



How Palm Beach County Managed a Case That Was Too Big for Court



"All the different moving parts that are essential to run a courtroom are almost invisible to litigants," said Palm Beach Circuit Chief Judge Jeffrey Colbath.

by Samantha Joseph

The attorneys involved fought vigorously for years with little common ground, but they agreed on this: Judges in Palm Beach County took extraordinary measures to accommodate a massive construction defect case.

The suit pitted West Palm Beach-based builder Kolter Signature Homes and dozens of subcontractors against a condo association board in a \$42 million construction defect case. It grew so large, no courtroom in Palm Beach County could accommodate the crowd, forcing court administrators and their partners to consider several venues, including the Palm Beach County Convention Center, for the trial.

"This was the super case," Palm Beach Circuit Chief Judge Jeffrey Colbath said. "Most of us have that spirit of public service. We are here to accommodate the lawyers and the litigants and

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resolve serious disputes. This was just an extra challenge."

For years, Kolter and dozens of its subcontractors fought the suit by San Matera The Gardens Condominium Association, which alleged shoddy construction at a 30-building luxury development near the Gardens Mall.

The case ballooned with counterclaims and hundreds of pretrial motions. Its list of defendants was whittled but still included 15 subcontractors and two Kolter firms. They would have brought to court more than 34 attorneys, multiple insurance carriers, observers and other parties to share the space with a jury pool of hundreds.

"It was going to be a logistical nightmare," said plaintiffs attorney David Haber of Haber Slade in Miami. "To get all of those people into a courtroom was impossible."

For years, Palm Beach County court administrators have certified judicial shortfalls and operated at full capacity.

For a case this size, Colbath monitored with Palm Beach Circuit Judges Jack Cox and Cheryl Caracuzzo, who managed the litigation up to time of trial. Once the jurists determined the potential scope, they worked with court partners, including the Clerk & Comptroller of Palm Beach County, the Sheriff's Office, court reporting and county administrative staff. They scouted venues and discussed security needs before settling on a courtroom in Delray Beach for a buildout. County, court and sheriff staff prepared by removing pews, configuring dozens of microphones, creating security checkpoints, sending new summonses, bringing in screens for jurors, and setting up closed-circuit cameras for observers watching from a separate room.

"All the different moving parts that are essential to run a courtroom are almost invisible to litigants," Colbath said, applauding his partners' collaboration and assistance. "There's a lot that goes into a modern courtroom."

Attorneys for litigants on both sides praised the effort.

"I haven't seen that level of cooperation and assistance before," said Kolter's lead attorney, Richard Chaves of Ciklin Lubitz & O'Connell in West Palm Beach. "They went above and beyond, and all the parties are grateful."

Court administrators also helped stage two summary jury trials, similar to mock trials, in which participants could summarize their case in compressed proceedings before the trial judge and participants of the jury pool.

Haber credited that exercise with helping litigants reach a settlement on the eve of a six-week trial after years of fighting.

Kolter and its subcontractors reached a \$22.5 million settlement with the condo association Sept. 29.

"It's been six years of arduous litigation," Haber said. "It was very important to us that the court was able to provide the courtroom and extra jurors so that we could get justice for San Matera."

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