

Featured in the June 2019 Issue

- How Bob Seger taught me how to stop listening and start hearing
- Board-certified attorney Ryan Maloney is the newest partner to join our construction law practice
- Avengers assemble: six Jimerson Birr attorneys are recognized by Florida Super Lawyers magazine
- New Law Blogs
- Curiosities, Ruminations and Various Eccentricities of Firm Biz

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How Bob Seger taught me how to stop listening and start hearing

Recently I had the chance to see the farewell tour of one of my favorite all-time rock'n'rollers, Bob Seger. Growing up, I'm not sure that I really thought much about Bob Seger, or even liked his music when I heard him. He was just another

fuddy-duddy rocker to me. But something happens as you grow older; at some point you stop merely listening to certain things and start to dynamically hear them. Somewhere along the way we learn that not only must we first consciously turn on our hearing to be engaged, but we must also selectively choose from among all we hear and thoughtfully accept or reject. In other words, once you've got some life experiences to draw from, you understand how to take in information, process it and extract the necessary selections in order to grow, overcome, and sometimes simply exist. This principle applies in all communications, business and personal.



When I was a kid, I let Bob Seger's words and music go into my ears. But as an adult, I gave his words a chance to go into my heart. And that is the difference between listening and hearing. How many people do you interact with every day without truly stopping to engage to learn their message? To learn their why? When your customer is telling you that they want their product or service delivered this way or that, I suspect a lot of your workforce sighs a frustrated and accepting sigh and just capitulates. They listen, but do they hear?

When your spouse sits down to download their day to you, do you take the time to hear him/her? It doesn't matter how long you've been dating your significant other, if you are a human being you'll receive the same question any cohabitant receives every day of their life: How was your day? It is a question, I imagine, that was first mumbled by cavemen and cavewomen and went from there. *Urg mmmf bugga bugga bum?* One asked, and it spread from cave to cave, passed down now for centuries of domestic bliss. It feels this way anyway, because the question "How was your day?" seems vague, bland, and unevolved. Many times, it feels that there is no point to the asking of it, except that it is fulfilling your quota for asking questions that people ask. Worse, it's just a poorly framed question. It points to no specifics, and thus doesn't indicate to its audience that the asker actually cares about one's day- yet it demands a response. The choices of the answerer are, more or less, limited to grumbling "fine, how was yours?," or digging around for some minutiae to create a story. Count me in the group of one of the grumblers, who choose to speak in order to obligatorily listen. But therein lies one of my bigger opportunities, and for that I am training myself to be eager- not out of duty, but out of sincere appreciation. Out of respect and love. To hear and not just listen. Maybe even do some speaking too.

The majority of us are trapped in our heads and don't understand why people don't understand us. Much of this happens because we rarely take time to process the small things, explain the small things, or actively seek an understanding of the small things. And the small things, the ones we find inconsequential or unimportant, eventually pile up and cause us to be the way we are. If you want to understand someone, you have to want to hear them before you can communicate with them in a mutually fulfilling way.

Listening and hearing have their places in the world, and both can coexist. Sometimes you don't want other people's words in your heart—and neither do they. You don't want words of pain, anger, frustration, irritation in your heart. Sometimes people need to get those words off their chest. So you lend an ear,

but you don't invest your heart. Sometimes an important person in your life, let's say your boss who you respect, shares with you changes she/he would like to see you make. You listen. And you hear. You feel the depth and importance of the message. The more you hear, the more you also discover the words that person didn't say: "If you want to keep working here then you need to hear me." Hearing takes us far deeper than listening. Listening is a courtesy; hearing is a commitment.

Back to Bob. You see, my experiences with Bob Seger and many others in life have taught me that listening is a surface level activity that any juvenile can dismissively do, but hearing plumbs greater depths. Part of your personal power lies in how you exercise your choice of who to listen to and who to hear. Listening takes more time than energy. Hearing takes more energy than time. When you hear someone, their words, what they said and what they didn't say, continues to sink in and you continue to mull them over long after you stop listening. When you listen, another person's words move through you, or over you, or around you. When you hear, another person's words move into you. You absorb them the way you absorb a meal. It becomes part of you—maybe a small part, maybe a large part, but a part nonetheless.

