

Murray B. Silverstein

PARTNER

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Office: New York, Tampa



Murray's experience in the courtroom and his ability to streamline complicated issues provides effective representation to his clients through strong written and oral advocacy skills.

Murray utilizes skills honed through more than 30 years of offering clients an effective approach to resolving or litigating complex disputes in the areas of business, commercial and real estate matters in federal and state courts.

His representation of financial institutions, loan servicers, private equity firms, investors, developers, and individuals includes issues spanning a variety of practice areas and industries, often hinging on claims of unfair competition, intellectual property and trade secret violations, enforcement and defense of restrictive covenants, shareholder and partnership disputes, contract claims and remedies, defense of consumer finance class actions, construction and real property disputes, health care litigation, professional licensing matters before administrative agencies, and appeals.

In addition to trying cases in state and federal courts around the country, Murray is an experienced mediator and has provided effective mediation services to hundreds of litigants. He is an approved panelist for the American Arbitration Association, and an invited member of the [National Academy of Distinguished Neutrals](#), where he has attained Diplomate status.

PRACTICES & INDUSTRIES

- Business Litigation
- Class Action
- Consumer Financial Services
- Real Estate Litigation
- Securities Litigation, Arbitration & Enforcement Actions

ADMISSIONS

- Florida
- District of Columbia
- New York
- Supreme Court of Florida
- Supreme Court of the United States
- U.S. Court of Appeals, Eleventh 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

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Prior to joining Stinson, Murray served as managing partner of the Tampa office of a full-service, national law firm.

EXPERIENCE

Representation of lender manager in defaulted \$200 million EB-5 construction and development credit facility for Orange County, California, retail office and entertainment complex.

Concluded favorable settlement for national building manufacturer and its structural engineer after 2-week construction defect arbitration in AAA proceeding.

Concluded favorable settlement for Chinese EB-5 investor/lenders owed \$43 million in Florida Panhandle hotel/resort after multiple lawsuits challenging priority of mezzanine to senior lender security interests, and actions of the general partner.

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 favorable arbitration award after week-long AAA 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 final judgment damages for property owner after a multi-day bench trial against national convenience store/petroleum retailer for loss of use and environmental contamination due to petroleum discharge.

Obtained a judgment of involuntary dismissal on behalf of national reverse mortgage lender, upon district court's determination that private right of action does not exist under

Florida

EDUCATION

Stetson University College of Law, 1982

Stetson University, B.A., *cum laude*, 1980

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RESPA for challenges to the reasonableness of force placed insurance rates.

Secured final summary judgment in favor of consumer lender and against federal certified statewide class of plaintiffs who sought damages and equitable relief for alleged violations of 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.

Litigated and recovered for special servicer \$52 million commercial foreclosure judgment against professional office park, and negotiated debt restructuring 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 a \$100 million settlement on behalf of statewide 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 (one following remand) and three appeals.

Obtained a \$1.2 million verdict after two-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 alleging violations of Florida's Consumer Collection Practices Act (FCCPA).

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.

Successfully asserted estoppel by deed defense to obtain dismissal after bench trial in quiet title action involving conveyance to a nonexistent entity, following appellate court's reversal of trial court's dismissal with prejudice.

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Secured significant determination on scope of fee awards under Florida Statutes Section 57.105 (frivolous claims), 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.

Obtained reversal of trial court's dismissal of claim based on independent tort exception to Florida's then economic loss rule.

Obtained certification of question of great public importance in the Florida Supreme Court on novel issue of whether a prior administrative agency's determination of 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.

RECOGNITIONS

The Best Lawyers in America®, 2024

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," 2018-2022

Super Lawyers, "Florida Super Lawyers," Business Litigation, 2007, 2009-2021

Florida Trend, "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

PROFESSIONAL & CIVIC ACTIVITIES

American Academy of Certified Mediators

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American Bar Foundation

Hillsborough County Bar Association

National Academy of Distinguished Neutrals

National Board of Trial Advocacy

- Board Certified Civil Trial Specialist

St. Petersburg Bar Association

- Executive Committee
- Editor, Paraclete

The Florida Bar

- Board of Legal Specialization and Education
 - Board Certified Business Litigation Lawyer
 - Board Certified Civil Trial Lawyer
- 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
 - Rules Committee, Board Liaison
 - 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
- Alternative Dispute Resolution Section

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The Florida Bar Foundation

- President, 2023
- Board member, 2015-Present
- Technology Committee, Chair, 2019-2022
- Fellow, 2003-Present

Florida Supreme Court, Certified Circuit Court Mediator, 1993-2012

YMCA of Greater St. Petersburg, 2007-2013

Community Law Program of St. Petersburg, Inc.

- Past President and Board Member, 1996-2010

Supreme Court of Florida's Florida Courts Technology Commission

- Appointed Commissioner, 2006-2021

Florida CraftArts, Board Member, 2015-2017

Leadership St. Petersburg, Class of 1987

Leadership Tampa Bay, Class of 1989

NEWS

Arrival of Cummings and Silverstein in Stinson's Tampa Office Featured by *Law360*

08.07.2023

Stinson's Murray Silverstein Chosen as Florida Bar Foundation's New President

08.03.2023

Stinson Growing Tampa Office with Addition of Litigators, Brian Cummings and Murray Silverstein

07.31.2023

SPEAKING ENGAGEMENTS

Speaker, "Practitioners' Views & Advice on Litigation, Transactions, & Lending Involving the Elderly,"
Florida Bar Annual Convention, June 29, 2019.

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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 Live Webinar, November 21, 2017.

Panelist, "Legal Issues and Regulatory Compliance – State Court Litigation," Mortgage Bankers Association Annual Conference, 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, April 7-8, 2016.

PUBLICATIONS

Co-Author, "Technology and Florida's Rules of Judicial Administration," *The Florida Bar Journal*, January 2016

Author, "Report of the Florida Rules of Judicial Administration Committee," *The Florida Bar Journal*, June 2015