Inside Q3 2022

ACC Association of Corporate Counsel
SOUTH FLORIDA

FOCUS

Communications Chair's Letter

Joanne Dautruche

Our 3rd quarter successfully wraps with our much anticipated 12th Annual CLE Conference where more than 280 attendees converged on the Seminole Hard Rock Hotel & Casino ballroom floor with 28 law firms, legal staffing agencies and innovative service providers. Much anticipated because it was completely in person, allowing us to see our fellow colleagues face-to-face, exchange in-house war stories and break bread during Melissa Pallett-Vasquez of Bilzin Sumberg's humorously engaging ethics seminar.

Much anticipated because we looked forward to fully immersing ourselves in the annual theme. This year was "Casino Royale: Accepting the In-House Mission" complete with photo shoots with James Bond cut-outs, dice-shaped stress balls, countless "shaken, not stirred" puns and even a martini mix set as 'swag' from one of our sponsors.

Lastly, much anticipated so we can understand how the latest statutes, court decisions and litigation trends impact our companies' operations and policies. Discussions on CDC Covid-19 guidelines vs. Florida law are replaced with navigating the reasonableness of "work from home" requests as an ADA accommodation. We copiously took notes so not to miss any requirements as we update our companies' privacy policies, SEC disclosures and Environmental, Social and Governance programs. Thanks to Elon Musk's and Cardi B's legal cases, we now know the importance of including WhatsApp, Slack and Teams messages to our data retention schedules. We even learned how to respond to shareholder activism.

Posting a message of our gratitude to all of our members, sponsors and student ambassadors, along with posting many photos and reels of the conference on our social media platforms, was one of my final acts as ACC's Communications Chair and Board member. I've thoroughly enjoyed my time serving on the Board and connecting with South Florida legal minds over wine tastings, axe throwing, progressive dinners and beach clean ups.

Our Board welcomes two new amazing additions, Martitza Gomez and Christopher Aird.

The camaraderie and learning continues as we gear up for our Mini MBA on October 14th presented by Nelson Mullins, which is a one-day interactive program providing valuable financial and management tools.

We can certainly anticipate other great events coming up in November and December – check out our "Upcoming Events" section for more details.

Until next time!

Joanne Dautruche
Communications Chair
Legal Counsel, The Swatch Group

We're Getting SOCIAL!

For the latest photos and details from our events, please be sure to follow ACC South Florida Chapter on Instagram and Facebook. On LinkedIn, join our group page exclusively for members. In addition, we are excited to now have a public ACC South Florida Chapter page for interaction with our sponsors, respective companies and everyone. On all of our social media platforms, feel free to tag ACC South Florida Chapter on your posts and hashtag #accsouthfl.

You can find updates, event information and more at:

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ACC South Florida Chapter

Franchising Expansion in South Florida: The Risks from Money to Politics

By Adrian K. Felix & Mamie Joeveer, Bilzin Sumberg

South Florida emerged as one of the most sought after markets coming out of the COVID-19 pandemic. People flocked to the area, purchasing valuable real estate – both residential and commercial. Similarly, businesses, like Blackstone, Starwood Capital Group, and Citadel, have snapped up properties as they look to relocate their headquarters or open satellite offices in the area.

This migration of business and wealth to South Florida has fueled the expansion of the region's franchising market. According to the 2022 Franchising Economic Outlook, Florida continues to be one of the top 3 states for franchise growth. Between 2020 and 2021, franchise establishments and employment increased in Florida by 4.2% and 10.3%, respectively, with the addition of 2,418 locations and 60,740 jobs. While that pace of growth slowed in 2022, the state's overall growth rate of new establishments, jobs, and output, is still projected to exceed the national average for the year.

This means competition amongst franchise systems in South Florida will remain strong, as new and existing systems seek to expand their presence and as commercial landlords try to lure businesses to their new/improved retail spaces. Below are four key issues that franchises need to consider in deciding to embark upon an expansion to capitalize on the hot market.

