



# Peter D. Webster

SHAREHOLDER

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## Overview

Peter Webster has had a distinguished career in judicial service, spanning more than 25 years. He was a judge in Florida's Fourth Judicial Circuit, sitting in Jacksonville and Green Cove Springs, from 1986 until 1991. While on the circuit bench, he served in all divisions, including juvenile, criminal, and civil. He presided over many jury trials. In 1991, he was appointed to Florida's First District Court of Appeal, where he served until 2011. While on the appellate bench, he authored hundreds of opinions involving virtually every area of the law. He was nominated three times for vacancies on the Florida Supreme Court, and once for a vacancy on the U.S. District Court for the Northern District of Florida.

Since joining Carlton Fields in 2011, Peter has focused principally on appellate practice, including appeals of administrative agency decisions. He has participated in appeals in all six of Florida's appellate districts, the Florida Supreme Court, and the U.S. Court of Appeals for the Eleventh Circuit. He also handles significant legal issues at the trial level in complex civil cases.

Peter has served on numerous bar and court committees. He has also been a member of the American Bar Association House of Delegates and a trustee of the American Inns of Court Foundation.

## Experience

- *White v. Discovery Communications, LLC*, 365 So. 3d 379 (Fla. 1st DCA 2023). Affirmance of final order dismissing defendant television production company and its officers from defamation action for lack of personal jurisdiction.
- *Von Dyck v. Gavin*, 350 So. 3d 842 (Fla. 1st DCA 2022). Reversal of dismissal with prejudice based on running of statute of limitations in legal malpractice action.
- *McCormick Mile Investments, LLC v. Barnes*, 350 So. 3d 393 (Fla. 4th DCA 2022). Per curiam citation affirmance of summary final judgment quieting title in favor of adjacent lot owners to waterways and canals.
- *McKinney v. Graham*, 313 So. 3d 867 (Fla. 5th DCA 2021). Reversal and remand for a new trial of a \$2.65 million judgment in a personal injury case because of evidentiary errors.
- *Lieupo v. Simon's Trucking, Inc.*, 286 So. 3d 143 (Fla. 2019). Major decision construing Florida's Water Quality Assurance Act of 1983 and, receding from precedent, unanimously holding that a private right of action for personal injury damages exists.
- *Morris v. Muniz*, 252 So. 3d 1143 (Fla. 2018). Construction of a Florida statute requiring medical malpractice plaintiffs to provide a presuit expert opinion corroborating the claim before filing suit.
- *Eustache v. State*, 248 So. 3d 1097 (Fla. 2018). Criminal appeal based on a certified question of great public importance involving statutory construction of the Florida Youthful Offender Act. Pro bono representation.
- *Kapsch TrafficCom IVHS, Inc. v. Fla. Dep't of Transp.*, 249 So. 3d 693 (Fla. 1st DCA 2018). Government procurement dispute challenging a multimillion-dollar patent.
- *Whynes v. Am. Sec. Ins. Co.*, 240 So. 3d 867 (Fla. 4th DCA 2018). Case of first impression construing a provision of the Florida Unfair Insurance Trade Practices Act.
- *Pinnacle Housing Grp., LLC v. Fla. Housing Fin. Corp.*, 239 So. 3d 722 (Fla. 3d DCA 2017). Petition for review of nonfinal administrative agency action temporarily suspending entities from participating in agency funding programs.
- *Laycock v. TMS Logistics, Inc.*, 209 So. 3d 627 (Fla. 1st DCA 2017). Successful defense against a petition for a writ of certiorari seeking to quash a trial court order granting a motion for juror interviews to inquire as to potential juror misconduct.
- *Mathis v. State*, 208 So. 3d 158 (Fla. 5th DCA 2016). Reversal of the conviction of an attorney on Florida Racketeer Influenced and Corrupt Organization Act and gambling charges based on the attorney's advice to his clients that they could legally run internet cafes in Florida.
- *Hilton v. Pearson*, 208 So. 3d 108 (Fla. 1st DCA 2016). Reversal, based on the statute of limitations, of a judgment holding amendments to restrictive covenants for a residential subdivision void.
- *AT&T Corp. v. State, Dep't of Mgmt. Servs.*, 201 So. 3d 852 (Fla. 1st DCA 2016). Appeal of an adverse outcome in an administrative bid protest proceeding challenging the award of a contract for a state telecommunications infrastructure data network.
- *Linde v. Linde*, 199 So. 3d 1102 (Fla. 3d DCA 2016). Challenge to a decision in an emergency guardianship proceeding finding the ward not to be incapacitated.

