

# Steven J. Brodie

SHAREHOLDER

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## Overview

Steve Brodie has extensive experience in insurance-related litigation, including coverage, defense, and regulatory matters. His clients include *Fortune* 100 companies, major insurers, financial services companies, telecommunications firms, officers and directors, institutional lenders, and developers. As lead counsel, he has defended matters in numerous jurisdictions and more than 20 states, including California, Florida, Hawaii, Kentucky, Michigan, New York, Tennessee, and Virginia. He also frequently handles litigation regarding securities and complex commercial matters.

Steve counsels a wide variety of insurance companies with respect to multiple lines of business as well as leading insurance brokers. His services include litigating insurance coverage matters, first-party claims, bad faith claims, a wide variety of class action defense including securities, cyber and data breaches, and TCPA matters. Steve also represents insurance carriers before insurance regulators and handles regulatory and business litigation. He has long been involved in a wide range of substantive insurance areas, including forming reciprocal insurance companies, drafting insurance policies, and loss mitigation transfers. He is also experienced in the emerging field of environmental impairment insurance and cybersecurity.

He is the primary attorney responsible for assembling a team of lawyers and professionals to defend the largest U.S. provider of prepaid mobile phone services in actions across the country against international traffickers of prepaid mobile phones. These traffickers are involved in schemes to alter the phones' proprietary software, repackage the devices, and resell them domestically and abroad to unsuspecting customers.

Steve filed an amicus brief before the Florida Supreme Court on behalf of a major insurance company and is involved in numerous cases and appeals throughout the United States.

Steve also provided pro bono representation to U.S. Holocaust survivors in a class action settlement of claims against a Swiss bank.

In addition to his litigation practice, Steve provides professional business guidance and lobbying services. This representation includes helping clients to procure government contracts and take advantage of other business opportunities in the public and private sectors. He has lobbied before the state of Florida and local governments on behalf of a wide variety of businesses.

Steve is a frequent speaker on insurance industry issues and has authored numerous articles on D&O coverage and bad faith, and has authored chapters in various insurance and business treatises. Widely recognized for his legal skills, Steve was awarded the Judge Learned Hand Award by the American Jewish Committee and has been listed in BTI's *Client Service All-Stars*, *The Best Lawyers in America*, *Florida Super Lawyers*, *South Florida Business Journal's Power Leaders*, and *South Florida Legal Guide's Top Lawyers*. He also holds leadership positions in a variety of professional organizations. He serves as vice president and a member of the board of directors and executive committee of the Greater Miami Jewish Federation, and on the board of directors and executive committees of the Baptist Health Foundation, United Way Miami, University of Miami Board of Trustees, and is a member of the University of Miami Citizens Board.

Steve is the Miami office co-managing shareholder and serves as co-chair of the firm's Property and Casualty Insurance Practice and the Insurance Industry Group.

## Experience

- *PNI Litigation Trust v. National Union Fire Insurance Co.*, No. 1:21-cv-21416, 2023 WL 2524727 (S.D. Fla. Mar. 15, 2023). Obtained summary judgment finding no coverage under two D&O policies for claims made against *Coblentz* directors.
- *Solomon Senior Living Holdings LLC v. National Union Fire Insurance Co.*, No. 1:20-cv-02765 (N.D. Ga. Mar. 24, 2023). Obtained summary judgment finding that insured versus insured exclusion barred coverage and bad faith claim.
- *Atlantic Specialty Insurance Co. v. Blue Cross Blue Shield of Kansas Inc.*, No. 2:18-cv-02371, 2023 WL 2648223 (D. Kan. Mar. 27, 2023). Obtained judgment on the pleadings that policy did not provide coverage for claims, losses, or other damages in underlying antitrust multidistrict litigation, described as one of the largest antitrust class actions in the country, saving client's \$15 million of policy limits.
- *Ditech Fin. LLC v. AIG Specialty Ins. Co.*, No. 8:20-cv-00409, 2021 WL 4263330 (M.D. Fla. Sept. 20, 2021). Obtained summary judgment finding no coverage for \$24 million settlement between loan servicer and federal government because claim was first made before the policy period.
- *Office Depot Inc. v. AIG Specialty Ins. Co.*, No. 2:15-cv-02416 (C.D. Cal. June 21, 2019). Won summary judgment on behalf of carrier against a claim for insurance coverage and indemnification with regard to a \$77.5 million settlement of a qui tam action under California's False Claims Act. Summary judgment was upheld after appeal to the Ninth Circuit.

