BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM

CHARLES H. LICHTMAN

Retired Partner

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Chuck Lichtman has been recognized by Best Lawyers in America two-times as its Lawyer of the Year and for 15 straight years for his excellence in the practice areas of Commercial Litigation, Securities Litigation and Bankruptcy Litigation. Chuck's national complex commercial litigation and trial practice, particularly in "bet the farm" and emergency matters, has largely focused on representing victims of fraud, and in receivership and trustee matters, corporate shareholder disputes and finance and securities litigation. His experience, insight, diligence and ability to lead a team has been demonstrated throughout his career, including through over 150 trials or complex evidentiary hearings.

Education

J.D., DePaul University College of Law
A.B. Double Major, *with honors*, Indiana University

Bar Admissions

Florida (1985)
Illinois (1980)

U.S. Court of Appeals, Eleventh Circuit
U.S. Court of Appeals, Federal Circuit
U.S. Court of Appeals, Seventh Circuit
U.S. District Court, Northern District of Florida
U.S. District Court, Northern District of Illinois
U.S. District Court, Southern District of Florida
U.S. Supreme Court

Representative Matters

Representations involving fraud:

- Served as Lead Litigation Counsel for the court appointed Bankruptcy Trustee on all matters related to the fourth largest Ponzi scheme in United States history, In re: Rothstein Rosenfeldt & Adler, P.A. ("RRA"), involving $1.4 billion in fraudulent transactions. The matter involved winding down the operations of RRA, formerly a prominent 70-lawyer law firm in Fort Lauderdale, marshaling its assets, and investigating and bringing over 100 lawsuits for the benefit of victim investors and creditors. Ultimately, a Plan of Liquidation was approved by the Court that paid a 100% distribution to all creditors of the RRA estate, the highest such percentage payment in a Ponzi scheme in United States history, accomplished in less than 4 years from when the case was filed. Chuck's duties included first-chairing and overseeing all litigation, investigations and forensic examinations including tracing of money through over 30 accounts, and serving as the liaison with The Florida Bar on RRA attorney disciplinary matters and the Department of Justice on issues related to its criminal investigations. Chuck also oversaw the massive electronic discovery process, extracting and organizing data involving millions of e-mails and documents, while formulating an efficient process to assure all parties obtained requested discovery, while simultaneously dealing with extensive attorney-client privilege issues.
- Appointment as Receiver by a federal judge on a matter brought by the Federal Trade Commission against approximately 40 companies and individuals involved in a nationwide scheme to defraud consumers out of payments that were supposedly going to be used to help them save their homes during mortgage foreclosure proceedings. The matter is ongoing and Chuck has already cost-effectively recovered millions of dollars that is recompensing the victims of this scheme.
- Appointment as Receiver by a federal judge on another matter brought by the Federal Trade Commission against an individual and a number of related companies formed by him to perpetrate a nationwide scheme to defraud consumers into agreements to supposedly reduce student loan debt. In the first months of the case, Chuck uncovered a series of fraudulent transfers which he forced the individual to return, accounting to a multi-million recovery for the victims of the fraud.
- Representation of the largest creditor and then as court-approved, Special Litigation Counsel to a bankruptcy trustee of a national insurance company, American Way Service Corp., pursuing fraudulent conveyances against the company's principal. The judge called the case one of the largest bankruptcy frauds in South Florida history. In recovering 100% of his client's multi-million dollar loss, Chuck first uncovered, then put together and successfully tried the civil case reported in a 47 page opinion. The adversary proceeding presentation was then mirrored by the U.S. Attorney who successfully prosecuted the corporate principal, sending him to prison for seven years.
- Appointed by the presiding judge in the Business Court in the Circuit Court of Broward County Florida, as Receiver over a 2,500-member church where the pastor was accused of embezzlement. Lichtman terminated the pastor, located a temporary pastor, installed a new board of directors to find a new pastor, and reshaped the church's finances giving it stability and assuring its solvency. Upon the successful conclusion of the matter, the church held a Sunday service which was announced as "Chuck Lichtman" day.
- Equity holders defrauded out of their investment in an $80 million transaction stated by the Miami Herald as the largest land sale transaction in Dade County history, related to Miami Beach's three famed high-rise

Seacoast Towers. Chuck brought a myriad of claims in Florida State and United States Bankruptcy Court against numerous co-conspirators and other parties including professionals. At the beginning of the case he utilized pre-judgment remedies freezing and seizing the assets of two of the fraud's leading perpetrators. He then helped trace assets around the globe, bringing recovery actions in Monaco, Italy, the Caribbean and South America.