Establish Who Should Be Responsible

Every franchise system is different, so how a particular expansion plan is handled can vary based upon the specific system and underlying agreement(s). For larger systems, unit updates/remodels and capital improvements are often clearly required to be performed by the franchisee, completed at a prescribed time (generally in tandem with renewal of the franchise term), and meet existing system standards. But that is not always the case for smaller systems and/or unscheduled improvements, and that ambiguity can result in messy disputes between franchisors and franchisees (and potentially third-party landlords).

Franchisors and franchisees should establish early on who will be responsible for coordinating (scheduled/unscheduled) unit updates/remodels. To that end, the parties should consider, inter alia, selection of the construction manager and contractor(s) (and whether there will be any special requirements or limitations to same), the need for regular project meetings or reports, the process for handling delays and/or budget overruns, and the process for requesting system variances.

Allocating these responsibilities gives franchisors the ability to ensure compliance with system/brand standards. Of course, the more control franchisors retain, the greater the risk of liability they assume. The foregoing responsibilities are also important from a franchisee (and landlord) perspective, because unit remodels/updates can impact operations (including, in some instances, necessitating extended store closures), and thus, can negatively affect revenue.

Assess the Economics of Expansion

Undertaking a single or multi-unit renovation necessarily entails some investment of time and costs. And, just like it is important to establish who is responsible for managing the improvement, it is essential the parties address the various financial components thereof early on.

First, the parties should discuss the anticipated renovation costs and agree on a maximum budget (or, at least, how the budget will be determined). Too often franchisors simply disclose static projections of the average or maximum renovation costs to franchisees, without sufficient discussion of those costs or the anticipated return on investment, and/or without due consideration of the potential for cost escalation over time. This approach commonly leads to claims against franchisors for violation of federal and state franchise laws, when the actual renovation costs spiral (not uncommon for construction in South Florida) and are alleged to far exceed the franchisor's estimate and/or when the revenue generated from the renovated unit does not meet projections, as argued in *Burger Guys of Sunny Isles, LLC v. BurgerFi International, LLC* (Fla. 15th Jud. Cir. May 21, 2021).

Second, the parties should agree on how unplanned renovation or relocation costs will be paid. Who will be responsible for cost overruns where the franchisor is directing the work? Will the franchisor and/or landlord assist with financing? Along those lines, it is worth exploring whether a remodel/update versus a relocation provides the best ROI, particularly as commercial landlords offer buildout allowances to retain or lure popular, franchise tenants.

Whatever the financing structure though, the franchisor should be comfortable that the investment costs are appropriate and the franchisee is well-capitalized, because the success or failure of the franchised unit will impact the franchisor.

Survey the Local Landscape

There is no substitute for being familiar with the local politics and rules in considering an expansion plan. As detailed in Bilzin Sumberg's 2022 Guide to Developing and Investing in South Florida Real Estate, the area's municipal and political landscape is complex and cannot be underestimated. For instance, COVID-19 rules varied between cities, counties, and the State during the pandemic, even in Phase 1 of Florida's reopening when South Florida business services and activities were initially excluded by Executive Order 20-112. As a further example, a

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small Broward-based franchise expanding just over the county line into Miami-Dade may face new rules affecting zoning and employees, like section 11A- 28(10) of the Miami-Dade County Code, which was recently held, in *White v. Autozone Inv. Corp.*, No. 3D21-598 (Fla. 3d DCA June 15, 2022), to create a private cause of action for employment discrimination against employers with five or more employees in the county. Franchises, therefore, must carefully consider the unique dynamics of South Florida's governmental landscape.

Create a Paper Trail

Both parties should ensure any agreements reached on the above-considerations not only be reduced to writing, but also take into account their prior business dealings and agreements. It is easy for franchisors and franchisees who have been in business together for a long time, to lose some formality in their relationship and proceed based on certain "understandings." But, as the saying goes, fences make good neighbors, and "understandings" turn into disputes when the status quo is changed.