- *Weitz Co. v. Lexington Ins. Co.*, 982 F. Supp. 2d 975 (S.D. Iowa 2013), *aff'd*, 786 F.3d 641 (8th Cir. 2015). As the lead defense firm in the Southern District of Iowa, obtained a defense summary judgment where the plaintiff general contractor improperly attempted to obtain a \$50 million-plus double recovery in equity against project owner's post-construction property insurers. The general contractor was previously sued for its materially deficient construction of the project in the Southern District of Florida. It settled with the project owner after recovering several million dollars more from its liability insurers, subcontractors, and their liability insurers. As part of the appellate team in the Eighth Circuit Court of Appeals, we defended entry of this summary judgment on appeal and obtained affirmance.
- *Bond Safeguard Ins. Co. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, No. 6:13-cv-00561, 2014 WL 5325728 (M.D. Fla. Oct. 20, 2014). Obtained summary judgment in favor of directors and officers liability carrier in a \$40 million-plus *Coblentz* enforcement action involving the application of an "arising out of" contract liability exclusion to a business dispute and a discussion of the *Daubert* deficiencies of a *Coblentz* expert opinion.
- *Office Depot, Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 734 F. Supp. 2d 1304 (S.D. Fla. 2010), *aff'd*, 453 F. App'x 871 (11th Cir. 2011). Summary judgment in favor of insurer on insured's claims of more than \$24 million in investigation costs.
- *Bray & Gillespie Mgmt. LLC v. Lexington Ins. Co.*, 259 F.R.D. 568 (M.D. Fla. 2009).
- *Republic Servs. Inc. v. Am. Int'l Specialty Lines Ins. Co.*, No. 1:07-cv-21991, 2008 WL 4691836 (S.D. Fla. Oct. 21, 2008).
- *In re Ins. Brokerage Antitrust Litig.*, No. 2:04-cv-05184, 2008 WL 3887616 (D.N.J. Aug. 20, 2008).
- *TracFone Wireless, Inc. v. GSM Grp., Inc.*, 555 F. Supp. 2d 1331 (S.D. Fla. 2008).
- *Yale Galanter, P.A. v. Johnson*, No. 0:06-cv-60742, 2008 WL 1766907 (S.D. Fla. Apr. 14, 2008).
- *Heritage Corp. of S. Fla. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 255 F. App'x 478 (11th Cir. 2007).
- *TracFone Wireless, Inc. v. Dixon*, 475 F. Supp. 2d 1236 (M.D. Fla. 2007).
- *Nat'l Union Fire Ins. Co. of Pittsburgh v. Underwriters at Lloyd's, London*, 971 So. 2d 885 (Fla. 3d DCA 2007).
- *Henry Demayo Brokerage Ins. Grp., Inc. v. Law Office of Weintraub, Weintraub, Seiden & Orshan*, 955 So. 2d 32 (Fla. 3d DCA 2007).
- *Aircraft Holdings, LLC v. XL Specialty Ins. Co.*, 935 So. 2d 1219 (Fla. 2006).
- *Orange Cty. v. Expedia, Inc.*, 440 F. Supp. 2d 1341 (M.D. Fla. 2006).
- *City of West Palm Beach v. Visionair, Inc.*, 199 F. App'x 768 (11th Cir. 2006).
- *Office Depot, Inc. v. Marsh & McLennan Cos., Inc.*, 937 So. 2d 1139 (Fla. 4th DCA 2006).
- *Home Shopping Network, Inc. v. Am. Int'l Specialty Lines Ins. Co.*, 857 So. 2d 290 (Fla. 2d DCA 2003).
- *Michael J. Edison & Co. v. Columbia Pictures Television, Inc.*, 837 So. 2d 1122 (Fla. 4th DCA 2003).
- *Sphinx Int'l, Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 226 F. Supp. 2d 1326 (M.D. Fla. 2002).