- The largest group of investor creditors in the $500 million Premium Sales securities fraud/Ponzi scheme, working with other firms and helping to collect about 80% of the loss.
- A group of Japanese investors in the Mutual Benefits matter, the largest viatical fraud case in Florida. Within six months of taking the case, Chuck recovered all of his client's $13 million investment, successfully arguing to the Court that his client's funds, then in the custody of an SEC Receiver, belonged to his clients.
- An equipment lease company against a vendor and about thirty lessees, all charged with fraud. Chuck prevailed at trial, with the federal judge writing a 21 page opinion, which now serves as the leading case in Florida upholding an equipment lease's "hell or high water clause." Ultimately, Chuck recovered 100% of his client's loss.
- Within months of each other, in two separate securities fraud lawsuits where he was representing a plaintiff defrauded by the officers of unrelated public companies, he recovered nearly all remaining officer and director insurance policy proceeds. Before that, numerous other plaintiffs had sued these public companies and all of them had lost their cases either through the motion process or at trial.
- Represented investors bilked out of millions by a former engineer of the Canadian Space Authority and a storefront, fictitious bank located in Grenada. Chuck instituted legal proceedings against parties from all over the world, and won an appeal in the case establishing that the foreign defendants were subject to the Florida court's personal jurisdiction. He also traced assets and money through the Caribbean, Canada and Turkey. The case was featured on Canada's equivalent of 60 Minutes. The principal perpetrator of the fraud was convicted in U.S. federal criminal proceedings, and sentenced to 20 years.
- Represented an overseas investor bilked out of $12 million by an individual in Orlando who was engaged in a multi-tiered fraud. Chuck maximized the client's recovery and put together a file that helped federal prosecutors charge the defendant with criminal activity, ultimately resulting in a guilty plea.
- Represented a significant private art collector in one of the largest art fraud cases in American history, involving a dealer who was once labeled as having the best art gallery in the world by the Robb Report. Chuck recovered all of the client's loss through negotiations with an insurer in less than 90 days. He then initiated a bankruptcy of the art gallery and then turned over his file to prosecutors and helped jump start criminal proceedings that ultimately led to the culprit's conviction and a sentence of 6 to 18 years.
- The Bank of New England, who lost $6.2 million (in 1985) resulting from a fraudulent accounts receivables scheme. Prior to trial, the Bank's directors authorized a $20 million settlement payment to the defendants on their "failure to fund" and usury lender liability counterclaim. Chuck prevailed upon the Bank's Chairman to let him try the case instead of making the settlement payment. Following a three week federal bench trial, the judge entered a 53 page opinion finding for the bank on all grounds. A significant amount of the bank's loss was collected through aggressive fraudulent conveyance based post-judgment proceedings.
- The secured lender in bankruptcy court against a chain of movie theaters, which were used as conduits to launder money by its principals, leaders of the largest Mexican heroin cartel. During the case, Chuck was told by one of these men in a courtroom hallway he "was going to end up in the trunk of a car if he didn't back off." Shortly afterwards, the drug cartel members disappeared, presumably leaving the country. Ultimately, after two years of work, the client was made nearly whole on its potential significant exposure. Chuck's investigation during the case uncovered and documented a payoff scheme with City of Chicago officials related to the purchase of certain real property.
- An individual named by Interpol on its "International Top Ten List of Con Men" who was also involved in the Abscam scheme which was in part depicted in the movie American Hustle. Chuck successfully defended him at a lengthy trial in Geneva, Switzerland on criminal charges of bank fraud.

- Represented a local manufacturer whose employee embarked on a multi-year elaborate embezzlement scheme, ultimately stealing over $10 million dollars. Upon retention, Chuck filed pre-judgment attachment proceedings that successfully locked up the fraudster's homestead on claims of equitable lien, ultimately getting it turned over to the client along with all of his personal property including collector cars and expensive jewelry. Successful claims were also resolved against insurers and banks, getting the client close to being made whole on its losses.