Expansion is necessary for a successful franchise system, but it is important to stay mindful of the risks involved and plan accordingly to enjoy all the benefits the South Florida market has to offer.

Authors:

Adrian K. Felix, Partner in Bilzin Sumberg's Litigation Group, focuses his practice on complex commercial litigation across various industries, including franchising, construction, real estate, financial services, and hospitality. He regularly advises domestic and international clients on multifaceted issues related to the acquisition and expansion of franchise systems in Florida.

Mamie Joeveer, Of Counsel in Bilzin Sumberg's Real Estate Group, handles real estate acquisitions, dispositions, and development. She possesses extensive experience in franchise litigation in both state and federal court in all stages of the franchise relationship, advising on commercial contracts, corporate governance, contract compliance in connection with commercial real estate financing, and leasing and joint venture agreements.

What is Woke?: Florida's Individual Freedom Act and its Effects on Workplace Diversity, Equity, and Inclusion Programs

By Steven Reardon, FordHarrison LLP

Executive Summary

On July 1, 2022, the Individual Freedom Act (HB7) (the "Act") went into effect. The Act, which Florida Governor Ron DeSantis labeled the "Stop the Wrongs to Our Kids and Employees," or Stop WOKE, applies to public and private employers with fifteen (15) or more employees and aims to create legal restrictions on what employers can discuss in workplace trainings tied to race, color, sex, or national origin.

Specifically, the Act amends the Florida Civil Rights Act ("FCRA") to add a new basis for discrimination claims by prohibiting employers from requiring employees to attend any mandatory training that "espouses, promotes, advances, inculcates, or compels" an attendee to believe any of the following concepts:

1. Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.
2. An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
3. An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.
4. Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.
5. An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.
6. An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
7. An individual, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin.
8. Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.

Employees who believe their employers' trainings violate the Act may file complaints with the Florida Commission on

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Human Relations ("FCHR") within a year of the alleged conduct. Affected employees may pursue an administrative or civil action against their employers under the FCRA for money damages including attorneys' fees; compensatory damages for mental anguish, loss of dignity, and other intangible injuries; and punitive damages capped at $100,000.

There are several lawsuits currently challenging the constitutionality of the Act, including one suit by a group of employers and diversity and inclusion consultants in the U.S. District Court for the Northern District of Florida styled *Honeyfund.com, Inc. v. DeSantis*. The lawsuit argues that the Act unlawfully restricts employers' ability to exercise their right to free expression under the First Amendment of the U.S. Constitution. On August 18, 2022, the Court grant plaintiffs a preliminary injunction, blocking the portion of the Act applying to employers. In so doing, the Court found that the plaintiffs were likely to succeed on the merits of their claim. While the ruling will likely be appealed, employers should still evaluate their existing policies to determine if they are in compliance with the Act.

Unfortunately, the Act's vague language makes it difficult to discern what effect it will have on workplace diversity, equity, and inclusion initiatives, especially considering that many of its key terms are not defined. For instance, there is no clear cut answer as to what might be seen as intending to cause employees to "feel guilt, anguish, or other forms of psychological distress" and whether or not the person "played no role." To add to the confusion, the Act does not prohibit all discussion of these topics if it is given "as part of a larger course of training or instruction, provided that the training or instruction is given in an objective manner without endorsement of the concepts." Granted, the line between discussion and endorsement is fraught, especially when the topic is the subject of employee training.

