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PARTNER'S PERSPECTIVE

D. Brad Hughes - You Have to be a Survivor to be a Provider

You have to be a survivor to be a provider. I imagine everyone that reads this newsletter is a provider in some form of fashion. Perhaps you provide financially for the home. Perhaps you are the primary caregiver for your children. Perhaps you provide financially for some of your colleagues at work by revenues you generate or

originate. Perhaps you provide financially for all of the employees of the business that you own. Regardless of what you “provide” for others, that weight on your shoulders can feel awfully heavy sometimes. Add a pandemic and the weight feels even heavier.



This pandemic will likely forever change the way we interact with others. It has taken a huge toll on many of the industries in our country. However, our country wasn't founded on the backs of complacency but rather by innovators. We have already seen business owners innovate to the changing needs of our country. Sometimes innovation is pivoting to making a product for which there was little demand a few months ago, such as masks. Sometimes innovation is modifying a dine-in menu to meet take out needs. Sometimes innovation is a complete change in your business model.

The practice of law, broken down to its core purpose, is risk evaluation. Lawyers are paid to analyze risk and provide competent advice predicated on the risk. Every day this pandemic factors into that risk analysis. I like to think of myself as an innovator, and I know my law partners are innovators.

I told myself I wasn't going to mention COVID-19 or the pandemic when writing this introduction to our newsletter. I thought for hours about what to write, but this pandemic has affected every aspect of our life and may very well be the most significant historical event in many of our lifetimes. As much as I didn't want to write about the pandemic, it still seemed relevant and important to write about.

I would like to close this introduction by reminding everyone that the “Greatest Generation” shouldered the Great Depression and World War II. Enduring this hardship inspired generations to come. Perhaps, through grit, determination and innovation, our generation will inspire those after us.

God Bless,

D. Brad Hughes

D. Brad Hughes
Partner

**Partners Jimerson and Birr Named
Two of the Best Lawyers in America**



Best Lawyers

Congratulations to our two named partners recognized as Best Lawyers in America

Charles B. Jimerson
Managing Partner
Commercial Litigation

James O. "Joby" Birr, III
Partner
Real Estate Law

Jimerson Birr partners **Charles B. Jimerson** and **James O. "Joby" Birr** have been recognized as two of the *The Best Lawyers in America* for 2021 according to U.S. News & World Report. For nearly three decades, the publication has released its peer-reviewed list recognizing only the top 6% of practicing attorneys across the country. Jimerson was recognized for his work in the area of Commercial Litigation, and Birr for his work in Real Estate Law for the second year in a row.

Read the full release [here](#).

Navigating Turnover of a Community Association from the Developer to the Community Webinar - 2 CE Credits



Registration is now open for the Navigating Turnover of a Community Association from the Developer to the Community webinar presented by **D. Brad Hughes, Esquire**, one of the partners from Jimerson Birr's Community Associations Industry Team.

For new communities, the transition from developer control to member control of the board of directors is one of the most critical events. This webinar is designed to guide community associations through the challenging transition, and to inform members on the developer's obligations during the turnover process. Because this course is approved through the DBPR, CAMs will receive two CE credits.

Developer Turnover Webinar
Thursday, September 24, 2020 from 10:00 AM to Noon
Cost: Free

Subscribe to Our Community
Association Industry Blog

REGISTER NOW for the
Industry Webinar

Managing Problem Projects: Construction Delay Claims Webinar



JB JIMERSON | BIRR

The Construction Industry Team Presents

MANAGING PROBLEM PROJECTS WEBINAR

**Construction Delay Claims:
Best Practices for Subcontractors**

Presenters



and Mike Ryan, PE, PSP
Trauner Consulting Services

Event Details

Thursday, September 10, 2020
12:00 - 1:00 PM

Three partners from Jimerson Birr's Construction Industry Team launched a webinar series focused on Managing Problem Construction Projects. The multi-part education series is designed for business owners and leaders in the construction industry. Watch the previous recordings on our [YouTube channel](#), or click the button below to catch up on the series.

Registration is now open for Construction Delay Claims: Best Practices for Subcontractors, coming up Thursday, September 10, 2020 from Noon to 1:00 PM. This webinar is for subcontractors and will provide legal insight and best practices to employ throughout a project to improve your chances of successfully bringing a claim for delay, disruption, or acceleration.

