



Murray B. Silverstein

Partner

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Murray Silverstein is managing partner in Greenspoon Marder's Tampa office. He has more than three decades' experience in complex commercial, business, and real estate litigation.

Mr. Silverstein is board certified by The Florida Bar in business litigation and civil trial practice, and has been recertified since the mid-1990s. He regularly handles jury and non-jury trials, as well as appeals. His practice areas include unfair competition, trade secrets, restrictive covenants, shareholder and partnership disputes, contract claims, intellectual property, defense of consumer finance litigation, and class action defense, construction and real property disputes, health care litigation, and professional licensing matters before administrative agencies.

In the area of Alternative Dispute Resolution (ADR), Murray Silverstein is an approved panelist for the American Arbitration Association and experienced mediator and invited member of the National Academy of Distinguished Neutrals, in which he has attained diplomate status. [Schedule a mediation.]

Court Admissions

- Supreme Court of Florida
- Supreme Court of the United States
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida

Bar Admissions

- Florida
- District of Columbia
- New York

Education

- J.D., Stetson University College of Law, 1982
- B.A., Stetson University, *cum laude*, 1980

Practice Areas

- Litigation
- Appellate
- Class Action Defense
- Mediation
- Insurance Recovery & Counseling

Significant Select Representations and Reported Cases

- Successfully recovered \$30 million commercial foreclosure judgment after bench trial on behalf of private equity lender, secured by 60-acre retail shopping mall, including subsequent defensive actions in chapter 11 bankruptcy case;
- Obtained AAA award after week-long proceeding for back pay and benefits for former CEO against his Australian publicly-traded (ASX) employer, a manufacturer/distributor of air traffic management and training systems;
- Represented investor group's acquisition of \$15 million failed loan from national lender, while leading due diligence on collateral, a 675-acre former phosphate site subject to state DEP cleanup order;
- Recovered damages after multi-day bench trial for property owner for loss of use and environmental contamination against national convenience store/petroleum retailer tenant due to petroleum discharge;
- Prevailed in obtaining dismissal, after 2-day bench trial on behalf of national reverse mortgage lender, upon district court's determination that private right of action does not exist under RESPA for challenges to the reasonableness of force placed insurance rates. See *Iaffaldano v. Sun West Mortgage Company, Inc.*, 2018 WL 2221872 (S.D. Fla. 2018), *aff'd* 768 Fed. Appx. 907 (11th 2019)
- Secured final summary judgment for consumer lender and against federal certified statewide class of plaintiffs who sought damages and equitable relief under federal Truth in Lending Act, Regulation Z, and Florida's Deceptive and Unfair Trade Practices Act, including novel determination affirmed on appeal that UCC Article 9 fixture filings are not liens on consumers' homes. See *Lankhorst v. Independent Savings Plan Company*, 39 F. Supp. 3d 1359 (M.D. Fla. 2014), and, *Lankhorst v. Independent Savings Plan Company*, 787 F. 3d 1100 (11th Cir. 2015).
- Litigated and recovered for special servicer \$52 million commercial foreclosure judgment against professional office park campus and restructured debt in connection with subsequent third party sale;
- Obtained orders compelling arbitration on behalf of for-profit educational institutions and defeated multiple class certification efforts in federal putative class actions alleging deceptive and unfair trade practices.
- Obtained final judgment of dismissal in favor of national mortgage lender after multiday bench trial upon trial court determining that successor homeowner association lacked standing to assert counterclaims for fraud personal to defaulted borrower/unit owner.
- Secured \$100 million settlement on behalf of state wide certified class of health care entities against Florida's Agency for Health Care Administration based on determination that indigent health care tax was unconstitutional, after two bench trials and three appeals. See, *Hameroff v. Public Medical Assistance Trust Fund*, 689 So.2d 358 (Fla. 1st DCA 1997), *app'vd*, *Public Medical Assistance Trust Fund v. Hameroff*, 736 So.2d 1150 (Fla. 1999); and, *Agency for Health Care Administration v. Hameroff*, 816 So. 2d 1145 (Fla. 1st DCA 2002), *rev den.*, 855 So.2d 266 (Fla. 2002), *dismissed*, 539 U.S. 973, 124 S. Ct. 14 (2003). See also *Hameroff v. Public Medical Assistance Trust Fund*, 911 So.2d 827 (Fla. 1st DCA 2005) (trial court's post-settlement reallocation of class members' burden for the payment of attorneys' fees reversed).
- Obtained \$1.2 million verdict after 2-week federal jury trial on behalf of condominium association against its insurer on "collapse claim" following denial of coverage.
- Successfully defended and settled on behalf of national veterinary hospital chain alleged violations of Florida's Consumer Collection Practices Act.
- Successfully defended numerous actions on behalf of national lenders against alleged violations of TILA, Reg. Z, RESPA, FDCPA, FCCPA, FCRA, TCPA, and related claims involving unfair, deceptive, abusive acts and practices.
- Successfully enforced inter-creditor agreement through writ of certiorari authorizing intermediate creditor to proceed against guarantors, notwithstanding that senior creditor had not recovered on its note or mortgage. *Abed, Inc. v. Saraiya*, 85 So. 3d 1132 (Fla. 2d DCA 2012), and *MB Financial Bank, N.A. v. Paragon Mortg. Holdings, LLC*, 89 So. 3d 917 (Fla. 2d DCA 2012).
- Successfully asserted estoppel by deed defense to obtain dismissal after bench trial in quiet title action involving conveyance to a non-existent entity, following appellate court's reversal of trial court's dismissal with prejudice. *Belcher Center, LLC v. Belcher Center, Inc.*