It is easy to see how the Act may persuade employers to forego such training. However, employers can still pursue their diversity initiatives that discuss concepts such as microaggressions, unconscious bias, cultural competence, and racial colorblindness. For example:

- Employers may discuss important concepts like unconscious bias, without using language indicating employees should believe that certain groups of employees are inherently racist or sexist by virtue of their own race or sex, or that certain concepts were created by members of a particular race to oppress another, and without stating that employees should or must believe that certain individuals are "inherently racist, sexist, or oppressive."
- Rather than suggesting that certain concepts like "colorblindness" (i.e. stating that one "does not see color") are potentially racist, employers may explain the concept of colorblindness and why it does not promote diversity, without noting that "colorblindness" is racist or sexist, or was created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.
- Employers may also discuss the concept of "privilege"—not as solely based on race or gender—and that acknowledging privilege exists, based on multiple factors, may help foster and create a more inclusive workplace.
- Employers may also presumably give examples of microaggressions and discuss the importance of understanding how conduct may be perceived by others, whether the underlying perception is accurate or not, and how to address and/or interrupt microaggressions.

Employers considering in-person trainings may want to choose pre-recorded trainings so spur of the moment discussions which may touch on the "prohibited concepts" can be minimized. Employers should also consider adding disclaimers to their training, noting that the training is for educational purposes only.

Employers who provide any form of equal employment opportunity, implicit bias, or diversity and inclusion training to Florida employees should review their training materials and presentations and know the potential legal risks that may be associated with them. A one-size-fits-all approach to employee trainings will no longer work with Florida employees.

If you have questions about the Stop WOKE Act or its application to your company's policies, please contact Steven Reardon, (305) 808-2115 or sreardon@fordharrison.com.

Authors:

Steven Reardon is a Senior Associate in FordHarrison's Miami office. He focuses his entire legal practice to the representation of management in labor and employment law matters. Steven routinely advises employers in issues involving Title VII, ADEA, ADA, FCRA, EPA, ERISA, FLSA, OSHA, FMLA, and all related harassment and retaliation claims. He also has extensive experience conducting workplace investigations and responding to EEOC Charges of Discrimination. To help employers reduce their legal risks, Steven counsels clients on the development, communication, and implementation of sound employment law policies. Steven earned his J.D., magna cum laude, from Florida State University College of Law, and his B.A. from the University of Tampa.

EEOC Updated Guidance Limits Permissible Workplace COVID-19 Practices

By Nancy A. Johnson & Lauren C. Robertson, Littler

Since March 2020, employers have navigated an ever-changing legal landscape to ensure compliance with laws concerning the COVID-19 pandemic. It should be no surprise that as pandemic circumstances continue to evolve, the U.S. Equal Employment Opportunity Commission ("EEOC") continues to revise its guidance to adapt to changed circumstances. Most recently, on July 12, 2022, the EEOC updated its *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws* ("Guidance"), with a specific emphasis on viral testing, antibody tests, reasonable accommodation requests, and other issues relating to workplace safety.

As discussed below, the EEOC effectively walks back some of its prior advice including the appropriateness of mandatory COVID-19 viral screening testing and handling of reasonable accommodation issues. The EEOC now seems focused on increasing employee protections relating to COVID-19. In this article, we will discuss both the recent updates and recommended next steps.

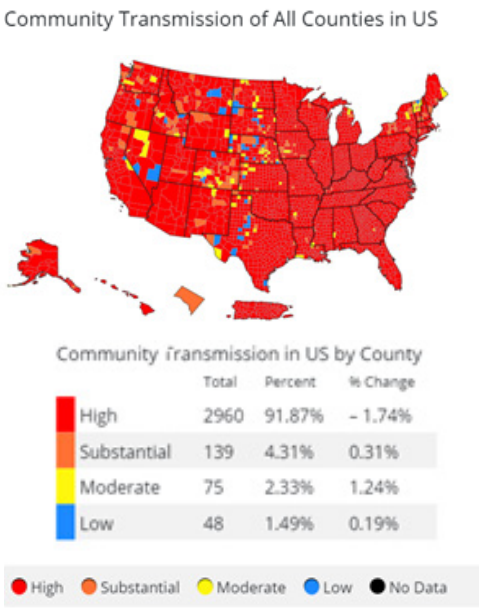
Is Mandatory Testing Still Allowed?

