

Too many lawyers spur road trip for Gardens building flaw trial

By Jane Musgrave - Palm Beach Post Staff Writer

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When the more than 1,000 residents of a sprawling Palm Beach Gardens condominium community sued home-building giant Kolter Homes for a whopping \$36 million, there was no doubt it would be a big case.

So how big is it?

It's so big there's not a courtroom in Palm Beach County that can accommodate the roughly 40 lawyers that will be representing Kolter and 17 subcontractors against claims by San Matera The Gardens Condominium Association that shoddy workmanship turned their promised luxury homes into water-soaked nightmares.

It's so big there was talk of holding the trial at the Palm Beach County Convention Center. Instead, crews ripped out benches in a courtroom at the South County Courthouse to handle the phalanx of attorneys along with jurors and court personnel who are needed for the estimated month-long trial. It will mark the first time a jury trial has ever been held at the Delray Beach courthouse.

It's so big some 300 county residents - far more than are summoned for a typical trial - are being called in this week to assure the lawyers can find six jurors and four alternates who can decide the complex case.

It's so big those who want to watch the trial will have to do so from two small glass-walled rooms in the back of the courtroom because all the seats in what would have been the gallery will be filled with folding tables lined with lawyers. If more than 20 people show up, court officials said audio from the trial may have to be pumped into a nearby atrium.

"It's one big logistics issue," said attorney David Haber, who is representing the 676-unit development near The Gardens mall.

He credited court personnel for devising a way for his clients to have their day - or, as it

turns out, days - in court after waiting six years for the lawsuit to be brought to trial. It wasn't easy. And finding a room big enough was only half of the problem.

Legally, jury trials can't be held in Delray Beach. In 2003, the suggestion was rejected after a study found the demographic mix in the southern part of the county was too white to comply with court rulings that dictate that the racial makeup of jury pools must reflect the racial profile of the entire county. Based on the 2000 Census, 92 percent of the residents in the Delray Beach-Boca Raton area were white compared with 79 percent in the rest of the county.

That added another yet wrinkle to the trial. While prospective jurors will gather in a courtroom in the main Palm Beach County Courthouse in West Palm Beach for jury selection, those selected will be told to drive to Delray Beach for the trial when it begins Tuesday and then head back to West Palm Beach for deliberations.

Debra Oats, court operations consultant, said a variety of options were considered to find a place for the unwieldy trial. The convention center was rejected because parking is limited while a garage is under construction. It also would have cost about \$35,000 to rent a room in the facility, but Oats said the lack of parking was the deal breaker.

The cost of re-configuring the courtroom was minimal, she said. While an unusual situation, she expects the trial to go off without a hitch.

Haber said his clients are just happy their grievances over leaky windows, roofs and walls and other construction defects will finally be aired. "I don't care if we try it on the courthouse steps," he said.