Representations involving securities fraud and class action/derivative matters:

- Representation of the securities firm, Drexel Burnham Lambert, to serve as it counsel on all of its Florida securities litigation, before DBL was liquidated.
- Representation of well-known South Florida real estate magnate in securities fraud claim against international defendants related to placement memorandum misstatements, resulting in 100% settlement on the 3rd day of trial in Federal Court.
- Representation of investor in New Line Cinema for misrepresentation in private placement documents, leading to quick settlement of claims for 100% loss.
- Representation of an investor in a finance company who was defrauded through false financial statements and related documents. Chuck recovered 90% of the client's loss.
- Representation of numerous public companies over a 30 year period in federal securities class action claims, providing, depending on the case counsel to the company, its director, or its independent directors in a myriad of either direct or derivative claims.

Representations in corporate litigation including shareholder or partnership disputes:

- Represented the controlling interests of a family enterprise involved in the worldwide production and distribution of asphalt, in a dispute with their son/brother involving a $140 million claim of fraud and breach of fiduciary duty that was wrapped into 12 lawsuits and two bankruptcies pending around the United States. The parties were simultaneously locked in a battle over control of an asphalt refinery in Texas that ended up in a Chapter 11 bankruptcy. Ultimately, Mr. Lichtman orchestrated a global settlement that resolved all litigation and the sale of the refinery for $100 million that also paid all of the creditors of the refinery in full.
- Representation of Miami Dolphin and NFL Hall of Fame player, Nick Buoniconti, in resolving a claim outside of litigation, causing the Fuddrucker's restaurant franchise to buy him out of his significant shareholding interest at a premium.
- Representing a significant shareholder and investor in an internationally known cruise line in a hostile dispute with management, ultimately forcing the company to buy him out at a premium.
- Representing a majority shareholder of a national pet vaccination business in litigation against the estate of his equal shareholder, ultimately gaining control of the company through a highly advantageous tax driven structured settlement, which saved the client a significant sum of money compared to the buy-out formula contemplated by the parties Stockholder's Agreement.
- Guiding a national insecticide company through a myriad of hostile disputes with its equal shareholder, while keeping the matter out of court, ultimately resulting in the client acquiring the other 50% interest on highly favorable terms.
- Successfully representing the son and his father's estate in a hotly contested and complex bidding process to purchase two locally well-known banquet halls, following the father's murder his business partner.
- Representation of a minority shareholder in a national ice cream company that successfully first caused the installation of a court-appointed receiver, and that subsequently led to the minority investor taking control of the company.

Representations involving lender liability and finance:

- Successfully representing through trial a mid-sized Florida bank in prosecuting what the Miami-Dade County Business Court judge said was the most complex commercial mortgage foreclosure case she had ever seen

in her career. This matter also involved successfully defending an equally complex $100 million counterclaim involving claims of fraud, breach of fiduciary duty and violations of the Federal Bank Holding Act.

- Successfully defending a Florida bank by prevailing on a summary judgment on alleged $25 million claims brought by a multi-national company. The plaintiff alleged the bank violated "Know Your Customer" rules and was aiding and abetting fraud and fraudulent transfers, perpetrated by the company's officer who embezzled corporate funds.
- In representing various financial institutions, Chuck has successfully defended numerous lender liability cases, including four alone where damages sought exceeded $90,000,000, winning two at trial, one by summary judgment and one by motion to dismiss.
- Significant experience in equipment leasing and secured financing, banking, workouts and creditor's rights including bankruptcy. Clients included, GE Capital Corp., AT&T Capital Corp., CIT Finance, Bank of America Finance, Finantra Capital Corp., Hewlett Packard Capital Corp., Heller Financial, Fellet Capital Corp.

Other representations involving complex civil business matters:

