



AT THE INTERSECTION OF BUSINESS AND LAW

By turning your business problems into legal solutions, Jimerson & Cobb attorneys can help you answer the question, "Where do we want to go?"

December News from Jimerson & Cobb



"There may be people that have more talent than you, but there's no excuse for anyone to work harder than you do." - Derek Jeter

We are the sum total of our experiences. The early experiences we have set the foundation for our personality traits. For me, this means that everything I need to know in life, I learned through playing sports.

A major challenge, however, for those interested in developing life skills in the context of sports is the prevailing myth held by many coaches and parents that sports automatically teach athletes life skills. These life skills are indeed skills, and like physical skills, they are taught through demonstration, modeling and practice. As youth sport researchers often say, "life skills are taught, not caught." In order to properly develop, the athletes must have a coach or mentor dedicated to the continued development of the team, as well as the people on the team. After all, without the individual athlete, there can be no team. When the final whistle blows and the athlete's body slows down over time or they leave the game, those very same skills can be transferred into other areas of their life, such as their career. Here are a few of the life skills that I learned through sports:

1. How to be a Leader. Leaders are not born. They are developed through preparation and opportunity. From my perspective, a true leader learns the characteristics of the team

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Business Spotlight:



Blue Edge Electrical Contractors has been

servicing customers in the greater Jacksonville area since 2013.

Specializing in electrical contracting, upgrades and repairs, the certified professionals at Blue Edge Electrical Contractors are committed to delivering

members and uses this information to help create opportunities for team success. But sometimes, the leader needs to push the team members. Determining how and when to motivate is what sets apart the leader.

2. Nothing Beats Proper Preparation. You cannot just want to win. You have to want to prepare to win. There is a big difference in those two sentences. This means that you are not just going through the motions. This means that you focus on the task and technique and always aim to get better. I am reminded of the six "P's of preparation: "Proper Preparation Prevents Piss Poor Performance."

3. How to Win with Class and Lose with Grace. Nobody likes to hear someone whine about losing. Coaches must teach their players to not accept failure but to learn from it. When you learn from a loss, you will also get more adept at proper preparation. Conversely, no one enjoys when their opponent gloats. Learning how to win with class is an exercise in controlling your emotions. I had a coach who used to say, "Act like this is not your first time hitting a home run." Instead of running the bases jumping and yelling, trot around the bases, touch home plate and get back in the dugout. Act like you have been there before. That level of quiet confidence will send a very loud and clear message to any opponent.

4. You are Responsible for Yourself. This is always the case, but with this is the presumption and understanding that you are also accountable to the team. If you do not perform, how you accept responsibility will be a very large indicator of whether you will remain on the team. Personal responsibility also requires a level of personal honesty that must be coached. Remember, when you point the finger at someone, you have the remaining four fingers pointing back at yourself.

5. Focus on What You Can Control. See number four above. Anyone who knows me well will have likely heard this saying: "Some days you win. Some days you lose. And some days it rains." You cannot control the rain, so stop trying. Focus on what you can control - your effort, your attitude, your preparation, your character.

quality customer service in a timely fashion.

Jimerson & Cobb is proud to work with [Blue Edge Electrical Contractors](#), and wishes them continued success throughout the year.

These five traits are what largely guided my athletic career and now my professional career. What traits have you developed and how have you continued to employ them?

Happy Holidays.



Christopher M. Cobb, Esq.

J&C Celebrates E-Discovery Day



This year, in honor of the second annual E-Discovery Day, Jimerson & Cobb and [ACEDS Jacksonville](#) teamed up to host an all-day open house at our office! Throughout the day, we streamed multiple live webinars regarding the vital and growing role of E-Discovery, or "electronic discovery," in the legal process. Following the webinars, we also had a social hour with drinks and refreshments.

The event, sponsored by Exterro, was a truly wonderful way to further our knowledge of E-Discovery and the ways in which technology is impacting the legal profession. Thank you to all those who were able to join us - we're glad we could share this educational experience with you all!

Check Out Our 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](#)
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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



Conditional vs. Unconditional Payment Bonds in Florida

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

A payment bond is a security posted by the general contractor that ensures that payments will be made to subcontractors, sub-subcontractors, and material providers for services or products provided on private and public construction projects. The amount posted to exempt the owner needs to be in at least the amount of the original contract. While payment bonds are most commonly associated with public projects, which are governed by Chapter 255 ("Florida's Little Miller Act"), Chapter 713 governs payment bonds on private construction projects. In such case, there are two types of bonds that can be obtained to exempt an owner. This blog post will cover general considerations for unconditional and conditional payment bonds.