- *Durant v. James & Progressive Cas. Ins. Co.*, 189 So. 3d 993 (Fla. 1st DCA 2016). A case of first impression in Florida courts, upholding the applicability of an insured vs. insured exclusion in a directors and officers liability insurance policy to a claim by a former director of the insured who, as a former shareholder, sued the insured's CEO.
- *Plancher v. UCF Athletics Ass'n, Inc.*, 175 So. 3d 724 (Fla. 2015). Holding that state university athletic association against which \$10 million judgment had been entered following death of member of university's football team was entitled to sovereign immunity, thereby limiting association's liability for payment to \$200,000.
- *Slayton v. Pizzi*, 163 So. 3d 655 (Fla. 3d DCA 2015). Successful defense of trial court declaratory judgment holding former mayor who had been replaced following federal criminal indictment entitled to reinstatement, and back pay and other benefits, following acquittal.
- *Henry v. State*, 175 So. 3d 675 (Fla. 2015), *cert. denied*, 136 S. Ct. 1455 (2016). Applying *Graham v. Florida*, 560 U.S. 48 (2010), and holding client's aggregate sentences totaling 90 years without possibility of parole, for offenses committed while a minor, violated Cruel and Unusual Punishment Clause of Eighth Amendment to U.S. Constitution. Pro Bono representation.
- *Pizzi v. Scott*, 160 So. 3d 897 (Fla. 2014). Rare, successful, original proceeding on petition for writ of mandamus to compel governor of Florida to rescind executive order suspending town mayor.
- *Citrus Cty. Hosp. Bd. v. Citrus Mem'l Health Found., Inc.*, 150 So. 3d 1102 (Fla. 2014), *aff'g*, 108 So. 3d 675 (Fla. 1st DCA 2013). Holding unconstitutional as violation of state constitution contracts clause special act of legislature adversely affecting not-for-profit corporation created to manage public hospital.
- *Charter Schs. USA, Inc. v. John Doe No. 93*, 152 So. 3d 657 (Fla. 3d DCA 2014). Challenge to trial court's construction of Florida Rule of Civil Procedure addressing when plaintiff may execute on civil judgment.
- *Kearney v. Kearney*, 129 So. 3d 381 (Fla. 1st DCA 2013). Complex marriage dissolution case involving validity of a postnuptial agreement, valuation of a closely held corporation, attorneys' fees, and prejudgment interest.
- *Ford Motor Co. v. Stimpson*, 115 So. 3d 401 (Fla. 5th DCA 2013). Reversal of an order entering judgment for plaintiffs on liability based on fraud on the court following a defense verdict in a product liability case.
- *Bondi v. Tucker*, 93 So. 3d 1106 (Fla. 1st DCA 2012) (amicus brief for the Florida Chamber of Commerce). Whether the Florida Legislature had the authority to privatize the running of correctional facilities by proviso language in a general appropriations act as opposed to legislation specifically dealing with the Department of Corrections.
- *InteliStaf Healthcare, Inc. v. Gervato*, 91 So. 3d 267 (Fla. 1st DCA 2012). Whether a new trial ordered in a medical malpractice case should include both liability and damages, as opposed to damages only.
- *Corbett v. Arctic Cat, Inc.*, No. 2011CA40 (Fla. Cir. Ct. May 31, 2012). New trial granted in a product liability case because of juror misconduct.

