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## Luxury Aventura Condo Opponents Ordered to Pay Developer \$26M

by Lidia Dinkova

A homeowner association for affluent Aventura residents who opposed the neighboring Prive at Island Estates condominium are on the hook for \$26 million in damages to the developer after fighting against the luxury project.

A jury on Tuesday agreed with the developer that Williams Island Property Owners Association Inc. breached an agreement that prohibited it from objecting to the Prive development on the nearby private island.

The newly completed Prive is a 16-story, twin-tower complex with 160 units and panoramic views of Dumbofounding Bay. It's the only development on the 8-acre North Island, which connects by bridge to South Island, an enclave of about 22 single-family homes. Another bridge ties South Island to Williams Island and the mainland.

Waldman Barnett co-managing partners Glen Waldman and Eleanor Barnett and partner Jeffrey Lam in Miami worked on the case on behalf of the developer.

Kenny Nachwalter shareholders Jeffrey Foreman, Richard Critchlow, Deborah Sampieri Corbishley and Elizabeth Brooks Honkonen represented the association. They might appeal the verdict.

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PHOTO BY THE COURTESY

# DAILY BUSINESS REVIEW

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## \$20 Million Loan Comes Back to Haunt Broward Law Firm, Defense Counsel

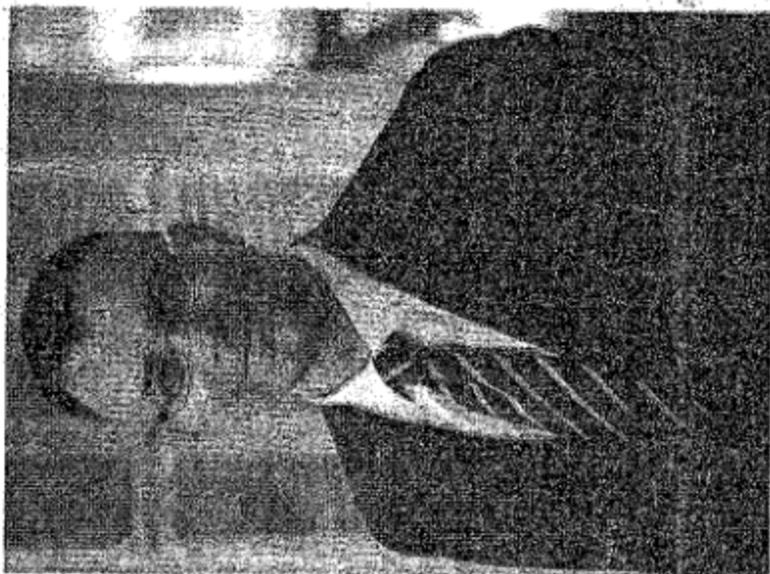
by Samantha Joseph

A motion for sanctions takes aim at several high-profile South Florida attorneys — Bruce Rogow, Albert Frevola Jr., Jessica Kopas and Michael E. Dutko Jr. — as an old debt comes back to haunt Conrad & Scherer.

The underlying breach-of-contract complaint could wipe out the Fort Lauderdale law firm under a motion asking the court to appoint a receiver to take control of Conrad & Scherer.

The 2017 lawsuit pits former client Douglas Von Allmen against the firm that represented him for years. The sanctions motion alleges Conrad & Scherer borrowed \$20 million from Von Allmen to fund litigation against convicted Ponzi schemer and law firm chairman Scott Rothstein and to launch a national human rights practice.

One venture was successful, while the other embroiled the firm in ongoing multidistrict litigation and other suits in federal court. Von Allmen's court pleadings suggest Conrad & Scherer overextended its



"We don't believe the law firm has the ability to pay us back, so we want to safeguard our interests," said Paul D. Turner of Periman Bajandas Yevoli & Albright in Fort Lauderdale.

resources and sought to avoid the multimillion-dollar debt by alleging its client-turned-lender agreed to forego repayment in exchange for legal services.

Von Allmen claimed his money funded Conrad & Scherer litigation that helped recover millions of dollars for him and other victims of Rothstein, who led the defunct 70-attorney labor and employment firm Rothstein Rosenfeldt Adler. Those efforts won accolades for the firm and William Scherer.