, 883 So.2d 338 (Fla. 2d DCA 2004).

- Significant determination on scope of fee awards under Florida Statutes Section 57.105, with trial court reversed for abuse of discretion for not awarding attorney's fees in light of meritless assertion of lack of personal jurisdiction defense, as aided by its counsel. *Gahn v. Holiday Property Bond, Ltd.*, 826 So.2d 423 (Fla. 2d DCA 2002).
- Obtained reversal of trial court's dismissal of claim based on independent tort exception to the economic loss rule. *Johns v. Ponto*, 684 So.2d 830 (Fla. 2d DCA 1996)
- Obtained certification of question of great public importance in the Florida Supreme Court on novel issue of whether a prior administrative determination of professional licensee's failure to adhere to minimum standards may, through offensive collateral estoppel, be used in a subsequent civil proceeding to establish facts supporting negligence. *Stogniew v. McQueen*, 638 So.2d 114 (Fla. 2d DCA 1994); *Stogniew v. McQueen*, 656 So.2d 917 (Fla. 1995).

Professional and Community Involvement

- American Academy of Certified Mediators, Member
- American Bar Foundation, Fellow
- Board Certified Business Litigation Lawyer, The Florida Bar Board of Legal Specialization and Education, 1997 – Present
- Board Certified Civil Trial Lawyer, The Florida Bar Board of Legal Specialization and Education, 1994 – Present
- Community Law Program of St. Petersburg, Inc. (pro bono)
 - Past President and Board Member, 1996-2010
- Florida Courts Technology Commission, Commissioner (standing Supreme Court commission for establishment of court technology policies under Florida Rule of Judicial Administration 2.236), 2006-Present
- Florida CraftArts, Board Member, 2015-2017
- Hillsborough County Bar Association, Member
- Leadership St. Petersburg, Alumnus, 1987
- Leadership Tampa Bay, Alumnus, 1989
- National Academy of Distinguished Neutrals, Diplomate
- National Board of Trial Advocacy, Board Certified Civil Trial Specialist
- St. Petersburg Bar Association, Executive Committee, Editor, *Paraclete*
- The Florida Bar
 - The Florida Bar Journal, Editorial Board, 1985-1990
 - Sixth Judicial Circuit Fee Arbitration Program, Chair, 2002-2006
 - Board of Governors, Sixth Judicial Circuit, 2003-2011
 - Executive Committee
 - Disciplinary Review Committee
 - Disciplinary Procedures Committee, Chair
 - Communications Committee, Chair
 - Board Liaison to various rules committees
 - JNC Steering Committee, Chair
 - Business Law Section, Executive Council, 2010-2014
 - Florida Rules of Judicial Administration Committee, 2010-2016
 - Chair, 2014-2015
 - Trial Lawyers Section, Member
 - Alternative Dispute Resolution Section, Member
- The Florida Bar Foundation
 - Board Member, 2015-Present
 - Chair, Technology Committee, 2019-Present