- *Thomson v. Petherbridge*, 472 So. 2d 773 (Fla. 1st DCA 1985). Whether the doctrine of res judicata barred an action attempting to collect on a promissory note.
- *Lipton v. Documation, Inc.*, 590 F. Supp. 290 (M.D. Fla. 1982), *aff'd*, 734 F.2d 740 (11th Cir. 1984). Reviewing pursuant to the district court's certification under 28 U.S.C. § 1292(b) whether a securities fraud class action could be maintained based on the then relatively novel "fraud on the market theory."
- *Silverberg v. Paine, Webber, Jackson & Curtis, Inc.*, 710 F.2d 678 (11th Cir. 1983). Securities fraud action based on churning. Issues included available damages, compensatory and punitive, and jury instructions.
- *Gordon v. Heimann*, 715 F.2d 531 (11th Cir. 1983). Right to, and timing of motion for, attorneys' fees in federal court based on 28 U.S.C. § 1927, Federal Rule of Civil Procedure 11, and the inherent power of the court.
- *Gordon v. Terry*, 684 F.2d 736 (11th Cir. 1982). Securities fraud action claiming fractional interests in real estate syndications were securities. The court affirmed a summary judgment holding they were not.
- *In re Estate of Griffis*, 399 So. 2d 1048 (Fla. 4th DCA 1981). Right to, and amount of, attorneys' fees in a will contest.
- *Jacksonville Elec. Auth. v. Winn-Dixie Stores, Inc.*, 378 So. 2d 338 (Fla. 1st DCA 1980). Breach of contract action against a municipal utility, claiming the utility overcharged for electricity.
- *McCreary v. State*, 371 So. 2d 1024 (Fla. 1979). Challenge to a conviction for vehicular homicide based, in part, on a contention that the recently adopted vehicular homicide statute was unconstitutionally vague.
- *Jacobs v. Adams*, 601 F.2d 176 (5th Cir. 1979). Shareholders' derivative action alleging common law and federal securities law fraud claims.
- *McArthur v. Nourse*, 369 So. 2d 578 (Fla. 1979). Petition for writ of prohibition to prevent retrial for first-degree murder on the ground it would subject defendant to double jeopardy in violation of the state and federal constitutions.
- *Division of Beverage, State Dep't of Bus. Regulation v. Foremost-McKesson, Inc.*, 330 So. 2d 143 (Fla. 1976). Challenge on constitutional and other grounds to the applicability of a state statute precluding an entity having an interest in an out-of-state alcohol rectifying plant from holding a license to distribute liquor in Florida.

## Areas of Focus

### Practices

- [Appellate & Trial Support](#)
- [Litigation and Trials](#)

- [Mass Tort and Product Liability](#)
- [White Collar Crime & Government Investigations](#)

## Insights

11.06.2023

Don't Abandon All Hope on Appeal

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03.01.2023

Personal Jurisdiction in Today's Commercial World: It Doesn't Take Much to be Conducting a Business Venture

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02.10.2022

How to Avoid Getting Shot Down – A Primer on Shotgun Pleadings

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05.25.2021

Preserving Violations of Orders Granting Motions in Limine: Object Contemporaneously or Forever Hold Your Peace

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10.12.2020

Preserving Arguments: Playing "Hide the Ball" Can Be Costly

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02.19.2020

Practice Makes Perfect: Mock Oral Arguments and Effective Oral Advocacy

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08.30.2019

Don't Waive Goodbye to Your Right to a Jury Trial

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03.05.2019

More Is Usually Better: One Objection to An Expert's Opinion Will Not Necessarily Preserve a Challenge to Its Admission

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09.24.2018

The Keys to Preserving Error for Appeal

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04.07.2016

Court Holds Insured vs. Insured Exclusion Unambiguous, Precluding Coverage

*D&O Diary*

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01.15.2015

A Primer on the Intentional-tort Exception to Employers' Workers' Compensation Immunity

*The Florida Bar Journal*

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01.15.2011

Ethics and Professionalism on Appeal

*The Florida Bar Journal*

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01.01.2011

Ethics and Professionalism on Appeal

*The Florida Bar Journal*

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06.01.2008

Statutory Construction In Florida: In Search Of A Principled Approach

*Florida Coastal Law Review*

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02.01.2004

Who Needs an Independent Judiciary

*The Florida Bar Journal*

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12.31.1995

Selection and Retention of Judges: Is There One 'Best' Method?

