



Jeffrey A. Cohen

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Overview

For more than 20 years, Jeff Cohen has worked on appellate matters or provided trial support in more than 20 states and territories, in both state and federal courts. He has provided trial support in more than 50 cases.

Jeff primarily represents corporate defendants in high-exposure, often highly publicized cases. He has defended claims against manufacturers of motor vehicles and automotive components, recreational products including firearms, tobacco, and medical and pharmaceutical products, and a variety of other products. He also has significant experience representing financial institutions and other entities in complex commercial litigation.

Jeff assists clients in addressing legal issues at all points during the litigation of a case. As an appellate lawyer, he has briefed and argued cutting-edge issues both as counsel for clients and as counsel for amicus curiae. Jeff often becomes involved in cases at inception or in time to prepare dispositive motions, discovery motions, and motions in limine. He also has experience parachuting into cases on the eve of trial to assist trial counsel. At whatever point Jeff becomes involved in a case, he works with trial counsel in developing both trial strategy and in preserving error for possible appeal by, among other things, preparing and arguing jury instructions, directed verdict motions, and post-trial motions.

Jeff currently serves as chair of the Florida Supreme Court Committee on Standard Jury Instructions in Civil Cases. He previously served on the Florida Supreme Court Committee on Standard Jury Instructions in Contract and Business Cases. He is also a frequent lecturer on appellate practice and product liability issues.

Experience

- *Arko Plumbing Corp. v. Rudd*, 299 So. 3d 1053 (Fla. 3d DCA 2020). Affirming summary judgment in case alleging violation of Uniform Trade Secret Act, defamation and civil conspiracy.
- *Fountainbleau, LLC v. Hire Us, Inc.*, No. 2D18-4068 (Fla. 2d DCA June 7, 2019). Grant of petition for writ of certiorari alleging lack of personal jurisdiction to order parties to arbitration. Read Order.
- *Odom v. R.J. Reynolds Tobacco Co.*, 254 So. 3d 268 (Fla. 2018). Discussing standard for remittitur in *Engle*-progeny action.

- *Darling v. Shaquille O'Neal*, 247 So. 3d 481 (Fla. 3d DCA 2018). Affirming summary judgment in case alleging invasion of privacy.
- *R.J. Reynolds Tobacco Co. v. Davis*, 245 So. 3d 929 (Fla. 3d DCA 2018). Reversing order granting new trial in *Engle*-progeny action.
- *Canta v. Philip Morris USA, Inc.*, 245 So. 3d 813 (Fla. 3d DCA 2017). Denying petition for certiorari after law firm was disqualified due to imputed conflict.
- *Suarez v. R.J. Reynolds Tobacco Co.*, 211 So. 3d 1051 (Fla. 3d DCA 2016). Affirming jury verdict, class membership, addiction causation.
- *Russo v. Philip Morris USA, Inc.*, 208 So. 3d 172 (Fla. 3d DCA 2016). Affirming jury verdict, necessity of concurrent cause instruction.
- *R.J. Reynolds Tobacco Co. v. Calloway*, 201 So. 3d 753 (Fla. 4th DCA 2016). Reversing jury verdict; improper closing argument; comparative fault.
- *Freeman v. Berrin*, 210 So. 3d 1279 (Fla. 2d DCA 2016). Affirming dismissal for failure to prosecute.
- *JP Morgan Chase Bank N.A. v. Colletti Invs., LLC*, 199 So. 3d 395 (Fla. 4th DCA 2016). Reversing judgment for consequential damages.
- *Payne v. C.R. Bard, Inc.*, 606 F. App'x 940 (11th Cir. 2015). Affirming summary judgment and exclusion of expert testimony.
- *Crimson Ibis, LLC v. U.S. Bank N.A.*, 155 So. 3d 357 (Fla. 3d DCA 2014). Affirming decision to vacate final judgment.
- *Vital Pharm., Inc. v. Prof'l Supplements, LLC*, 114 So. 3d 952 (Fla. 4th DCA 2013). Affirming denial of preliminary injunction.
- *Darling v. Shaquille O'Neal*, 86 So. 2d 1128 (Fla. 3d DCA 2012). Affirming preliminary injunction prohibiting disclosure of documents.
- *Swenson v. Am. Ammunition, Inc.*, 78 So. 2d 736 (Fla. 4th DCA 2012). Affirming summary judgment based on statute of limitations under Louisiana law.
- *Minnis v. Ford Motor Co.*, 75 So. 2d 290 (Fla. 4th DCA 2011). Affirming summary judgment in favor of manufacturer in product liability claim.
- *Mitsubishi Motors Corp. v. Laliberte*, 52 So. 3d 31 (Fla. 4th DCA 2010). Issues concerning admissibility of scientific testing.
- *Adams v. Ford Motor Co.*, 319 F. App'x 113 (3d Cir. 2009). Dismissing appeal and finding collateral order doctrine inapplicable.
- *Ford Motor Co. v. Hall-Edwards*, 5 So. 3d 786 (Fla. 3d DCA 2009). Granting certiorari and quashing an order permitting the plaintiff to plead punitive damages without providing sufficient notice.
- *Ford Motor Co. v. Hall-Edwards*, 971 So. 2d 854 (Fla. 3d DCA 2007). Reversing jury verdict based on improper admission of other accident evidence and evidence of subsequent remedial measures.
- *Kish v. A.W. Chesterton Co.*, 930 So. 2d 704 (Fla. 3d DCA 2006). Affirming summary judgment based on statute of repose on fraud.
- *Koulianos v. Metro. Life Ins. Co.*, 962 So. 2d 357 (Fla. 4th DCA 2007). Affirming summary judgment based on statute of repose on fraud.
- *Grunow v. Valor Corp. of Fla.*, 904 So. 2d 551 (Fla. 4th DCA 2005). Relationship between product defect and negligence in wrongful death, product liability action arising from murder of a teacher by a student.
- *Tran v. Toyota Motor Corp.*, 420 F.3d 1310 (11th Cir. 2005). Issues concerning

