
Robert Charbonneau	Miami	\$475
Michael Ehrenstein	Miami	\$450
Daniel Gold	Miami	\$350
Associates	Miami	\$180-\$270
Paraprofessional	Miami	\$90-\$130
Furr & Cohen		
Partner		
Robert Furr	Boca Raton	\$575
Charles Cohen	Boca Raton	\$500
Alvin Goldstein	Boca Raton	\$450
Marc Barmat	Boca Raton	\$400
Paraprofessional	Boca Raton	\$175
Gelber Schachter & Greenberg		
Partner		
Dan Gelber	Miami	\$650
Adam Schachter	Miami	\$475
Gerald Greenberg	Miami	\$475
GrayRobinson		
Partner		
Robert Schatzman	Miami	\$600
Peter Quinter	Miami	\$500
Steven Solomon	Miami	\$450
Robert Lewis	Miami	\$400
Of counsel		
Fernando Menendez	Miami	\$350
Associates	Miami	\$210-\$250
Paraprofessional	Miami	\$175
Greenberg Taurig		
Partner		
Mark Bloom	Miami	\$850
Elliot Scherker	Miami	\$685
Scott Grossman	Miami	\$605
William R. Siegel	Miami	\$540
Lorne Cantor	Miami	\$525

The hourly billing rates in the accompanying charts were culled from a variety of sources, including fee petitions filed in federal and state courts from October 2010 to September 2011. In addition, the Daily Business Review examined bills submitted to state agencies by law firms.

In some cases, the listed rates reflect what law firms reported they charge. The listed rates do not necessarily indicate what attorneys received for their work. Rates may have increased since the bills were compiled.

The listed rates are for bankruptcy, commercial litigation and other types of civil legal services. Rates for criminal defense attorneys were not collected.

The charts are not meant to be a complete survey of hourly rates for all firms and attorneys in South Florida. The Review cannot say whether these are typical rates for the individual lawyers and firms or determine what fee arrangements these lawyers and firms make. For instance, it is common in fraud cases for court-appointed receivers to work for reduced hourly rates.

The data in the main chart are organized alphabetically by law firm and by highest to lowest dollar figures for attorneys and staffers. The chart shows rates for individual partners and ranges for associates and paraprofessionals. If a partner had offered more than one rate, the highest rate was used. In fee petitions, some law firms disclose a range of hourly rates for all attorneys in the firm, but other firms don't. For those firms, the listed ranges represent the highest and lowest rates that could be found in court documents. Rate ranges for some firms may be incomplete.

Firm	Location	Rate
Patricia Leonard	Miami	\$495
Associates	Miami	\$265-\$440
Infante Zumpano		
Partner		
Luis Salazar	Coral Gables	\$435
Of counsel		
Linda Jackson	Coral Gables	\$435
Hunton & Williams		
Partner		
Thomas R. Julin	Miami	\$725
Jamie Isani*	Miami	\$475
Associate	Miami	\$475
Stuart L. Koenigsberg P.A.		
Stuart Koenigsberg ***	Miami	\$475
Klugler Kaplan Silverman Katzen & Levine		
Partner		
Bruce Katzen	Miami	\$565
Of counsel		
Michael Landen		\$425
Associate	Miami	\$345
Kozyak Tropin Throckmorton		
Partner		
David Rosendorf	Coral Gables	\$450
Associate	Coral Gables	\$350
Paraprofessional	Coral Gables	\$150
Levine Kellogg Lehman Schneider		
Partner		
Robin J. Rubens	Miami	\$405
Associates	Miami	\$260-\$300
Paraprofessional	Miami	\$170
Meland Russin & Budwick		
Partner		
Michael S. Budwick	Miami	\$565
Solomon B. Genet	Miami	\$435
Of counsel		
Jessica Wasserstrom	Miami	\$475
Associates	Miami	\$250-\$370
Paraprofessional	Miami	\$94-\$205
Perry & Taylor		
Partner		
Francis M. Perry	Palm Beach Gardens	\$400
S.L. Taylor	Palm Beach Gardens	\$250
Marlene S. Reiss Esq. P.A.		
Marlene S. Reiss***	Miami	\$500

