

# LEE COUNTY BUSINESS COURT: GREATER JUDICIAL EFFICIENCY WITH BUSINESS DEVELOPMENT BENEFITS

by Kevin F. Jursinski, B.C.S.



*Florida Trend* magazine chose Lee County as its featured Florida community. The November 2013 article showcases the efforts of community leaders to draw attention to the benefits of operating a business in our area and to encourage businesses to relocate here. Lee County and local business leaders have spent a great deal of time and public funds in the past few years in this endeavor. The results are now paying off - major national and international companies are either relocating or considering relocating their businesses to Lee County. I suggest that an additional tool be considered to attract these companies: A dedicated Business Court that would specialize and handle only business related legal matters.

As attorneys practicing in the 20th Judicial Circuit, we act as officers of the court and advocates of our clients but we are also members of the business community. We are called upon to use the court system to advance our clients' interests. We look to the court system to help resolve issues, ideally in the most efficient way possible. Exercising our roles, we have a duty, as officers of the court, as well as consumers in the court system, to make recommendations to better the system to benefit our clients and our community. I've had some extremely positive feedback from a number of attorneys and business leaders in the area who have indicated a strong interest in considering the concept of a business court in the 20th Judicial Circuit.

The Business Court concept has been a growing trend nationally and statewide. In Florida, Business Court programs have been developed in Orlando, Miami, Tampa and Fort Lauderdale and have reaped benefits for those areas. According to an article from the *Judicial Studies Institute Journal*, "Commercial Courts: A Twenty First Century Necessity", a county that has a Business Court provides a strong inducement for national and international companies to relocate to that particular area.

The following factors have been identified, in a number of studies, showing the benefits of a Business Court:

1. **Expertise** – A Business Court that handles strictly business related matters develops expertise, experience and knowledge in those areas.

2. **Efficiency** – A Business Court develops a judiciary whose sole responsibilities are business related matters with the result that judicial functions are performed more rapidly and efficiently. A cost savings to the taxpayer.

3. **Resource Availability** – By being more efficient in handling business related cases, Business Courts free up additional time for judges to handle other court related needs, providing better service for everyone who utilizes the court system.

4. **Stability** – There would be more consistency and predictability based upon a Judge's prior rulings on business related legal issues.

5. **Recruitment** – As important as the above factors are to provide an immediate benefit to our community, it has been shown that a Business Court can result in businesses being recruited to an area since they know that a specialized Business Court is in place to resolve business disputes.

The Florida Bar advocates that attorneys specialize and become certified in particular areas of the law in order to better serve their clients. Similarly, the judges who serve on the Business Court would be specialized in the area of business law, better assisting our current business community, litigants and attorneys and making our Court System more efficient.

Lee County has spent a great deal of money targeting certain businesses and providing public funds to encourage businesses to relocate to our community. Some of those investments have proven to be effective (Hertz) and some have not (VR Labs). The investment in a Business Court would provide immediate benefits and eliminate some of the risk of distributing public funds to start-up companies.

If the current approach was supplemented along with a Business Court, our community would be on equal footing with other communities that have embraced this concept and are already attracting businesses to their areas. National and international companies looking to relocate or expand would not only recognize the natural benefits of this area but recognize the forward thinking business climate with a Business Court to serve Southwest Florida. [RG](#)

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