definition of design defect and admissibility of other incidents.

- *Gen. Motors Corp. v. Porritt*, 891 So. 2d 1056 (Fla. 2d DCA 2004). Admissibility of demonstrative test and standards for admissibility of expert testimony.
- *Hockensmith v. Ford Motor Co.*, 116 F. App'x 244 (11th Cir. 2004). Issues concerning jury instructions and the admissibility of statistical evidence in a wrongful death action.
- *Tableau Fine Art Grp. v. Jacoboni*, 853 So. 2d 299 (Fla. 2003). Standard for recusal of trial judge.
- *Dourado v. Ford Motor Co.*, 843 So. 2d 913 (Fla. 4th DCA 2003). Admissibility of medical bills in a wrongful death action.
- *Williams v. Potamkin Motor Cars, Inc.*, 835 So. 2d 310 (Fla. 3d DCA 2002). Class action requirements and Magnuson-Moss Warranty Act.
- *Scheman-Gonzalez v. Saber Mfg. Co.*, 816 So. 2d 1133 (Fla. 4th DCA 2002). Definition of design defect and defect by virtue of the failure to warn.
- *Oller v. Ford Motor Co.*, 265 F.3d 1062 (11th Cir. 2001). Admissibility of expert testimony and definition of design defect.
- *D'Amario v. Ford Motor Co.*, 806 So. 2d 424 (Fla. 2001). The role of comparative fault in a crashworthiness case.
- *Jackson v. Gen. Motors Corp.*, 60 S.W. 3d 800 (Tenn. 2001) (amicus brief). Definition of product defect.
- *Ford Motor Co. v. Meyers*, 771 So. 2d 1202 (Fla. 4th DCA 2000). Attorneys' fees pursuant to offer of judgment.
- *Marlin v. State Farm Mut. Auto. Ins. Co.*, 761 So. 2d 380 (Fla. 4th DCA 1998). Issues relating to the relationship between insurers, their insureds, and attorneys retained by insurers representing insureds, and contractual duties owed pursuant to insurance policies.
- *Bell Sports, Inc. v. Yarusso*, 759 A.2d 582 (Del. 2000). Admissibility of expert testimony and inconsistent verdicts.
- *Almeida v. FMC Corp.*, 740 So. 2d 557 (Fla. 3d DCA 1999). Failure to prosecute.
- *Am. First Fed., Inc. v. Lake Forest Park, Inc.*, 198 F.3d 1259 (11th Cir. 1999). Exhaustion of remedies under the federal Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and enforceability of promissory notes.
- *Santana v. Reliastar Life Ins. Co.*, 732 So. 2d 1078 (Fla. 3d DCA 1999). Interpleader requirements.
- *Goulah v. Ford Motor Co.*, 118 F.3d 1478 (11th Cir. 1997). Jury instructions, comparative fault, destruction of evidence.
- *Ciba-Geigy, Ltd. v. Fish Peddler, Inc.*, 691 So. 2d 1111 (Fla. 4th DCA 1997) (amicus brief). Forum non conveniens.
- *Jenkins v. Budd Co.*, 689 So. 2d 426 (Fla. 3d DCA 1997). Statute of repose.
- *Hoover v. Bell Sports, Inc.*, 103 F.3d 147 (11th Cir. 1996). Expert testimony.

All Insights

11.14.2019	When Is a Defense “Available”? Avoiding Waiver by Being Bold When Asserting Defenses
03.07.2019	A Post-Trial Triage Checklist
10.03.2018	Timely and Specific: Making Objections to Federal Magistrate Reports
02.10.2016	Don’t Rest on Your Laurels: The Importance of Adapting Objections to Changed Circumstances
05.08.2014	Florida Appellate Court Embraces Daubert Standard and Provides First In-Depth Analysis Under New Law
03.27.2013	Motions in Limine: Uses, Abuses, and Pitfalls
09.27.2010	Florida Supreme Court Amends the Florida Rules of Civil Procedure

