

MIAMI-DADE

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FITNESS ASSETS CONTINUED TO DRAW INVESTORS IN LAST QUARTER

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Florida Supreme Court Hits Ex-Judge With Public Reprimand

by Michael A. Mora

The Florida Supreme Court entered an order of public reprimand against a former Miami state court judge who failed to abide by the law when he wore his military uniform in campaign materials and failed to provide appropriate disclaimers in those reelection campaign materials.

Scott Fingerhut, a judicial ethics expert at Florida International University College of Law, is not involved in the disciplinary action against former Miami-Dade Circuit Judge Mark Blumstein. But after evaluating the entire case, Fingerhut said in an email, "We must remind ourselves in America over and over again, justice cannot be for one side alone."

"Judge Blumstein's low-grade punishment, despite high office and repeated misconduct, brings me to this: a fervent hope that the Florida Supreme Court and the Florida Bar be as tolerant, understanding, and merciful to lawyers in lawyer discipline cases as the Court and JQC plainly were with this judge," Fingerhut added.

Blumstein, through his private practice attorney, Bruce Rogov, said in a statement that he was privileged to serve as a jurist and in the U.S. Navy Judge Advocate General's Corps for the last six and 20 years, respectively.

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Florida Supreme Court Ruling 'Guts the Impact of Punitive Damages'

by Michael A. Mora



Supreme Court Chief Justice Carlos G. Muñoz, top left, who was joined by Justices Charles T. Canady, top center, John Couriel, top right, and Jamie Grosshans, bottom left, focused on the disparity between the awards of \$16 million in punitive damages and \$150,000 in compensatory damages. Justice Jorge Labarga, bottom right, penned a dissenting opinion.

The Florida Supreme Court ruled that a trial judge in a wrongful-death action must use judicial discretion on whether a punitive damages award a jury returned is reasonable in comparison to both the compensatory damage award and the injury that the beneficiaries suffered.

The ruling was based on a question the Fifth District Court of Appeal certified.

The Fifth DCA reversed a punitive damage award a jury returned to petitioner Brinda Coates against respondent R.J. Reynolds Tobacco Co. that exceeded the net compensatory damage award by a ratio of 106.7:1.

"Attorneys need to maximize compensatory damages in a strict liability or negligence claim if they're seeking punitives," said Ralf Rodriguez, a

member at Cozen O'Connor, who is not involved in the case. "Attorneys need to educate the jury to recognize that compensatory damages are the driving force behind the litigation, and they can't just depend on punitive damages."

Supreme Court Chief Justice Carlos G. Muñoz, who was joined by Justices Charles T. Canady, John Couriel and Jamie Grosshans, entered the majority opinion, which centered around the disparity between the awards of \$16 million in punitive damages and \$150,000 in compensatory damages.

The justices ruled that under Florida law, a trial court has broad discretion in ruling on a motion for remittitur of damages, but "that discretion is constrained by statutory criteria that must be considered in

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South Florida Court Defines Meaning of 'Interference' in Real Estate Dispute

by Melea VanOstrand

A Miami-Dade Circuit judge erred when interpreting the term "interference" in reference to traffic delays, according to the Third District Court of Appeal.

The dispute started over a nonexclusive easement between two adjacent properties—the Blue Lagoon Condominium Association and the Weiss property.

It's a case that highlights why it's important to fully understand the interpretation of a word. The condo association argued that interference means delaying or slowing down the entrance or exit, but the court found the definition is not supported by the easement.

The easement, created in 1986 on the Weiss property before the condominium was built, is the only way the Blue Lagoon Condominium Association can access NW 7th St, according to Wednesday's ruling.

In 1993, the Blue Lagoon Condominium Association was sold to the Blue Lagoon Airport Club Apartments. In 1997, the Airport Club sought injunctive relief against the



CANDACE WEST

The Third District Court of Appeal ruled that a Miami-Dade Circuit judge erred when interpreting the term "interference" in reference to traffic delays.

neighboring property owner, referred to in the opinion as Ms. Weiss, who allegedly dumped soil and rocks on the easement to prevent access to and the development of the Airport Club property.

Miami-Dade Circuit Judge Jose Rodriguez granted a temporary injunction in favor of the Airport Club, ruling that Weiss had obstructed the easement access without permission.

The opposing parties eventually agreed to a final judgment and entered

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Sanctions Hearing Scheduled for Miami Attorney and Clients

by Lisa Willis

A Miami magistrate set a Rule 11 sanctions hearing in a celebrity-involved case that wrapped up in U.S. District Court last week.

On the hot seat: Miami lawyer Jonathan May, of The Lions' Den law firm, and his clients—entertainment promoters Kenneth Carey and Steve Anyadike—accused of filing frivolous litigation against rapper Jonathan Kirk, Universal Music Group Inc. and Interscope Records.

The motions were filed in March, before Universal was released on summary judgment.

Now, opposing counsel—attorneys for the music companies and Kirk, who goes by the stage name DaBaby—are anticipating how the judge will rule on Jan. 17 concerning sanction motions submitted before Judge Jacqueline Becerra. The hearing is scheduled for 1 p.m.

Kirk's attorney, Zach Kelehear, says one of the motions involves conspiracy claims from opposing counsel, who said the trio "conspired for DaBaby to commit

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CORPORATE COUNSEL

Female Attorneys in MLB Landing Promotions, Gaining Clout

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Caroline Perry

PRACTICE FOCUS / LAW FIRM MARKETING

How to Find Success in Law Without Sacrificing Your Life

Commentary by
Isaac M. Marcushamer

More than four years ago, Amazon's Jeff Bezos said that the term "work-life balance" was a "debilitating phrase." To paraphrase his advice, he recommends that professionals should not view work and life as a strict trade-off, but rather take the perspective that personal and professional pursuits are a "circle" rather than a balancing act. The world has changed drastically since Bezos' uttered those words; however, the thought process is perhaps more relevant today than ever.

