



ASTIGARRAGA DAVIS

THE POWER OF FOCUS[®]

Most law firm brochures read much the same. They tout the firm's lawyers as highly ethical, client-oriented, solution-driven problem solvers, apparently implying that other firms don't see themselves the same way. We don't know a single law firm that wouldn't say that about its lawyers.

Our lawyers, too, are all that. But we are also more than that.

THREE DIFFERENCES

With this brochure, we explain **three factors** that differentiate us from other law firms:

FOCUSED PRACTICE We have a **highly focused practice**. For years we have practiced day in and day out in our selected areas. That gives us the knowledge and skills that come only from hands-on experience. Our disciplined commitment to focus on our selected practice areas empowers us to resolve our clients' business disputes effectively – hence our belief in “the power of focus.”

BOUTIQUE SETTING Our **boutique setting** enables us to ensure that our entire firm shares our values. Because we are a concentrated group of lawyers and professionals who practice together closely, we can ensure our commitment to focus and to long-term relationships. And, our boutique setting gives us greater flexibility in the fee arrangements we can offer.

LONG-TERM PERSPECTIVE We are **interested in long-term relationships** with our clients, believing that we can best solve our clients' business disputes if we come to know our clients, their policies, their businesses and their competitive challenges. We have represented most of our clients for years. Our long-term perspective frees us from the short-sighted thinking that often creates conflicts of economic interests (subconscious or otherwise) between a firm and a single-time client inherent in the fact that resolving a case quickly also means that the firm's legal fees end quickly. Handling our matters cost-effectively benefits our clients *and* serves our interest in long-term relationships. We undertake each engagement with that mindset.

Beyond that, our corporate clients' disputes often have multiple aspects, both external (such as regulatory, criminal and public relations aspects) and internal (such as corporate integrity, compliance and policy issues). All these can have an important impact on a company's ability to resolve a business dispute. By coming to know our clients, we can factor in each of these elements. That saves time and simplifies the task of the company's internal counsel and its personnel in managing the dispute and outside counsel.

This combination of focused practice, boutique setting, and long-term perspective empowers us to best serve our clients.

THE FIRM'S ORIGIN AND PHILOSOPHY

A stigarraga Davis was founded by seasoned lawyers from large-firm practices **seeking a better way** to serve their corporate clients. We sought this better way in **response to new factors** affecting both the legal profession and its corporate clients:

- The **globalization** of commerce led (and is leading) clients into new markets, requiring their lawyers to have knowledge of foreign rules, cultures, and legal landscapes.
- Regulations and laws have become **more complex**, requiring informed legal advice from lawyers who have not just knowledge of the law, but experience in specific industries and fields.
- In a constantly changing business environment, clients need to **learn promptly** about important legal developments that affect their ability to compete and to foresee coming changes before it's too late.
- Corporate clients face increased pressure to be more productive – to do more with less. More than ever, clients need to **spend cost-effectively**, maximizing the return on their expenditures, whether for capital equipment or legal services.
- Information technology has empowered clients to **better measure results** and productivity, enabling them to evaluate the value and quality of their law firm's service.
- Telecommunications, including E-mail and the Internet, have made a law firm's **office location less important** than it once was.
- Computerized legal research, document management software and other information technology, as well as efficient paralegal use, have made it possible for **boutique law firms to handle large cases**.

THE POWER OF FOCUS®

Considering those factors, we concluded that for our fields of practice, we could provide tangible benefits for our clients in a **focused boutique setting**:

- By focusing on only **selected practice areas**, our lawyers can continually hone their knowledge and stay at the fore front of the legal developments in our selected fields. To enhance that knowledge, we are committed to continual training for all our lawyers.
- We are **more efficient in a boutique setting**. Rather than hiring squads of recently graduated, inexperienced lawyers who often are trained at the client's expense and must be kept busy, we have invested in information technology, computers, telecommunications equipment, and legal education training for our focused team of experienced lawyers. This enables us to staff our cases more efficiently.
- By narrowing our focus and increasing our efficiency, we keep our **hourly rates and costs lower** than those of many competing firms. Focus and efficiency also enable us to consider alternative fee arrangements tailored to the needs of our clients and long-term relationships.
- Clients often tell us that they “hire lawyers, not law firms.” When one of our lawyers takes on a case, that lawyer is **personally involved, hands-on**, maintaining a close relationship with the client.
- Finally, our firm places a strong emphasis on teamwork and cooperation. We have a first-rate, **experienced staff** that contributes meaningfully to our clients' experience. Most of our personnel speak English and Spanish. In a boutique setting, our entire team – lawyers, paralegals, and staff – shares our commitment to client service.

In short, through focus, we magnify our strengths.

COMMERCIAL LITIGATION – OUR ROOTS

Rooted in years of general commercial litigation, our lawyers prosecute and defend a wide variety of cases, which can be broadly labeled “commercial litigation” and “business torts.”

Our lawyers have handled a range of cases involving:

AVIATION	FRAUD PROSECUTION
BANKING	INSURANCE DISPUTES
BANKRUPTCY	JOINT VENTURE DISPUTES
CLASS ACTIONS	LABOR AND EMPLOYMENT
COMMERCIAL LOANS	LENDER LIABILITY CLAIMS
CONTRACT DISPUTES	MEDIA AND ENTERTAINMENT ISSUES
DECEPTIVE AND UNFAIR TRADE PRACTICES	OPEN GOVERNMENT LAWS
DEFAMATION	POWER PROJECTS
DISTRIBUTORSHIPS	REAL ESTATE PROJECTS
EMPLOYMENT LAW	RICO
FRAUD DEFENSE	SECURITIES LAW
FORECLOSURE	SHAREHOLDER DISPUTES
	TRADEMARK AND COPYRIGHT

Our lawyers handle cases throughout the State of Florida, having litigated in courts in Tampa, Orlando, Jacksonville, West Palm Beach, Miami, and elsewhere in the state, as well as all three of the state’s federal district courts, the Southern, Middle and Northern Districts. Beyond that, we are regularly engaged to handle cases in courts in other states, including New York. We have prosecuted and defended appeals in federal and state courts, including the Florida Supreme Court.

Our lawyers are active in bar associations and groups focused on commercial litigation. Our team includes present and past officers of bar committees on international litigation, civil procedure rules, appellate rules, and media and communications law.

OUR PRACTICE FOCUS

While our practice encompasses a broad range of general commercial litigation, our core practice focuses on select areas in which we have extensive experience. As explained in the following pages, we have the knowledge, contacts and experience to help our clients especially in these fields:

International Litigation and Arbitration, including:

- Litigation in U.S. federal and state courts
- Arbitration in the U.S. and abroad
- Supervision and management of litigation in foreign countries

Financial Services Litigation in the U.S. and Latin America, including:

- Bank litigation
- Bankruptcy, reorganization, insolvency and loan workout
- Class action defense
- Commercial loan enforcement
- Creditors' rights
- Investment litigation
- Lender liability
- Letter of credit litigation
- Securities litigation

Commercial Fraud Prosecution in the U.S. and Abroad, including:

- Public Corruption Investigations and Civil Prosecutions
- Asset location and recovery
- Fraud prevention programs and audits



OUR LATIN AMERICAN CAPABILITIES

In litigation, arbitration or negotiation, understanding an opponent's mindset is critical to success. This is particularly challenging in international cases. Astigarraga Davis lawyers are accustomed to dealing with foreign parties. Many of our international lawyers are multicultural and fully bilingual, allowing them to evaluate and measure communications without the filter of a translator, reducing the risk of misinterpretation.

MIAMI – THE FIRM’S BASE
OF LATIN AMERICAN OPERATIONS

A stigarraga Davis handles cases throughout the U.S. and Latin America from our office in Miami, often regarded *de facto* as a Latin American city. For years, our lawyers have handled matters throughout Latin America without offices in those countries. In fact, we enjoy one advantage over firms with foreign offices. A firm with its own offices in a country will want to engage its own personnel in that office, even though another local firm might be more suited for the client’s particular problem. Our independence from such pressures allows us to provide an objective recommendation of the best local counsel for the situation at hand.

