



**LESSER LESSER  
LANDY & SMITH PLLC**  
ATTORNEYS AT LAW  
*- Established 1927 -*



*Serving our clients for more than 80 years*

APRIL

**e-Journal**

2011

**IN THIS ISSUE**

Managing Partner Gary Lesser Elected to The Florida Bar Board of Governors

Bar President Elect John Howe Joins Firm

Why Floridians Need Insurance Bad Faith Laws

Firm Underwrites Special Needs Fit & Fun Sports Program

**ABOUT US**

**PRACTICE AREAS**

**Personal Injury**  
Vehicle Accidents  
Wrongful Death  
Nursing Home Neglect/Abuse  
Product Liability  
Premises Liability  
Insurance Bad Faith  
Social Security Disability

**ATTORNEYS**



Garv S. Lesser

**Managing Partner Elected by Peers to The Florida Bar Board of Governors**



**Managing Partner Gary S. Lesser.**

We are proud to announce our Managing Partner Gary S. Lesser has been elected by his peers to The Florida Bar Board of Governors for the Fifteenth Judicial Circuit, Seat 4. He will be sworn into office for a two-year term at [The Florida Bar's Annual Convention](#) in June.

The Florida Bar Board of Governors has exclusive authority to formulate and adopt matters of policy concerning the activities of the Bar, subject to limitations imposed by The Rules Regulating The Florida Bar. The Board consists of the Bar

president and president-elect, the president and president-elect of the Young Lawyers Division, representatives elected by members of the Bar from each of the state's 20 judicial circuits, four out-of-state representatives elected by Florida Bar members who reside outside of Florida, and two public members appointed by the Florida Supreme Court. The Florida Bar currently has more than 90,000 members.

"Gary has a long record of leadership and service to the Bar and will be a valued member of the Board of Governors," said Scott G. Hawkins of Jones, Foster, Johnston & Stubbs, P.A. who is the incoming president of The Florida Bar Board of Governors. "He ran in a difficult race and defeated two very capable and qualified opponents and has earned the right to serve on the Board." Gary has also served as the Chair of The Florida Bar Professional Ethics Committee and is the current Chair of the Advertising Committee.

To read more about Gary, please [click here](#).

Joseph B. Landy  
Michael S. Smith  
Shepard P. Lesser  
C. Reid Bierer  
Heidi S. Reiff  
Glenn E. Siegel  
Chad C. Hastings  
Merryl Silverman Haber  
John M. Howe  
Joseph H. Lesser  
(1899 - 1982)

## **LOCATIONS**

### **MAIN OFFICE**

#### **WEST PALM BEACH**

101 Northpoint Pkwy.  
West Palm Beach, FL 33407  
(561) 655-2028  
(561) 655-2033 FAX

### **STUART**

615 SW St. Lucie Crescent  
Suite 107  
Stuart, FL 34994  
(772) 283-6839  
(772) 283-6836 FAX

### **BOCA RATON**

4730 NW Boca Raton Blvd.  
Suite 100  
Boca Raton, FL 33431  
(561) 367-7799  
(561) 368-8292 FAX

## **Firm Underwrites Special Needs Fit & Fun Sports Program**

Lesser, Lesser, Landy & Smith, PLLC continues to provide significant funding to bring "fun and fitness" to more than 75 children and teens with special needs who are enrolled in the upcoming Adolph & Rose Levis Jewish Community Center Fit & Fun Sports Program from March 27-May 22, 2011.

## **Palm Beach County Bar President Elect John Howe Joins Lesser, Lesser, Landy & Smith**

We are happy to announce John M. Howe, founding attorney of the Law Offices of John M. Howe and President Elect of Palm Beach County Bar Association, has joined the Firm on an "Of Counsel" basis. John will be focusing in the practice areas of personal injury, commercial litigation and criminal defense.



**Bar President Elect John M. Howe.**

Howe is a trial attorney with more than twelve years of experience representing victims and families devastated by serious and fatal injuries, individuals charged with crimes and individuals, and companies involved in business disputes. As a former County Court Division Chief and Felony Level Trial Attorney with the Public Defender's Office for the 15th Judicial Circuit, he has represented a large number of clients charged with serious criminal offenses. He currently represents citizens and organizations in civil and criminal matters in both State and Federal courts.

A native of West Palm Beach, Florida, John M. Howe earned his Juris Doctor from the University of Florida-Levin College of Law while concurrently earning a Masters in Business Administration degree also at the University of Florida. He earned a Bachelor of Business Administration degree in Finance from Loyola University.

"John brings significant litigation experience and a reputation for integrity that make him a valued member of our team," said Gary S. Lesser. "We are pleased that John has joined our firm. We share a strong commitment to excellence and compassionate client advocacy strengthened by a guiding principle of 'giving back' to the community through volunteerism and through contributions of time and resources."

To read more about John Howe, please [click here](#).

## **Why Floridians Need Insurance Bad Faith Laws**

There is currently a move afoot in the Florida Legislature to drastically reduce - and in some instances effectively eliminate - the protection offered by Florida's long-standing insurance bad faith laws. What is insurance bad faith and why should you care?

Floridians have enjoyed the protection of insurance bad faith laws for over 70 years. These well established principles require insurance companies to settle claims against their policyholders. HOWEVER, insurance companies are only required to settle claims when they could



**Gary Lesser with Fit & Fun participants and their buddies.**

Through the 1½ hour weekly fitness program provided by the JCC's Special Needs Department, credentialed, dedicated staff, skilled coaches, and more than 50 volunteer "buddies" help children with Autism, Down Syndrome, language and communication disorders, and other genetic disorders achieve greater independence by coaching them through various sports in a fun, comfortable environment. Participants build strength, flexibility, agility and self-confidence and improve coordination, gross-motor and social skills, all as they learn the basics of baseball, soccer and basketball, as well as how to run relay races and jump hurdles. To learn more, please [click here](#).

have and *should have* done so. Insurance companies in Florida have never been required to settle frivolous claims. Instead, they merely have to be proactive and settle those claims that, under the totality of the circumstances, can and *should be* settled.



**Partner Michael S. Smith, who has lectured all over Florida on Insurance Bad Faith.**

It seems incredible that huge insurance companies, so happy to collect premiums from their policyholders, would balk over settling claims that *should be* settled. Regardless, as a consumer or small business owner, why should you care about what happens in the Legislature? Simply put, if insurance bad faith protections are gutted and you receive a claim, you will be liable for any amount in excess of the policy limits. This will be true even if your insurer failed to settle the claim when it *should have* done so. Such an excess judgment can destroy a small business and can destroy the financial future of an entire family. Insurance companies will be able to drag their feet, not pay claims, and face absolutely no consequences whatsoever. They will, of course, still insist on receiving every single penny of the premium on time.

Insurance companies and big businesses currently have many friends in the Florida Legislature. After all, they contributed millions of dollars to help them get elected. The insurance companies are seeking unprecedented changes from their elected friends so they will be immune from providing the very protection their policyholders purchased. This is simply unfair.

Let your elected officials know how you feel. Tell them that you believe Floridians deserve the protections afforded by the longstanding laws governing insurance bad faith. Do not let big insurance companies destroy the safety net you, your family, and your business need.

To find your elected officials, please [click here](#) for the Florida House of Representatives website and [here](#) for the Florida Senate website.

---