

MORGAN & MORGAN
BUSINESS TRIAL GROUP
Contingency-Fee Litigation

Unpaid Commission Lawsuits: A GUIDE



Attorney Advertising

The Business Trial Group, an Elite Trial Law Firm

In 2009, Morgan and Morgan established the Business Trial Group with a simple, yet novel objective - provide clients with first-rate commercial litigation attorneys on a contingency-fee basis.

One of our defining characteristics is our trial success. Our contingency-fee structure allows clients to take their cases all the way to trial without concerns about expenses, so they are not shut out by the courtroom door.

By combining the resources of a preeminent trial law firm with the expertise of career business lawyers, we have built a reputation for getting results by aggressively fighting for our clients.

ABOUT MORGAN & MORGAN

- Founded in 1988
- 500 attorneys in 15 states
- More than 50 offices, including 25 in Florida
- The largest contingency-fee firm in the country
- We recovered more than \$7 billion for our clients
- "America's Elite Trial Lawyers" by National Law Journal
- Florida Powerhouse Law Firm by Law 360

Our Success

\$1,800,000

confidential settlement for employees' unpaid contractual wages.

\$427,800

jury verdict for unpaid sales commission on commercial real estate.

\$335,000

confidential settlement for a broker commission

\$137,564

jury verdict, plus more than \$200,000 in attorneys' fees, for commission owed under oral contract.



Real Estate Brokers

If you are a real estate broker, and you are the procuring cause of a sale, then you are entitled to a commission. This is true even if there is no written or verbal contract.

WHAT DOES IT MEAN TO BE THE PROCURING CAUSE OF A SALE?

Real estate brokers are typically entitled to a commission when they produce a purchaser or seller that is “ready, able and willing to perform upon the terms fixed.” This is known as the procuring cause doctrine. To earn a commission as a procuring cause, a broker must perform 2 tasks:

1. The broker must initiate negotiations by doing some affirmative act to bring buyer and seller together.
2. The broker must remain involved in the continuous negotiations between the seller and buyer, *unless* the seller and buyer intentionally exclude the broker from the negotiations.



Recruiters

Under Florida law, if you are a recruiter, and you place an employee (lawyer, doctor, executives, nurses, financial advisor) at an organization, then you are entitled to compensation.

WHAT IF THERE'S NO WRITTEN CONTRACT?

You are entitled to compensation even if there is no written or verbal contract. This is because there is a contract implied in fact or law when both parties know that the recruiter is not sending the candidates' information for free. Both parties know they are doing it under the expectation of receiving compensation.

The compensation is not even a guessing game because there are industry standards:

6%

For financial advisors, the standard compensation is 6% of the candidates' trailing 12 months' production.

20-25%

For executives, the industry standard compensation is 20-25% of the candidates' first-year salary.



Don't Work for Free

THREE TIPS FOR PROTECTING YOUR COMMISSIONS AND COMPENSATION

- 1. Protect yourself on the front end**—document your agreement with a written contract setting forth the services you will perform and the compensation owed for those services.
- 2. Get legal help**—even if you do not have a “written” contract, the facts, circumstances, and understanding of the parties may create a contract that both sides are obligated to uphold.
- 3. Don't sell your own case short**—you may think that the terms of your agreement are not definite enough (or they may not even be written); however, if you did work, and didn't get paid, you most likely have a claim.

If you contact the Business Trial Group, we will review your case at no cost or expense to you.



BusinessTrialGroup.com | BTG@ForThePeople.com | 800.816.1031

OFFICES: ATLANTA | FT. LAUDERDALE | FT. MYERS | JACKSONVILLE | MIAMI | ORLANDO | TAMPA | WEST PALM BEACH