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

What Are Consequential Damages on a Construction Contract?

By: [Charles B. Jimerson, Esq.](#) and [Kayla A. Haines, Esq.](#)

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

Riparian Rights in Florida: The Right to Accretions and Relictions

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

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

Florida Condominium Law Blog



Can a Condominium Association Face a Second Foreclosure Suit?

By: [Adam B. Edgecombe, Esq.](#)

The Florida Supreme Court's recent decision in *Bartram v. U.S. National Bank Association* is instructive for condominium associations and community managers dealing with a unit in foreclosure, including those trying to determine whether or not to appear and defend a foreclosure by the lender, even though it does not deal directly with a condominium or the Florida Condominium Act.

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

Community Development Districts in Florida: General Considerations

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

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

Requirements for Contracts Entered Into by Florida Condominium Associations

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

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

Florida Business Litigation Blog



Key Considerations in Hiring and Employee Subject to a Non-Compete: Part I

By: [Kayla A. Haines, Esq.](#) and [Brandon C. Meadows, Esq.](#)

Most businesses find that some of the most qualified candidates for employment are current or former employees of competitors in their industry. Non-compete agreements are increasingly and frequently used to control and limit the competitive activities that a former employee may engage in after he or she leaves the former employer. Nowadays, a non-compete agreement seems commonplace in most employment contracts.

What happens when you want to hire a star applicant who is subject to a non-compete with his or her former employer? Worst case scenario, if you hire a competitor's employee in breach of a non-compete, you could owe your competitor for lost profits and even other foreseeable damages. Further, if your competitor proves that you acted with malice or in conscious disregard of its rights, you could owe punitive damages and attorney's fees as well. Whether or not you can or should hire a competitor's current or former employee depends on the circumstances, trade secrets, non-compete, and tortious interference law.



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

Electronic Evidence, eDiscovery Case Law and the Attorney's Role - Part I

By: [Suzanne H. Clark, Esq.](#)

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Jury Instructions in Florida Contract and Business Disputes

By: [Charles B. Jimerson, Esq.](#) and [Kayla A. Haines, Esq.](#)

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Florida Eminent Domain Law Blog



When Government Actions Rise to Inverse Condemnation Claims

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

Eminent domain is a legal proceeding brought by the government, or an entity acting on behalf of the government, where the government actor asserts its authority to condemn private property for public use. *Lingle v. Chevron*, 544 U.S. 528 (2005). Under the U.S. and Florida Constitutions, the government can take private property only in limited situations and must pay the private property owner just compensation for the land it takes. But what happens when there is a de facto governmental taking of private property without any eminent domain proceedings and no just compensation paid to the property owner? What recourse does the property owner have after-the-fact? The available remedy is called inverse condemnation.

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

Eminent Domain in Florida: Recovery of Attorney Fees

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

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

Riparian Rights in Florida: The Right to Accretions and Relictions

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

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Firm News

Curiosities, ruminations and various eccentricities of firm biz.

A Speedy Trial

In November, our J&C team decided to heat things up a bit with a timed "Minute to Win It" challenge. The event was made up of four one-minute challenges. For the first one, we each received a box of 100 tissues and were instructed to pull out as many tissues as possible in one minute. The catch was that we could only use one hand to pull them out, and we had to remove them one tissue at a time. To complete the second challenge, we had to bounce 12 ping pong balls off of the wall and catch them in a bucket. We were limited in how close to the wall we could get, and we had to hug the bucket close to our chests.

The third challenge was a cup-stacking challenge of sorts. There was a stack of blue cups with a red one at the bottom. We had to use one hand to hold the stack, and the other to move the blue cups from the top to the bottom, one by one. The trial was successfully completed when the red cup reached the top of the stack. The final challenge involved blowing up a balloon, and then using the air to blow a row of plastic cups off of a table. For some, just blowing up the balloon was a challenge!

When the challenges were over and the points tallied, we were breathless with surprisingly sore arms, and an avalanche of tissues covered our conference room table. Nevertheless, it was exhilarating to test ourselves not only against each other, but against the most persistent adversary there is - the clock!





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