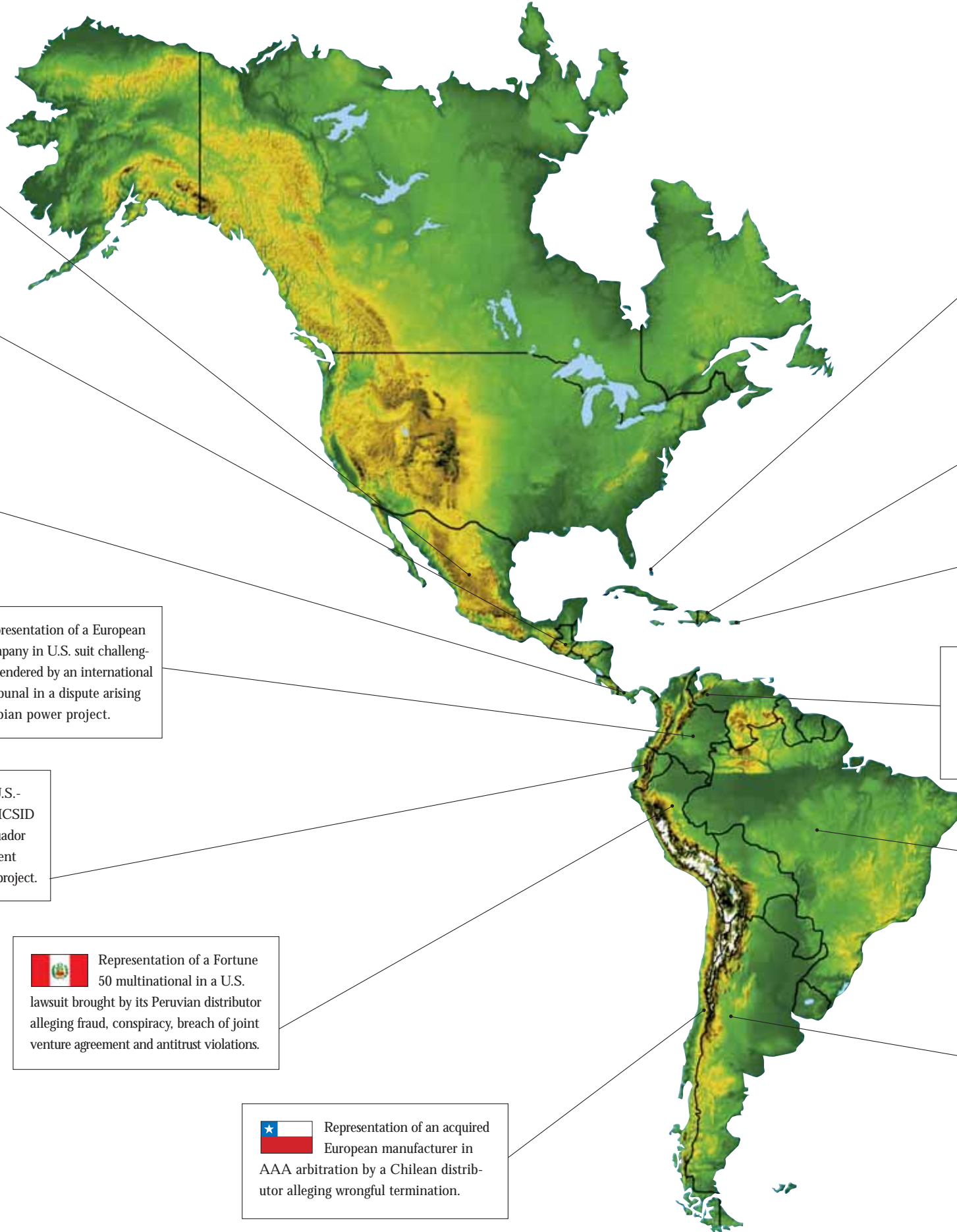
Our lawyers have experience with business disputes throughout the hemisphere, including:

