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Client focused. Results driven.

March News from Jimerson & Wilson, P.A.



March Madness is here! Hopefully your alma mater has not been eliminated from the NCAA Tournament already. If it was, we trust you found green St. Patrick's day beer as an adequate consolation.

March has been mad for us at Jimerson & Wilson, P.A. With an office move and political fundraiser under our belts, we now turn our focus to a few impending trials and a mock contested foreclosure trial we are hosting.

Rest assured we will find some time to enjoy this beautiful Jacksonville weather we are having and hope that you do, too.

Very truly yours,
[Charles B. Jimerson, Esq.](#)

Featured bLAWg Post: What happens to a creditor's claim not included in a discharged Chapter 7 bankruptcy filing?

By: [Harry M. Wilson, IV, Esq.](#) and [James M. Stone, III, Esq.](#)

Sometimes, either intentionally or inadvertently, a debtor will fail to list a creditor or schedule a debt in a bankruptcy proceeding. When this happens the creditor can often be unaware of the proceedings and, as a result, miss the deadline for filing a proof of claim. However, a debt owed to a creditor who had neither notice nor knowledge of the bankruptcy in time to file a proof of claim or to file a complaint for determination of dischargeability of the debt under section 523 of the Bankruptcy Code will not be discharged.

[Click here to read the full bLAWg post.](#)



Featured bLAWg Post: Overview of Florida's

March 2011

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2011 Legislative Session (Part 1 of 2)

By: [Harry M. Wilson, IV, Esq.](#)

Florida lawmakers convened in Tallahassee to begin the state's annual legislative session, which will run through May 6. Republicans have veto-proof majorities in both the House and the Senate. This session marks the first for Governor Rick Scott, who ran on a platform to reduce government, cut taxes and create jobs.

[Click here to read the full bLAWg post.](#)

Featured bLAWg Post: Almost Scammed: The latest Nigerian Fraud on lawyers

By: [Harry M. Wilson, IV, Esq.](#)

It almost goes without saying, but lawyers should go the extra mile to double check the background of potential clients who come to the firm solely via email. As we've learned from personal experience, there are con artists afoot who would use lawyers to perpetrate their, albeit clumsy, frauds. Recently, our firm was contacted twice by imposters posing as potential clients. In both cases, the introduction came via internet, unsolicited. The first time we quickly sniffed out the fraud; the second time we were almost suckered.

Please [click here to read the full bLAWg post](#) and see the details of how these scammers operate and how you can prevent your firm from being victimized by this cozenage.

Contested Foreclosure Mock Trial Presented by J&W and the First Coast Risk Management Association

April 8, 2011
1:00-5:00 p.m.
Florida Coastal School of Law
8787 Baypine Road
Jacksonville, FL 32256



Jimerson & Wilson, P.A., will host a mock foreclosure trial put on by the Mock Trial Team of Florida Coastal School of Law on Friday, April 8, at the Florida Coastal campus. The trial is hosted in conjunction with the First Coast chapter of Risk Management Association (RMA).

Through hosting this mock trial, RMA hopes to educate legal, real estate and financial services professionals about the complexities of our legal system, the basic jurisprudence of foreclosure laws and the challenges facing bankers and attorneys in the foreclosure process. The purpose of the mock trial is both educational and recreational. The audience will learn about the Florida foreclosure legal system through a simulated courtroom

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Client Focus



[Physician Sales & Service,
Inc.](#) was founded in 1983 with
a mission to fulfill the
inventory needs of office-
based physicians by providing
unique and innovative
services. Based in
Jacksonville, Fla. PSS has
grown into the country's
largest provider of medical
supplies to the physician
market through its
commitment to fast service
and the belief that "The

experience that closely mirrors that of real world proceedings.

Tickets for the event cost \$25 per person. A majority of the proceeds from the event benefit the Florida Coastal Mock Trial Team.

To register for the event, attendees may contact RMA Treasurer [Steve Sprecher](#) of BB&T to RSVP. You may also click [here](#) to register online. Please act soon as space is limited and the deadline for registration is April 6.

RMA is a not-for-profit, member-driven professional association whose sole purpose is to advance the use of sound risk principles in the financial services industry. RMA promotes an enterprise approach to risk management that focuses on credit risk, market risk and operational risk.

Click [here](#) to read the press release on the event.

J&W moves into new office space

As of March 1, we have settled into our new office space in a Riverside office building just a few blocks away from our previous location on Park Street. We are very excited to accommodate the growing needs of our practice, especially the building's state-of-the-art conference room where we hope to host continuing legal education seminars for our clients and business associates. We welcome our clients and friends to stop by our new office location to discuss your pending legal matters, take a tour, enjoy an off-campus lunch within walking distance of Riverside or simply visit with our attorneys and staff.



Our new address is as follows:
Jimerson & Wilson, P.A.
Riverside Center
701 Riverside Park Place
Suite 302
Jacksonville, FL 32204

[Click here to read the press release on the move.](#)

Additional bLAWg Posts

[Establishing in Personam Jurisdiction in Florida over Out of State Defendant Corporations](#)

By: [Charles B. Jimerson, Esq.](#)

To do business in modern America, one almost necessarily has to engage in interstate commerce. In a city like Jacksonville, with its proximity to the Florida-Georgia border, one can easily see how anything from the sale of an automobile, to the award of a subcontract, or the hiring of an employee, could involve potential litigants from different states. If a dispute arises out of such an interstate transaction and litigation is eminent, an important question is what is the appropriate forum to file the complaint?

customer is everything."

Physician Sales & Service is part of the rapidly expanding PSS World Medical, Inc. family. In addition to PSS ([Physician Sales & Service](#)), the Company also operates the largest distributor of medical supplies to the Long-Term and Elder Care industry, GSMS ([Gulf South Medical](#)), enabling the Company to reduce supply chain costs and expand product offerings to its valued customers.

PSS is a company that has a unique corporate culture focused on caring for its employees and their long term future. PSS employees are active citizens in the communities in which it serves, logging thousands of hours each year in both company-organized and individual charitable involvement.

Jimerson & Wilson, P.A. is very proud and thankful to represent PSS World Medical and wishes it continued success in 2011.

Results Driven

*Jimerson & Wilson attorneys performed pro bono legal work assisting a local family obtain housing through a short sale.

*Jimerson & Wilson attorneys obtained full recovery on construction liens filed for emergency pipe bursting repairs on condominium units.

*Jimerson & Wilson performed a comprehensive Human Resources policy audit for large manufacturer and rewrote many policies and forms to ensure legal compliance with labor and employment laws.

*Jimerson & Wilson negotiated favorable settlement for

Garnishment: Know Thy Debtor

By: [Harry M. Wilson, IV, Esq.](#) and [James D. Stone, III, Esq.](#)

In these troubled economic and times, collections lawsuits are on the rise. As a result, courts are issuing more judgments. A judgment is more than a piece of paper. It turns the Plaintiff into a "judgment creditor" with unique powers to collect the debt he or she is owed.

[From a Creditor's Perspective: An Overview of Florida Automobile Repossession](#)

By: [Harry M. Wilson, IV, Esq.](#)

When a purchaser buys a vehicle on credit, the lender usually possesses the right to repossess the vehicle in the event of a default of payment terms. The following article sets forth the procedure by which a creditor takes back a vehicle and why it is not incompatible with every American citizen's right to due process.

[Holding the Construction Lender Liable](#)

By: [Harry M. Wilson, IV, Esq.](#) and [James D. Stone, III, Esq.](#)

In these tough economic times, many construction liens are often erased by superior mortgages, such as when the lender forecloses on the property. In the past, this would often lead to the lienor being left without a way to collect if the project owner was insolvent. Florida Statute §713.3471 and a recent ruling in Whitehead v. Tyndall Federal Credit Union has, however, provided another avenue for a lienor to recover costs.

[Rescinding job offers in At-Will employments in Florida](#)

By: [Charles B. Jimerson, Esq.](#)

The prevailing rule in Florida is that an offer of at will employment does not constitute a promise which induces reasonable reliance when the prospective employee is leaving another at will employer.

J&W Service Spotlight: Corporate Formation, Transactions and Operations

Jimerson & Wilson will walk you through all the important considerations of business start-up, including choice of entity, ownership agreements, employee concerns, management structure and exit strategies. Jimerson & Wilson provides legal advice, document drafting and representation of businesses, corporations, partnerships, incorporators, shareholders, directors, employees, partners, officers, buyers, sellers, lenders and borrowers in Florida regarding the following business and corporate legal matters:

- Formation and maintenance of corporation
- Formation of partnership
- Asset protection, planning, bankruptcy, creditor debtor negotiations, collections
- Dissolution of corporation
- Dissolution of partnership
- Sale and purchase of business
- Legal questions in business operations
- Prevention of legal problems
- Fictitious name
- Contract drafting and review
- Loan documentation
- Account collection, breach of contract suits, creditor and debtor disputes

subcontractor in dispute with supplier.