- *In re Nitro Leisure Prods., L.L.C.*, No. 2:02-cv-14008, 2002 WL 32344948 (S.D. Fla. Aug. 8, 2002).
- *Feltner v. Columbia Pictures Television, Inc.*, 732 So. 2d 1200 (Fla. 4th DCA 1999).
- *Multi-Corp., Inc. v. NTC, Inc.*, 714 So. 2d 1219 (Fla. 3d DCA 1998).
- *Pierce v. Interactive Telecard Servs., Inc.*, 773 So. 2d 69 (Fla. 3d DCA 1997).
- *ThunderWave, Inc. v. Carnival Corp.*, 954 F. Supp. 1562 (S.D. Fla. 1997).
- *Kendall Rests., Inc. v. LEF/Kendall Mall, Inc.*, 675 So. 2d 134 (Fla. 3d DCA 1996).
- *Lanchile Airlines v. Conn. Gen. Life Ins. Co. of N. Am.*, 731 F. Supp. 477 (S.D. Fla. 1990).
- *In re Carlton Fruit Co., Inc.*, 84 B.R. 810 (Bankr. M.D. Fla. 1988).
- *Am. Int'l Vacations Inc. v. Interval Int'l, Inc.*, 482 So. 2d 367 (Fla. 3d DCA 1984).

## Areas of Focus

### Practices

- Aviation
- Business Transactions
- Consumer Finance
- Creditors' Rights and Bankruptcy
- Cyber Insurance Coverage Disputes
- Distressed Asset and Workout
- Government Affairs and Lobbying
- Government Law & Consulting
- Insurtech
- Insolvency-Related Directors and Officers (D&O) Litigation
- Life, Annuity, and Retirement Litigation
- Litigation and Trials
- Mass Tort and Product Liability
- Representations and Warranty Insurance
- Telecommunications

### Industries

- Property & Casualty Insurance
- Life, Annuity, and Retirement Solutions
- Telecommunications

## Insights

07.19.2023

New Attestation for Florida Residential Property Insurers

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10.04.2022

Claims Data Reporting – Hurricane Ian

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08.31.2021

Wisconsin Federal Court Finds That “Inadequate Consideration” Carve-Out Bars Coverage for Securities Fraud Settlement

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02.24.2021

Should Defendants Seek Stays of Class Actions Pending the Supreme Court’s Upcoming Decision on Article III Standing for Absent Class Members?

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04.27.2020

COVID-19 Insurance Coverage Class Actions

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03.24.2020

Coronavirus Coverage Conundrums

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02.21.2020

The Perils of Using Baseball Arbitration to Resolve RWI Policy Disputes

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02.25.2019

Court Finds No Coverage for \$42 Million False Claims Act Suit Due To Late Reporting

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02.15.2018

The Perils of Using Baseball Arbitration to Resolve RWI Policy Disputes

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10.12.2016

Post-Hurricane Matthew: Insurance Statutes and Regulations

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06.13.2016

Court Finds that False Claims Act Suit Alleges Uninsurable “Willful Acts”

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10.02.2015

Court Finds Statutory PIP Demand is "Related Claim" to Later-Filed Class Action Suits

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09.28.2015

Florida District Court Affirms Bankruptcy Court Bar Order In Favor Of Former Ds & Os

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06.30.2015

Eleventh Circuit Affirms Summary Judgment for Insurer Based on 'Other Capacity' Exclusion

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04.01.2015

Successful Partnering Between Inside and Outside Counsel

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10.20.2014

National Union Prevails on \$40 Million Coblenz Enforcement Action in D&O Case

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05.14.2013

Q&A With Carlton Fields' Steven Brodie

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04.22.2013

Fourth Circuit Court of Appeals Puts Teeth into the "In Fact" Exclusions of a D&O Policy