ARGENTINA	HONDURAS
THE BAHAMAS	EL SALVADOR
BERMUDA	MEXICO
BRAZIL	NICARAGUA
BRITISH VIRGIN ISLANDS	PANAMA
CANADA	PARAGUAY
CHILE	PERU
COLOMBIA	PUERTO RICO
COSTA RICA	TRINIDAD & TOBAGO
DOMINICAN REPUBLIC	URUGUAY
ECUADOR	U.S. VIRGIN ISLANDS
GUATEMALA	VENEZUELA


Whether in a dispute being litigated in more than one country, or in a case pending in a single Latin American jurisdiction, we can serve our clients well from our base in Miami, the “Gateway to Latin America.”

A FEW EXAMPLES OF OUR LATIN AMERICAN EXPERIENCE

LATIN AMERICAN EXPERIENCE




 Representation of a Mexican family-owned corporation embezzled out of more than \$60 million, including the tracing of fraudulently transferred assets and the seizure of works of art and real property purchased with the fruits of fraud.


 Representation of a Guatemalan group of companies sued in a \$100 million-plus lawsuit in Florida alleging RICO (Racketeer Influenced and Corrupt Organizations Act) violations and underpayment of corporate dividends to minority shareholders.


 Representation of a state-owned United Kingdom company in connection with litigation in Panama and Puerto Rico relating to the transport of nuclear waste through the region.


 Representation of a European company in U.S. suit challenging the award rendered by an international arbitral tribunal in a dispute arising from a Colombian power project.


 Representation of U.S.-based companies in ICSID arbitration against Republic of Ecuador for violation of a bilateral investment treaty in connection with a power project.


 Representation of a Fortune 50 multinational in a U.S. lawsuit brought by its Peruvian distributor alleging fraud, conspiracy, breach of joint venture agreement and antitrust violations.


 Representation of an acquired European manufacturer in AAA arbitration by a Chilean distributor alleging wrongful termination.


Representation of a Bahamian corporate trustee of an off-shore trust in a 14-count U.S. lawsuit by an estranged beneficiary alleging fraud, conversion, and conspiracy in the administration of a \$250 million trust containing extensive stock holdings. 

Representation of a Bermuda majority shareholder against the minority shareholder of a Panamanian corporation in an international arbitration alleging fraud and misappropriation of corporate assets in the course of the privatization of a Dominican Republic manufacturing plant. 

Representation of a defrauded equipment financier/lessor in a U.S. suit against Spanish companies that facilitated a multimillion-dollar embezzlement by financier/lessor's employee in Puerto Rico. 

Representation of a European contractor engaged to build a power plant in Venezuela in an international arbitration against a Latin American subcontractor terminated for failure to provide conforming bonds. 

Representation of a Brazilian bank in the location, tracking and seizure of collateral on sea-going vessels in Antwerp, Belgium and Trieste, Italy. 

Representation of an Argentine securities firm and U.S. bank in defense of a U.S. lawsuit brought by investors from multiple jurisdictions alleging that a former employee defrauded them in the course of selling Argentine securities. 

OUR LATIN AMERICAN CAPABILITIES

REGIONAL LEGAL EXPERIENCE Our lawyers know the foreign systems, their rules, and the right questions to ask. That familiarity with the procedures and ways of foreign jurisdictions provides our clients a clear advantage. Described by *Chambers Global Guide to the World's Leading Lawyers* as “a major figure in Latin American litigation and arbitration,” José Astigarraga has been consulted by the World Bank on Latin American legal reform and is involved in a variety of Latin American legal projects, as are our other lawyers.

