

Joanne M. O'Connor

Shareholder

Florida Bar Board Certified
Business Litigation Attorney

Contact

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Location

505 South Flagler Drive
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West Palm Beach
Florida 33401

Honors & Distinctions

Florida Super Lawyers

2010-Present
Rising Star, 2009

The Best Lawyers in America

Commercial Litigation, 2013-Present

South Florida Legal Guide

Top Lawyers, 2010-Present

Palm Beach Illustrated

Top Lawyers, Commercial Litigation;
Business Litigation, 2018, 2019

Florida Trend

Legal Elite, 2011, 2018-Present

Chambers USA

Florida's Leading Lawyers in Litigation, 2010-
2011
Up and Comer, 2007-2009

Martindale-Hubbell, AV® Rating

Education

J.D., Tulane University, *summa cum laude*

M.A., University of Florida



Joanne O'Connor is a Florida Bar Board Certified specialist in Business Litigation who focuses her practice on complex commercial litigation including contracts and business torts, partnership and corporate disputes, civil RICO, real estate and land use litigation, and lawyer and law firm defense. Joanne has experience defending actions seeking certification of nationwide and statewide classes, including consumer claims brought under the federal Telephone Consumer Protection Act (TCPA). She counsels governmental entities on statutory, constitutional and civil rights claims and both governmental and private entities on Florida's Public Records Act and Sunshine Law. Joanne is an experienced litigator who advocates for her clients in jury and non-jury trials and appeals in state and federal courts and before private arbitration panels.

Joanne currently holds several notable leadership positions and is actively involved in the legal community. She is the President of the Federal Bar Association Palm Beach County Chapter, a voluntary bar organization that serves as the catalyst for communication between the bar and the bench, as well as the private and public sectors. Additionally, Joanne was recently appointed by the United States District Court Southern District of Florida to serve on the newly established West Palm Beach Federal Courthouse Committee, organized to address the Southern District of Florida's facilities in Palm Beach County.

Joanne has been listed among Florida's Leading Lawyers in the area of Litigation by *Chambers USA*, one of the oldest and most prestigious legal listings in the world. She is recognized consistently by *Best Lawyers in America* and holds an AV Preeminent Rating from *Martindale-Hubbell*, awarded to only those lawyers with the highest ethical standards and legal ability.

Before joining Jones Foster, Joanne served as a judicial clerk for the Honorable Sarah S. Vance, United States District Judge for the Eastern District of Louisiana.

Experience Highlights

Admissions

The Florida Bar

U.S. Court of Appeals, Eleventh Circuit

U.S. District Court

Northern District of Florida

Southern District of Florida

Middle District of Florida

Class Action Against Municipality Regarding Underground Utility Project

Lead Counsel in the representation of a municipality in defense of putative class actions challenging the bond referendum and special assessment criteria involved in its \$90 million underground utility project. Trial court denied class certification after evidentiary hearing and case is pending on appeal.

Defense of \$65 Million Claim Against Financial Services Chairman & CEO

Representation of publicly held financial services corporation and its chairman and chief executive officer in defense of \$65 million claim brought by minority shareholders of wholly owned subsidiary alleging breach of fiduciary duty, breach of contract, fraud and civil theft in two-week hearing before AAA arbitration panel.

Successful Defense of \$50 Million Claim Against Laboratories

Secured early dismissal of RICO and fraud claims brought by the largest for-profit managed health care company in the world, seeking in excess of \$50 million, on behalf of a half dozen laboratory defendants as well as their general partners and officers.

Successful Defense of National Law Firm in Legal Malpractice Claim

Obtained directed verdict, affirmed on appeal, on behalf of national law firm sued for damages in excess of \$20 million for alleged legal malpractice in drafting limited partnership documents.

Palm Beach County State-of-the-Art Scientific Research Institute

Served as counsel to The Scripps Research Institute in establishing Scripps Florida, a new state-of-the-art scientific research institute, in Palm Beach County, Florida against a variety of legal challenges from environmental and non-profit organizations.

Insurance Brokerage TCPA Class Action Defense

Representation of insurance brokerage in defense of consumer class action alleging violation of Telephone Consumer Protection Act ("TCPA") by sending unsolicited facsimile advertisements. Negotiated settlement and oversaw class administration.

Real Estate Broker Recovery of Commission

Representation of real estate broker suing to recover commission due on sale of \$10.6 million home at buyer's full asking price pursuant to exclusive listing agreement. Negotiated favorable settlement after early mediation.

Florida's Public Records Act & Public Records Requests

Defense of more than 3 dozen lawsuits brought against municipality under Florida's Public Records Act resulting in numerous non-jury trials. Advise municipality on response to more than 2,000 public records requests.