The most significant update concerns the EEOC's position on mandatory COVID-19 viral screening testing. The EEOC makes clear an employer's ability to conduct screening and testing measures is not unlimited and will not automatically comply with the ADA. The EEOC now advises employers will need to justify any mandatory COVID-19 screening testing in the workplace to ensure compliance with the ADA. Specifically, employers requiring testing for employees to enter or remain on-site may do so *provided* such measure is "job related and consistent with business necessity."

Going forward, employers with mandatory testing policies must conduct individualized assessments considering both pandemic and individual workplace circumstances. This significant change shifts the burden to the employer of assessing whether testing meets ADA standards. Gone are the days where mandatory COVID-19 viral screening tests for employees entering the workplace will be *per se* or presumed permissible.

The Guidance identifies various factors employers should consider when assessing whether testing is consistent with business necessity: (1) "the level of community transmission;" (2) "the vaccination status of employees;" (3) "the accuracy and speed of processing for different types of COVID-19 viral tests;" (4) "the degree to which breakthrough infections are possible for employees who are 'up-to-date' on vaccinations;" (5) "the ease of transmissibility of the current variant(s);" (6) "the possible severity of illness from current variant;" (7) "what types of contacts employees may have with others in the workplace or elsewhere that they are required to work (e.g., working with medically vulnerable individuals);" and (8) "the potential impact on operations if an employee enters the workplace with COVID-19." The Guidance does not specify whether all these factors must exist or if a "totality of circumstances" will suffice.

The Guidance also states a mandatory COVID-19 viral screening test measure will meet the "business necessity" standard if consistent with current guidance from the CDC or state/local public health authorities. What immediate practical effect this Guidance will have on employers is unclear when considering current COVID-19 community transmission. Of significance, on July 12 – the EEOC issued its updated guidance – the CDC's Community Tracker indicated high or substantial rates of COVID-19 transmission throughout almost *all* the United States. And, as of August 2022, this has not changed.



The EEOC did not, however, change its position regarding antibody testing, which is not permitted under the ADA because such testing does not identify whether an employee has a current infection or is immune.

Hiring and Screening Applicants

The updated Guidance also states employers can screen applicants for COVID-19 pre-offer if employers screen everyone entering the workplace (including visitors). The screening should be limited to the same screening given to all other individuals. If employers impose additional screening requirements on applicants, the Guidance takes the position this is an illegal pre-offer disability-related inquiry and/or medical examination.

But, can employers still withdraw an offer if an applicant has tested positive, is experiencing symptoms, or was exposed to someone with COVID-19? The answer is the classic "it depends." Previously, the EEOC stated employers could withdraw an offer if the applicant was needed on site immediately. Now, a different test applies. The updated Guidance states employers may withdraw an offer if: (1) "the job requires an immediate start date;" (2) "CDC guidance recommends the person not be in close proximity to others;" and (3) "the job requires such proximity to others, whether at the workplace or elsewhere."

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Reasonable Accommodation Process & PPE Accommodation Requests

Previously, the EEOC's Guidance recognized there may be pandemic-related reasons for excusable delays during the interactive process. Now, the EEOC recognizes many of these delays may no longer be excusable because of COVID-19 generally. This significant change signals the EEOC views the pandemic as having shifted to more of an endemic stage. As a result, employers must show specific pandemic-related circumstances justified a delay in providing a reasonable accommodation. Also, to the extent the delay is created by the evolving pandemic circumstances, the Guidance encourages using interim solutions to keep employees at work.

As to handling reasonable accommodation requests from COVID-19 workplace safety policies (e.g., masks or mandatory testing), the EEOC appears to return to the pre-pandemic reasonable accommodation standard with no preference towards masks or other pandemic-related measures. As a result, if an employee requests an accommodation to comply with an employer's PPE policy, employers should engage in the interactive process and provide a reasonable accommodation unless doing so would cause an undue hardship.