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09.05.2012

Federal court holds that "Single Loss" and retroactive date provisions precluded coverage for fraudulent scheme that began prior to retroactive date, despite insured's intention to seek damages for on

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06.12.2012

Florida Supreme Court Rejects Common Law First Party Bad Faith Cause of Action

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04.09.2012

A New Decision Construing "In Fact" Exclusions in Favor of Insurers

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02.20.2012

Current Developments In D&O Insurance Coverage

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10.18.2011

Eleventh Circuit Holds No Coverage For Investigation Costs

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07.26.2011

The "In Fact" Exclusion of a D&O Policy Does Not Require Exhaustion of Appellate Remedies

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07.27.2010

Florida Changes Procedures for Civil Remedy Notices

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08.04.2008

Analyzing Insurance Claims: How to Protect the Insurer

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06.01.2006

Recovery of extra-contractual ('consequential') damages in first -party bad faith cases

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## News

02.28.2023

Vanessa Singh Johannes Named Co-Managing Shareholder of Carlton Fields' Miami Office

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01.23.2023

Steven J. Brodie Recognized in "South Florida Power 100"

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01.12.2023

Carlton Fields Adds Appellate Litigator to National Appellate and Trial Support Practice

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09.13.2022

Carlton Fields Bolsters Securities Litigation & Enforcement Practice With Addition of Former FINRA Director and DOJ Assistant Chief Tino M. Lisella

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02.09.2022

Carlton Fields Attorneys Named 2022 BTI Client Service All-Stars

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01.31.2022

Carlton Fields Attorneys Recognized as South Florida Business Journal 2022 Power Leaders

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09.20.2021

Office Snapshot: Carlton Fields' Miami Location

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08.19.2021

Eight Carlton Fields Attorneys Named 2022 "Lawyers of the Year"

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05.21.2021

Carlton Fields Ranks Among Best in Chambers USA 2021 Guide

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01.29.2021

Carlton Fields Attorneys Recognized as South Florida Business Journal 2021 Power Leaders

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01.14.2021

Asst. U.S. Attorney Vanessa Singh Johannes Joins Carlton Fields in Miami

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12.02.2020

Carlton Fields' Steven J. Brodie Honored for Legal, Community Service

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11.18.2020

Carlton Fields' New Miami Office in 2 MiamiCentral Featured in the Media

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11.17.2020

Carlton Fields Miami Office Relocates to 2 MiamiCentral

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11.11.2020

Carlton Fields Shareholder Steven J. Brodie Honored with Judge Learned Hand Award by American Jewish Committee

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10.05.2020

Carlton Fields Expands Property and Casualty Insurance Practice; Adds Two Attorneys in Orlando

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05.01.2020

Carlton Fields Recognized as 2020 Top Firm for Insurance for Third Consecutive Year

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03.23.2020

Insurance Litigator J. Kent Crocker Joins Carlton Fields in Miami

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02.20.2020

Carlton Fields Expands in New York with Fintech Attorney Huhnsik Chung

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02.10.2020

Carlton Fields Adds Immigration Attorney Federico M. Maciá in Miami

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02.04.2020

Carlton Fields Attorneys Recognized as 2020 Power Leaders

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09.26.2019

Matthew E. Lewis Joins Carlton Fields' Property & Casualty Insurance Practice

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09.16.2019

Carlton Fields Shareholder Steven J. Brodie Named Co-Chair of 2019-2020 United Way Annual Campaign

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09.12.2019

Carlton Fields' Steven J. Brodie Authors Miami Herald Article on United Way Involvement

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07.25.2019

Carlton Fields Continues Meteoric Construction Practice Growth

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07.18.2019

Carlton Fields Becomes Official Legal Partner for the University of Miami Business School's Entrepreneurship Program and Annual Business Plan Competition

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07.11.2019

Court Finds No Coverage for False Claims Act Suit

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06.13.2019

Carlton Fields' Steven J. Brodie Featured in Invest: Miami About South Florida Economy

