

Michelle M. Gervais | Partner
Litigation

Fifth Third Center
Tampa, FL 33602
+1.813.255.2323
mgervais@blankrome.com



Michelle Gervais counsels high-profile individuals, athletes, and celebrities, as well as businesses and financial institutions, in the areas of sports and entertainment, matrimonial and domestic relations, commercial and business litigation, and consumer finance involving:

Sports, Entertainment, and Matrimonial Law

- collaborative and litigate divorce/dissolution of marriage
- domestic violence, domestic disputes
- pre-nuptial/ante-nuptial, post-nuptial and cohabitation agreements
- paternity, disestablishment of paternity, custody, parenting plans, child access, child support, alimony, palimony, and modification
- international kidnapping/Hague/ICARA, jurisdictional disputes, surrogacy, and relocation
- contract negotiation, drafting, review and litigation, breach of fiduciary responsibility, Fair Labor Standards Act (“FLSA”) claims, and unjust enrichment disputes

Commercial, Real Estate & Business Litigation

- dissolution of partnerships
- fraud, misrepresentation, and civil conspiracy
- violation of non-compete agreements, trade secret protection, and breach of fiduciary responsibility
- insurance disputes, violation of Florida’s Deceptive and Unfair Trade Practices Act (“FDUTPA”)
- purchase/sales contract disputes, Interstate Land Sales Act (“ILSA”)

- litigation, and construction/builder disputes
- real estate disputes/litigation

Consumer Finance

- represents lenders and financial institutions in contested foreclosures, quiet title, TILA, RESPA, FDUTPA, FCCPA, TCPA, title and lien priority disputes, and eminent domain

Select Speaking Engagements & Publications:

- Panelist on “The Business World of Medicine; Contract Negotiation, Dissolution of Partnerships, Non-Competes”
- Lectured on “Intro to Divorce & Hot Topics in Prenuptial Agreements” at the 25th Annual “Nuts & Bolts of Divorce” Seminar presented by Dade County Bar Association’s Family Courts Committee & Dade Legal Aid (November 2017)
- “Florida District Court Rejects Use of Statute of Limitations as a Basis for Asserting Consumer Protection Claims,” Blank Rome’s Consumer Finance Blog (January 2017)
- Hosted Round Table of Hot Topics in Sports with Assistant General Counsel of Miami Heat, Legal Affairs for Miami Dolphins, Assistant General Counsel for The University of Miami and moderated by Kenneth Shropshire (2014)

Select Engagements

LITIGATION

- Secured *Summary Final Judgment* in Pinellas County, Florida (and secured affirmance of Final Judgment on Appeal before the Second District Court of Appeals) for out of state medical financing company where the company was being sued in excess of \$15 million by a well-known medical practice under theories of fraud in the inducement, negligent misrepresentation, violation of FDUTPA and civil conspiracy.
- Secured Sole Parental Responsibility and Sole Temporary Custody for Father/Husband of two minor children.
- Negotiated numerous prenuptial agreements protecting extensive multimillion-dollar estates.
- Obtained dismissal of Paternity Suit for professional athlete and also for celebrity and managed to keep both matters out of the press.
- Prepared expert witness report for high profile athlete in Europe and further prepared expert for cross-examination as to opinion on the business of sports agents, European law, and need for advancement as to representation and disclosures to athletes, fiduciary responsibilities, and obligations and where athlete was taken advantage of by agency.
- Obtained affirmance by the Eleventh Circuit Court of Appeals on Respondent/Mother/Wife’s Emergency Motion to Stay and Appeal of Final Judgment for Return of Child to Germany in *Hamprecht v. Hamprecht*,