- Fellow, 2003-Present
- Florida Supreme Court, Certified Circuit Court Mediator, 1993-2012
- YMCA of Greater St. Petersburg, Director, 2007-2013

Speaking Engagements

- Speaker, "Practitioners' Views & Advice on Litigation, Transactions, & Lending Involving the Elderly," Florida Bar Annual Convention, June 29, 2019
- Speaker, "The Next Frontier: Florida's e-Courts – Everything You Always Wanted to Know But Were Afraid to Ask," Florida Bar Annual Convention, June 13, 2018
- Speaker, "Explore Florida's Complex E-Filing System", Lorman's Live Webinar, November 21, 2017
- Panelist, "Legal Issues and Regulatory Compliance – State Court Litigation," Mortgage Bankers Association Annual Conference, Denver, CO, May 1-4, 2016
- Panelist, "CFPB Rulemaking, Enforcement, CIDs, Examinations, Arbitration and Mandatory Arbitration Clauses," American Conference Institute's Consumer Finance and Class Actions & Litigation Conference, Los Angeles, CA, April 7-8, 2016
- CFPB Consumer Arbitration Study: A critical review of the CFPB's Study and Report to Congress on Pre-Dispute Arbitration Clauses, presented to the Association of Corporate Counsel-West Central Florida Chapter, Tampa, FL, April 16, 2015
- Florida Court Clerks & Comptrollers, New Clerk Academy: Leadership, Administration & Partnerships, Presentation on clerk relationships with members of The Florida Bar/e-filing and the Florida Rules of Judicial Administration, Tallahassee, FL, March 19, 2015
- Speaker, "Florida's New Email Service and E-Filing Rules," St. Petersburg Bar Association, October 23, 2012
- Speaker, "An Update on Service by Email and E-Filing in Florida's Courts," Clearwater Bar Association September 13, 2012
- Panelist, The Florida Bar Young Lawyers Division, Government Symposium on E- Filing and Access to Court Records, The Florida Bar Mid-Year Convention, Orlando, FL, January 2010
- Speaker, "Discovery: Panel Discussion on Tips, Trends & Tactics," St. Petersburg Bar Association, SPBA Trial Practice Section's Fourth Annual Winning Trial Strategies from the Masters, May 25, 2007
- Speaker, "What Is Actionable Non-Disclosure Under the As Is 'Real Estate Contract,'" St. Petersburg Bar Association, SPBA Real Property Section's "Everything You Always Wanted to Know About the 'As Is' Sale But Were Afraid to Ask," February 23, 2007
- Speaker, "Winning Methods and Tactics in Handling the Civil Bench Trial," St. Petersburg Bar Association, SPBA Trial Practice Section's Third Annual Winning Trial Strategies from the Masters, May 26, 2006

Recognitions

- *Martindale-Hubbell*, Rated AV® Preeminent™
- *U.S. News & World Report*, "Best Lawyers in America," Litigation - Banking and Finance, Financial Services Regulation Law, 2021-2023
- *Benchmark Litigation*, "Florida Litigation Star," 2018-2021
- *Super Lawyers* magazine, "Florida Super Lawyers," Business Litigation, 2007, 2009-2021
- *Florida Trend* magazine, "Florida Legal Elite," Commercial Litigation, 2008-2012, 2017-2018
- The Florida Bar President's Pro Bono Service Award, Sixth Judicial Circuit, 2011
- The Florida Bar President's Award of Merit, 2010
- Distinguished Citizens Award, Boy Scouts of America (West Central Florida Council), 2009
- Community Law Program, Inc., David L. Stout Memorial Pro Bono Award, 2008
- Stetson University College of Law, William Reece Smith, Jr. Public Service Award, 2006

Publications

- Co-Author, "Technology and Florida's Rules of Judicial Administration," No. 90 *The Florida Bar Journal*, January 2016
- Co-Author, "*Campbell-Ewald v. Gomez*: Unaccepted Offers of Judgment Do Not 'Moot' a Claim, But Ruling Leaves Door Open For

