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Charles Throckmorton - The Navigator

Charles Throckmorton Guides Clients Through Complex Bankruptcy Matters

Since Scott Rothstein's \$1.2 billion Ponzi scheme unraveled in 2009, South Florida's legal system has seen a deluge of criminal charges, civil suits and bankruptcy actions. Charles "Chuck" Throckmorton, a founding member of Miami's Kozyak Tropin & Throckmorton (KTT), had a unique vantage point as lead bankruptcy counsel for the largest group of Rothstein's victims, whose losses were in the hundreds of millions of dollars.

When a team led by Throckmorton's partner, Harley Tropin, and William Scherer, of Fort Lauderdale's Conrad & Scherer, secured a \$170 million settlement from TD Bank on the eve of a state court trial in early 2012, Throckmorton's work was just beginning.

"After the TD Bank settlement, we had a year of intense battles in bankruptcy court, with dozens of contested hearings concerning the extent to which our clients would be permitted to seek to collect their remaining losses," he says. "The stakes were high, the legal issues were cutting-edge, and our adversaries were formidable."

Throckmorton successfully navigated his clients through the July 2013 confirmation of the Rothstein law firm's Chapter 11 plan. He and his colleagues continue to represent them in ongoing post-confirmation matters.

Throckmorton, who is a senior member of his law firm's bankruptcy department, and a fellow of the American College of Bankruptcy, understands how to guide clients through the turbulent waters of bankruptcy proceedings. His practice focuses on bankruptcy, creditors' rights and complex commercial litigation matters. He also handles appellate cases on bankruptcy and commercial matters.

"Chuck epitomizes the ideal lawyer – brilliant, honorable, eloquent and effective," says attorney Paul J. McMahon, member, Paul Joseph McMahon, P.A. in Miami. "I have had the privilege of litigating with and against him. Chuck brings out the best in others. He raises the bar."

Entering the Legal Profession

A native of Richmond, Virginia, Throckmorton grew up in a large family. "I was the oldest of five boys, and my dad thought the law would be a good fit for me," he says. "But like many people in the 1960s, I thought that all lawyers spent their time in the courtroom like TV's Perry Mason. I was not comfortable with public speaking at the time, so I thought about becoming a tax lawyer instead."

Throckmorton earned his bachelor's degree at Duke University and his law degree at the University of Virginia. At Duke, he met his future wife Karen, who comes from a long line of prominent lawyers and who taught at the University of Miami School of Law before retiring last year. Their sons are also professionals – Charles is a litigator at Carlton Fields Jordan Burt in Miami, and Michael is an accountant with KPMG in Dallas.

One turning point for Throckmorton in law school was a summer clerkship that exposed him to litigation as well as transactional work. Throckmorton caught the litigation bug, and overcame his previous apprehension about trial practice. "From that point on, I knew I wanted to get into the courtroom myself," he says.

The other life-changing turning point occurred in his final year of law school. While waiting for job offers from Richmond firms, Throckmorton interviewed with other Southern firms, including Mahoney Hadlow and Adams, a Jacksonville-based firm whose Miami office included Tropin and another rising star, John Kozyak. "John and I met at the on-campus interview. We had instant chemistry and he pushed me to take the offer to work in Miami, which was pretty exotic for a Richmond kid," Throckmorton says. "I thought I'd do it for a couple of years and then go back to Richmond. That was in 1979, and I'm still here in Miami and still working with John and Harley."

Kozyak and Tropin became mentors to Throckmorton in a variety of litigation cases. Within months of joining Mahoney Hadlow, Throckmorton teamed with Kozyak in successfully defending Florida International University in a federal trial of an action by a faculty member who claimed he had wrongfully been denied tenure.

Throckmorton also worked closely with Tropin, who represented a stable of national retail clients such as Gucci and Cartier in prosecuting trademark infringement matters against local sellers of counterfeit luxury goods. "We would get restraining orders in federal court, and go out with federal marshals to shopping centers and flea markets to shut down the counterfeiters and seize the goods," he says. "It was very cloak-and-dagger, because we had to move quickly without alerting the sellers."

On January 1, 1983 the three friends – then in their late 20s and early 30s – opened their own firm. In the ensuing three decades, KTT developed an excellent reputation as a litigation and business bankruptcy boutique, and today the firm has 25 attorneys in its Coral Gables office.

Moving into Bankruptcy

In the early 1980s, Throckmorton's litigation career entered a new phase. A new federal bankruptcy code that became law in 1979 had changed the playing field, removing much of the stigma associated with business bankruptcies.

Throckmorton stepped into the field, and has represented clients in complex bankruptcy matters ever since. "Bankruptcy became part of the strategic arsenal of corporate America, used by airlines, retailers, energy producers and many other types of companies," he says. "Law firms across the country began building their bankruptcy departments and our firm was on the crest of that wave."

Through the decades, Throckmorton has counseled corporate executives and high net-worth individuals in connection with financial restructuring issues. He has extensive experience in debt restructurings and workouts, bankruptcy sales, pre-bankruptcy planning, fraudulent conveyance and preferential transfer litigation, and all forms of commercial disputes that arise from secured transactions, lending agreements, and business contracts. He also handles pro bono cases for individual clients.



In South Florida, Throckmorton says bankruptcies are driven by real estate, which is cyclical, and fraud, which is not. “Whether it was Premium Sales in the 1990s or Rothstein in the modern era, Ponzi schemes and other frauds are a huge part of the local bankruptcy landscape,” he says. “Having highly experienced business litigators and bankruptcy specialists gives our firm a unique ability to handle cases like Rothstein, where there was significant activity in state court, federal district court, and the bankruptcy court.”

With his experience in litigating and negotiating business disputes, Throckmorton frequently writes about bankruptcy issues and commercial law, and lectures at the University of Miami law school.

To relax, Throckmorton enjoys playing the acoustic and electric guitar. For a number of years, he and other members of his firm, performed around Miami in their own rock band. “I am very passionate about the guitar,” says Throckmorton, who started playing when he was 12. “Last summer, I had an opportunity to spend a long weekend studying with Jorma Kaukonen, the Jefferson Airplane’s guitarist, at his ranch in Ohio. It was unforgettable to sit five feet away and learn from one of my all-time musical heroes. I can’t wait to go back. “

Both Chuck and Karen Throckmorton are active in Children’s Home Society, which takes care of abused and neglected infants, children and teenagers. For many years, they also served as shelter parents, taking infants into their home for several days or weeks until they could be placed in a longer-term foster care situation. “That was probably the most rewarding thing we have ever done as a family,” says Throckmorton. “As professionals, we easily get caught up in the work, but that experience helped us all remember what’s most important.”

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Contact by phone: 786-879-7638

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