LEGAL KNOWLEDGE COMBINED WITH LANGUAGE CAPABILITY Even when the two sides speak a common language, such as English, miscommunications can occur where one of the participants is not totally fluent. Concepts such as *liquidación*, *pagaré* and *embargo*, might be subject to literal translation but are not identical to corresponding American or European legal concepts. Having overseen litigation in many Latin American jurisdictions as well as in the U.S., our lawyers are able to translate and communicate the issues to our clients – not just literally, but conceptually as well.

MULTICULTURAL ADVANTAGE In addition, our legal team is multicultural, including some who were born or have lived abroad. Whether assisting a multinational business negotiating a settlement with a Latin American company, or a European or Latin American company litigating with an American firm, our lawyers understand the cultures and systems that affect the dispute. Our firm is known to have such skills. José Astigarraga has lectured, particularly in Latin America, on issues such as the impact of culture on the resolution of business disputes.

EXPERIENCE WITH SENSITIVE CASES In many countries, corruption, political forces and anti-foreigner resentment are important factors that impact a dispute. Opposing parties may initiate criminal proceedings in their home country to intimidate the foreign company into settling. We are experienced in countering such tactics.

As well, we have extensive experience dealing with high-profile cases that require sensitivity to public perception and political consequences. For example, we have advised a European state-owned company transporting nuclear waste through the region. In addition, we represent foreign governments.

Such assignments require not just legal knowledge but an in-depth understanding of the political landscape, court systems, important players and public relations, as well as sound judgment born of experience.



INTERNATIONAL LITIGATION

When a dispute develops over an international business deal, it can wind up in negotiation, in litigation in a foreign or U.S. court, or perhaps in arbitration. Our team is well positioned to assist clients with such disputes.

INTERNATIONAL LITIGATION EXPERIENCE – U.S. COURTS

INTERNATIONAL BUSINESS DISPUTES When it comes to international business disputes, our lawyers assist our clients in three ways:

- We litigate in U.S. federal and state courts.
- We prosecute and defend arbitrations in the U.S. and abroad.
- We supervise litigation in courts outside the United States.

INTERNATIONAL LITIGATION – U.S. COURTS We represent companies in federal and state courts in the U.S. in litigation arising out of their Latin American business transactions and operations. Our lawyers have deep experience with the doctrines particular to international litigation, such as *forum non conveniens*, jurisdiction over the person, conflicts of laws and gathering evidence abroad. We are accustomed to dealing with cases where litigation is pending in more than one country and the related legal questions, such as the power of a U.S. court to enjoin a party from proceeding with foreign litigation, and witnesses and evidence are often located in Latin America or other locations. Our international capabilities, including our familiarity with the cultures, language and systems, empower us to gather the facts and evidence effectively and efficiently.

GOVERNMENT LITIGATION – EXPERIENCE Our lawyers have experience with sovereign immunity issues and government litigation. For example, we have represented Latin American government-owned entities in arbitration as well as litigation. We have advised foreign government-appointed bank liquidators in failed bank litigation. Conversely, we represent private-sector companies in investment and other disputes with governments.

PROFESSIONAL ACTIVITIES Our lawyers are often asked to speak in the U.S., Europe and Latin America on international litigation, and have chaired programs and committees such as The Florida Bar's International Litigation and Arbitration Committee. They are involved in a variety of international initiatives, serving for example, on the board of directors of the National Law Center for Interamerican Free Trade.

INTERNATIONAL LITIGATION EXPERIENCE – LATIN AMERICAN COURTS

INTERNATIONAL LITIGATION – LATIN AMERICAN COURTS Companies doing business in a foreign country face the risk of suit in the local courts of that country. Because we regularly deal with Latin American legal systems, we are able to help our clients develop and implement the best strategies for the problem at hand.

LATIN AMERICAN COURTS – SELECTION OF IN-COUNTRY COUNSEL An important part of any litigation strategy is the selection of the best in-country counsel for the particular case. A company's "regular" or historical counsel in the country might not be the most suitable for the specific problem. Such counsel might not have the best expertise or the political or other resources needed. Assessing such qualifications from afar is difficult. As a result of many years of practice and experience, we have a broad knowledge of the law firms in the region and can help our clients make the best selection.