All News

10.16.2019	Carlton Fields Appellate Attorneys Named to Florida Supreme Court Committee on Standard Jury Instructions in Civil Cases
10.15.2018	Carlton Fields Litigators Featured in Media for Defeating \$17.5M Claim
07.09.2018	Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida “Super Lawyers” and “Rising Stars”
10.23.2017	Jeffrey A. Cohen and Amy E. Furness Speak About Managing Data Breaches at PLAC Fall Conference
08.15.2017	78 Carlton Fields Attorneys Named “Best Lawyers in America”
06.23.2017	Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 “Super Lawyers” and “Rising Stars”
01.02.2017	Carlton Fields Attorneys Named to the 2017 “South Florida Legal Guide”

Recognition

- AV Rated by Martindale-Hubbell
- *South Florida Legal Guide*
- Florida Super Lawyers, *Super Lawyers Magazine* (2017–2019)

- Finalist, Most Effective Lawyers Award, *Daily Business Review* (2010)

Professional & Community Involvement

- International Association of Defense Counsel
 - Former Chair of the Appellate Committee
- American Bar Association
- Defense Research Institute
- Product Liability Advisory Council
- The Florida Bar
- Florida Supreme Court
 - Chair, Standard Jury Instructions Committee – Civil Cases (2020–present)
 - Vice Chair, Standard Jury Instructions Committee – Civil Cases (2018–2019)
 - Former Member, Standard Jury Instructions Committee – Contract and Business Cases
- The 200 Club of Greater Miami

Speaking Engagements

- "Hitting the Brakes on Runaway Juries and Punitive Damages in Automotive Cases," ACI 12th National Forum on Defending and Managing Automotive Product Liability Litigation, Chicago, IL (July 18–19, 2019)
- "Tricks of the Appellate Trade," 2019 Appellate Practice Regional CLE Program, ABA Section of Litigation Appellate Practice Committee, Miami, FL (May 16, 2019)
- "And Now, the Law," ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, San Diego, CA (April 4, 2019)
- "Technology and Cybersecurity," Carlton Fields-Venture Café Miami Visiting Investor Program, Miami, FL (November 29, 2017)
- "Data Breach/Cyber Security: Not a Matter of If, but When: Prepare, Protect & Respond," 29th Annual North American Law Summit, Montego Bay, Jamaica (November 9, 2017)
- "Data Breaches and Cybersecurity Planning – Best Practices in Managing the Risk," Product Liability Advisory Council 2017 Fall Conference, Irving, TX (October 18, 2017)
- "And Now, the Law," ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, Phoenix, AZ (April 6, 2017)
- "Managing the Risk – Program Design and Best Practices," Product Liability Advisory Council 2016 Fall Conference, Colorado Springs, CO (October 6, 2016)
- "Spotlight on Personal and General Jurisdiction: Case Law Updates, Supreme Court Rulings, Resolving Issues With Foreign Defendants, and Defining Being at Home and Principal Place of Business," ACI Automotive Product Liability Litigation Conference, Chicago, IL (June 10, 2016)

- “And Now, the Law,” ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, Phoenix, AZ (April 7, 2016)
- "Issues on Experts: Florida's Significant Change from *Frye* to *Daubert*," Third Annual Appellate Forum for Trial Lawyers, Miami, FL (October 23, 2015)
- "The Latest Nuances on Defending Typical Defect Theories: Rollovers, Side Curtain Air Bags, Tire Aging, Electronic Stability Control, Seat Belts, and Beyond," ACI Automotive Product Liability Litigation Conference, Chicago, IL (June 3, 2015)
- "Preserving Error for Appellate Review," ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, Phoenix, AZ (April 8, 2015)
- "Media Coverage of the High-Profile Case: Winning in the Court of Public Opinion and the Court of Law," IADC Midyear Meeting, Marco Island, FL (February 18, 2015)
- "Expert Rule Changes (*Daubert*)," Construction Litigation: Stuff You Will Use, Hillsborough County Bar Association, Tampa, FL (March 2014)
- “Appellate Practice: The Outer Limits,” IADC Midyear Meeting, Pebble Beach, CA (February 2011)
- “What Every Trial Lawyer Should Know About Preserving Error for Appeal,” International Association of Defense Counsel (September 8, 2010)
- “Hard Times: Jury Trials During the Recession,” ABA Emerging Issues in Motor Vehicle Product Liability Litigation Conference, Phoenix, AZ (April 2010)
- “Conquering the Compurgators – Defeating Corporate Conspiracy Experts at Trial and on Appeal,” IADC Midyear Meeting, Naples, FL (February 2010)

Credentials

EDUCATION

- University of Miami School of Law (J.D., *cum laude*, 1995)
 - Order of the Coif
 - Project Editor, *University of Miami Law Review*
- University of Wisconsin–Madison (B.A., 1992)

BAR ADMISSIONS

- Florida

COURT ADMISSIONS

- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- Florida State Courts

Areas of Focus

PRACTICES

- Appellate & Trial Support
- Class Actions
- Consumer Finance

INDUSTRIES

- Banking, Commercial, and Consumer Finance

- Litigation and Trials
- Mass Tort and Product Liability
- Pharmaceuticals and Medical Devices