- Serving on a team that successfully defended three of the nations' most-well known retailers in a patent infringement action where, if lost, damages were estimated at between $1 billion to $10 billion.
- Successfully twice defending a $100 million tort claim in Federal Court by Abbott Labs against a client, alleging the illegal pirating of the cancer drug, Lupron.
- Representing Florida's U.S. Senator Bill Nelson in a Freedom of Information Act claim against FEMA, arising out of insurance issues and fraud arising out of Hurricane Katrina.
- Settling an attorney malpractice action brought against prominent patent lawyers for full policy limits related to their negligent advice in issuing a Validity Opinion which caused the client to be sued in a myriad of patent related actions, nearly putting it out of business.
- Obtaining injunctions in three states preventing trademark infringement of a nationally known mattress brand, collecting significant damages and putting the infringer out of business.
- Won a case on a motion to dismiss in federal court where a nationally known company was sued for product defects.
- Retained as an expert witness on the issue of reasonable attorneys' fees opposing a claim by an attorney and his client for an approximate $1 billion fee and sanction, resulting from violation of a trial order, in what is believed to be the largest such request in Florida's history.
- Successfully representing a national pharmaceutical manufacturer on claims of breach of contract in a supply distribution agreement, ultimately resulting in a favorable settlement.
- Successfully defending a local bank through trial in an eviction for non-monetary defaults, in a case two trial judges said was the most complex eviction case either had ever seen, and which had been described by lawyers familiar with the case, as impossible to win.
- Represented a girlfriend/live-in legatee in a will contest case resulting in an eight-figure settlement for the client.
- Chuck has prosecuted or defended many cases involving claims of usury and has also served as an expert in one usury case.
- Chuck has extensive experience in a wide variety of business torts, prosecuting and defending accountant and attorney malpractice, pre and post-judgment remedies.

Awards & Honors

- *The Best Lawyers in America*®, 2009-2023
  - *Best Lawyers*' 2018 Litigation-Bankruptcy Lawyer of the Year, Fort Lauderdale
  - *Best Lawyers*' 2016 Litigation-Bankruptcy Lawyer of the Year, Fort Lauderdale
- *Florida Super Lawyers,* 2007-2022
  - Top 100 State of Florida, 2017-2018
  - Top 100 Miami, 2015-2018
- *South Florida Legal Guide*, Top Lawyers, 2012-2019
- *Chambers & Partners, America's Leading Business Lawyers*, Commercial Litigation, 2014- 2018
- *Martindale-Hubbell*, AV® Preeminent™ rated, 1990-2017
- *Florida Trend,* Legal Elite, 2004-2016
- *Daily Business Review*, Finalist, Most Effective Lawyer Award, Bankruptcy, 2011
- *South Florida Business Journal,* Key Partner, 2010

Community Activities / Associations

Civic Involvement

Chuck has devoted a significant amount of personal time to a state and national pro bono effort on matters related to election law and voter protection issues. Chuck is currently serving in a full time role as Chief Legal Counsel to the Florida Democratic Party overseeing all election law and voter protection issues, including litigation, for the November 2020 elections. In this endeavor, he is also working closely with the Democratic National Committee and the Biden for President campaign, and will ultimately have over 7500 lawyers working under him in Florida on election day. He served as co-lead counsel for the Democratic Party in the 2000 Presidential election recount and litigation matters, pending in Broward County, Florida. He then served as Special Lead Counsel for the John Kerry Campaign in Florida in the 2004 Presidential Election. In this effort, he formulated and recruited a voter protection team of 3200 Florida lawyers, which served as the voter protection template used by the Democratic National Committee in the other battleground states. Following that election, he founded the National Democratic Lawyer's Counsel, establishing chapters across the country committed to protecting every citizen's right to vote. This organization was ultimately merged into the DNC. In the 2008 Presidential election, he served as Statewide Lead Counsel for the Florida Democratic Party and the Obama campaign, overseeing the technical aspects of the election in all of Florida's 67 counties and a voter protection program which placed over 5800 lawyers in the polls throughout Florida on election day.

Other Civic Involvement

2003-2018 – Becca’s Closet - Incorporator and a founding Director of this national organization dedicated to obtaining and distributing formalwear for underprivileged high-schoolers for use at proms and homecoming events.

2011-2017 – Indiana University School of Communications Alumni Board.

2017 – present – DePaul College of Law Dean’s Advisory Council.

2015 – present – Jewish Federation of South Palm Beach County

2015 – present – Co-Chair of Men’s Division.

2016 - present – Co-Chair of Inspire Mentorship Program.

2018 – present – Member of the Board of Directors and Executive Committee.

2019 – present – Co-Chair of Security Committee, just established to assure that every Jewish controlled building in South Palm Beach County has up to date physical plant and emergency security plans.

