



PROFILES IN LAW

Miami Attorney Ward Explains Switch From Trial to Appellate Work

by Lidia Dinkova

Attorney Thomas Ward's interest in appellate work was sparked early on, but he didn't jump into it, instead building up his experience and skills in trial courts.

Ward interned in 2005 for Florida Supreme Court Chief Justice R. Fred Lewis as a student at the University of Miami School of Law. And Ward followed Lewis' advice to gain expertise at the trial level.

"The judge had suggested at the time that, 'Look if you want to do that, the best way to start is to do the actual trial work so that you will know what the rules are, what practically speaking is a good argument versus just some sort of silly technical, academic argument,'" Ward said.

Ward, partner at Rennert Vogel Mandler & Rodriguez in Miami, focused his trial court work on real estate, title insurance and shareholder disputes in complex business litigation.

"I had been getting a lot of experience in this realm and then I branched out and started handling the appeals," he said. "The appellate process is different."

It's writing intensive and similar to trial work in that it calls for quick thinking "on your feet" during oral arguments, Ward said. Basically, appeals add an extra layer to trial work.

"During the briefing process, the focus is more on, if you are able to release an opinion as you are asking the panel to do, how is that going to affect the rest of the community and in fact at some point the rest of the state?" Ward said. "That additional macro focus you have to have during the appeals makes it a little bit different."

In contrast, trial representation mainly focuses on winning a case without regard for the broader implications, he said.

For instance, there was Ward's Third District Court of Appeal win in 2018 on behalf of a class of plaintiffs arguing for interest rate payments on overpaid property taxes.

The taxpayers sued Miami-Dade Tax Collector Peter Cam in 2015 to recover interest on overpaid property taxes from 2011 to 2013.

In Miami-Dade, taxpayers can challenge their property tax assessment before the Value Adjustment Board, which holds a hearing unless a challenge is voluntarily settled. Either way, taxpayers must pay at least 75% of the tax bill by April 1. If they win a challenge or settle with the appraiser's office, the tax collector refunds the overpayment.

The issue in Ward's case was whether taxpayers were entitled to interest on



Thomas Ward, partner at Rennert Vogel Mandler & Rodriguez in Miami, says appeals allow attorneys to argue their cases and show how the court's decision will have broader community and statewide implications.

overpayments while the issue was pending. The tax collector argued no interest was owed on voluntarily settled challenges, but the class disagreed.

"It was a technical type of dispute," Ward said. "From 2011 to 2015, the Miami-Dade County tax collector took the position that, 'No, we don't have to give you interest if you settle those cases as opposed to litigate them to finality.' So we brought a class action that was dismissed at the pleading stage, and we appealed it. I handled the appeal, and we got a decision on the merits that resulted in a \$10 million settlement."

Rennert Vogel filed the trial court lawsuit and handled the appeal.

"That was a type of commercial real estate case that may be a little bit unique to our firm because we handle real estate tax appeals," Ward said.

PRO BONO

It's not all complex business, real estate and tax appeals for Ward.

There also are the heart-wrenching cases he took on pro bono this year ultimately to serve the best interests of children whose parents were deemed unfit. The children are from homes torn apart by addiction, abuse and other difficult circumstances.

Court-appointed guardians ad litem fight for the best interests of children removed from their homes by the state Department of Children and Families.

Ward represented guardians on appeals brought mainly by parents who lost custody, and he won all his appeals.

"Once the trial is completed and the judge makes his or her decision, the losing party, especially if it's the parent, would appeal. This year I was able to handle the appeal on behalf of the guardians ad litem throughout the state," he said.

The goal is to do what's best for the children, whether that's to remove them from the home permanently or leave them with their parents. Parents deemed unfit have a chance to complete addiction programs or other steps to show the court they are rehabilitated and able to care for their children.

Ward declined to talk about specifics of his cases but confided reading through the case files and learning details of the children's hardships is difficult.

"It's just very hard to read those transcripts and see these poor kids are really behind the eight ball before they even start on life," he said. "Reading stuff like that can be very sad."

PROFESSIONAL INVOLVEMENT

Ward was appointed in 2014 to the Florida Bar's appellate court rules committee that proposes rules or rule changes for state appeals. Recommendations go to the Florida Bar board and, if approved, to the Florida Supreme Court.

His love of appellate work is illustrated by his service on the Third District Court of Appeal Historical Society.

The nonprofit started in 2008 preserves historical records and collects new ones on the appellate court for Miami-Dade and Monroe counties. It just rolled out a new website that Ward helped design.

"It provides information about what physical locations the court has been located over time, who are the judges who sat in the court before, what kind of unique traditions they have had over there, all that interesting stuff," he said.

Ward was a historical society officer for the past three years and a director from 2014 to 2016. This year he took on the presidency.

Among the notable historical facts is that Florida started out with three mid-level appellate courts before expanding to five. Although they are geographically separate, they are intertwined in many ways, he said.

As for the Third DCA, it started with three judges when it was created in 1957 by the state Legislature. As the region's population and caseload grew, so did the number of appellate judges to the current 10.

"Geographically it's pretty small, basically just Dade and Monroe counties. But obviously a heavy portion of the population is in that area," Ward said.

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THOMAS WARD

Born: 1980; Niles, Illinois

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