

WORD ON THE STREET

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“The way to get started is to quit talking and start doing.”

- Walt Disney

An End to the Madness of March

By Charles J. Esposito, Esq.

GREETINGS AND SALUTATIONS!

Welcome to the fourth issue of *Word on the Street*, the semi-occasionally occurring newsletter from the Taft Street Law Firm.

Congratulations to the Villanova Wildcats on winning college basketball’s national championship! Many brackets were busted in the process and this March was truly mad as a #16 seed defeated a #1.

The end of March, brings the beginning of April and, as we head into the second quarter of the year, we will take a look back at the confirmation of Justice Neil M. Gorsuch, who has now served on the nation’s highest court for a year.

The beginning of April also serves to remind Floridian business owners to [File Your Annual Reports](#). If you do not file by the May 1st deadline, there are stiff penalties! Let us know if you need help with your filing.

Onward!

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Neil Gorsuch – One Year Later

By Charles J. Esposito, Esq.

On January 31, 2017, the Honorable Neil M. Gorsuch became President Donald Trump's first nominee to the Supreme Court of the United States. Gorsuch was the second judge nominated to replace the late Justice Antonin Scalia. In 2016, the last year of his presidency, Barack Obama nominated Judge Merrick Garland to replace Scalia.

The Republican controlled Senate chose not to give Judge Garland a hearing, opting instead to gamble on the prospect that they might reclaim the presidency from the Democrats. The gamble paid off, as Trump defeated Hillary Clinton and nominated Gorsuch. The [confirmation hearing](#) took place in late March.

The Nuclear Nomination

Back in 2013, the Democrat controlled Senate eliminated the filibuster for all judicial nominations, except for nominations to the Supreme Court. That precedent would come back to haunt them as it laid the groundwork for Mitch McConnell to eliminate all judicial filibusters – dubbed “The Nuclear Option.” Democrats did filibuster Judge Gorsuch – just the second time in history a Supreme Court nominee was filibustered – and Republicans did exercise the nuclear option. On April 7, 2017, now Justice Gorsuch, was confirmed by a party-line vote of 54-45 to the Supreme Court.

Activist, Originalist, Textualist, or Simply Judge?

During the confirmation hearings, much was made of Gorsuch's judicial philosophy. He has been associated with “originalism,” though as he would say it he is not a fan of “labels.” His detractors suggested that this method of judicial interpretation would bring us back to the dark ages, however, Gorsuch countered that looking at the original public meaning of laws is a starting point for all judicial interpretation.

He stated, “I don't know a judge who wouldn't want to know what the original understanding is of a particular term in the Constitution or a statute. That's information that will be valuable to any judge and considered by any judge.”

Now that we're a year into his tenure on the highest court in the land, what can we learn from his opinions?

“I associate myself with the approach I think all good judges attempt: to follow the law wherever it leads.”

- Justice Neil M. Gorsuch



Neil Gorsuch – One Year Later (cont'd)

Let the Record Reflect...

As a judge on the 10th Circuit Court of Appeals, Gorsuch became known for his witty writing, ability to garner unanimous support of his opinions, but also for his pointed dissents. Thus far he has not disappointed, as his first opinion garnered unanimous support and he's also filed four dissenting opinions.

Henson v. Santander (Unanimous Opinion)

In his first Supreme Court opinion, Gorsuch garnered unanimous support for what can only be considered a strict textual interpretation of the Fair Debt Collections Practices Act of 1977. Almost echoing his confirmation testimony, he wrote, "These are matters for Congress, not this court . . . While it is of course our job to apply faithfully the law Congress has written, it is never our job to rewrite a constitutionally valid statutory text."

Pavan v. Smith (Dissenting Opinion)

Neither Justice Kagan, nor Sotomayor filed a dissenting opinion in their first terms. Justice Gorsuch would not follow in their footsteps. In *Pavan v. Smith*, Gorsuch disagreed with the majority opinion that invalidated an Arkansas law requiring biological parents to be listed on birth certificate. The majority stated the law ran afoul of the protections afforded to same-sex couples as laid out in *Obergefell*, which Gorsuch, joined by Thomas and Alito, argued that the statute was consistent with current law.

Mathis v. Shulkin (Dissenting from Court's Denial of Cert.)

Justice Gorsuch also was active in issuing his opinions about cases that the Court decided not to hear, something Kagan and Sotomayor were reluctant to do in their first terms. In this case, Justice Gorsuch believed that the Court should take up the question of whether the VA should be able to render their own expert opinions against veterans seeking compensation for disabilities. Justice Sotomayor, and apparently a majority of the Court did not believe the issue to be ripe for review.

True to Form

Republicans must be happy with President Trump's choice. Justice Gorsuch has been everything conservatives look for in a judge. His opinions and dissents suggest Gorsuch will make decisions very much in the mold of the late Justice Scalia, and perhaps be an even stricter textualist.



"Disruptive dinnertime calls, downright deceit and more drew Congress's eye to the debt collection industry."

- Hon. Neil M. Gorsuch
Henson v. Santander



"I'm not a philosopher king."

- Hon. Neil M. Gorsuch

Open Permit Searches

With Taft Street Law Firm

If you've ever had a contractor work on your home, you know that some things require a permit. Perhaps the installation of a new appliance or the addition of a new room. If the contractor applies for a permit, but does not close it when work is finished, it can create headaches for both buyer and seller when the property is sold. Open permits, however, do not show up on title searches. An open permit search is needed as part of due diligence with any real estate closing, commercial or residential. **Make sure your attorney performs an open permit search for any property you are buying or selling.**

Future Endeavors

By Charles J. Esposito, Esq.

NEW AND EXCITING TIMES!

The Taft Street Law Firm is continuing to move forward in its mission to provide quality legal representation to our clients.

Be sure to visit our website at TaftStreetLaw.com, where we have more information including a presentation on [Worker Misclassification](#). Thank you for reading and please do not hesitate to contact us if you need any help.

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"There is little success where there is little laughter."

- **Andrew Carnegie**

Here, There, or Anywhere

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Your closing should be convenient, efficient, and painless. As attorneys, we work to make sure your closing runs as smooth as possible.

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