



Jay W. Small

Partner
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Orlando, FL
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For over 35 years, Jay has practiced in the areas of condemnation, real estate litigation, and land use law for public and private clients. He has tried to jury verdict over 35 condemnation and inverse condemnation cases for condemning authorities and private property owners throughout Florida. His inverse condemnation experience includes flooding, physical takings, easement overburdens, and regulatory and exaction takings. He has a practice in the area of transportation infrastructure and serves as General Counsel to MetroPlan Orlando, the local regional transportation planning organization.

He has argued, as chief appellate lawyer, cases before Florida appellate courts. He has represented clients Bert J. Harris Jr. Private Property Protections Act cases and relocation benefits administrative proceedings throughout Florida. He has litigated cases for right-of-way, airport expansion, flood control, railroad, petroleum and natural gas pipelines, community redevelopment, and expansion of public facilities. He has represented private developers, landfill owners and operators, national convenience store owners and operators, retail establishments, single-family residential homeowners, regional hospitals, golf course owners and operators, churches, national homebuilders, outdoor advertising companies, and cellular communication tower owners.

As a lawyer committed to providing legal services to the most vulnerable, Jay also is a member of the Orange County Bar Association ("OCBA") and the Legal Aid Society of the Orange County Bar Association, Inc. ("LAS"). He chaired OCBA's Real Property Committee. He served as President of the LAS and for years has provided *pro bono* legal services as a volunteer attorney-guardian *ad litem*. He has been recognized by the Florida Bar for his *pro bono* service. He also serves on the City of Orlando's Board of Zoning Adjustment.

Services

- Real Estate
- Litigation

Education

- University of Florida Levin College of Law (J.D., *with honors*, 1985)
- University of Florida (B.A., *with honors*, 1982)

Bar Admissions

- Florida

Court Admissions

- U.S. District Court for the Middle District of Florida
- U.S. Court of Appeals for the Eleventh Circuit

Affiliations/Memberships

- Florida Bar Eminent Domain Sub-Committee (1989-present)
- Florida Bar Environmental & Land Use Law Section (2013 – present)
- Florida Bar Real Property, Probate & Trust Law Section (2013 -present)
- Orange County Bar Association (1986 – present)
- Orange County Bar Association Real Property Committee (2014 – present)
 - Chairman, Real Property Committee (2014)
- Board Member, Legal Aid Society of the Orange County Bar Association, Inc. (2017 – present)
- American Bar Association
 - Litigation Section
 - State and Local Government Section
- Board Member of Zoning Adjustment for the City of Orlando (2018 – present)
- Florida Real Estate Appraisal Board (2003-2010)
- Ninth Judicial Circuit, Judicial Relations Committee (2022 - present)

Distinctions

- AV rated by Martindale-Hubble
- *Best Lawyers in America* ®(2025 - Eminent Domain and Condemnation Law)