- 12-12757 (11th Cir. 2012).
- Obtained Final Judgment and Order on behalf of Petitioner/Father/Husband (retired professional athlete), granting Return of Child to Petitioner/Father/Husband pursuant to The Hague Convention on the Civil Aspects of International Child Abduction and under International Child Abduction Remedies Act ("ICARA"). *Hamprecht v. Hamprecht*, 2:12-cv-00125-UA-DNF (M.D. Fla. 2012).
 - Disestablished Paternity for Petitioner/Father of American minor child living in foreign country with Respondent/Mother.
 - Obtained numerous dismissals with prejudice of counterclaims/or direct actions brought against national banks and national mortgage servicers in the areas of negligent underwriting, breach of contract, breach of good faith and fair dealing, fraud, negligent misrepresentation, violations of Real Estate Practices Act ("RESPA"), Fair Debt Collection Practices Act ("FDCPA") and violations of Florida Consumer Collection Practices Act ("FCCPA").
 - Obtained numerous Summary Judgments and Final Judgments of Foreclosure for national banks and servicers in contested foreclosures.

Admissions

- United States Court of Appeals for the Eleventh Circuit
- Florida
- U.S. District Court - Middle District of Florida
- U.S. District Court - Southern District of Florida

Memberships

- American Bar Association
- Dade County Bar Association
- The Florida Bar

Education

- Central Michigan University, BS, cum laude
- University of Miami School of Law, JD, cum laude

Recognitions

- 2019, listed in America's Top 100 Bet-the-Company Litigators®
- 2019, The Florida 500, listed by *Florida Trend* magazine
- 2018, Blank Rome Office co-recipient for top Pro Bono Hours in Firm
- 2016, Hillsborough County Pro Bono Recognition for Service Award
- 2009–2011; 2014, "Rising Star" in Florida, listed by *Super Lawyers*
- 2013, Top 40 Attorneys Under 40 and "Rising Star" by *Daily Business Journal* Inaugural Edition
- 2013, "Rising Star" in South Florida, listed by *Daily Business Journal*
- 2013, "Future Star" in Florida, listed by *Benchmark Litigation*

- 2013, Commendation from Dade County Bar, Put Something Back, and Legal Aid for long-term dedication to the pro bono community
- 2007, Dade County Bar Association Domestic Violence Award
- 2000–2001, 2004–2005, and 2005–2006 Dade County Bar Recognition for Service Award

Professional Activities

Professional

- 2018–2019 NCAA Women’s Final Four Tampa Bay Local Advisory Committee
- Women in Sports and Events (“WISE”) Tampa Bay Chapter Executive Board; Vice President Communications
- Sports Lawyers Association; Central Florida Outreach Captain 2017–present
- espnW’s “Women in Leadership” Committee 2017 & 2018
- Sports Club of Tampa Bay
- Florida Bar; Family Law; Entertainment, Arts & Sports Law; Trial Lawyers; Real Property, Probate and Trust Law
- Dade County Bar Association; member of Visiting Committee; former Chair of Family Courts Committee
- Next Generation of Divorce, Collaborative Divorce Professional
- International Academy of Collaborative Professionals
- 2015 Dade Legal Aid Advisory Board
- Prior Court Appointed and Volunteer Guardian Ad Litem for children involved in domestic violence and custody disputes
- University of Miami Law School Alumni Club
- Central Michigan University Alumni Club

Charitable/Civic

- AdventHealthTampa Foundation Board of Trustees 2017–present
- AdventHealthTampa 2017 Co-Chair for inaugural Fashion for Hope benefiting the Kay Meyer Breast Care Center; 2019 Co-Chair Fashion for Hope
- AdventHealth’s Women of Influence Executive Board 2017–present
- 2017 fashion show committee for Georgette’s Holiday Fashion Show benefiting St. Joseph’s Hospital
- Former Board Member of the Children’s Psychiatric Center, Inc.
- Former Vice-President and President-elect for Drug Free Youth in Town (“DFYIT”).
- represented Holocaust survivors in South Florida in an effort to receive possible foreign monies
- Supervised team of Duane Morris attorneys representing indigent minor immigrant children through deportation and dependency proceedings after risking their life through rape and gang violence in order to attain status in the United States
- 2013 Miami-Dade Pro Bono Round Table Committee member and facilitator

- Former Volunteer Judge for Juvenile Offenders of the Miami-Dade County Teen Peer Court for Juvenile Justice program