A confidential settlement was reached with Bank of America N.A. on claims the bank knew about the \$1.2 billion Ponzi scheme but still referred investors to it in hopes of landing business from Rothstein.

Von Allmen also claimed his loan funded human rights cases against multinational companies — a venture that has brought negative attention to the firm. Former Conrad & Scherer partner Terrence Collingsworth allegedly paid witnesses to change their testimony in a case accusing Alabama coal conglomerate Drummond

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## Nacho Business: Appeals Court Rules for China's Chain in Dispute

11th Circuit Bench Slaps Judge and Attorney in

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sional, young attorneys, and students in the time we went to school."

Kelley Testy, former dean of the University of Washington School of Law and current president of the Law School Admission Council, said she found much to like in the new report. The legal profession as a whole benefits when prospective law students are informed about the opportunities and challenges a law degree presents, she said. Moreover, the legal education council could use some younger voices.

"There should be a variety of generational perspectives in the mix in terms of where our profession is going and what's important for it," Testy said. "Things are changing really fast. I graduated from law school in 1991 and I've been in many rooms where I'm the young one. That's not good."

**Karen Sloan is the legal education editor and senior writer at ALM. Contact her at [redacted]. On Twitter: @KarenSloanNL.**

Rogow said Von Almen is the one with the debt. "That misses the point," Rogow said of the reference to loan documents proving the debt. "There can be — and there were oral modifications of the loan. ... On the firm's side of the ledger, money is owing."

Details on the agreements between Von Almen and the borrowers are scarce because attorneys on both sides asserted attorney-client privilege between the plaintiff and his former counsel and filed most of the court documents under seal.

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and require the board to voluntarily publish graduate employment report they submit to the National Association for Law Placement (NALP). Together, those changes will help legal educators tackle two of the profession's most pressing issues: the skyrocketing cost of a law degree and the lack of diversity within the lawyer ranks, said Law School Transparency Executive Director Kyle McEntee.

"The takeaway is that the cost of legal education is too high, and we need to take steps to address that," he said. "The first thing to address any problem is to understand the facts as they are. We want those facts."

McEntee said he's not surprised by the ABA's pushback to the addition of two young lawyers to the legal education council given that the ABA's Young Lawyers Division last fall brought forth a similar proposal that the council rejected, and because the council itself is currently in the process of restructuring.

and Dutko, meanwhile, are partners at Conrad & Scherer, which has offices in Florida, New York, North Carolina and Ecuador.

Von Almen's pleadings paint a picture of a group of lawyers arguing a point despite tax filings and bank documents favoring his position.

"The crux of defendants' counterclaim is that not a penny of the \$20 million debt to plaintiffs is owed. This is directly contradicted by the sworn positions of Conrad & Scherer and Bill Scherer to the Internal Revenue Service," the sanctions motion said. "Counsel of record know their position in their defense to plaintiffs' claims and several counts in the counterclaim are unsupported in fact or law."

Rogow's resume cites his argument of more than 450 civil and criminal cases in federal and state appellate courts. Frevola, Kopas

that report, titled "A Way Forward: Transparency in 2018," calls for the ABA to immediately add two young lawyers to the legal education council and eventually designate two of the 15 at-large council positions for young lawyers.

"The deans and faculty on the Council know the cost of today's tuition only in the sense that they can recite the price," the report reads. "They do not understand the life impact of tuition prices of \$40,000, \$50,000, or even more than \$60,000 per year have on decision making."

But Maureen O'Rourke, chair of the ABA's legal education council and dean at Boston University School of Law, said

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SANCTIONS

Corp. of conspiring to kill labor activists in Colombia.

"We don't believe the law firm has the ability to pay us back, so we want to safeguard our interests," said Von Almen's attorney, Paul D. Turner of Perlman, Bajandas Yevoli & Albright in Fort Lauderdale. "They're just rearranging the deck chairs on the Titanic. It doesn't matter what you do, the ship is still going to go down."

Von Almen alleges defense counsel presented baseless arguments to support their clients' position. His court filings ask Broward Circuit Judge John J. Murphy III to sanction the defendants and their lawyers — Rogow,