*Jimerson & Wilson attorneys assisted in the due diligence, documentation and closing for the sale of SBA loans to lenders on the secondary market.

*Jimerson & Wilson attorneys obtained return of collateral through foreclosure and foreclosure sale for several residential and commercial properties.

*Jimerson & Wilson attorneys negotiated a favorable settlement in defending construction company in action for unpaid workers compensation premiums.

*Jimerson & Wilson attorneys provided pro bono guidance to young attorneys in the field of commercial litigation and construction law as part of the JBA mentorship program.

*Jimerson & Wilson attorneys negotiated a pre-litigation full recovery for a national medical supplier on a very large receivable.

*Jimerson & Wilson attorneys negotiated a favorable settlement in a contested nursery materials dispute on the eve of trial.

*Jimerson & Wilson attorneys successfully completed foreclosure and obtained certificate of title in complex commercial foreclosure matter involving bankrupt mortgagee.

*Jimerson & Wilson attorneys obtained successful settlement for client in protracted contractual dispute.

*Jimerson & Wilson attorneys negotiated attractive settlement for client plant nursery with out of state defendant and abated

- Copyright, trademark, trade dress, trade secrets and intellectual property

For more information about our [Corporate Formation, Transactions and Operations practice](#) , or to discuss your legal concerns with a lawyer who understands creditors rights and commercial collection law, [contact](#) our offices today.

Industry News

Processing procedures impact foreclosure filings

[Foreclosure filings took another plunge](#) in Southwest Florida and across the nation during February because of the market-warping forces brought on by the ongoing processing mess. Circuit court judges now worry that the dropoff has put them in a financial predicament.

Collapse of Tampa law firm leaves foreclosure cases in limbo

As many as [20,000 foreclosure cases in the Tampa Bay area have been left in limbo](#) by the virtual collapse of the David J. Stern Law Firm, once Florida's most prolific foreclosure "mill." The firm's implosion gives many borrowers a temporary reprieve from foreclosure and means that thousands of cases could be dismissed unless lenders quickly hire other attorneys.

Congressional hearing shows deep partisan rift

A Congressional hearing on Thursday [addressing homegrown Islamic terrorism](#) offered divergent portraits of Muslims in America: one as law-abiding people who are unfairly made targets, the other as a community ignoring radicalization among its own and failing to confront what one witness called "this cancer that's within."

Florida House votes for tougher merit-retention of appellate judges

One of the problems the Florida House has with judges is that they get [re-elected too easily](#). Because state Supreme Court justices and appeals court judges stand for "merit retention" after they are appointed by the governor - - and don't face traditional political opponents - none has lost in the past 30 years.

Governor Scott aims to make Florida business-friendly

With a new governor vowing to make [Florida the most business-friendly state in the nation](#), lawmakers will gather Tuesday in Tallahassee with marching orders to slash corporate taxes, ease permit processes, undo government rules, cut unemployment costs, make it harder to sue companies and generally create a haven for those who want to start or relocate a business.

Bank of America cutting jobs in consumer banking

Bank of America will [cut a small number of jobs](#) in its consumer and small-business banking unit, a spokeswoman confirmed.

Governor Scott's missed port opportunity

The rumor was that Gov. Rick Scott would pledge to pay for the \$40 million [fix of the Mile Point navigational problem](#) at the Cornerstone Regional Development Partnership luncheon this week.

potential counter claims against client.

*Jimerson & Wilson attorneys negotiated advantageous settlement offer, thereby avoiding litigation, for out of state lab testing company with environmental engineering company.

*Jimerson & Wilson attorneys achieved successful post judgment collection results for client by obtaining and enforcing final judgment of garnishment.

*Jimerson & Wilson attorneys obtained certificate of title in St. Johns County commercial foreclosure.

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J&W Firm News

*Attorney Charles B. Jimerson was named to the Jacksonville Business Journal's 40 Under 40, a list of up-and-coming business and community leaders in our city. He will be honored at a breakfast next month and in a special section of the JBJ. Congratulations!

*A big thanks for those who came out to the event honoring City Council candidate [Juan Diaz](#). We appreciated the support for Mr. Diaz and enjoyed showing off our new digs! Please remember to vote in this month's local elections!

*Attorney Charles B. Jimerson was questioned on tactics used by condominium associations to reclaim unpaid association fees for the article "[Condo associations force banks to act](#)" in the February 11-17, 2011, edition of the Jacksonville Business Journal.

*We are proud to acknowledge all J&W attorneys, staff and two spouses who ran and completed the Gate River Run in style last weekend! We hope to make this an annual tradition at our firm.

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J&W Practice Areas

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