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ADR is Booming in South Florida

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South Florida is clearly the place to be. Over the past year, the population in the region grew by approximately 30,000, according to new estimates from the **U.S. Census Bureau**. The tri-county area now has a population of more than 6 million, placing it among the top 10 most populous metropolitan areas in the country.

Along with strong population growth, there has been equally strong business expansion. While the national economy grew by 2%, **Florida's** overall growth rate was 3.5%, among the largest in the nation. Of course, with such growth inevitably comes an increase in legal disputes, which explains why, according to the **American Bar Association**, the number of lawyers in Florida increased 19.3% over a 10-year period ending in 2021.

In just the past few years, several of the country's largest and most prestigious law firms have opened offices in Miami. According to the **Financial Times**, as of the beginning of last year, the number of attorneys at the top 200 firms in Miami exceeded 1,800, up from approximately 1,660 at the start of 2019. During the last two years, the top firms in Florida added nearly 200 partners.

The rapid growth in business across Florida has resulted in more legal disputes, which have put pressure on the courts. The rise in court cases, along with significant backlogs in the trial calendar that began during the pandemic, has created a greater reliance on alternative dispute resolution (ADR). The JAMS Miami Resolution Center opened its doors over 10 years ago and has nearly 20 neutrals on the panel in this thriving market. We spoke to three of these distinguished neutrals to learn how ADR is meeting the arbitration and mediation needs of South Florida.

Neutrals with a track record of success

Joseph P. Farina, retired chief judge of the 11th Judicial Circuit, is a mediator, arbitrator, special magistrate, neutral evaluator and neutral umpire at JAMS. Judge Farina has been recognized by many national, state and local organizations for his leadership, professionalism and



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accomplishments. During his more than 30 years on the bench, he was consistently rated as one of the top judges in bar association polls.

Leslie King O'Neal is a neutral serving as mediator, arbitrator, project neutral and neutral evaluator at JAMS. As a litigator, she has more than 40 years' experience handling construction and complex commercial matters in private practice and as in-house counsel for an ENR top 25 commercial general contractor. She applies her experience in managing complex, multi-party cases to manage arbitrations in a well-ordered, fair and cost-effective manner.

Richard J. Suarez is a retired judge from Florida's Third District Court of Appeal, where he served as chief judge from 2015 to 2017. Today, he is a mediator, arbitrator, referee, special master and neutral evaluator at JAMS. Judge Suarez is known for his combination of sharp legal acumen and pragmatism when it comes to settling cases. His extensive legal career allows him to quickly assess the merits of a case to get parties to think critically about a path to resolution.

New Florida Law Contributes to Court Backlog and Increased Reliance on ADR

Judge Farina points out that when Florida lawmakers approved Senate Bill 2A in December 2022, they ended the practice of one-way attorney's fees in property insurance litigation.

“Just prior to the passage of SB 2A, lawyers began to file lawsuits in order to get them in before the new law took effect,” explained Judge Farina. “As a result, there are tens of thousands of insurance cases in the pipeline. This law, along with other similar statutes that went into effect in May, June and July of this year, has brought about a tremendous number of filings. This in turn has significantly impacted judges’ caseloads, hindering their ability to resolve cases in a timely manner. ADR is providing a vitally important relief valve for that backlog.”

ADR Ideally Suited for a Wide Range of South Florida-Based Disputes

ADR is viewed as a viable, efficient and cost-effective means of finding resolution. “In South Florida, ADR is particularly effective in business-to-business disputes involving breaches of contract,” stated O’Neal. “In real estate, we are seeing many disputes involving leases, real estate transactions and commercial contracts. Other matters that are relying on ADR are intellectual property disputes, the growing use of artificial intelligence, insurance claims in the wake of natural disasters, and employment issues involving discrimination, wages, accommodation and improper termination. These are all opportunities for ADR.”

Judge Farina added to this list, mentioning disputes related to company partnerships, commercial finance, conflicts between health care providers and insurance carriers, and conflicts involving doctors, hospitals and third parties.

Experience Matters When Evaluating Neutrals

When it comes to selecting the right ADR provider, start by evaluating the neutrals on the panel. “Certain types of cases involve certain aspects of the law, which is why attorneys should look at the backgrounds and knowledge of the neutrals when evaluating ADR services,” suggested Judge Suarez. “I would look at the biographies of the panelists to see if they have familiarity with the type of case I’m bringing. And then I’d call attorney friends to find out what their opinion is of specific neutrals and what that person’s professional reputation is. This should provide a pretty solid sense of what you will get with the panelist.”

At JAMS, we have been particularly selective in choosing our panel. We have been very intentional in recruiting judges and attorneys who have a stellar reputation and a wide range of experience. “JAMS has distinguished itself by gathering the finest attorneys and judges from the

legal community,” said O’Neal. “For example, JAMS has some of the very best construction lawyers in the country. The neutrals on this panel have an especially broad and deep background in handling disputes in this area, as well as extensive subject matter expertise. Another thing that sets JAMS apart is the managerial skills of the neutrals.”

Beyond the strength of our panel, JAMS has earned a national reputation for superior case management. Our case managers are highly knowledgeable, friendly, efficient and consistent. We provide premium and personalized management services and are committed to understanding clients’ needs and goals to continually enhance client satisfaction.

Local Focus, International Scope

Because Miami is an international hub for both business and leisure activities, legal disputes often involve parties from around the world. “The JAMS Resolution Center in Miami/South Florida handles numerous international disputes,” explained Judge Farina. “I personally have been involved in arbitrations and mediations for parties from Europe, Asia, the Middle East, Africa and South America. I think the only continent I haven’t had a dispute from was Antarctica. JAMS’ neutrals are particularly adept at handling a wide range of international cases.”

Judge Farina further explained that JAMS’ neutrals have a strong connection to South Florida, as many of them had served on the bench in local communities for many years and/or are accomplished attorneys who have deep connections to many of the top law firms in the region. When it comes to resolving disputes in South Florida, JAMS is among the best in the ADR business.

Stacey L. Harrison is vice president, operations at JAMS and successfully leads the Southeast Resolution Centers (Atlanta, Washington, D.C., Maryland, Virginia, Nashville, Tenn., and South Florida).

Henry Oquendo is the business manager of the JAMS Miami Resolution Center and has extensive experience in the legal community. He works closely with the Miami panel and Miami associates.

