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PROFILE



Miami Trial Lawyer Says State Courts' Embrace of Virtual Proceedings Has NY Lawyers Flocking to Florida

"Right away we were all handling cases on Zoom, whereas in other states, the transition's been a lot slower and it didn't take effect that quickly," said Roger Slade, the immediate past president of the Miami-Dade Bar Association.

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Expert Opinion



Mason Lawlor



In part because of how comparatively quick its courts were to adapt to pandemic-era challenges, Florida has become the newest hot spot for out-of-town litigators—particularly those from from New York—looking to for a change.

That's according to Roger Slade, a shareholder at Miami-based Haber Law and the immediate past president of the Miami-Dade Bar Association, who made the move to Florida from the Big Apple three decades ago.

Slade told Law.com that, despite being a born-and-raised New Yorker, he found it much easier to excel as an attorney in Florida.

Slade graduated from Brooklyn Law School in 1988 before first practicing in Manhattan. He started at what is now Bryan Cave Leighton Paisner before working at Edwards & Angell as a commercial litigation associate.

Slade said he found that the extremely crowded New York legal market did not leave much room for building relationships with colleagues, both opposing and allied.

"I found that law practice there was very impersonal; you didn't really have the opportunity to meet the judges, you didn't really have the opportunity to connect with opposing lawyers," Slade said. "Because there's so many lawyers in New York, you don't get to see the same person twice over the course of your career."

By contrast, in Florida, he said, “we have a lot of connection with our judiciary, and we have a lot of connection with lawyers who are on opposing sides of a case,” Slade said. “I’ve had a lot of opportunities over the years to litigate against the same lawyer again and again, and sometimes we find ourselves on the same side.”

But Slade said he believes there’s a more specific driver behind the recent migration of attorneys from the Big Apple to the Sunshine State.

Lawyers, he said, can sense where the action is.

Following the “Zoom revolution” that occurred during the COVID-19 pandemic, Florida state courts outpaced many others in adopting the technology, Slade said.

According to Slade, for trial lawyers who were frustrated that the wheels of justice in their respective states had all but ground to a halt, Florida became all the more enticing.

“Right away we were all handling cases on Zoom, whereas in other states, the transition’s been a lot slower and it didn’t take effect that quickly,” he said. “Now, we’re in a situation where we’re in a hybrid world, where some of the hearings and court appearances have been in person and some on Zoom. We’ve even had trials on Zoom, which is something that I think a lot of states haven’t had.”

In addition, at the district level, Slade said judges are very reluctant to grant committee extensions, which allows most cases to be resolved succinctly and efficiently.

“There [are] a lot of nuances to practicing in Florida: how to schedule hearings, how to litigate a case through trial, that are different from other states,” he added. “The Florida Supreme Court has really put the clamps down on the judiciary and the lawyers to move cases quickly, so your cases in Florida are going to move quickly than they are in a lot of other places.”

‘A Little Bit Protectionist’

Florida may be an attractive locale for litigators, but Slade cautioned that practicing in the state is no cakewalk for out-of-towners.

For one thing, Slade said, being admitted to the Florida Bar is a particularly rigorous process compared to most other states.

“Florida is a little bit protectionist of its lawyers, and doesn’t want people moving in from other states without some commitment on their part to make sure that they study, and they’re committed to practicing here,” he said.

Also, unlike New York, where you can incorporate passing bar exam results from another state, Florida makes prospective attorneys start back at the beginning.

“It’s something you have to really take seriously,” he said. “Not every lawyer who’s been practicing for 20 years wants to start all over by taking the bar exam.”

Florida is also one of the most “debtor-friendly” states in the U.S., which can make collecting on judgments a challenge for attorneys, according to Slade. This is mainly due to having unique homestead protections outlined in Article X Section 4 of the Florida Constitution, which shields homestead property exempted from levy and execution by judgment creditors.

“A lot of people do move here from other states, fleeing creditors to try to protect their assets,” Slade noted. “Collecting a judgment in Florida can be more difficult and more nuanced than it is in other places. That’s why it’s important to find a

lawyer who specializes in commercial collection matters, because it can be more difficult.”

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