COUNTERING UNCONVENTIONAL TACTICS – EXPERIENCE Many countries in the region have procedures, such as *querellas*, permitting a private party to file a criminal proceeding for what is a commercial dispute. This procedure is exploited to pressure a foreign company into settling a dispute to avoid the risk that an arrest warrant will be issued against one or more of its executives. Our lawyers have experience in countering such tactics.

COUNTERING CORRUPTION – EXPERIENCE In some countries, corruption is a significant factor that affects a client's prospects of achieving a successful result. The Foreign Corrupt Practices Act and money-laundering legislation can embroil a company doing business abroad. As noted in a feature article in *Florida Lawyer* and other publications, our lawyers are experienced at dealing with troublesome issues encountered in some developing countries, including corruption, as well as accusations of illegal activities.

STRATEGISTS – MANAGERS Because litigation in an international deal often winds up in the courts of more than one country, coordination among the various local counsel is essential. What is helpful to the case in one country might damage the case in another.

In addition, even where the dispute is in only one country, a stance taken abroad may have broader implications for the client from a regulatory or other perspective at home or elsewhere. Our lawyers are accustomed to coordinating and managing such disputes.



INTERNATIONAL ARBITRATION

Traditionally, Latin American countries embraced policies favoring the resolution of disputes through litigation in national courts rather than arbitration. The growth of international business transactions has changed that. Today, arbitration is spreading rapidly as a means of dispute resolution in the region.

INTERNATIONAL ARBITRATION EXPERIENCE

ARBITRATION – EXPERIENCE Our team is fully familiar with international arbitration. We have experience in arbitration under the rules of the American Arbitration Association (AAA), the International Chamber of Commerce (ICC), the Interamerican Commercial Arbitration Commission (IACAC), the United Nations Commission on International Trade Law (UNCITRAL) and the International Center for Settlement of Investment Disputes (ICSID).

LEADERS IN THE FIELD Our lawyers are leaders in the practice of arbitration. José Astigarraga was one of the eight Americans first appointed by the U.S. Government to advise the NAFTA Commission on the resolution of private international commercial disputes. In the course of the ongoing negotiations for the Free Trade Agreement of the Americas, the Organization of American States asked him to speak to the government negotiators about international arbitration and dispute resolution. He serves on the London Court of International Arbitration. The UK-based *Chambers USA Guide to America's Leading Business Lawyers* reported that his peers view him “as the [United States] leading Spanish-speaking [international] arbitration practitioner.” Similarly, Ed Davis has chaired The Florida Bar's International Arbitration and Litigation Committee.

DRAFTING COUNSEL Having litigated problems caused by poorly drafted clauses, our lawyers counsel clients on the drafting of suitable arbitration clauses for their business transactions. We have lectured extensively to corporate counsel groups on drafting and strategy considerations with respect to arbitral clauses.

EXPERIENCE AS ARBITRATORS When serving as counsel in arbitration, we bring to the table our perspective as arbitrators as well as advocates. For example, José Astigarraga has served as chair, co-arbitrator or sole arbitrator in international disputes. That understanding of the arbitral process “from the inside” is useful when presenting a case as an advocate. José is a trained arbitrator who is on the rosters of multiple arbitral institutions, including the American Arbitration Association panel for international disputes, the Commercial Arbitration and Mediation Center of the Americas, the London Court of International Arbitration (LCIA) and the Centro de Arbitraje de México.

ARBITRATION LITIGATION – EXPERIENCE Arbitration often spawns litigation. At times, litigation is necessary to compel arbitration. At other times, a party will sue in court seeking to circumvent the arbitral agreement. An award, too, can generate litigation such as a suit to vacate the award. Our lawyers have litigated all such cases.

CREDITORS' RIGHTS AND BANKRUPTCY EXPERIENCE

Our lawyers have extensive experience in litigation arising from the financial services industry. As described in the following pages, that experience includes enforcement of loans, representation of creditors and lenders in bankruptcy, as well as the defense of consumer class actions. But our experience includes the other aspects of financial services litigation as well.