**Construction Delay Claims Webinar:
Best Practices for Subcontractors**
Thursday, September 10, 2020 from Noon to 1:00 PM
Cost: Free

See What You've
Missed in the Series

Subscribe to Our
Construction Blog

REGISTER NOW
for the Webinar

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 association law and everything in between. **Click here to subscribe** today and stay up-to-date on the latest legal news from these core areas:

- **Banking & Financial Services Industry Blog**
- **Construction Industry Law Blog**
- **Community Association Law Blog**
- **Business Litigation Blog**
- **Eminent Domain Law Blog**
- **Real Estate Development, Sales & Leasing Blog**

Banking & Financial Services Industry Law Blog

Commercial Mortgage Default Options for Hospitality Industry

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

In reviewing a loan file after a default by a borrower, lenders should evaluate whether the loan includes an acceleration clause and whether the loan is secured by any personal guaranties. With commercial loans, typically the loan documents will include an acceleration clause, which allows the lender to accelerate all or most of the remaining amounts due under the loan. The loan documents also typically include one or more personal guaranties...



Click here to read the full blog post.

Construction Industry Law Blog

Steps Any Business Should Consider in Response to an OSHA Citation

By: **Austin B. Calhoun, Esq.**

Within the last six months an inspector from the Occupational Safety and Health Administration (“OSHA”) visited your premises and you just received a “Citation and Notification of Penalty” for violations allegedly identified during the OSHA inspection. Now



what? OSHA citations can be confusing, frustrating, carry heavy penalties, and must be responded to within a rather short fifteen working days. Thus, it is valuable to develop a working knowledge of your rights, responsibilities, and options to minimize exposure to liability from OSHA citations. This article outlines the general procedures that you should follow, and the basics you should know to avoid additional penalty...

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

Community Association Law Blog

Application of the Business Judgment Rule to Community Association Board of Directors

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

The board of directors of community associations are responsible for making important decisions affecting the community and its members. As a result, disputes sometimes arise between the association and its members. In the event the dispute evolves into a lawsuit, the business judgment rule will protect directors from personal liability so long as they did not breach their fiduciary duty...



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

Business Litigation Blog

Overview of Florida's New Uniform Commercial Real Estate Receivership Act

By: **C. Ryan Maloney, Esq.**



On July 1, 2020, the Uniform Commercial Real Estate Receivership Act (“Act”) became law in Florida as part of the newly created Chapter 714 of the Florida Statutes. The Act codifies existing common law in Florida regarding the right to have a receiver appointed by the court in commercial foreclosure actions, and provides much needed clarity, predictability, and uniformity on the standard for the appointment of a receiver and the powers of receivers. This new legislation is likely to be important to lenders and borrowers due to the anticipated higher volume of commercial foreclosures due to economic effects of the current COVID-19 pandemic...

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

Commercial Evictions 101

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

One of the most important considerations for commercial property owners and managers is maintaining tenant occupancy. However, commercial property owners and managers will inevitably encounter tenants who refuse to pay rent or who refuse to vacate the premises after the lease term has ended. In these situations, the owner or manager will be forced to evict the tenant. Therefore, understanding the commercial eviction/removal process is critical for all commercial property owners and managers...



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

Firm News

Curiosities, Ruminations and Various Eccentricities of Firm Biz

Partner Joby Birr Presents on Contracts for Virtual PMI Event

On July 20, 2020, partner **James O. "Joby" Birr** presented at the Professional Development Meeting for the Northeast Florida Chapter of Project Management Institute (PMI). Joby virtually led a presentation on the vital role of contracts in project management with focus on provisions to be mindful of during the negotiation phase. He also provided considerations and tips for ensuring project success while minimizing potential conflicts and disruptions.

A recording of the presentation is available online courtesy of the **Northeast Florida Chapter of PMI**.

Basic Contract Considerations

Fundamentally, what are you trying to do when you negotiate a contract?

PREDICT THE FUTURE!

Start with scope of work but keep the end of the project in mind.



[Watch Joby's Presentation on Contracts](#)

Joe Exotic Has Entered the Building



Each August, we roll up our sleeves and engage in a riveting game of mini golf. Each person is asked to transform his or her office into a themed mini golf hole, and when the clock strikes 5:00pm, the game commences.

This year's theme was one many looked forward to throughout the summer: Tiger King. We planned our decor, dressed the part and had a roaring good time as we traveled in teams from hole to hole throughout the office. Our monthly company events are always fun and provide great opportunities to get away from our work, enjoy each others' company, share some laughs, and relax... until a winner is declared.

This year's winning team (pictured top left) included partners Brad Hughes and Charlie Jimerson, summer associate Stewart Subjinski, and controller Stephanie Stubbs.

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