What Next?

The updated Guidance is a clear reminder employers' current practices implemented in response to the then pandemic circumstances in 2020 and 2021 may not be in line with the current legal and pandemic landscape, which continues to evolve. This is particularly true where community transmission is low. Employers should consult with counsel to evaluate their COVID-19 practices to ensure they are consistent with federal, state, and local laws. Employers also operating outside of Florida may need to implement state-specific testing requirements where the justified business necessity may be different.

Further, what may be a justified business necessity today, might not be in a few weeks. As such, employers will need to monitor and may need to make day-to-day decisions about testing based on current guidance from the CDC and state or local health departments. Moreover, some two years after the start of the pandemic, the success of COVID-related litigation is still up in the air as courts grapple with these issues. Employers should also monitor these developments and, if necessary, based on emerging trends, modify their practices. As your business navigates the road ahead of it, or when in doubt, be sure to consult experienced employment counsel.

Authors:

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Combatting the Serial Plaintiff's Attorney

By Carly Kligler & John Vivian, Hilgers Graben PLLC

Whenever a statutory scheme provides for the recovery of attorney's fees, the plaintiffs' bar expands to exploit those fee provisions. This is particularly true in Florida, where an entire industry has grown from the repeated filing of claims under federal and state statutes that offer private rights of action and provisions for the recovery of attorney's fees. Make no mistake: in many instances, these lawsuits provide minimal relief for the plaintiffs which the legislature intended to protect. Rather, overzealous attorneys are creating conflicts out of whole cloth, seeking out plaintiffs who have not suffered any actual concrete injury, and extorting quick settlements from corporate defendants. Although the individual settlements are marginal, their volume and frequency result in inordinate corporate risk and expenditure. There is no one-size-fits-all approach, however, we offer a few strategies for fighting back.

Holding the Plaintiff's Attorney Accountable. The business model and course of conduct by serial plaintiff's attorneys is wrought with ethical violations. A savvy defense counsel can bring these rules to the forefront and potentially create an impact beyond the case at hand.

For example, serial plaintiff's attorneys target certain businesses for a statutory violation du jour ***prior to*** seeking out a plaintiff. This, of course, directly contravenes Fla. Bar Reg. R. 4-7.18, which prohibits a lawyer from "solicit[ing] … a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain." These attorneys also often have ***their own*** settlement goal in mind, and frequently do not communicate all offered settlements to their clients until that predetermined goal is reached. This tactic is part and parcel to the serial shakedown, and directly violates Fla. Bar Reg. R. 4-1.4(a)(1) and (3), which requires a lawyer to "keep the client reasonably informed about the status of the matter," as well as the intent of various other rules, including Fla. Bar Reg. R. 4-1.8(a)-(i). Indeed, it is not an uncommon experience for the defense attorney to have a proposed resolution rejected within minutes of sending the communication, where it would have been impossible for the attorney to contact and meaningfully discuss with his client the terms of the offer.

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To combat this dynamic, delivering initial settlement offers in writing and requiring the plaintiff to attest that they understand the terms of the offer and knowingly decline is one way to ensure the offer has been communicated to the plaintiff. Defense counsel can similarly obtain this information through an early-suit deposition or other means of discovery. These approaches are effective because they require overt action by the named plaintiff, removing the shroud of deceit proffered by the serial plaintiff's attorney.

