

Brigham Moore closing doors after 34 years of eminent domain work

By Deborah C. España
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Brigham Moore, a prominent eminent domain law firm based in Miami, is closing its doors, the victim of the real estate downturn and the slowing pace of government construction projects.



"During past recessions, governments spent money because it created jobs, but this time it spent money on Wall Street instead," said senior partner Toby Prince Brigham. "For any law firm specializing in representing owners in eminent domain and property rights, there has been a very dramatic drop in business because governments don't have the money to build infrastructure in the economy and are not acquiring much private property for public projects."

Brigham opened his firm in Miami in 1960. He teamed with Sarasota partner S. William Moore to create Brigham Moore in 1978. Moore had served as chief condemnation attorney for the state Transportation Department in Tallahassee.

The Brigham family name is part of the Florida law lexicon. Brigham's father, E.F.P. Brigham, won a seminal Florida Supreme Court case in 1950 requiring full payment for property and the costs of property owners challenging eminent domain.

Brigham Moore's founding partners joined forces to represent private owners in eminent domain, inverse condemnation, pre-condemnation planning and regulatory matters. At its height, the firm had 20 attorneys at offices in Coral Gables, Sarasota, Tampa and Jacksonville.

"The impact of the economy on the public sector resulted in a drop in condemnation work, which had been a major focus of the firm's practice," Brigham's daughter and partner Amy Brigham Boulris said. "Though eminent domain and property rights remain a viable field, the situation became incompatible with our business model and drove the decisions of partners to either diversify or move to a smaller office footprint."

The firm has been dissolved on amicable terms, and partners hope that the breakup will help broaden their fields of practice beyond eminent domain, Boulris said. Brigham partners will continue to work together until all of the firm's obligations have been met and as co-counsel on other cases.

Future Co-Counsel

Boulris, who joined the firm in 1988, is joining former partners John W. Little III, Juan M. Muniz and associate Annette Lopez at Gunster. They switched firms last summer.

Boulris chose the West Palm Beach-based firm because of some guarantees she received.

"One of them was Gunster's support of my continuing to co-counsel regularly with my father," she said. "Another big attraction was the opportunity to rejoin former Brigham Moore teammates to continue a robust property rights practice while also expanding my appellate practice more than I could have at Brigham Moore."

Toby Brigham, 77, will practice solo and continue to serve as co-counsel with his former partners.

During his 52-year legal career, he has seen Miami develop into a major international metropolis. He represented the owners of the Miami Circle, a Tequesta Indian ceremonial site off Brickell Avenue, and the Florida East Coast Railway when 38 acres was taken as the site for the American Airlines Arena in downtown Miami.

Brigham also worked on the expansion of the Big Cypress National Preserve, Everglades National Park, the Miami International and Fort Lauderdale-Hollywood International airports, I-95 through downtown Miami and the Palmetto Expressway.

The firm has worked on several other notable cases. In 2004, the firm reached a \$19 million settlement with Weston in the dispute over 113 acres of land condemned by the South Florida Management District. The district had offered \$2.2 million.

'Economic Adjustments'

Moore, 67, is now managing his own firm with former Brigham Moore partners Jackson H. Bowman IV and Gregory S. Rix at Moore Rix Bowman in Sarasota.

"I have mixed emotions. I have a wonderful relationship with Toby and my other partners. Even under the new arrangement we still are working together. Obviously, there is some nostalgia for the larger firm," Moore said. "But when you deal with overhead and the cost of a number of offices throughout the state, we had to make economic adjustments."

Moore anticipates keeping the three-lawyer firm in place over the next year but hopes to expand with economic improvement.

"There seems to be some hopeful glimmers of expansion with necessary public projects, and as that happens we are going to participate in that as the rest of the nation," Moore said. "Our focus for this group is the regulatory takings, which would include zoning denials or comprehensive plan challenges, permit denials, and we'll continue the Brigham Moore philosophy, which is to

protect private property of the citizens from governmental challenges with their indirect or direct regulation."

Other attorneys leaving the firm to establish their own practices include Toby Brigham's son Andrew, who joined the firm in 1991. He has opened Brigham Property Rights in Jacksonville. Partners Patrick DiPietro, D. Mark Natirboff and Francisco Pines have all opened their own offices, and associate Richard DeWitt III is joining his father.

Miami partners Ron Adams, Andrew H. Schuster and Robert C. Byrne have retired. Partner Laura N. Camp is taking a sabbatical.

Deborah España can be reached at (305) 347-6684.