What makes Seger so rich for me is a combination of unsensational honesty and deeply felt emotion. Many of his best songs are retrospective, looking back in time and comparing the way things were with the way things are. He is blessed with a soulful, whiskey-flavored voice, his songs are spun like little movies, full of wide, sweeping imagery of small-town characters that come alive in the grooves. I've never smoked a cigarette before, and I can't remember the last time I've played eight ball, but Seger makes me want to grab a pool cue and spend an afternoon in a neighborhood bar, just chain smoking, running the table, swilling brown water and playing the jukebox.

A consummate storyteller, like any salt of the earth Midwest character I've ever run with, Bob Seger cuts authentic tracks that make me feel like we've known each other forever. To me, he's long been the embodiment of weighty blue-collar struggles, ambitions, frustrations, hopes, heartbreak and dreams of the everyman. I love that he has chronicled the internal minutia of the working class, America's heartlands, and the vagaries of love in all stages of life. As a trial lawyer by trade, the most impactful thing for me about Bob Seger is the way he tells a story without giving any impression of story-telling: that is, the way he conveys his innermost thoughts without embroidery, exaggeration, or any apparent awareness of an audience. The sensation is that the listener is being allowed to eavesdrop on the innermost thoughts of a man who has learned to be particularly honest with himself. It is a rare privilege, in art as in life. I learned all of this when I stopped listening to him and started hearing him. That was when the night started to move for me.

The great thing about listening versus hearing is that it is a choice. The ultimate choice remains yours. You decide who to listen to and who to hear. As Seger said in *Against the Wind*, "what to leave in, what to leave out." Becoming a better listener will involve more of your time. Becoming better at hearing others will involve more of your heart. Choose wisely, because, if you really hear Seger, you'll know that "autumn [is] closing in."

Very truly yours,

Board-certified attorney Ryan Maloney is the newest partner to join our construction law practice group



During his childhood, people often said Ryan was good at arguing a point and that he should become a lawyer one day. When you couple that initial aptitude for persuasion with the positive influence of his two role model uncles, who are also successful attorneys, it's no wonder Ryan chose the law as his profession.

He was born in Weisbaden, Germany while his Dad was stationed there with the U.S. Army and grew up in Garner, North Carolina. Nonetheless, Ryan actually counts Vero Beach as his home town, where he spent his high school years. After graduation, he moved to Tallahassee to earn his undergraduate degree from FSU then went right to work with college admissions. However, becoming a lawyer always sat there in the back of his mind. That nagging feeling finally took root, and after much consideration, he decided to take the plunge and go to law school at UF. Ryan said it has worked out well and today he really can't imagine doing anything else.

Despite being a die-hard Florida State Seminole full of heartache because of the recent challenging football seasons, Ryan remains an optimist. He believes in overcoming challenges through hard work and continuously developing his practice of law with professional achievement, such as his Board Certification in Construction Law from The Florida Bar. He also believes in practicing law with integrity, maintaining a positive attitude despite adversity, and he takes deep

pride in from the results he has obtained for his clients. Those results have been hard-earned during his 16 year career through extensive construction litigation on behalf of owners, contractors, subcontractors and design professionals, as well as trial experience in all types of business disputes.

Ryan originally moved to Jacksonville in 2003 to begin his legal career and has been married to his wife Amy for slightly longer than he's lived on the First Coast. Their family includes two tweens (Christopher and Sarah), plus Maggie the cat and their newly adopted foxhound/beagle mix puppy, Molly. Ryan jokes about how Molly is a great addition to the family, but it's also been a little like having a newborn again... only minus the diapers. When Ryan isn't spending quality time with family, working out at the gym or playing tennis, he unabashedly enjoys watching Will Ferrell classics like Anchorman, Talladega Nights and Blades of Glory.

Now that he is a partner at Jimerson Birr, Ryan is pumped about expanding his practice locally in Jacksonville and North Florida. We hope you will join us in welcoming Partner **Ryan Maloney** to the firm.

- [Click here](#) to view Ryan's online attorney bio.
- [Click here](#) to download Ryan's vCard

Avengers assemble: six Jimerson Birr attorneys are recognized by Florida Super Lawyers magazine

Super Lawyers®

What is a superhero? There are a lot of words that hold similar meaning to "exceptional." Words like extraordinary, tremendous, and outstanding. Super heroes are all of that. But it's the "super" in super hero that really effectively encapsulates the kind of drive and push that Jimerson Birr attorneys invest in developing their practice and capabilities as legal counselors.