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05.02.2019

Prominent Bankruptcy Attorney David L. Gay Joins Carlton Fields in Miami

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03.05.2019

Carlton Fields to Move Miami Office to MiamiCentral

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03.05.2019

Carlton Fields Completes 50,000-Square-Foot Lease with 2 MiamiCentral

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02.01.2019

Carlton Fields Attorneys Recognized As "Power Leaders"

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02.01.2019

Media Shines Spotlight on Carlton Fields' New Office and Lawyers; Firm Opens New Jersey Office and Bolsters Real Estate and Insurance Litigation Practices

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01.07.2019

Carlton Fields Opens New Jersey Office, Adds Five Attorneys

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12.03.2018

Renowned Litigator Lee Stapleton Joins Carlton Fields in Miami

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11.15.2018

Roben S. West Joins Carlton Fields in Atlanta

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10.04.2018

University of Miami School of Law Honors Carlton Fields Shareholder Steven J. Brodie

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08.10.2018

Carlton Fields Adds New York Attorney, Continues 2018 Growth of Property & Casualty Insurance Practice

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08.02.2018

Carlton Fields Shareholder Steven J. Brodie Named Co-Chair of 2018-19 United Way Annual Campaign

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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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05.30.2018

Carlton Fields Adds Two Lawyers, Continues Growth of Property & Casualty Insurance Practice

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04.18.2018

Steven Brodie Speaks of Eclectic Legal Career, Diverse Civic Involvement

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02.07.2018

Carlton Fields Adds Property & Casualty Insurance Attorney Gregory A. Gidus in Tampa

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10.14.2017

Carlton Fields Miami Office Co-Managing Shareholder Steven J. Brodie to Co-Chair 2017-18 United Way

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10.03.2017

Steven J. Brodie Appointed Co-Chair of the 2017-2018 United Way Annual Campaign

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09.26.2017

Carlton Fields Strengthens South Florida Real Estate Practice with Addition of Miami City Commissioner Francis X. Suarez

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08.31.2017

Carlton Fields Bolsters Its South Florida Real Estate and Commercial Finance Practice with Addition of Brian A. Hart

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08.22.2017

General Counsel Rank Carlton Fields Among Top Law Firms For Client Service

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08.15.2017

78 Carlton Fields Attorneys Named “Best Lawyers in America”

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08.03.2017

BTI Ranks Carlton Fields among Firms with Best Insurance Industry Client Relationships

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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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06.06.2017

Carlton Fields Strengthens Insurance Regulatory Practice with Addition of Beth A. Vecchioli

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03.20.2017

Carlton Fields Recognized as a Top Firm for Class Actions and Insurance Industry by JD Supra’s Readers’ Choice Awards

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03.13.2017

Carlton Fields Adds Insurance Pro

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02.20.2017

Carlton Fields Promotes Miami Attorney Michael N. Wolgin to Shareholder

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02.20.2017

Carlton Fields Promotes Tampa Attorney Heidi Hudson Raschke to Shareholder

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01.30.2017

Neal McAliley Joins Carlton Fields

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01.02.2017

Carlton Fields Attorneys Named to the 2017 “South Florida Legal Guide”

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**Recognition**

- AV Rated by Martindale-Hubbell
- BTI Client Service All-Stars (2022)
- *Chambers USA* (2021–2023)
- *The Best Lawyers in America*
  - Commercial Litigation, Insurance Law, Litigation – Insurance (2007–2024)
  - Miami "Lawyer of the Year," Litigation – Insurance (2022), Insurance Law (2011)
- South Florida Power 100, *City & State Florida* (2023)
- South Florida Power Leaders, *South Florida Business Journal* (2019–2022)
- Florida Super Lawyers, *Super Lawyers Magazine* (2007, 2009–2018, 2021–2023)
- Judge Learned Hand Award, American Jewish Committee (2020)
- Top Lawyers, *South Florida Legal Guide* (2014–2015, 2019)
- Honoree of the 2018 University of Miami School of Law Alumni Association
- Power Leaders in Law and Accounting, *South Florida Business Journal* (2015)
- Key Partners Award, Government Contracts/Lobbying, *South Florida Business Journal* (2009)
- Florida Legal Elite, Insurance, *Florida Trend Magazine* (2009)
- *Leader Magazine's* Power Issue, South Florida edition (2009)
- Who's Who in Corporate Law, *South Florida Business Journal*
- *Who's Who in American Law*
- *South Florida's Top Lawyers*
- Stanley C. Myers Presidents' Leadership Award, Greater Miami Jewish Federation
- Robert Russell Fellowship Award, Greater Miami Jewish Federation
- JCC Family Leadership Award

