

Kluger Kaplan Lures Veteran Judge From MLB Juicing Case

By **Michael Lipkin**

Law360, San Diego (January 09, 2015, 10:34 PM ET) -- Miami-Dade Circuit Judge Ronald Dresnick, who oversaw [Major League Baseball's](#) suit accusing a health clinic of giving performance-enhancing drugs to Alex Rodriguez, is joining [Kluger Kaplan Silverman Katzen & Levine PL](#) as a partner focusing on white collar and securities, the firm said on Friday.

Dresnick, whose term expired on Jan. 5 after nearly 20 years on the bench, will work on white collar defense and securities litigation, and he will use his courtroom expertise to offer jury analysis and other consulting services, the firm said. Dresnick, who is 70, was unable to run for another term based on the state's mandatory retirement age.

"I've seen most of the firm's lawyers, and they're always really well prepared. I've watched them win cases in front of me that took incredible talent," Dresnick told Law360. "I've seen writing from the firm that surpassed everybody."

Appointed to the Eleventh Judicial Circuit in 1996 by Gov. Lawton Chiles, Dresnick was re-elected without opposition for 18 years, according to the firm. Before his appointment, Dresnick was a criminal defense attorney in private practice.

"Judge Dresnick is one of the region's most tenured and most respected judicial leaders," firm founder Alan Kluger said in a statement. "We are eager to welcome him to the firm."

Last July, Dresnick [denied a series of motions](#) seeking to dismiss MLB's suit against Biogenesis of America, ruling claims were not preempted by federal law and that he had jurisdiction in the case.

Several defendants had argued that MLB's claims of tortious interference were preempted by the Labor Management Relations Act and could not be adjudicated by a state court. Because federal law does not allow suits against a nonparty to a collective bargaining agreement, the case would then have to be dismissed, they said.

The league filed suit in March 2013, accusing Biogenesis clinic program director Anthony Bosch and others of making performance boosters available to players and providing them with instructions on how to avoid testing positive for the drugs.

But the league [dropped the suit](#) in February, declining to elaborate on its decision. Bosch was a key witness for MLB against Rodriguez during arbitration proceedings that ultimately led to the baseball star's 162-game suspension.

Transcripts from one of Dresnick's cases were suggested reading for all Florida lawyers after the state Supreme Court suspended an attorney last July for two years, finding his unprofessional antics were an

"embarrassment."

Jeffrey Norkin was repeatedly antagonistic during a 2008 case, the court found, at one point asking Dresnick to recuse himself because he was at the "beck and call" of the plaintiff. Dresnick eventually granted the motion, but Norkin was similarly unprofessional in front of the new judge, according to the opinion.

"Oh my god, I'm done. Goodbye. Not doing this," Dresnick said during a hearing, before referring an issue to a magistrate judge. "Maybe she'll have better luck with you because you're very rude to me, sir."

The Supreme Court said law students should study the case as a "glaring example" of unprofessional behavior.

Dresnick also ordered the Miccosukee Tribe last June to pay a \$3.2 million wrongful death judgment against two of its members in a drunken driving accident, ruling in a case of first impression that the tribe waived its sovereign immunity by paying \$3.1 million in attorneys' fees for the defendants and directing their legal strategy. The tribe's conduct effectively made it a party to the case, Dresnick ruled.

A Florida appeals court overturned the decision in July. The plaintiffs had sought judgment from the tribe because the defendants claimed they could not pay the award.

In another issue stemming from the case, Dresnick ruled that two defense lawyers didn't lie about the \$3.1 million in legal fees they were paid, but **decided to hit them with a hefty fine** anyway.

Dresnick said in April he was "shocked" by the size of the fees paid to attorneys Guy Lewis and Michael Tein, who represented the two Miccosukee members. The lawyers had been accused of committing perjury after they said at a 2011 sanctions hearing that their clients, rather than the tribe, paid their bill. The sanctions were originally issued for a discovery violation.

Dresnick ruled that the lawyers didn't perjure themselves, according to the Miami Herald. "But had I known [then] what I know now, the sanction amount that I originally ordered would have been \$50,000 and not [\$3,500]," Dresnick said from the bench, the paper reported. "So I'm raising it to \$50,000."

Dresnick earned his master's degree at Harvard Law School and his law degree at the University of Miami.

--Additional reporting by Nathan Hale and Carolina Bolado. Editing by Jeremy Barker.