

The orator and the writer

Aron Podhurst, senior partner of Miami's Podhurst, Orseck, Josefsberg, Eaton, Meadow, Olin & Perwin, uses a simple method to summon his appellate team.

"Send me the Joels," Podhurst has been known to shout.

The Joels are Harvard Law School graduates Joel Perwin and Joel Eaton.

Perwin, 48, is the extrovert; a master orator and former high school and collegiate debating champion who relishes the intellectual hurly-burly of oral argument.

Eaton, 54, is the introvert; a legal scholar whose briefs have been compared to legal poetry and whose peers liken him to a walking library of appellate knowledge.

The two are inundated with cases and rarely have the luxury of working together as co-counsel. However, they constantly consult one another from their neighboring offices and the intellectual exchange is a boon to both.

"We are very different and our strengths are different, and because of that the whole is greater than the sum of the parts," Perwin said. "It's very complementary when we're working together and even when we're not, because we bounce things off each other."

The Joels worked together as co-counsel in 1986, on *Finkelstein v. North Broward Hospital*. The Florida Supreme Court victory held that trial courts could award attorney fees in medical malpractice cases even when jurisdiction was not explicit.

Not surprisingly, Eaton handled the brief and Perwin the oral arguments.

Eaton is the son of federal Judge Joe Eaton, of the Southern District of Florida, now on senior status. He has been an appel-



THE TWO JOELS: Joel Perwin, left, and Joel Eaton share a name and an alma mater. Their complementary strengths make them a formidable, if informal, team at Podhurst Orseck.

late lawyer for over 20 years and has handled nearly 700 cases in every appellate court in the state.

"Read, think and write — that's about all I ever do," said Eaton, who also excels at oral arguments.

Eaton discovered his penchant for appellate work after name partner Robert Orseck drowned on vacation in 1978, leaving behind 70 open cases at Podhurst Orseck.

"I took over his cases and his clients and worked 15 hours a day, seven days a week, for about three years until I caught up," Eaton said.

Eaton was honored in 1988 for writing the year's best article, "Protecting the Record at Trial," in the *Florida Bar Journal*. He also is

a former chairman of the state bar's Appellate Court Rules Committee.

Podhurst Orseck specializes in aircraft cases, and Eaton, who flew 150 combat missions as a naval aviator in Vietnam, is one reason why.

Eaton earned the first legal victory in the crash of ValuJet 592 last November while providing trial support for Podhurst Orseck, which is representing more than 20 of the victims' families. He persuaded U.S. District Judge Edward B. Davis to allow the bulk of suits to be heard in state court, where juries traditionally are more sympa-

thetic and generous to victims.

Eaton's aviation knowledge and military experience also proved useful in his 1988 victory over Grumman Corp. *Shaw v. Grumman* established an exception to the military contractor defense for known defects that go unreported.

The U.S. Supreme Court refused to certify Grumman's appeal from the 11th U.S. Circuit Court of Appeals, one week after ruling that military contractors enjoy broad protections from lawsuits in another case. The decision was the closest Eaton has come to a U.S. Supreme Court victory.

Perwin has argued before the U.S. Supreme Court twice, garnering his first victory in 1984 with *Burger King v. Rudzewicz*. The due process ruling permitted Burger King to sue franchisees nationwide in its home state of Florida, rather than pursuing them individually across the country.

Before joining Podhurst in 1982, Perwin worked as an assistant U.S. attorney, associate counsel to Vice President Walter Mondale, and staff counsel to the U.S. Senate Judiciary Committee.

While excelling at oral argument, he also is renowned for his written briefs and was recognized for that talent with a 1996 writing award from the Academy of Florida Trial Lawyers.

Podhurst said that having the Joels within earshot is a luxury few trial firms enjoy.

"Both of them would have to be wrong for them to work themselves into a corner, and that very rarely happens," Podhurst said.

— Victor Epstein