*Florida State Law Review*

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## News

05.19.2023

Bruce Berman and Peter Webster Co-Author 2023 Edition of "Berman's Florida Civil Procedure"

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05.31.2022

Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author 2022 Edition of Trusted Treatise "Berman's Florida Civil Procedure"

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04.20.2021

Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author 2021 Edition of Trusted Treatise "Berman's Florida Civil Procedure"

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08.30.2020

Carlton Fields' Appellate Attorneys Christine Davis and Peter Webster Discuss Mock Oral Arguments on "Issues in Appeal" Podcast

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06.02.2020

Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author Latest Edition of "Berman's Florida Civil Procedure"

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05.08.2019

Carlton Fields' Bruce J. Berman and Peter D. Webster Co-Author New Edition of "Berman's Florida Civil Procedure"

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07.09.2018

Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"

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06.28.2018

Bruce Berman and Peter Webster Co-Author New Edition of "Berman's Florida Civil Procedure"

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06.23.2017

Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 "Super Lawyers" and "Rising Stars"

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05.12.2017

Bruce Berman and Peter Webster Co-Author 2017 Edition of "Berman's Florida Civil Procedure"

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03.20.2017

Florida Prosecutors Drop Charges Against Allied Vets Attorney

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02.02.2017

Florida High Court Won't Stop New Trial For Allied Vets Attorney

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## Recognition

- AV Rated by Martindale-Hubbell
- Florida Bar President's Award of Merit (2022)
- *The Best Lawyers in America*, Appellate Practice (2023–2024)
- Florida Super Lawyers, *Super Lawyers Magazine* (2012–2020, 2023)
- *Who's Who in America* (2000–present)
- James C. Adkins Award, The Florida Bar Appellate Practice Section (2009)

## Professional & Community Involvement

- The Florida Bar (1974–present)
  - Special Committee for the Review of Professionalism in Florida (2021–2022)
  - Judicial Administration, Selection and Tenure Committee
    - Vice Chair (1995–1996)
  - Rules of Judicial Administration Committee
    - Chair (2001–2002)
  - Appellate Court Rules Committee
  - Appellate Practice Section
    - Charter Member, Executive Council
- American Judicature Society
  - President (2011–2012)
  - President-Elect (2010–2011)
  - Vice President (2009–2010)
  - Secretary (2008–2009)
  - Board of Directors (2002–2014)
  - Editorial Committee, Judicature (2001–2011)



- E. Robert Williams American Inn of Court
  - Master of the Bench (2007–2009)
- First District Appellate American Inn of Court
  - Master of the Bench (2008–2015, 2019–present; President, 2012–2013)
- Tallahassee American Inn of Court
  - Master of the Bench (1992–2003; President, 1999–2000)
- Chester Bedell American Inn of Court
  - Master of the Bench (1988–1992)
- Florida Judicial Management Council (2006–2008)
- Florida Supreme Court
  - Professionalism Commission (2010–2019)
  - Committee on Judicial Evaluations
    - Chair (2006–2007)
  - Task Force on Complex Litigation (2006–2008)
  - Committee on Standard Jury Instructions in Civil Cases (1979–2001)
    - Chair (1999–2000)
    - Vice Chair (1994–1998)
  - Committee on Trial Court Information Systems
    - Chair, Subcommittee on Civil Case Management (1986–1991)
  - Court Reporter Certification Planning Committee
    - Chair (1995–1999)
  - Study Committee on Confidentiality of Records of the Judicial Branch (1993–1995)
- District Court of Appeal Budget Commission (2006–2007)
- Florida Conference of Circuit Judges (1986–1991)
  - Executive Committee (1991)
- American Inns of Court Foundation (2009–2013)
  - Trustee
- National Center for State Courts
  - Lawyers Committee (2011–2016)
- Life Fellow American Bar Foundation

- American Bar Association
  - House of Delegates (2014–2017)
  - Litigation Section
  - Judicial Division
    - Council (2014–2017)
  - Lawyers Conference
    - Executive Committee (2013–2017)
  - Ethics and Professionalism Committee (2013–2017)
- Jacksonville Bar Association
- Tallahassee Bar Association
- Federal Bar Association
- National Conference of State Trial Judges
- Florida Coastal School of Law
  - Adjunct Professor (1997–2006)
- Florida Judicial College
  - Faculty (2001–2010)
- Jacksonville Area Legal Aid Inc.
  - Board of Directors (1981–1984)
- River Region Human Services Inc.
  - Board of Directors (1986–1988)
- P.A.C.E. Center for Girls Inc.
  - Advisory Board (1986–1990)
- City of Jacksonville, Mayor’s Commission on Children and Youth
  - Delinquency Task Force (1988–1991)
- Stakeholders Group
  - Duval Regional Juvenile Detention Center (1988–1991)
- Jacksonville Community Council Inc. (1986–1991)
- Boy Scouts of America
  - District Committee Member, North Florida Council (1978–1983)
  - Officer and Executive Board Member, Suwannee River Area Council (1992–2001)
- Duke Alumni Club of Greater Jacksonville
  - Board of Directors (1984–1988)