As a result, it's only fitting that Jimerson Birr has *Super Lawyers*. For reference, Florida *Super Lawyers* magazine is a regional publication that recognizes the strides and achievement that exceptional attorneys make each year. Some firms only had one or two attorneys who receive distinction, but Jimerson Birr was honored to have six lawyers recognized. They included:

- **Charles B. Jimerson, Esq.** - 2019 Super Lawyer
- **James O. "Joby" Birr, III, Esq.** - 2019 Super Lawyer
- **Austin B. Calhoun, Esq.** - 2019 Super Lawyer Rising Star
- **Brandon C. Meadows, Esq.** - 2019 Super Lawyer Rising Star
- **Austin T. Hamilton, Esq.** - 2019 Super Lawyer Rising Star
- **Adam B. Edgecombe, Esq.** - 2019 Super Lawyer Rising Star

Not only is it amazing that so many of our attorneys received this honor, but even more incredible is the fact that for some this is not the first time. For

Charlie and Joby, this is actually their eighth (8th) and ninth (9th) years, respectively, being honored by *Super Lawyers* magazine.

[Click here](#) to download and read the firm's press release.

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 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

Real Property Purchase and Sale Agreements: Beware Of The Notice Provisions

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

Real property purchase and sale agreements often contain detailed requirements pertaining to termination, inspection, placing of deposits, and even the form in which certain notices to parties must be provided. Of course, parties to such agreements must read and understand their material terms and failing to strictly comply with material terms of a real property purchase and sale contract can...



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Extending A Judgment Lien In Florida For The Full 20 Years

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

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

Community Association Law Blog

**Florida 2019 Legislative Update:
Permit Fee Transparency**



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

Over the past few years each legislative session in Florida seems to generate new laws that impose various requirements on local governments. Some are labeled “unfunded mandates” and others are described as an assault on “home rule”. But as bad as those things sound, the reality is that most state laws involving local regulations are motivated by an effort to improve transparency and efficiency when doing business...

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Avoiding Selective Rules Enforcement For Condo Associations

By: **Charles B. Jimerson, Esq.**

Click here to read the full blog post.

Construction Industry Law Blog

Assignment Of Benefits: New Law Effective July 1, 2019

By: **D. Brad Hughes, Esq.**

A sweeping insurance reform bill was signed into law by the Governor on May 23, 2019. The law creates two entirely new sections in Chapter 627 of the Florida Statutes, which governs Insurance Contracts. The bill creates Section 627.7152, Florida Statutes, which regulates assignment agreements that are regularly known in the industry as Assignment of Benefits (“AOB”). The bill also...

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Business Litigation Blog

Florida Adopts Daubert As Standard Of Expert Testimony

By: **Samuel B. Friedman, Esq.**

In 1923, the United States introduced the Frye standard to determine the admissibility



of scientific evidence in a court of law. In *Frye v. United States*, the Circuit Court of Appeals for the District of Columbia ruled that for the results of a scientific test to be admissible, the test “must be sufficiently established to have gained general acceptance in the particular field in which...

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Firm News

Curiosities, Ruminations and Various Eccentricities of Firm Biz

Summer Time In The J-A-X

Some people say that Florida doesn't have seasons... but we beg to differ. Fall brings hurricanes and football. Winter brings chilly temperatures and good cheer during the holidays. Spring brings rain and mosquitoes. And last but definitely not least: summer brings sunshine and beach time!

Summer also brings on the Summer Associates, a group of incredibly high-performing law school students currently pursuing their J.D. Each year's crop of warrior poets is uniquely impressive, and this year's group is no exception:

Alexa Nordman received her Bachelor of Science, graduating *magna cum laude*, and a Master of Science in Sports Management from the University of Florida. She is a 2020 Juris Doctor Candidate, ranks high in her class, and has earned book awards in Contracts, Constitutional Law and Labor Law. Originally from Gainesville, Alexa is a very active person who fills in the (little) free time she has with horseback riding, weight lifting, running stadiums, and hiking. While on adventures, she keeps her ESPN phone app open to stay connected to the world of sports, and shared how her mother is the most caring, compassionate and uplifting person in her life, serving as a constantly inspiring reminder of how hard work and diligence leads to success.



Carter Smith earned his Bachelor of Arts in Economics from Seattle University, graduating *cum laude*. He is currently a JD candidate at the University of Virginia School of Law, which was recently ranked number 1 law school by **Above the Law**. Carter is an

active member of VELF (Virginia Environmental Law Forum), LIST (Law, Innovation, Security and Technology), and the Federalist Society. Although his studies have taken him over to the west coast, and up the east coast, he calls Tallahassee his hometown. He's a multi-sport enthusiast, enjoying playing basketball and soccer, but absolutely loves hitting the slopes on his snowboard out west once the snow starts falling. Now that he's back in Florida for the summer, he is really looking forward to getting back on a board, but doing some surfing on the waves rather than the mountains.