Successful Defense of Facial Challenge to Municipal Aesthetic Ordinances

Resident of oceanfront municipality composed several large paintings,

described by Plaintiff as "satires" or "lampoons", criticizing Town officials on the exterior walls of his home following the Town's denial of his variance application. Following an evidentiary preliminary injunction hearing, the federal court preliminarily denied resident's attempt to stop the Town from enforcing its ordinance regulating exterior wall colors and found no constitutional violation and suit was voluntarily dismissed with prejudice.

Successful Defense of Motion to Disqualify Attorney for Alleged Conflict of Interest

Successful defense of attorney against claim that attorney's representation of Plaintiff years prior in wholly unrelated matter created a disqualifying conflict of interest.

Interpretation of Perpetual Parking Easement

Representation of property owner in suit relating to interpretation and application of perpetual parking easement negotiated as part of sale of several West Palm Beach office buildings for approximately \$70 million. Dispute concerned expenses attributed to a multi-million dollar parking garage constructed after the easement was negotiated.

Successful Defense of Florida-based Law Firm in Federal Court

Successful defense of motion for sanctions in Federal Court against South Florida law firm following disqualification.

Constitutionality of Proposed Ballot Initiative

A property-use agreement between municipality and owners of historic 60-year-old playhouse limited playhouse's use as theater of performing or visual arts and for lectures or other special events. Political action committee sought to amend municipality's charter to incorporate portions of the agreement's covenants. For municipality, obtained declaration that proposed amendment was unconstitutional as in conflict with state comprehensive planning law and did not have to be put to a vote. Defended declaration through appeal to the Fourth District and Florida Supreme Court decision declining jurisdiction.

Breakup of Law Firm Valued in Excess of \$7 Million

Representation of minority owner of law firm with over 200 employees and offices in Florida and New York. Dispute on key decisions requiring super majority vote under operating agreement resulted in New York operation being formed as a new entity by minority shareholder.

Appointment of Independent Forensic Examiner

Client moved to appoint an independent forensic examiner to inspect and copy computer storage devices in dispute over medical practice breakup. Following an evidentiary hearing, the court granted client's motion.

National Builder Subsidiary Violates Florida Not-for-Profit Corporation Act When Operating South Florida Luxury Country Club

Representation of South Florida country club and golf course in suit against a Fortune 500 company, one of the nation's leading builders of luxury homes, and its subsidiary entity that controlled and operated the club prior to turnover to its equity members. Suit alleged the builder's

entities improperly profited from operating surpluses and membership payments of the luxury community's nonprofit club. Received favorable summary judgment, finding that the builder's subsidiary violated Florida's Not-for-Profit Corporation Act by retaining in excess of \$4 million in operating surpluses.

Printing Manufacturer TCPA Class Action Defense

Representation of nationwide print services company in defense of consumer class action alleging violation of the Telephone Consumer Protection Act ("TCPA") by sending 2,500 facsimile advertisements. Negotiated class action settlement and class administration.

Successful Defense of Surgeon Against Claims of Tortious Interference

Representation of surgeon against claims up to \$16 million by anesthesiologist that surgeon and hospital conspired to tortiously interfere with anesthesiologist's business relationship, resulting in complete defense judgment including award of more than \$100,000 in attorneys' fees and costs.

Affiliations

Federal Bar Association, Palm Beach County Chapter

President, 2019-2020

Vice President / President-Elect, 2018-2019

Secretary, 2017-2018

Treasurer, 2016-2017

United States District Court Southern District of Florida

Member, West Palm Beach Federal Courthouse Committee, 2018-Present

Member, Merit Selection Panel for U.S. Magistrate Judge at Fort Pierce, 2017

The Florida Bar

Member, Federal Court Practice Committee, 2019-Present

Member, Business Litigation Certification Committee, 2018-Present

Member, Professional Ethics Committee, 2007-2011

15th Judicial Circuit Grievance Committee "A"

Chair, 2017-2018

Member, 2015-2018

Palm Beach County Bar Association

Chair, Professionalism Committee, 2014-2015

Co-Chair, Professionalism Committee, 2015-2016

Chair, Judicial Relations Committee, 2013-2014

Co-Chair, Annual Bench Bar Conference 2013 (approx. 800 attendees)

Duke University Alumni Association

Vice President, 2015-2017

Director, 2012-2018

Forum Club of the Palm Beaches

Director, 2011-2014

Member, 2009-Present

Chamber of Commerce of the Palm Beaches

Board of Directors, 2018-Present

Leadership Palm Beach County

Co-Chair, Youth Leadership Committee, 2014-2016

Member, Youth Leadership Committee, 2008-2016

Graduate, 2008