## Speaking Engagements

- "Motion Practice and Procedure," Practicing Before the First DCA 2022 (April 8, 2022)
- Ethics Panel, ABA Appellate Practice Regional Seminar, Miami, FL (April 28, 2017 and May 16, 2019)
- "Drafting a More Persuasive Brief," Legal Services of North Florida (February 25, 2016)
- "Effective Advocacy," 2016 Florida Bar Winter Meeting (January 21, 2016)
- "Questions for 'The Judge,'" Third Annual Appellate Forum for Trial Lawyers, Miami, FL (October 23, 2015)
- "What Lawyers Want Federal Judges to Know: A Candid Dialog," ABA Midyear Meeting, Houston, TX (February 6, 2015)
- "Ethical Conundrums for Appellate Judges and Their Staff," 2012 Appellate Judges Education Institute Summit, New Orleans, LA (November 17, 2012)
- "A Conversation About Judicial Disqualification: Reasonable People Discuss Impartiality," 22nd National College on Judicial Conduct and Ethics, Chicago, IL (October 26–28, 2011)
- Core Faculty, The Florida Bar Appellate Practice Section/Stetson University College of Law Successful Appellate Advocacy Workshop (July 27–29, 2011)
- "Judicial Roundtable, Masters Seminar on Ethics," Florida Bar Annual Convention (June 24, 2011)
- "Statutory Construction," Florida Judicial College New Appellate Court Judges' Program (March 9, 2009, March 22, 2010)
- "Oral Argument," Florida State University College of Law (February 13, 2008, February 11 2009, February 8, 2010)
- "Standards of Review," The Art of Appellate Advocacy in Workers' Compensation Seminar, The Florida Bar Appellate Practice Section (October 29, 2009)
- Core Faculty, The Florida Bar Appellate Practice Section/Florida Coastal School of Law Successful Appellate Advocacy Workshop (July 30–August 1, 2008)
- "Perfecting the Appeal," E. Earle Zehmer Appellate Practice Seminar: Practicing Before the First DCA, The Florida Bar Appellate Practice Section (April 25, 2008)
- "Decision-Making Theory," Florida Judicial College New Appellate Court Judges' Program (March 14, 2007)
- "Preserving Error in Jury Selection," Preserving Error Seminar, The Florida Bar Appellate Practice Section (November 3, 2006)
- "Role of the District Court of Appeal Decision," 2006 Florida Appellate Judges Conference (June 21, 2006)
- "Perfecting the Appeal," E. Earle Zehmer Appellate Practice Seminar: Practicing Before the First DCA, Stetson University College of Law (May 5, 2006)
- "The Challenge of Judicial Reform – Case Studies From the States, Rethinking Strategies for Judicial Selection Reform," Cumberland School of Law (February 24, 2006)

# Credentials

## Education

- University of Virginia School of Law (LL.M.)
- Duke University School of Law (J.D., with distinction)
- Georgetown University Walsh School of Foreign Service (B.S.F.S., magna cum laude)
  - Constantine McGuire Medal

## Bar Admissions

- Florida

# Background

- Judge, Florida District Court of Appeal (1991–2011)
- Circuit Judge, Fourth Judicial Circuit (1986–1991)
- Shareholder, Bedell, Bedell, Dittmar, Smith & Zehmer, P.A., and successors (1978–1985)
- Associate, Bedell, Bedell, Dittmar, Smith & Zehmer, P.A., and successors (1975–1978)
- Law Clerk to the Honorable Gerald Bard Tjoflat, U.S. District Court for the Middle District of Florida (1974–1975)

## Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida

## Clerkships

- Hon. Gerald Bard Tjoflat, U.S. District Court, Middle District of Florida