## Professional & Community Involvement

- American Bar Association
- The Florida Bar
- Dade County Bar Association
- Professional Liability Underwriting Society
- Claims and Litigation Management Alliance

- Greater Miami Jewish Federation
  - Vice President (2021–2024)
  - Co-Chair, Israel 75 Mission (2022–2023)
  - Board of Directors and Executive Committee (2000–present)
  - Past Chairman, Jewish Community Relations Council
  - Chairman, Cornerstone Campaign
  - Past Chairman, South Dade Branch
- Baptist Health Foundation
  - Executive Committee (2020–present)
  - Board of Directors (2017–present)
- United Way of Miami-Dade
  - Board Emeritus (2021–present)
  - Board of Directors (2006–2020)
  - Co-Chair, Annual Campaign (2016–2019)
  - Chair, Engagement Committee (2014–2015)
  - Past Chairman, Campaign Cabinet
  - Chairman, Mayor’s Ball (2012)
  - Chairman, South Florida Carlton Fields United Way Golf Tournament
- University of Miami Citizens Board (2014–present)
  - President (2011–2014)
  - President-Elect (2010)
  - Secretary, Treasurer, and Vice President (2005–2009)
  - Executive Committee (2003–2009)
- Greater Miami Chamber of Commerce
  - Trustee Member and Board of Governors
  - Doral Golf Tournament Board
- University of Miami Board of Trustees (2011–2015)
- Florida Department of Education, Ethics Commission
  - Former Member, Appointed by Florida Cabinet (1998–2000)
- American Israel Public Affairs Committee
  - Dade County Chair (2018–present)
  - South Dade Chair (2015)
- SUNPAC
  - Founding Member

- Community Relations Council of Metro-Dade County
  - Appointed by Dade County Commissioners

## Speaking Engagements

- "Ransomware: The Latest Threats and Efforts to Stem the Tide," Carlton Fields Client Presentation (September 27, 2021)
- "Cybersecurity for Growth-Stage Private Companies in the COVID-19 Era," Carlton Fields Client Webinar (September 23, 2020)
- "Recent Cases and Developments in Bad Faith Law From Across the Country," Carlton Fields (May 28, 2020)
- "Cybersecurity and Privacy Litigation and Enforcement in the COVID-19 Era," Carlton Fields (May 20, 2020)
- "Privacy Litigation and Enforcement, Incident Response, and COVID-19," Carlton Fields (May 19, 2020)
- "COVID-19 Insurance Coverage Class Actions," Carlton Fields (April 27, 2020)
- "Cybersecurity: A Clear and Present Danger," Association for Financial Professionals Annual Conference, Orlando, FL (October 25, 2016)
- "Current Developments in D&O Insurance Coverage," 30th Annual Federal Securities Institute, The Florida Bar and West LegalEdcenter, Miami, FL (February 16–17, 2012)
- "Rights of a Secured Creditor," American Institute of Banking
- "WIN: What Is Important Now, Protecting Creditors' Rights in Bankruptcy"
- "International Asset Protection"
- "Steps to Avoid Bad Faith Claims"
- "Emerging Issues in Directors and Officers Insurance," 29th Florida Risk and Insurance Management Society's Regional Conference, Naples, FL
- "The ABCs of Claims Handling"

## Pro Bono

- *In re Holocaust Victim Assets Litig.*, No. 00-9593, 00-0613, 00-9614 (2d Cir.). U.S. holocaust survivors' class action settlement of claims against a Swiss bank.

## Credentials

### Education

### Court Admissions

- University of Miami School of Law (J.D., cum laude, 1981)
- Tulane University (B.S., with honors, 1978)

## Bar Admissions

- Florida

- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida