



**JIMERSON & COBB, P.A.**

## December News from Jimerson & Cobb



Servant leadership is a philosophy and set of practices that enriches the lives of individuals, builds better organizations and ultimately just creates a more fair and caring world. It is the focus on the growth of an individual that they may be able to reach their full potential. The primary focus of the servant leader is the development of people and not the completion of tasks.

Almost all leaders have vision, focus, decisiveness and the ability to influence. Great leaders have humility. You are no stronger than when you bend to help someone in need. If you value people you will want to serve and enrich them. If you devalue people, you will want to be served and add value only to yourself.

This leadership notion has its roots in the ancient Chinese philosopher Lao Tzu who said, "A leader is best when people barely know he exists, when his work is done, his aim fulfilled, they will say: we did it ourselves." While servant leadership is a mostly timeless concept, the phrase "servant leadership" was coined by Robert K. Greenleaf in *The Servant as Leader*, an essay that he first published in 1970. In that essay, Greenleaf said:

The servant-leader is servant first... It begins with the natural feeling that one wants to serve, to serve first. Then conscious choice brings one to aspire to lead. That person is sharply different from one who is leader first, perhaps because of the need to assuage an unusual power drive or to acquire material possessions...The leader-first and the servant-first are two extreme types. Between them there are shadings and blends that are part of the infinite variety of human nature. The difference manifests itself in the care taken by the servant-first to make sure that other people's highest priority needs are being served. The best test, and difficult to administer, is: Do

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those served grow as persons? Do they, while being served, become healthier, wiser, freer, more autonomous, more likely themselves to become servants?

A modern day exemplar of servant leadership was J.W. Marriott who built an organization with the mission that exemplary treatment of employees would lead to excellent treatment of customers by employees and resulting in high loyalty of the customers. I believe the concept of servant leadership is best summed up by Harry Truman when he said, "It is amazing what you can accomplish if you do not care who gets the credit." Or rooted in the words of arguably the most well-known servant leader, Jesus Christ, when he said, "If I then your Lord and Teacher have washed your feet, you also ought to wash one another's feet".

As you celebrate this Holiday season with your loved ones and commence your planning for next year, would you ask how and can you serve?

Merry Christmas.

Best Regards,



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## J&C Partner Selected to ABC National Board of Directors



Jimerson & Cobb partner Brent Zimmerman has been chosen to serve on the Associated Builders & Contractors (ABC) National Board of Directors for 2016. We are honored that Brent has earned this incredible distinction.

ABC prides itself on being a member-run association. Members identify issues critical to merit shop construction and work together to find solutions using the resources of one of the largest construction-related groups in the world.

The association is governed by an elite, invitation only board of directors composed of delegates from each of ABC's chapters.

To learn more about ABC, click [here](#) to visit their website.

Congratulations Brent!

## J&C Blogs

Are you signed up to receive any or all of our blogs? If not, please click [here](#) to sign up.

- [Florida Construction Law](#)
- [Florida Condominium Law](#)
- [Florida Business Litigation](#)

Sign up to receive one or all three via RSS feed or email through each site! Following are some of the highlights from recent postings.

### Florida Construction Law Blog

#### **Do You Need Expert Testimony Regarding Interpretation of the Florida Building Code?**

By: [Brent T. Zimmerman, Esq.](#)

Is trial looming close and are you thinking to yourself who is going to make the best expert for interpretation of the Florida Building Code on that construction defect case? Guess what? You don't need an expert. In fact, it would be improper for the court to allow this type of testimony other than in very limited circumstances for very limited purposes. Construction litigation frequently requires fact finders, whether judges, juries or arbitrators, to determine whether there has been a violation of the Florida Building Code as an ultimate issue in causes of action for statutory violations of the Code, negligence of contractors and professional negligence of design professionals. This might leave some practitioners scratching their head pondering how they will prove that a violation of the Code may or may not have occurred in a given case. The following is a discussion of why expert testimony regarding the proper interpretation of the Code is improper and the solution to this seemingly perplexing problem. This doesn't mean that you don't need an expert for any issues dealing with whether or not there has been a violation of the building code, but it is important to realize the proper use of expert testimony for building code issues.

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

### Florida Residential Swimming Pool Safety Act

By: [Christopher M. Cobb, Esq.](#)

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

### Florida Condominium Law Blog

#### **Receivers Appointed Over Condo Associations and HOAs May Levy Special Assessments**

By: [Hans C. Wahl, Esq.](#)

Both the Florida Condominium Act (Chapter 718, Florida Statutes) and the HOA Act (Chapter 720, Florida Statutes) allow for a court-appointed receiver to oversee an association's affairs in certain situations. When appointed, a receiver will have authority to act as the association's board pursuant to the court's order appointing that receiver. A receiver's authority can be broad and difficult to challenge absent an abuse of power. Court-appointed receivers can also manage the finances of an association facing financial difficulties with its creditors. As this blog post will discuss, receivers appointed over a condo association or HOA may be

able to levy special assessments against the association's members.

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

## Florida Business Litigation Blog

### Eminent Domain and Attorneys' Fees: The Case for Excessive Litigation

By: [James O. Birr, Esq.](#)

In Florida, recovery of attorneys' fees in eminent domain and inverse condemnation proceedings is governed by Sections 73.091 and 73.092 of the Florida Statutes. Section 73.092 provides a mechanism for determining an award of attorney fees, based on the "benefits achieved for the client." But, what if the state agency/condemning authority excessively litigated the case, such that the formulaic computation under that statute was unfair to the property owner? A recent Florida Supreme Court case addressed this issue. *Joseph B. Doerr Trust v. Central Florida Expressway Authority*.

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

### The Independent Tort Doctrine: Post Tiara Condominium

By: [D. Brad Hughes, Esq.](#)

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



Interested in reading more blog posts? Subscribe via [RSS Feed](#) or via [email](#) for one or all of our blog feeds. You can also peruse our archives [here](#).

## Results Driven

Community stewards by night; see what we do for our clients in our day job.

\*Engaged by buyer for representation in asset purchase.

\*Obtained dismissal of 7 million dollar defamation action.

\*After issuing demand letter, paving contractor agreed to remove entire paver installation for driveway, properly prepare base and reinstall pavers at contractor's cost and expense.

\*Made ore tenus motion for judgment on partial findings under Rule 52(c) in an involuntary bankruptcy trial.

\*Filed and argued many discovery related motions in involuntary bankruptcy proceedings pertaining to limiting scope of discovery and triable issues relating to nuanced application of case law to Section 303 of the Bankruptcy Code.

\*Deposed expert witnesses in condominium defect matter.

\*Drafted opinion letter for condominium association on the proper procedures for installing a well on property. Representation of client before

\*Engaged by multiple clients to provide estate planning services.

\*Obtained default eviction of residential lease agreement.

\*Attended community association's annual meeting and election of directors to address members' legal inquiries.

\*Testified as qualified expert in hearing regarding reasonableness of attorney's fees incurred on contested commercial litigation action.

\*Engaged in multiple evidentiary hearings and three day trial in defense of corporate holding company of over 50 subsidiaries and corporate guarantor put in involuntary bankruptcy through a bad faith filing.

\*Drafted vendor agreement of internet services.

\*Effectively collect rent payments from tenants of a condominium owner who failed to pay the monthly condominium assessments.

\*Obtained favorable order on motion for attorney's fees and costs regarding condominium association litigation.

the Florida Department of Revenue for sales tax audit.

\*Receive a Final Judgment After Default for the full past-due balance owed by a debtor.

\*Deposed judgment debtor in aid of execution.

\*Retained by contractor to defend lawsuit filed by subcontractor in federal court alleging breach of subcontract for failure to pay balance owed on federal project and a Miller Act payment bond claim with a tender of defense from the surety. Also filed a counterclaim against the subcontractor exceeding the entire claim of subcontractor arising out of subcontractor's own breach of contract and delay to the project.

\*Retained to obtain injunction for violation of non-compete.

\*Secured return of entire client deposit and rescission of contract for purchase of home despite provision in purchase and sale agreement stating that cancellation would entitle seller to retain deposit as liquidated damages under theories of fraudulent inducement and failure to disclose latent defects.

\*Conducted voluminous document review and production in 6 related actions on behalf of large general contractor accused of causing delay damages and project defects.

## Client Focus: Tocoï Engineering, LLC

A monthly feature on one of our valued clients.



Tocoï Engineering is a full-service planning and engineering company located in North Florida and specializes in Transportation, Utilities and Land Development. It is the mission, of Tocoï Engineering, to ensure the success of their client's projects by delivering professionally developed plans and studies on time, in budget, and complete the first time at a fair price.

Jimerson & Cobb is proud to represent [Tocoï Engineering, LLC](#) and wishes it continued success throughout the year.

## Firm News

Curiosities, ruminations and various eccentricities of firm biz.

### J&C Gives Back

J&C participated in the 2015 Condominium Concepts Gives Back Charity event. This year Condominium Concepts Management chose to contribute to The Hubbard House. Our donation went to two stores within the shelter, a Mother's Store and a Children's Store. Moms are able to

pick out toys and presents for their children, and children can select presents for their mothers. With this program, families have the opportunity to know the joy of giving and celebration, even during a time of transition in their lives.

Established in 1976, Hubbard House was the first domestic violence shelter in Florida. Hubbard House is a certified, comprehensive domestic violence center and is a nationally recognized leader in domestic violence intervention. It provides programs and services to more than 5,000 women, children, and men annually in Duval and Baker counties. To learn more about Hubbard House, visit their website [here](#).



### **White Elephant Gift Exchange**

The J&C White Elephant gift exchange returned this year and did not disappoint! This year there was no criteria the gifts had to follow other than being office appropriate and less than \$20. Our



conference table was covered with gifts and there were some pretty impressive ones in the mix, like the Bud Light cake and a collection of scratch-off lottery tickets. While enjoying the gift exchange fun, we sipped on festive themed cocktails. Apparently we love our vices here at J&C. One of the favorites was Fireball Cinnamon Whiskey with spiced apple cider which tasted just like apple pie!



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