- Offers Accompanied by Tender,” GT Financial Services Observer Blog, January 25, 2016
- Co-Author, “CFPB Scrutinized During Oral Argument Before the D.C. Circuit Court of Appeals in *PHH Corp. v. Consumer Financial Protection Bureau*,” GT Client Advisory/Alert, April 22, 2016
 - Co-Author, “D.C. Circuit Panel Questions Constitutionality of the CFPB,” GT Financial Services Observer Blog, April 18, 2016
 - Author, “TCPA – 6th Circuit: *Baisden v. Credit Adjustments* – ‘Prior Express Consent’ Includes Information Obtained through Intermediary in Same Transaction,” GT Financial Services Observer Blog, March 29, 2016
 - Author, “FDCPA – 11th Circuit: *Kinlock v. Wells Fargo Bank* – Post-Foreclosure Offers of Financial Assistance to Defaulted Borrower Not Violative of FDCPA/Florida Consumer Collection Protection Act,” GT Financial Services Observer Blog, March 14, 2016
 - Author, “Yes, Virginia, There is Consumer Arbitration in California”: U.S. Supreme Court’s Rebuke to California – *DirectTV v. Imburgia* (Class Action Waivers are Valid), GT Financial Services Observer Blog, December 21, 2015
 - Author, “CFPB Wants to Eliminate ‘Free Pass’ of Class-Action Waivers in Consumer Arbitration Agreements,” GT Financial Services Observer Blog, October 28, 2015
 - Author, “11th Circuit Opinion – FDCPA Does Not Apply to Debt Acquirers if Not ‘Debt Collectors,’” GT Financial Services Observer Blog, September 28, 2015
 - Author, “11th Circuit Opinion on Fixture Filings and TILA,” GT Financial Services Observer Blog, September 28, 2015
 - Co-Author, “Eleventh Circuit: Enhanced TILA Disclosures and Remedies Not Applicable to UCC Article 9 Fixture Filers, As No Security Interest Created in Consumers’ Homes,” GT Alert, August 31, 2015
 - Author, Report of the Florida Rules of Judicial Administration Committee, 89 *The Florida Bar Journal*, No. 6, June 2015
 - Co-Author, “The Perils of Reporting CFPB Inquiries,” GT Financial Services Observer Blog, May 23, 2015
 - Author, “CFPB Consumer Arbitration Study,” GT Financial Services Observer Blog, May 8, 2015
 - Co-Author, “CFPB Releases its Consumer Arbitration Study,” GT Alert, April 7, 2015
 - Author, “E-Filing and Electronic Access to Court Records,” St. Petersburg Bar Association *Paraclete*, May 2008
 - Author, “The Lawyer-to-Lawyer Advertising Exemption: Dead or Alive?,” St. Petersburg Bar Association, *Paraclete*, October 2007
 - Author, “Vital Consumer Information Available About Florida’s Agency for Health Care Administration,” *The Tampa Tribune*, February 17, 2002
 - Author, “Fee Arbitration: The Best Remedy for You and Your Client,” 27 Florida Bar News 28, No. 9, April 30, 2000
 - Co-Author, “The Indigent Health Care Tax: What You Don’t Know Will Cost You,” *Tampa Bay Business Journal*, August 19, 1996
 - Co-Author, “Failed Financial Institutions: The Plight of Professionals Defending Regulators’ Claims,” 66 *The Florida Bar Journal* No 2, February 1992 (Finalist, Barbara Sanders Memorial Award for Legal Writing)

In the News

- Quoted, “Panel Studies Requiring Pro SE Parties To Use Electronic Filing” *Florida Bar News*, November 23, 2020
- Quoted, “Florida Lawyers Intrigued by the Prospect Of Remote Jury Trials,” *Florida Bar News*, May 28, 2020
- Featured, “Silverstein Offers Perspective On Technology And Rules,” *Florida Bar News*, January 23, 2020
- Featured, “E-filing Was Just The Beginning; The Tech Revolution Continues,” *Florida Bar News*, August 1, 2018
- Featured, “2018 Annual Florida Bar Convention: Florida Courts E-Filing Portal,” Florida Bar Podcast, June 15, 2018
- Mentioned, “Movers & Shakers,” *Tampa Bay Times*, April 30, 2017
- Mentioned, “FCTC Works to Streamline e-Filing,” *Florida Bar News*, March 15, 2016
- Quoted, “Get Up to Speed on the Technical Standards for e-Filing,” *Florida Bar News*, December 1, 2014
- Greenspoon Marder Consumer Finance Blog: United States Supreme Court Rules President May Remove Consumer Financial Protection Bureau Director At Will
- Greenspoon Marder Consumer Finance Blog: Proposed Legislation To Invalidate Arbitration Agreements And Class Action Waivers Passes House - Now In Senate
- Greenspoon Marder Consumer Finance Blog: Florida's Fourth DCA Awards Borrowers' Attorney's Fees Despite Bank's Claim of Lack of Standing Under the Loan Documents
- Bad Grammar Keeps FCRA Class Action Alive

