

Featured in the August 2019 Issue

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PARTNER'S PERSPECTIVE

C. Ryan Maloney on a time for new beginnings

If you're like me, you may have mixed feelings about August. It's the end of the more relaxed and fun times of summer. Vacations are over, kids are going back to school, and if you live in Northeast Florida, it's literally the hottest and muggiest time of the year every year, with no hints of cooler weather until at least late

September. You also have to start actually paying attention to the tropics as hurricane season really kicks into gear in August.

But, for all of its stifling heat and buzzkill back to school/end of summer vibe, I also find August exciting as a time of new beginnings. Everybody's favorite football teams are all undefeated, and the news out of preseason camp is all sunshine and rainbows. Every quarterback is really airing it out; everybody's defense is flying around; all the strength and conditioning programs really paid off; all the coaches are going to open up the playbook; and everybody's focused on the team and taking it one game at time. This year really could be the year they put it all together and go on a run! [1]



The kids going back to school in August also is a time of new beginnings. For kids, while they won't always admit it, it's exciting to meet new teachers, find out who is in their classes, and get back together with friends they may not have seen as much during the summer. For parents, they get to see their kids begin another year of growing, maturing, and experiencing and learning new things. [2] As a parent of a new sixth grader and eighth grader, seeing them go back to school in August definitely makes me proud and excited for them as they embark on another school year (also, how'd they grow up so fast?).

This particular August, I'm also excited about the recent new beginning in my own legal career, having joined Jimerson Birr as a partner earlier this summer. I'm excited to have joined a team of fantastic lawyers, who, like me, are focused on going the extra mile to obtain the best possible results for our clients, while also practicing law with integrity and professionalism. Oh, and also having a lot of fun along the way – as regular readers of the Firm's newsletter no doubt know. I couldn't be more excited to be a part of the Jimerson Birr team, and look forward to bringing my experience and expertise to help our construction and business clients successfully solve their legal challenges.

So, as we all swelter through the dog days of August, take a moment to think about and appreciate the new beginnings in your life, whether it be a new school year for your kids, a new football season for your favorite team, or, like me, a new career chapter. While August is the end of summer fun, it's also a time for exciting new beginnings. And remember, everybody's still undefeated and this is the year!

[1] Alas, as a Seminole and Jaguar fan, this feeling only lasts to the end of September lately.

[2] Even for those who don't have kids going back to school, while it may not be "exciting" to begin again the fight through twice the traffic to try to get to work on time every morning, it certainly gets the blood flowing.

Sincerely,

C. Ryan Maloney

Attorney Austin Hamilton Joins the 0.3% of Florida Attorneys Certified in Business Litigation

We are proud to recognize **Austin T. Hamilton** for obtaining Board Certification in Business Litigation from the Florida Bar, an achievement only 0.3% of attorneys statewide have earned.



Board Certification is the culmination of years of excellent work in an attorney's particular area of practice, and is the highest level of evaluation by the Florida Bar. It is used to provide a benchmark to aide the public in identifying the best and most qualified lawyers to handle the issues they seek to address. Still, only 7% of lawyers in the state have achieved Board Certification in any practice area, and six of them are at Jimerson Birr.

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

REGISTRATION NOW OPEN: Developer Turnover for Community Associations

DEVELOPER TURNOVER

— for Community Associations —

*What You Need to Know When Your
Community Association Transitions From
Developer to Property Owner Control*



Presented by Hans C. Wahl, Esq.
Board Certified in Community Association &
Planned Development Law



For new communities, the transition from developer control to member control through an appointed board, is one of the most critical events in an association's history. Knowing how to manage the process can make for a much easier future for the community.

This FREE certification course is designed to guide community associations through the challenging transition from developer to homeowner control. In

this session, participants will learn:

- Turnover Basics
- HOA Turnover
- Condo Turnover
- Developer Obligations
- Turnover Documents
- Developer Contracts
- Post Turnover Considerations

Join us on **Thursday, October 3rd** from **11:30 a.m. - 1:30 p.m.** at St. Johns Golf & Country Club. Participants will receive two (2) CE credits.

Although this event is **FREE** to attendees, space is limited and solely available on a first-come, first-served basis. Therefore, be sure to register as soon as possible to ensure your spot is reserved.

Register Today!

Jimerson Birr Legal Blogs

Are you keeping up with the latest information in business and law? Jimerson Birr publishes weekly blog posts covering topics from construction law, business litigation, eminent domain law, community associations law and everything in between. **Click here to subscribe** today and stay up-to-date on the latest legal news from these core areas:

- **Construction Industry Law Blog**
- **Community Association Law Blog**
- **Business Litigation Blog**
- **Eminent Domain Law Blog**
- **Commercial Real Estate And Land Use Law Blog**

Commercial Real Estate and Land Use Law Blog

House Bill No. 7103 - Affordable Housing, Development Review & Impact Fees, Oh My!

By: **Patrick W. Krechowski, Esq.**

During the 2019 legislative session, State Representative Jason Fischer introduced and sponsored House Bill No. 7103. The proposed bill contained language that amended various state statutes, all dealing with development in Florida. On June 28, 2019, Governor Ron DeSantis signed the bill into law. While the bill is not controversial, it contains language that greatly effects the development community, both on the private side and the local



government side. Here's what you need to know...

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

Construction Industry Law Blog

What Roofers Need to Know About the New Assignment of Benefits Legislation

By: **James O. Birr, III, Esq.**
Carter Smith, JD Candidate
Alexa Nordman, JD Candidate

Under AOB agreements, a homeowner with property insurance coverage for roof damage could "assign" the "benefit" of being insured over to a roofer. That roofer could then begin repairs, protecting the homeowner's household from Florida's elements. At the same time or after completing the roof repairs, that roofer could then obtain...



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

Business Litigation Blog

Three Contract Provisions a Small Business Cannot Live Without - From a Litigator's Perspective: Attorneys' Fees Provisions

A Four-Part Blog Series

By: **Austin T. Hamilton, Esq.**

Including an attorneys' fees provision in a small business contract is vital when a small business wants to sue to enforce its contract. Without an attorneys' fees provision, a lawsuit may become cost prohibitive for a small business.



Part 1: General Overview of Exclusive Venue Provisions

Part 2: Why An Exclusive Venue Provision Is Vital To Your Contracts

Part 3: Three Contract Provisions A Small Business Cannot Live Without - From a Litigator's Perspective

Part 4: Contractual Provisions (Prejudgment and Postjudgment Interest)

Social Purpose Corporations and Benefit Corporations in Florida

By: **William L. Anderson, Esq.**

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

Community Association Law Blog

Avoid Condominium Common Element Wear and Tear By Restricting Owner and Tenant Dual Usage

By: **Hans C. Wahl, Esq.**

With Florida condominiums, excessive wear and tear on the common elements may shorten their useful life and expedite costly repairs and maintenance. This problem may be exacerbated at larger condominium associations when both tenants and owners are using the common elements. A condominium association can mitigate these deleterious effects by restricting dual usage of the common elements by owners and tenants when units are rented.

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



Firm News

Curiosities, Ruminations and Various Eccentricities of Firm Biz

**All Good Things Must Come to An End
Saying "Goodbye" to our Summer Associates**

As the summer comes to a close, we bid a fond farewell to our summer associates, Alexa Nordman and Carter Smith, as each departs for the third and final year of law school.

During the 14-week summer associate program, which is designed to mirror the experience of being an attorney at Jimerson Birr, Carter and Alexa were given opportunities to gain practical law firm experience and exposure to a wide range of legal matters in several different practice areas. They worked closely with our attorneys, attended hearings, conducted legal research, participated in client meetings, and much more.

We will miss their daily contributions and wish them the best for a strong finish. Until we meet again, Alexa and Carter...

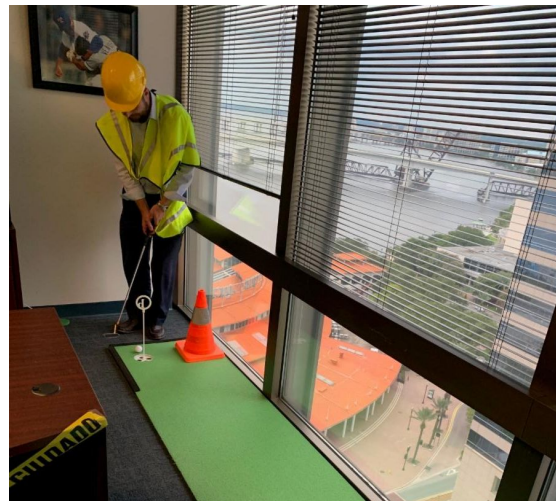
Hear about the experience in their own words in this quick video.

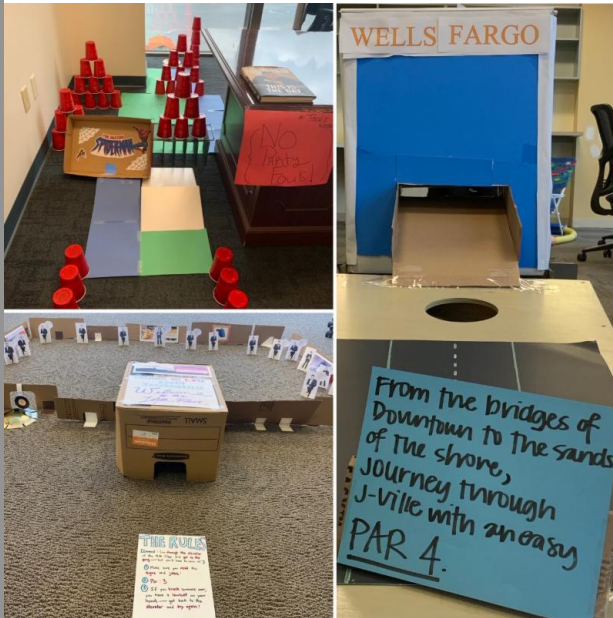


ParTee around Jacksonville

JB Office Becomes A Mini Golf Course

The 9th annual Jimerson Birr Mini Golf Championship was in full swing last week with 14 holes. Participating team members put their creativity and engineering skills on display by designing a hole within each of their office spaces that depicted the "Jacksonville" theme. The tour included the Wells Fargo Building, Jacksonville Jaguars, Jumbo Shrimp, and, of course, Jax Beach. While the marketing department walked away with the most creative golf hole, Nikos and Carter tied for first place with an impressive 37. This event has become a staple at the firm and keeps getting better every year.





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