Firm	Location	Rate
Rice Pugatch		
Partner		
Craig A. Pugatch	Fort Lauderdale	\$350
Associate	Fort Lauderdale	\$300
Paraprofessional	Fort Lauderdale	\$160
Rasco Klock Reininger Perez Esquenazi Vigil & Nieto		
Partner		
John C. Shawde	Coral Gables	\$550
John D. Eaton	Coral Gables	\$510
Paraprofessional	Coral Gables	\$150
Shraiberg, Ferrara & Landau		
Partner		
Philip J. Landau	Boca Raton	\$440
Bradley S. Shraiberg	Boca Raton	\$440
James T. Ferrara	Boca Raton	\$375
John E. Page	Boca Raton	\$400
Associates	Boca Raton	\$220-\$285
Stearns Weaver Miller Weissler Alhadeff & Sitterson		
Partner		
David C. Pollack	Miami	\$650
Patricia Redmond	Miami	\$625
Paraprofessional	Miami	\$195
Tabas Freedman Soloff Miller & Brown		
Partner		
Joel L. Tabas	Miami	\$525
Scott N. Brown	Miami	\$425
Michael K. Northrop	Miami	\$400
Associate	Miami	\$400
Paraprofessional	Miami	\$75
Talarchyk Merrill		
Partner		
David Merrill	Palm Beach	\$450
Tina Talarchyk	Palm Beach	\$425
Ver Ploeg & Lumpkin		
Partner		
R. Hugh Lumpkin	Miami	\$575
Jason Mazer	Miami	\$500
Meghan C. Moore	Miami	\$340
Associates	Miami	\$195-\$245
Paraprofessional	Miami	\$190
White & Case		
Partner		
Raoul Cantero	Miami	\$695

* Rate before promotion to partner in April

** Moved to GrayRobinson April 2012

*** Rates awarded to personal injury protection attorneys by courts.

Post-Ponzi work contrasts hourly rates, contingency fees

by Susan Postlewaite
Special to the Review

Two flamboyant Ponzi schemes being unraveled in South Florida bankruptcy courts are a contrast in billing — one was taken on contingency, the other on hourly rates.

The contingency case is paying off for Tabas, Freedman, Soloff, Miller & Brown lawyers hunting for assets from the former University of Miami booster Nevin Shapiro's nearly \$1 billion dollar fraud.

Shapiro is serving a 20-year prison sentence for bilking investors through his Capitol Investments USA Inc., which brought in \$930 million from investors over the years before closing up shop in late 2009.

The latest accounting July 16 shows Tabas Freedman as counsel to the bankruptcy trustee has been awarded \$8.4 million in contingency fees based on its recoveries for the estate.

"I keep my eye on the ball to bring in money," partner Gary Freedman said. "The fee is what it is and what is approved by the court. As we bring in money, we get our contingency. The court's always made it clear to us that we get money as it



J. ALBERT DIAZ

Joel Tabas, left, and Gary Freedman agreed to contingency fees in the Nevin Shapiro fraud case because the estate was empty-handed. Tabas Freedman now gets one-third of what it recovers.

comes in, and we've abided by that 100 percent," he said.

The contingency fee deal was agreed upon a year into the case when the estate was empty-handed. Tabas Freedman now gets one-third of what it recovers.

The law firm bills separately for partner Joel Tabas, who is the Chapter 7 trustee in the Miami case. Tabas' first invoice covering his work from Dec. 11, 2009, to July 16, 2012, seeks \$457,885.

The trustee also is paid on a contingency fee arrangement. He is entitled to fees of just about 3 percent of the funds he disburses for the estate. From December 2009 to July 2012 he disbursed \$14.5 million. The accounting was made public in the first detailed report of the estate's collections and disbursements.

