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Association Lawyers Get New Florida Bar Certification

Samantha Joseph, Daily Business Review

Condominium association lawyers are celebrating a newly created Florida Bar certification for specialists in condominium and planned development law.

With multifamily developments and related litigation on the rise, proponents say the new certification reflects the nuanced complexities of a niche practice area focused on condo developments, commercial and residential community associations, cooperatives and recreational organizations like golf and tennis clubs.

"It's like hitting the bull's-eye on the practice area, finally," said Jonathan Goldstein, a senior associate at Haber Slade in Miami, who's worked with community associations since 2006. "It's a very exciting development for community development practitioners. We've had to seek certification in major areas that didn't reach the heart of the practice."

That changed last week when the state Supreme Court approved an amendment to bar rules setting new certification and recertification standards.

Attorneys like Lewis Cohen of Cohen Nicoleau in Miami said the change will help identify counsel skilled in the niche practice area.

"There are constant issues involving community associations. It's not just condominiums anymore," said Michael Gelfand of Gelfand & Arpe in West Palm Beach, a bar-certified real estate lawyer who pushed for the change. "The marketplace has changed continuously. Now we have very sophisticated developments."

In Florida, where part-time residents help bolster the popularity of condo living, evolving legislation seeks to protect the assets that often represent personal and investment interest for many buyers.

The last five years have brought rules on electronic attendance to determine quorums for condo and homeowner association meetings, guidance on accessing abandoned properties to make repairs, nuanced personal injury issues, requirements for record transfers and clarification of association and owner rights in obtaining financing.

"Understanding the interplay has become much more complex, and thus the need for certification

arose," Gelfand said.

The new certification was years in the making. It sets out several minimum standards, including at least five years of practice in condo and planned development law.

"From our perspective ... it's a very good mechanism for protecting the public and making sure they have a good way to meet their legal needs," said Miami-Dade Assistant County Attorney Cynthia Johnson-Stacks, who chairs the Florida Bar's board of legal specialization and education. "The proposing group in the BLSCE thinks there is a real need for consumers of legal services to have this mechanism to identify highly skilled, tested and evaluated lawyers."