Some people spent the second quarter of 2020 writing or reading books and learning new hobbies like knitting. Not long after it became clear that we were not living through the zombie apocalypse, but before vaccines and the end of mask mandates, I decided to co-found a new law firm. While there are plenty of guides, books, and resources about starting a business—even a few about how to set up and start your law firm—there were exactly zero on how to start a law firm 14 months after the most disruptive public health event in at least a century.

In hindsight, my partner and I likely broke every "rule" on starting a law firm, but we were committed to the belief that if you are not having fun, you are doing it wrong. We love what we do, even if it can be draining. I'm here to tell you that you can practice law in a way that fulfills you without sacrificing your personal life for your profession. Indeed, it is possible for attorneys to grow, thrive, and make an impact in law, without necessarily being at a national/international firm and without sacrifice of personal/community ties. In sum, you can have it all, and even some left over to give to others.

So here are the lessons we at DGIM have learned ...

MONEY IS NOT THE ONLY MOTIVATING FACTOR

Most law firms talk about "we" but only compensate "me." While salaries have gone up exponentially in the race for talent—average associate compensation at the end of 2021 increased 12% year-over-year—a recent study [Thomson Reuters Institute and the Center on Ethics

and the Legal Profession at Georgetown Law] found that "firm culture, the people they work with, and work-life balance" were more important to associates than money. Indeed, Simon Sinek probably captured it best, "Money is like fuel. Cars need fuel, but the purpose of the car is not to buy more fuel. Business is the same. The purpose of business is not to make money, it's to advance a greater purpose or cause."

So, it is important to know what your firm's purpose is. It is likely even more important to know what your own personal purpose is. Mine is to have success, personal growth and above all, fun. Our firm's motto is "impact through innovation and collective insight." Purpose is much more rewarding than money (even though money still matters!).

SPEAKING OF CULTURE, IT IS QUEEN (AND KING)

A lot of companies talk about culture, it's the new "we are different." As my law partner regularly reminds us, "anyone with a laptop and an internet connection can practice law." This is even more true in today's world of WFH, hybrid workplaces and Zoom fatigue. The physical distance—ironically called "social distancing" but there is nothing social about it—has created an environment in which mentorship, training, and connections between colleagues are difficult to establish or continue.

That said, having a work culture—the attitudes and behaviors of employees within an organization—is essential. For us, the creation of our firm's ethos—"Insight. Innovation. Impact."—was defined under the counsel of a business coach. Our key is respect and treating ourselves and our teammates as adults empowered to use our judgment for the firm's success. We hold ourselves accountable but not over where someone is, rather, it is over the quality and substance of their contributions to our business.

If you're struggling to empower, engage, and earn your team's trust, I recommend seeking an outside perspective to shed light within the four walls of your firm. Indeed, our business coach/culture

consultant regularly shines a mirror and a spotlight back into the blind spots of our firm that allows us to individually and collectively reflect on what is going well and what can be better.

THROW THE BOX AWAY

If you Google "thinking outside of the box," you will be inundated with articles from business, entrepreneurial, and marketing outlets, most publishing pre-pandemic. My suggestion: throw the box away!

Let's start over by focusing on alignment. An aligned team aspires to achieve the same vision, understands, and strives to reach agreed-upon goals, utilizing the strengths of each member to contribute to success. This means aligning firm objectives with individual ones and recognizing that individual successes will ultimately lead to firm successes. Alignment is a constant conscious practice that requires daily attention from the entire team.

BE OPEN TO ADVICE. AND, IF IT COMES FROM AN EXPERT, TAKE IT.

If it is not part of your core mission, subcontract it to the experts. This is not new advice, but we didn't take it (at first). Eventually, after many late nights lost working on tasks outside our core competencies, we adapted and started to partner with outside experts who would support us in discrete tasks. This was scary at first but quickly became super-liberating for several reasons.

- Our business partners had significant concentrated expertise. Our outside partner list quickly expanded from outside IT services to include accounting, business coaching and public relations support.
- Replacing a Vendor Was A Lot Easier Than Replacing a Teammate
- Our outside partners do their jobs well, and we appreciate their help running our business as much as they appreciate our business.
- We don't have a single point of failure as we would with a single teammate at the firm running a particular aspect on the business side.



Isaac M. Marcushamer

Lastly, adding just a few extra words to the abovementioned tried-and-true saying makes it invaluable: when you hire an expert, listen to the expert.

PIVOT, PIVOT, PIVOT.

Ross Geller said it first on "Friends" (<https://www.youtube.com/watch?v=yIaCmXw0fBQ>), but it holds true. It is inevitable that mistakes will be made, more than you'd like to think. But when you do, reflect, discuss, and then pivot as fast as you can to course correct. If the last two-plus years have taught us nothing else, giving up the tight grip we tend to have on control is a key takeaway.

BE BRIEF BUT IMPACTFUL

I live by the philosophy that "how you do anything is how you do everything." That said, for me, the big picture is viewing yourself and your teammates as more than just lawyers.

Isaac M. Marcushamer is co-founder of DGIM Law, a South Florida-based contemporary business law firm focused on navigating clients through complex business, litigation and insolvency matters.

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