2019 – Secure Community Network – National Board of Directors. Recently appointed to SCN, an arm of the Jewish Federations of North America, established to assure security plans are established in all Jewish communities throughout the United States. Chuck will be principally working on behalf of SCN in Palm Beach, Broward and Miami-Dade Counties.

Professional/Legal Involvement

- Served as Chairman of the American Bar Association Lease Financings and Secured Transactions Subcommittee.
- Equipment Lease and Finance Association of America:
  - Chairman of its Legislative and Regulatory Subcommittee;
  - On the ELFA's Governmental Affairs Council, where for three years he helped plan Capitol Hill Day, a nationwide grass roots lobbying effort by finance industry leaders in Washington; and
  - On both its Legal Committee and Service Provider's Committee.
- Former President of the Florida Association of Equipment Lessors where he spearheaded the equipment lease industry's efforts to favorably cause the Florida Department of Revenue to modify their assessment of documentary tax stamps on lease transactions.
- Chuck served by appointment from Senator Bill Nelson as a member of Florida's Federal Judicial Nominations Commission, which interviews nominees and makes recommendations to the President for the positions of U.S. District Judge, U.S. Attorney and U.S. Marshall.

In the News

Forty-Three Berger Singerman Attorneys Recognized in the 2023 Edition of Best Lawyers In America
August 18, 2022

Twenty-three Berger Singerman Attorneys Recognized in 2022 Edition of Florida Super Lawyers
June 27, 2022

Thirty-Nine Berger Singerman Attorneys Recognized in the 2022 Edition of Best Lawyers In America
August 19, 2021

Nineteen Berger Singerman Attorneys Recognized in 2021 Edition of Florida Super Lawyers
June 24, 2021

Thirty-Five Berger Singerman Attorneys Recognized in the 2021 Edition of Best Lawyers In America
August 19, 2020

Twenty-Seven Berger Singerman Attorneys Recognized in 2020 Edition of Florida Super Lawyers
June 8, 2020

Twenty-one Berger Singerman Attorneys Listed in South Florida Legal Guide as Top Attorneys
October 31, 2019

Thirty Berger Singerman Attorneys Recognized in the 2020 Edition of Best Lawyers In America
August 14, 2019

Twenty-Eight Berger Singerman Attorneys Recognized in 2019 Edition of Florida Super Lawyers
May 29, 2019

South Florida Legal Guide Names 21 Berger Singerman Attorneys as Top Lawyers
March 7, 2019

Daily Business Review quotes Chuck Lichtman in, "Roger Stone Has Colorful South Florida Litigation History"
January 29, 2019

Thirty Berger Singerman Attorneys Recognized in the 2019 Edition of Best Lawyers In America
August 14, 2018

Thirty-One Berger Singerman Attorneys Recognized in 2018 Edition of Florida Super Lawyers
June 17, 2018

Berger Singerman Recognized by Chambers USA for 15th Consecutive Year
May 2, 2018

South Florida Legal Guide Names 23 Berger Singerman Attorneys as Top Lawyers
January 9, 2018

Thirty Berger Singerman Attorneys Recognized in the 2018 Edition of Best Lawyers In America
August 14, 2017

Thirty-Two Berger Singerman Attorneys Recognized in the 2017 Super Lawyers Florida Edition
June 8, 2017

Berger Singerman Receives High Marks by Chambers USA for Fourteenth Consecutive Year
May 29, 2017

Twenty-Eight Berger Singerman Attorneys Recognized in the 2017 Edition of Best Lawyers In America
August 14, 2016

Florida Record quotes Paul Singerman and Charles Lichtman on "36 attorneys of Berger Singerman firm make Super Lawyers top lawyers lists"
July 6, 2016

Twelve Berger Singerman Attorneys Recognized in the 2016 Edition of Florida Trend
June 21, 2016

Thirty-Six Berger Singerman Attorneys Recognized in the 2016 Super Lawyers Florida Edition
June 13, 2016

Berger Singerman's Dispute Resolution Team Receives High Marks by Chambers USA
June 7, 2016

Berger Singerman Receives High Marks by Chambers USA for Thirteenth Consecutive Year
June 1, 2016

Publications

Miami Herald, "My View: The next big fraud is on the horizon"
January 9, 2016

Events & Speaking Engagements

Charles Lichtman, Speaker, The Florida Bar’s Section of Litigation on “The History of Florida Voter Protection and Election Law”
January 23, 2022