Why Wait Until College?

In addition to our Summer Associates, the firm has provided a new opportunity for several additional young world-beaters to gain first-hand, real-world experience working in a business law firm. The key difference is they've just graduated high school and are already setting their sights on a legal career after college. Armed with a load of energy plus the willingness to step up and get the job done, these are three young people to keep your eyes on as they grow to pursue and achieve their professional goals and dreams:



Madison has lived in Jacksonville for her entire life and is a recent graduate of The Bolles School. For the past three years, she has been on her high school's mock trial team, preparing witness roles, formulating lines of questioning, and working alongside lawyer mentors. Through this experience, she has cultivated a love for the complexities of advocacy. Her academic interests include Chinese, English, and environmental science. Her other interests include art, volleyball, music, and poetry. This fall, she will attend Washington and Lee University.

River graduated from The Bolles School in May, where her favorite subjects included history, Spanish and math. This fall she will attend Princeton and is planning to major in public policy, with a minor in environmental studies. Between coursework she's hoping to keep up a balanced load of activities, including dancing, performing in musicals like Grease and A Chorus Line, playing songs from movie scores on the piano, cooking vegan chili, and walking her golden doodle.



Walker is a recent graduate of Episcopal School of Jacksonville, and one of four

siblings. Proud to be a fourth generation Jacksonville citizen, he will be continuing his studies at the College of Charleston this fall.



Celebrating A Sweet Summer

The firm celebrates the holidays with as much gusto as we practice law, with this past month giving us several opportunities for cheer. Did you know that there is a National Rootbeer Float Day? Indeed, there are few things better than the crisp taste of soda magic coupled with the smooth, foamy goodness of vanilla ice cream.

One thing that comes close to competing with the refreshing chill of a float is the warm, yummy chew of a fresh doughnut. The firm celebrated National Doughnut Day with a little old-school flair, enjoying some "Hot Now" Krispy Kremes in the break room. We even held an impromptu vote to find out which shop was the firm's #1 destination for fried dough goodness, and local fave Cinotti's won the day.



With such a sweet summer, there is little doubt you'll see anyone in the firm skipping the gym. Everybody worked hard to get these "beach bods" and we intend to use them! In addition to the weights and group exercise classes, we even brought the fitness into the office... with a little bike ride around the hallways. Check out Charlie "Quicksilver" Jimerson burning off those calories.

Jimerson Birr All About Town

Just because it's summer doesn't mean things slow down on the speaking and events circuit. Our attorneys are involved year-round in professional, trade, and charitable activities, making meaningful and important investments in our community.

Partner **Joby Birr** recently shared a presentation at the NEFBA Custom Builders & Remodelers Council explaining some of the nuances and critical parts of construction contracts, so that members could avoid potential pitfalls in documentation rife with contradictions or holes. Partner **Patrick Krechowski** attended an urban plan education event with ULI North Florida for elected officials, ahead of next year's Florida Summit in Jacksonville. Lastly, on the lighter side of things... sometimes the right shades can really pull the outfit together, as Associate **Adam Edgecombe** demonstrated while attending a recent event "80s On Forsyth" at the Florida Theatre. This totally gnarly annual gala is the major benefit for the nonprofit organization, fortifying its

ability to enhance the quality of life for residents of North Florida.

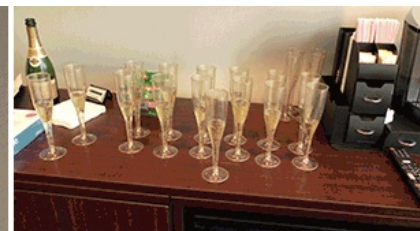


The Future Is Bright

Many moons ago, during some of the most challenging times of the Great Recession for many people across the nation, Charlie Jimerson bet on himself and founded the firm on June 24, 2009. After many years of hard work and a lot of growth since, this past Monday our firm celebrated a very important milestone: our 10 Year Anniversary!

Our Attorneys and staff gathered in the conference room to mark the occasion, enjoying champagne and cake, sharing memories from the past decade, and watching a video slideshow while taking the trip down memory lane. With sober reflection and everlasting aplomb, we can all agree that the best is yet to come at Jimerson Birr.

If you would like to view our firm's 10 year anniversary slideshow, [click here](#).



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