In other instances, an offer of judgment under Fla. R. Civ. P. 1.442 and Fla. Stat. § 768.79, and/or Fed. R. Civ. P. 68 can be an effective tool to shift the dynamic between the plaintiff and their counsel. Indeed, in many of these lawsuits, the plaintiff is sold on the idea of a risk-free investment of time, wherein the attorney will bring a case in the plaintiff's name and the plaintiff will achieve a no-strings-attached pay day. However, once an offer of judgment is made, the promise of easy money quickly shifts, and the lawsuit is then accompanied by a potentially significant downside in the form of having to pay the defendant's attorney's fees. And, of course, the more protracted the litigation, the greater the risk. It is worth noting that not every lawsuit is well-suited for this approach, but for the right matter, it can be a powerful mechanism to encourage an early resolution where liability is present.

Deterring Further Legal Action. In other instances, a company may find itself willing to settle with a plaintiff in an initial matter, but fearful that doing so will make them an easy target for future litigation brought by the same attorney. Businesses can avoid this prospective shortcoming by using their initial settlement to deter future litigation.

For example, when entering into the initial settlement agreement, a skilled defense counsel will require not just the plaintiff, but the plaintiff's attorney, to be a signatory. The agreement may then contain certain attestations from plaintiff's counsel that he or she has not been retained by nor has knowledge of individuals that, as of the effective date of the agreement, have claims against the defendant and that he or she has not and does not intend to solicit additional clients for that purpose. Because these representations are no greater than what a plaintiff's attorney – like all Florida attorneys – is bound by the rules of ethics to adhere to, the addition of these provisions is rarely met with resistance. And should a successive suit be filed by this same plaintiff's attorney, there is tremendous leverage in threatening to enforce these attestations, since doing so will require counsel to disclose how they identify their plaintiffs. This threat not only jeopardizes the case at hand but has the potential to threaten the cottage industry plaintiff's counsel has created.

Lastly, businesses should lobby their local and state representatives for oversight that dissuades serial plaintiff's attorneys, as there are many solutions available that would deter unscrupulous attorneys, while preserving the public's legal protections. The playing field involving these statutes will never be level—and rightfully so, the legislature seeks broad protections and incentives for enforcement. But the slant of that playing field has swung too far, and calibration is necessary.

If you would like more information about these topics, please contact the authors at Hilgers Graben PLLC.

Authors:

Carly Kligler is a partner at Hilgers Graben PLLC where she specializes in litigating complex commercial disputes, including contract disputes, class actions, business torts, fraud and product liability matters. In this role, she has represented some of the largest companies in the country, successfully obtaining multi-million dollar judgments both in the courtroom and in arbitration proceedings.

John Vivian is a senior associate at Hilgers Graben PLLC, whose practice encompasses the full litigation life cycle from pretrial discovery through appeal. Prior to joining Hilgers Graben, John was an associate in the Washington DC office of Jones Day and also clerked for the Honorable David B. Sentelle at the U.S. Court of Appeals for the D.C. Circuit and the Honorable Roger W. Titus at the U.S. District Court for the District of Maryland.

ACC South Florida Upcoming Events

OCTOBER

Oct 14
Mini MBA
presented by Nelson Mullins

Oct 23-26
ACC Annual Meeting in Las Vegas, Nevada

NOVEMBER

Nov 1
Cocktail Talk CLE
presented by Gunster

Nov 10
Miami-Dade Progressive Dinner
presented by Saul Ewing Arnstein & Lehr; Foley & Lardner

DECEMBER

Dec 1
Palm Beach Holiday Party
presented by Barnes & Thornburg

Week of Dec 5
Miami Dade Holiday Party
presented by DLA Piper

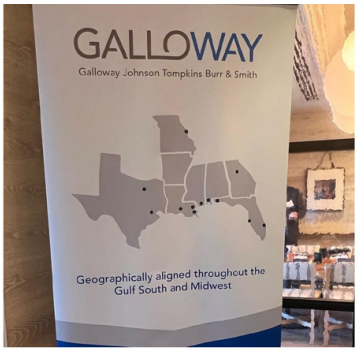
EVENT PHOTOS

Pasta Making Class – Presented by Gunster






General Counsel/Chief Legal Officer Roundtable – Presented by Galloway Johnson Tompkins Burr & Smith



