

## THOMAS G. SCHULTZ

### *Curriculum Vitae*

Thomas G. Schultz chairs the Litigation Division of Ferrell Schultz Carter & Fertel, P.A. He previously chaired the litigation groups at Holland & Knight and McDermott, Will & Emery. He heads the office's litigation practice area and focuses his own trial practice on most aspects of general commercial litigation. Mr. Schultz has decades of experience in cases involving contract disputes, distributorship arrangements and unfair competition, banking transactions, insurance company and bank regular, receiverships, real estate finance and development, and lawyer and accountant's liability issues.

Mr. Schultz has represented officers and directors of corporations, officers and trustees of investment trusts and trustees of common law trusts in various litigations over the years. In such cases, he had defended contract, negligence, intentional tort and statutory claims wherein the entity's direct liability and the individual's direct and vicarious liability were at issue. These matters were generally complex, multi-party claims in both state and federal courts wherein the damage amounts routinely exceed \$10 million dollars. In the related area of a general partner's liability in connection with that status in local and national partnerships, Mr. Schultz has represented individual partners in cases involving malpractice and other common law and statutory torts.

Mr. Schultz is the author of several works, including co-authorship of an annotated reference to *Florida Civil Procedure*, DeFoor & Schultz, *Florida Civil Procedure Forms* (West, 1989), and a law review article, Schultz & Weber, *Civil Procedure: 1993 Survey of Florida Law*, 18 Nova L.Rev. 155 (1993). Mr. Schultz also authored the "Remedies" chapter in *Practice Under Florida Usury Law* and tri-authored the "Scope and Standards of Review" chapter of the Lawyers Cooperative Federal Practice Guide, 11th Circuit: Federal Appellate Procedure, Volume II. He is included in the practice area of business litigation in the last ten editions of Woodward/White's *The Best Lawyers in America* and is listed in the *South Florida Legal Guide* as one of South Florida's top lawyers. Mr. Schultz is a fellow of The American College of Trial Lawyers. For the past ten years, he has been pro-bono general counsel for the Boys & Girls Clubs of Miami, Inc.

Since 1982, Mr. Schultz has been an adjunct professor of litigation skills at the University of Miami School of Law and is a past member of the executive committee of that school's Eugene P. Spellman American Inn of Court. Over the past twenty years, he has served as a lecturer and faculty team leader for various litigation seminars and workshops for The Florida Bar, The National Institute of Trial Advocacy and for the litigation support divisions of several national accounting firms. He has served as faculty team leader of the Florida Bar's annual Trial Advocacy Seminar and in the same capacity for the National Institute of Trial Advocacy Advanced Advocates Program.

From 1992 to 2000, Mr. Schultz was a member of the Federal Judicial Nominating Commission of Florida, a position to which he was appointed by U.S. Senator Bob Graham of Florida. That Commission screened and recommended applicants to Senator Graham to fill vacant U.S. District Court, U.S. Attorney, and U.S. Marshall positions in the state of Florida. He served as Chairman of that Commission from 1996 to 2000. Mr. Schultz is the past chairman of the Federal Judicial Advisory Commission of Florida serving the same function for U.S. Senator Connie Mack. Mr. Schultz is also the past chairman of the Judicial Nominating Commission for the Court of Appeals of Florida, Third District.

Mr. Schultz is a member of the American Law Institute and the Dade County Bar Association, and a fellow of the American Bar Foundation.

In the Florida Bar, Mr. Schultz served on its Civil Procedure Rules Committee. He chaired the Florida Bar's Eleventh Judicial Circuit Grievance Committee and its Judicial Nominating Procedures Committee. He presently serves as an ad hoc member for panels of the Florida Judicial Qualifications Commission, which adjudicate the Florida Supreme Court's judicial removal actions.

Mr. Schultz spent three years in the U.S. Army Judge Advocate General's Corps as chief defense counsel for the U.S. Fourth Army having jurisdiction over the most serious General Courts-Martial cases tried in Army installations in a five state area.

Mr. Schultz graduated from Florida State University with a bachelor's degree in political science. He received his law degree from the University of Florida College of Law, where he served as a member of the *University of Florida Law Review*.

Mr. Schultz has served as a Special Master in both state and federal litigation proceedings. In such capacity, his duties have ranged from resolving pretrial motions, discovery disputes, to report and recommend on case disposition motions. He has served as Court Appointed Receiver in FCC and FTC enforcement proceedings and was appointed as a fee examiner in a major federal class action. In that case, Mr. Schultz, conducted evidentiary hearings, made legal rulings incorporated into a Report and Recommendation adopted by the court.

Mr. Schultz has been appointed as an arbitrator in proceedings involving commercial disputes conducted by arbitration institutes as well as ad hoc arbitrations. He has also served frequently as a court appointed mediator in various state and federal cases, including a \$300 million commodity options federal class action. He has testified numerous times in major contested attorney's fees litigations and arbitrations. Recently he served as an expert witness in a lengthy litigation of a \$ 41 million class action attorneys fee claim.