The Many Roles of Rebecca Rhoden

Rebecca’s personal devotion outside her busy law practice and family life lies within her involvement with the Leukemia & Lymphoma Society. When Rebecca’s grandfather discovered he had leukemia, Rebecca decide to get involved in the search for a cure for this blood cancer. In her position on the Board of Trustees for the Central Florida Chapter of Leukemia & Lymphoma Society, which helps patients and families identify resources, best medical treatments, specialists, therapists and even transportation to and from the hospital, she is actively involved in raising funds for the organization. She participates in the firm’s annual fundraising Leukemia & Lymphoma campaign. She is also involved in the organizer’s Light the Night campaign.

Rebecca and her husband Ryan enjoy going to Captiva Island with their two children, Nicholas, who is 6, and Jack, who is 2. The family also enjoys watching Nicholas play baseball and participate on the Heathcof Club’s swim team. Next year promises to be a big year for the Rhoden family as Nicholas will start kindergarten at Heathcof Elementary.

Captiva Island for the Rhoden family as Nicholas will start kindergarten at Heathcof Elementary.

The Many Roles of Rebecca Rhoden

The minute you meet Rebecca, you know she is a go-getter! A shareholder at the firm, a mentor to many, a community volunteer, a mother to two young boys and a wife — these are just some of the many roles Rebecca proudly plays. Whether she is focusing on firm clients or actively serving on a community board, Rebecca makes a noticeable impact in Central Florida.

After graduating with honors from the University of California, Irvine, Rebecca enrolled at Cornell University Law School where she received her law degree. She started her career practicing securities litigation for a large law firm in NYC. In January 2005, she accepted a position at Lowndes and returned home to be with her family. Rebecca was promoted to shareholder in January 2011, serving as the youngest shareholder at the firm. In her role at the firm, Rebecca focuses on commercial litigation, land use litigation, litigation relating to the Fair Housing Act, Discovery, appellate law and family law. Rebecca routinely represents private and public clients in matters including commercial, land use, trade secrets, employment, breach of contract, contract commerce, and divorce and prenuptial agreement disputes, among others. But perhaps what she enjoys the most is helping ensure that individuals who are less financially fortunate have sufficient and appropriate housing available to them.

Also finds time to get involved in the “Take Stock in Children” program through Valencia Community College. Through this program, she mentors a young man from his 8th grade year through his graduation this past May. During this time, Rebecca regularly met with her mentee at school to discuss his curriculum, goals and everything that was going on in his life. Rebecca knew her role was ensuring that her mentee did not lose his way and continued on the path towards higher education. Her efforts paid off as Rebecca’s mentee enrolled in Seminole State College and plans to attend a Florida university upon completion of his associate degree.

In addition to her legal work, Rebecca, who is a resident of Seminole County, is heavily involved in the Foundation for Seminole State College. In addition to serving on the Board of Directors for the Foundation and its Executive Committee, Rebecca is also the co-Chair of the Events Committee and serves on the host committee for the annual Dream Gala. While volunteering to support Seminole State and its students, Rebecca has also served on numerous committees that evaluate and recommend students for scholarships. Even though Rebecca is so actively involved in Seminole State, she enjoys spending time focusing on firm clients or actively serving on a community board, Rebecca makes a noticeable impact in Central Florida.

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“We fixed my car, but it’s worth less than before the accident. What can I do?”

By Jim Toscano

You love your car. You are pondering the depth of that loss as you sit in your luxury convertible, top down, basking in the warmth morning sun as you sip your iced latte and rev the perfectly tuned engine while stopped at a red light. Just as you hear your favorite Eagles song, “Hotel California,” start to play on your custom sound system, you are jolted by that blissful state by a violent collision. After the initial shock, you realize your car has been struck from behind by a millennial in an electric car who was texting in his carpool.

Fortunately, the millennial is an internet mogul and has excellent insurance with a top rated insurance company. His insurance adjuster could not be nicer in arranging the repairs, which are completed quickly and smoothly by a reputable and highly capable repair shop. Nevertheless, after the repairs are finished, the car just doesn’t seem the same to you. For that reason, you decide to explore selling the car you once loved, but no longer cherish.

The next shock is almost as painful as the first. You quickly realize that, despite the repairs, the fair market value of your vehicle is significantly less than its fair market value prior to the accident. Even though the car was properly repaired, every potential purchaser either knows or quickly discovers that the car has been in an accident. Furthermore, regarding the quality of the repair, we will not pay top dollar. The value of the vehicle has been diminished. The extent of the diminution in value depends on many factors, including the value of the vehicle in its pre-accident condition; the amount of damage relative to the value; whether any frame damage occurred, the year, make and model of the vehicle, and the quality of the repair.

The good news is that, under Florida law, under such circumstances, you do have a claim for it and can recover the diminished value of the vehicle from the at-fault driver’s insurance company. As long as you were not at fault and the diminished value was caused by the collision, you can recover the difference in value between your wrecked and repaired vehicle, and the same vehicle which was never involved in a collision. Such a claim will almost always require the opinion of an expert with regard to the amount of the diminished value and will depend on many factors.

To learn more about our Litigation Group, please visit: http://bit.ly/1hlyLyW

In This Issue

“‘They fixed my car, but it’s worth less than before the accident. What can I do?’”

 nicknamed a ‘millennial in an electric car who was texting in his carpool’

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Top Three Strategies for Managing Construction Risks

By Michael Gibbons

Construction is a risky business. During construction, claims for personal injury, property damage and economic losses are foreseeable and must be managed. After completion of construction, warranty claims and claims for latent defects are proliferating. Owners, developers and contractors must proactively understand construction-related risks and manage these risks if they expect to survive and thrive in today’s increasingly complex construction marketplace. Below are three important strategies for managing construction-related risks and positioning your company for success:

1. Avoid Inconsistent Dispute Resolution Contracts.

Owners, developers and general contractors typically find themselves executing multiple agreements relating to the design and construction of improvements. Whether one is an owner contracting with design professionals and other contractors or a general contractor is contracting with an owner, it is important to avoid having some of the contracts call for dispute resolution by litigation while others require arbitration. Construction disputes typically involve both design professionals and different contractor trades. The most efficient way to resolve these disputes is getting everyone in one forum (i.e., either a lawsuit, mediation or arbitration) in an arbitration or mediation/arbitration) to avoid the added expense and uncertainty associated with pursuing binding dispute resolution in two different forums. Having construction-related disputes decided in different forums greatly increases the cost of dispute resolution while adding a significant risk of inconsistent determinations.

2. Contract Tiebreakers.

It is often said that there is no such thing as a perfect set of construction drawings free of conflicts and inconsistencies. The same may be said of contract documents. It is not unusual for a construction contract to have 15 to 25 separate attachments, including all exhibits, to the base form of agreement. The documents are frequently prepared by different parties and they often contain conflicting or inconsistent terms and conditions. Without a contractual term establishing a hierarchy of precedential value among these contract documents, the setting is ripe for disputes as parties will defend their conflicting positions based on inconsistent terms in the contract documents. Without a hierarchical system of documents, the indemnity terms reviewed by knowledgeable construction counsel.

Established is no ready way to resolve the conflict.

3. Indemnification.

Owners and contractors traditionally rely on indemnification clauses to transfer risks of claim activity on projects. In Florida, the content of indemnity terms and conditions is regulated by Florida statute, § 725.06. Failure to comply with the requirements of this statute renders the indemnity paragraph void and unenforceable as a matter of public policy. Accordingly, it is important to have the indemnity terms reviewed by knowledgeable construction counsel.

To read about more strategies, please visit our website at http://bit.ly/2zg2PC.