Since late 2009 the lawyers have recovered \$25 million, and the trustee distributed \$4.1 million to bilked investors

last year. Another distribution is planned.

Freedman said more assets will be recovered from a group that has not settled.

"We've been in conversations with these folks for a year. We thought we may be able to resolve it pre-suit. It's going to evolve into full-blown litigation. It's going to be big and the claims are nasty," he said. "I don't want to quantify it, but it is substantial in the context of this case."

ROTHSTEIN FRAUD

In Fort Lauderdale, bankruptcy lawyers working on the Rothstein Rosenfeldt Adler financing fraud are being paid to recover assets on hourly rates. These lawyers have billed more than \$20 million in legal fees since the case began in 2009 after the collapse of the \$1.2 billion enterprise.

As of September, Berger Singerman, primary counsel to the trustee, had billed \$14.2 million in fees and been paid \$9.9 million.

Paul Singerman said as of a July 30 accounting the lawyers had recovered about \$100 million for the estate, but there are settlements awaiting court approval that will increase the figure to \$144 million. The

case is in the litigation stage with more recoveries expected, he said.

Singerman said it would have been better for his firm if it were paid on contingency because of the large recoveries.

He cited the settlement with the Ed Morse family entities for \$30 million in 2010. "We didn't even file a lawsuit. We had mediation, presented our case to the Morses, and we reached an out-of-court settlement. We got \$30 mil-

lion for the estate. To date ... this firm's total fees received is \$12.725 million in almost three years. The Morse fee alone would have been 10½ million bucks" as a contingency.

Genovese Joblove & Battista, secondary counsel for the trustee, has billed \$5.38 million so far.

Ver Ploeg & Lumpkin, special insurance counsel, has been paid \$1.2 million.

The trustee is holding back about 20 percent of fees for the firms until the case ends.



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COMPENSATION: New firms try alternative billing structures

on the Rothstein Rosenfeldt Adler law firm bankruptcy case in Fort Lauderdale.

PIP RATES

Some personal injury protection lawyer rates are going up courtesy of the courts. Although they do not often bill by the hour, courts have awarded higher hourly fees for PIP lawyers.

Miami appellate lawyer Marlene Reiss confirmed she was awarded \$500 an hour in a Miami case this year. Before that she was getting \$475. "I do a fair amount of appellate work. Based on 22 years of experience, that's the hourly rate the judges determined to be reasonable. Five hundred is certainly the upper range," she said.

Fort Lauderdale lawyer Adolfo Podrecca, a litigator with the personal injury law firm Fazio, DiSalvo, Cannon, Abers, Podrecca, Fazio & Carroll, said his rate set by the court has been \$400, but the notion of hourly billing rates "is a fiction" because cases are normally taken on contingency.

"The last time I went in front of a judge I was awarded \$400, but that is not what a client would want to pay me. It is not a real example of what the market will bear. Average people would not be able to hire a lawyer for \$400 an hour," he said.

On the other hand a federal judge in Vermont told Miami lawyers from Hunton & Williams they were charging "exorbitant" hourly rates in a First Amendment case and ordered fees of

TOP-BILLING LAWYERS IN SOUTH FLORIDA

	Partner	Firm	Office	Rate
1	Robert Hudson	Baker & McKenzie	Miami	\$925
2	Mark Bloom	Greenberg Traurig	Miami	\$850
3	Thomas R. Julin	Hunton & Williams	Miami	\$725
4	Scott L. Baena	Bilzin Sumberg	Miami	\$700
5	Raoul Cantero	White & Case	Miami	\$695
6	Elliot Scherker	Greenberg Traurig	Miami	\$685
7	Alan Axelrod	Bilzin Sumberg	Miami	\$675
8	Dan Gelber	Gelber Schachter	Miami	\$650
	David C. Pollack	Stearns Weaver	Miami	\$650
10	Samuel C. Ullman	Bilzin Sumberg	Miami	\$640

\$300 per hour for partner Tom Julin and \$200 for senior associates.