SECURITIES/INVESTMENT DISPUTES DOMESTIC Litigation against financial institutions over failed investments has become commonplace. As markets have cycled, and corporate scandals have spread, investors have brought a variety of claims against their financial advisors and financial institutions. The firm's experience includes the defense of claims by domestic investors for breach of fiduciary duty, mishandling of investment instructions, disputes over custodial accounts, suitability disputes as well as claims premised on the financial institution's alleged negligence that enabled others to defraud the claimant. The firm has substantial experience defending claims brought on account of the activities of rogue brokers or other financial representatives, ranging from negligence to conspiracy to defraud.

SECURITIES/INVESTMENT DISPUTES INTERNATIONAL Given its international practice, the firm represents financial institutions against claims brought by foreign claimants arising out of their international investments. The firm's international know-how has been useful in defending such claims, including in dealing with the cultural and foreign law issues that arise in the context of such disputes with a foreign plaintiff as well as utilizing the firm's substantial experience in addressing jurisdiction and forum non conveniens issues.

BANK LITIGATION The firm's broad experience in financial services has enabled it to handle a broad range of litigation to which banks are exposed arising out of their operations and relationships with customers, including claims for account fraud, check fraud, wire transfer fraud, credit card fraud, ATM fraud, credit defamation, financial privacy, account interpleader actions, and for violations of check handling procedures. The firm represents banks and financial institutions in a variety of actions in state and federal trial and appellate courts and bankruptcy courts.

LETTERS OF CREDIT Given the high level of international trade activity in Miami, commercial and standby letters of credit represent an important component of banking services. The firm has extensive experience in letter of credit disputes, particularly in the international context against account parties and beneficiaries as well as claims against intermediary banks.

CREDITORS' RIGHTS AND BANKRUPTCY EXPERIENCE (CONTINUED)

CREDITORS' REMEDIES Domestically, we represent creditors in state and federal court litigation in Florida and other states against borrowers and other debtors. We handle a broad variety of creditors' rights litigation that includes pre-judgment remedies such as replevin, garnishment, attachment and injunctive relief. We are also experienced in a wide array of litigation under the Uniform Commercial Code.

BANKRUPTCY LITIGATION Our bankruptcy practice ranges from litigation with trustees seeking to recover allegedly preferential transfers received by our creditor-clients to fraudulent transfer litigation brought by our clients seeking to recover assets transferred by debtors to thwart their creditors' collection efforts. Our team has contested bankruptcy reorganizations, including plans of reorganization and attempted cramdowns. We have litigated with foreign trustees seeking to enlist the aid of the U.S. bankruptcy courts to bar our creditor-clients from seizing collateral or other assets in the U.S.

DOMESTIC BANKRUPTCY – EXPERIENCE Founding shareholder Greg Grossman began his career in bankruptcy law as a law clerk for one of the leading bankruptcy judges in Florida. Concentrating his practice in bankruptcy and other creditors' rights issues, Greg has lectured at seminars for The Florida Bar and other groups and is an active member of the bankruptcy bar. He handles cases in bankruptcy courts both in and out of Florida.

INTERNATIONAL INSOLVENCY – EXPERIENCE Internationally, we represent lenders and creditors throughout Latin America. On behalf of our clients, we have conducted comprehensive surveys of the credit laws in multiple Latin American countries to evaluate the possibility of offering asset-based finance products, such as accounts receivable and inventory financing. Our recognized experience in this area led the World Bank to engage José Astigarraga as a consultant to assess the region's insolvency systems.

INTERNATIONAL DEBT ENFORCEMENT The U.S. Government appointed José Astigarraga to represent it at the meetings of experts convened by the Organization of American States to prepare a model secured lending law for adoption in Latin America. Being bilingual, bicultural and experienced in Latin American insolvency issues, our lawyers oversee enforcement of debt obligations and other financial transactions throughout the region. That fluency and knowledge have enabled our lawyers to participate actively in multi-party negotiations in Spanish with Latin American debtors, trustees, banks and other lenders on behalf of our creditor clients, and to devise strategies for the enforcement of these obligations.