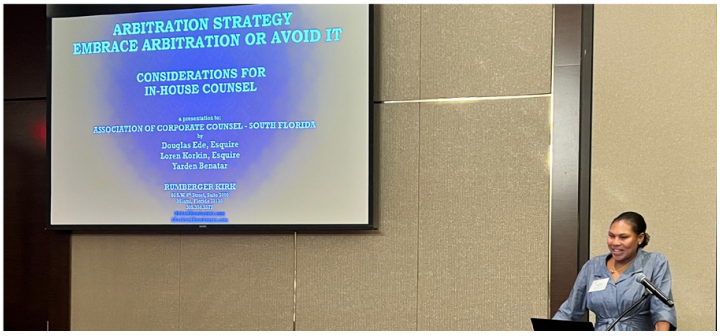





Cocktail Talk CLE Seminar – Presented by RumbergerKirk







12th Annual CLE Conference

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Miami-Dade Progressive Dinner
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DLA Piper (Miami)
Barnes & Thornburg (Palm Beach)

General Counsel/CLO Dinner
FTI Consulting
Shook, Hardy & Bacon, LLP

Coffee Talk CLE
Fisher & Phillips LLP
Gunster
Rumberger, Kirk & Caldwell
White & Case LLP

Chief Legal Officer Roundtable
Galloway, Johnson, Tompkins, Burr & Smith

Mini MBA
Nelson Mullins

Sports Outing & CLE Program
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Modernizing Medicine, Inc.

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Marketing Counsel
Cinch Home Services, Inc.

Laura Mack
Counsel
W.L. Gore & Associates, Inc.

Vilma Mesa
Associate General Counsel
Florida International University

Elizabeth Morgan
Vice President and Deputy General Counsel
Modernizing Medicine, Inc.

Rafael Pagliuso de Andrade
General Counsel
Azamara

Yngrid Palmer
Corporate Counsel
Health Advocates Network, Inc.

Eve Perez Torres
Sr Attorney International Legal & Regulatory Affairs
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Modernizing Medicine, Inc.

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Vice President
red violet

Nympha Schnoeller
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Lisa Silva
Senior Legal Counsel
Waste Management

Fritzi Thomas
Associate Contracts Administrator
Modernizing Medicine, Inc.

Elizabeth (Lisa) Vega
Senior Counsel
Delta Dental of California

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Aline Drucker
General Counsel, Invicta Watch Group

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CLO / General Counsel, Velocity Solutions, LLC

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Executive Director
Christina Kim

ACC Association of Corporate Counsel
SOUTH FLORIDA

Christina Kim
Executive Director

Executive Director Note

Dear Members,

Christina + Family with Billy the Marlin

Here we are, the last quarter of 2022! Kids are back in school, pumpkin spice lattes are on the menu and Costco is already selling holiday decorations! Many of you are also making that last push to year-end so things are kicking into high gear.

Things are also revving up in our Chapter as we hosted our 12th Annual CLE Conference on September 16. More than 250 attendees registered to join our fully in-person conference! In addition to CLE seminars, and a fun exhibit booth space where you can meet our sponsors, new this year, we are offered complimentary head shots to our members so you can utilize it on LinkedIn or in your other professional needs.

Coming up is our Mini MBA presented by Nelson Mullins on Friday, Oct 14. This will be an all-day learning session to build your skill set with business education courses. Looking further ahead, we will round out the year with a Cocktail Talk with Senator George LeMieux from Gunster, Progressive Dinner in Miami Dade and our Holiday Parties so please be sure to keep an eye out on our invitations.

Our Board continues to work hard to best serve our members and sponsors. We know that the world is ever-changing, and we are always open to feedback on how to improve so pls feel free to e-mail any suggestions to southflexec@accglobal.com.

Sincerely,
Christina Y. Kim
Executive Director, ACC South Florida