The judge awarded Hunton & Williams \$2.24 million in a successful challenge to a Vermont law prohibiting use of doctor prescriptions by pharmaceutical marketing companies.

But the judge's order said: "Mr. Julin's average hourly rate for the entire litigation was \$670.66. Awarding associates hourly rates over \$400 would be unconscionable in this litigation where attorney Hemley, a competent Vermont partner with over forty years of experience, requests an average hourly rate of \$320. The average hourly rate of nearly \$200 requested

for Hunton & Williams' paralegals is also exorbitant."

A reasonable hourly rate is "what a reasonable, paying client would be willing to pay," and a reasonable paying client wishes to spend the minimum necessary to litigate the case effectively, the judge observed.

NEW FIRM

Meanwhile some new law firms were setting hourly rates but also looking at alternative billing structures.

Dan Gelber said his new firm Gelber Schachter & Greenberg in Miami es-

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“I am a big proponent of fixed fees. I think more small and middle size firms will have to move toward this model to at the very least maintain market share. There are too many lawyers in the marketplace.”

**MICHAEL GOLDSTEIN
PARTNER
GOLDSTEIN ENVIRONMENTAL
LAW FIRM**



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FROM PAGE A13

COMPENSATION: Courts are ones raising rates of PIP lawyers



“I do hear from clients with some regularity they would like a different approach because to some of them they would rather have more certainty in their fees. For others it’s not as important. They want the hourly billing.”

DAN GELBER
PARTNER
GELBER SCHACHTER &
GREENBERG

established his hourly rate of \$650, but he said alternative fee arrangements are common.

“We’re trying to have a little bit of flexibility,” Gelber said. He is a former state senator and Akerman Senterfitt partner who started the firm in early September with two former Stearns Weaver lawyers.

“I do hear from clients with some regularity they would like a different approach because to some of them they would rather have more certainty in their fees. For others, it’s not as important. They want the hourly billing,” Gelber said. One client pays a monthly rate consisting of a blended rate for the firm’s work as a group, he said.

Former Akerman Senterfitt environmental partner Michael Goldstein, who started the Goldstein Environmental Law Firm in January with two associates, uses flat rates.

“Hourly rates can create an adversarial relationship with the client,” he said.

Goldstein said his rack rate of \$675 can apply if clients prefer hourly billing, but he said 90 percent of his clients want fixed fees because of the predictability of it, or so they can pay by the task. “My goal is to get to 95 percent” of fixed-rate clients.

“We will do billable because some clients remain more comfortable with conventional rates,” he said. “I am a big proponent of fixed fees. I think more small and middle size firms will have to move toward this model to at the very least maintain market share. There are



J. ALBERT DIAZ

Miami appellate lawyer Marlene Reiss had her rate bumped to \$500 an hour from \$475 by a judge. “Based on 22 years of experience, that’s the hourly rate the judges determined to be reasonable,” Reiss said.

too many lawyers in the marketplace.”

The survey found firms using other alternative rate structures to replace straight hourly fees.

In the Palm Beach Finance bankruptcy case in West Palm Beach, Meland Russin Budwick represents the liquidating trustee for the estate and bills according to a hybrid rate structure.

Meland Russin discounted standard rates by 25 percent. It meant a partner like Michael Budwick billed \$424 an hour instead of his top rate of \$565. But

on top of the hourly fees, the law firm is entitled to a contingency bonus of 10 percent of assets recovered for the estate through litigation.

Altonji said of all the alternative rate structures, the most popular form is fixed rates, but they are not yet one-fifth of the market.

“It is not taking over as fast as people had hoped, but five years ago was probably 5 to 7 percent of the market. Hybrid fees are much slower in terms of growth.”

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