- Senate Uses Congressional Review Act To Begin Rescission Process on CFPB Guidance For Auto Leasing
- Trump Administration Seeks To Make Major Changes To Enforcement of Community Reinvestment Act
- Former CFPB Examiner Claims CFPB Falsified Documents During Examination of Ace Cash Express
- Federal District Court Finds Validation Notice Violates FDCPA
- CFPB Deputy Director Files Suit In Federal Court To Determine Acting Director of CFPB
- CFPB Director Richard Cordray Plans To Resign
- President Signs Congress Joint Resolution To Repeal CFPB Final Arbitration Rule
- Greenspoon Marder Client Alert: Senate Votes To Rescind CFPB's Final Arbitration/Class Action Waiver Rule
- Greenspoon Marder Client Alert: CFPB Issues Rule Banning Class Action Waivers in Consumer Arbitration Agreements

News

- 48 Attorneys At Greenspoon Marder Listed In The Best Lawyers In America© 2023
- 17 Greenspoon Marder Attorneys Recognized As 2022 Florida "Super Lawyers"
- Greenspoon Marder Recognized By Benchmark Litigation For 2022
- 37 Attorneys At Greenspoon Marder Listed In The Best Lawyers In America© 2022
- 16 Greenspoon Marder Attorneys Recognized As 2021 Florida "Super Lawyers"
- Greenspoon Marder Recognized By Benchmark Litigation For 2021
- Super Lawyers Recognizes 18 Attorneys At Greenspoon Marder As "Super Lawyers" In Florida
- Greenspoon Marder Recognized By Benchmark Litigation USA 2020
- Greenspoon Marder Recognized by Benchmark Litigation USA 2019
- Greenspoon Marder Partner Murray B. Silverstein Reappointed to the Florida Courts Technology Commission
- Greenspoon Marder Partners Murray B. Silverstein & Mark F. Grant Named Among Florida Trend's "Florida Legal Elite" 2018
- Super Lawyers Recognizes 22 Attorneys at Greenspoon Marder as "Super Lawyers" in Florida
- Greenspoon Marder Supports the Florida Bar Foundation's 42nd Annual Reception and Dinner
- Greenspoon Marder Partner Murray B. Silverstein Appointed to the Supreme Court's Commission on Professionalism and Civility
- CFPB Deputy Director Files Suit In Federal Court To Determine Acting Director of CFPB
- Greenspoon Marder Shareholder Murray Silverstein Featured Speaker "Explore Florida's Complex E-Filing System" Live Webinar
- CFPB Director Richard Cordray Plans To Resign
- Greenspoon Marder Attorneys Receive 2018 AV Preeminent Rating By Martindale-Hubbell
- President Signs Congress Joint Resolution To Repeal CFPB Final Arbitration Rule
- Greenspoon Marder Attorneys Receive 2017 AV Preeminent Rating By Martindale-Hubbell
- Greenspoon Marder Recognized by Benchmark Litigation USA
- 7 Greenspoon Marder Attorneys Recognized in Florida Trend's 2017 Legal Elite
- Greenspoon Marder Supports The Florida Bar Foundation's 41st Annual Reception and Dinner
- Super Lawyers Recognizes 21 Attorneys at Greenspoon Marder in Florida
- Greenspoon Marder Shareholder Murray Silverstein Appointed to the Florida Bar Foundation Board of Directors
- Greenspoon Marder Attorneys Selected as 2016 Legal Leaders
- Greenspoon Marder Announces Expansion in Tampa, Murray Silverstein Joins Tampa Office as Managing Shareholder



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