

LAW Courting business

BY: JEAN GRUSS | EDITOR/LEE-COLLIER

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Fort Myers attorney Kevin Jursinski has been leading an effort to establish a business court in the circuit that includes Fort Myers and Naples. Photo by Brian Tietz

There's no arguing that business is growing ever more complex.

As a result, in cities such as Orlando, Tampa and Miami, the circuit courts have carved out special business courts over the last 10 years that are designed to handle complex litigation.

Now, there's a move afoot to create a business court in the 20th Judicial Circuit, an area that includes Fort Myers and Naples. "We're no longer a third-tier location," says Kevin Jursinski, a Fort Myers attorney who has been leading the effort to establish a business court for the region.

For example, Jursinski is working on a case now that would benefit from being heard in a business court because of its complexity. It involves three civil suits between shareholders and lenders in which damages could reach \$10 million, he says.

"I think there are enough cases to justify it," says Merrick Gross, a shareholder with Carlton Fields in Miami who handles cases in Fort Myers. Gross was a member of the Florida Bar's task force in the 1990s that led to the creation of business courts across the state.

“You have to identify the need, and you have to get the business community behind it,” Gross advises. “They need to explain to the court that this is something that is necessary.”

Jursinski says the presence of a business court is now a requirement for many corporations seeking to relocate. It sends a pro-business message that cases will be heard efficiently and fairly. “It’s a good economic driver,” he says.

Jursinski made a presentation to the Lee County Bar Association in September to discuss the issue. Others involved in the discussions included Judge Michael McHugh, Judge Elizabeth Krier and attorneys George Knott, Kelley Geraghty Price, Douglas Szabo and Carlos Kelly. “It’s a trend nationally that’s pretty significant,” Jursinski says. “They are a necessity.”

Fact is that judges in the 20th Circuit are swamped with as many as 2,000 cases a year. “They are underpaid and overworked,” says Gross.

Complex litigation bogs down the courts. “When you take complex cases out of the general division, they speed up,” says Gross. “Usually they languish.”

A business court could alleviate the caseload by taking up the most complex-litigation cases for a judge familiar with case law, much like a probate or family law judge would be familiar with those kinds of cases.

Jursinski says that efficiency translates to savings for companies. Instead of spending time at the courthouse in a hearing, attorneys can often file briefs or appear via video link.

What’s more, skilled corporate attorneys would appreciate a judge who is familiar with complex litigation cases involving businesses. “All of us want a level playing field,” Jursinski says.

Attorneys and judges involved in the creation of a business court would have to decide the rules for what cases merit a hearing in business court. “They tailor each of the business courts to the area,” Jursinski says.

For example, the business court might handle complex construction and real estate cases but not personal-injury cases. In Miami, many of the cases involve the cruise-ship business and international trade, Jursinski says.

Jursinski estimates it would cost about \$400,000 annually for a judge and two law clerks for the business court. He’s urged local legislators to seek out state funding, but the odds may be slim: The last time the 20th Judicial Circuit got additional funding for judges was in 2006.

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