CLASS ACTION DEFENSE

Our attorneys have defended numerous class actions in state and federal courts involving claims on state and national levels. Recently, no industries have been more prone to the specter of massive class actions than the financial services and insurance industries. Founding shareholder Ed Mullins has defended financial institutions and insurance companies in claims involving the Truth-in-Lending Act, unfair business practices laws, and insurance statutes.

Our firm's experience in the field of arbitration has benefited our class action defense practice. Many of our clients, recognizing the high cost of litigating in court, especially consumer class actions, have incorporated arbitration clauses in their standard consumer contracts. That makes it difficult for enterprising plaintiffs' lawyers to bring a class action in federal courts. We have been at the forefront of such issues, including litigating at the trial and appellate levels whether arbitration clauses in consumer contracts are unconscionable or otherwise should not be enforced.

EXAMPLES OF OUR LAWYERS' EXTENSIVE EXPERIENCE DEFENDING CLASS ACTION CASES:

- Representation of a bank and insurance company in federal district court in class action brought on behalf of 340,000+ consumers for alleged violations of the Truth-in-Lending Act and the state insurance code.
- Representation of a consumer bank in federal district court and federal court of appeals in a class action arising out of retail installment finance contracts containing a clause requiring arbitration of disputes upon demand.
- Representation of an insurance carrier in multiple class actions pending in Florida state court arising out of the payment of benefits and the viability of a release given to a medical services provider.
- Representation of an insurance carrier in multiple class actions pending throughout the State of Florida arising out of alleged violations of the Florida Insurance Code and alleged breaches of contract regarding the refund of allegedly overcharged premiums for insurance.

COMMERCIAL FRAUD PROSECUTION AND ASSET RECOVERY

FRAUD RESPONSE ADVICE The surprise caused by the discovery of a fraud often creates a crisis-like atmosphere within the defrauded company, resulting in mistakes that destroy evidence needed in court or infringe on the suspect's rights. Such mistakes can later impede the prosecution of the fraudster and the recovery of the stolen assets. We advise and guide our clients in avoiding such costly mistakes.

FRAUD PREVENTION ADVICE Founding shareholder Ed Davis is a Certified Fraud Examiner and a member of the Association of Certified Fraud Examiners. He has lectured regularly on issues such as fraud prevention and civil prosecution, including presentations to The Florida Bar, bank groups and other associations. We advise clients in establishing fraud prevention and detection programs, and assist clients in establishing fraud crisis response plans in anticipation of possible frauds. We also advise bank audit committees on how to mitigate fraud risk. Beyond that, our team counsels companies that suspect they are being defrauded. By working with investigators in establishing proper surveillance, investigative procedures and limits, our lawyers assist clients in determining appropriate responses to such situations without creating additional liability.

WIDE NETWORK OF RESOURCES Our lawyers have developed a wide range of contacts who can assist in the investigation of a fraud in the U.S. or abroad. Our lawyers work closely with investigators, computer forensic experts, foreign lawyers, forensic accountants, handwriting experts and other forged document experts. Often these other professionals are key resources in a rapid response to a discovered fraud. Our group works closely with federal and state authorities, assisting in the prosecution of fraudsters.

INTERNATIONAL EXPERIENCE Our work benefits from our international capabilities. Our ability to communicate easily in Spanish and our network of contacts in the Caribbean and Latin America are often useful resources when responding to a fraud.

EFFECTIVE TOOLS When the fruits of a fraud remain in the victim's jurisdiction, we resort to the local courts to freeze the funds and trace the assets. If the fraud proceeds are transferred to another jurisdiction, such as the Caribbean, we have used a panoply of remedies available to freeze the funds, including injunctions (freeze orders). When swiftness is critical, our experience, contacts and resources allow us to move quickly.