



# Jeffrey Michael Cohen

OF COUNSEL

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## Overview

Jeffrey Michael Cohen specializes in trials and appeals of matters involving insurance coverage, insurance bad faith, and complex commercial disputes. He has appeared as counsel in more than 100 reported appellate decisions.

Jeffrey has been board certified as an expert in Civil Trial Law by The Florida Bar since 1983 and was among the first group of Florida lawyers to receive that recognition. Today, he is one of approximately 200 Florida lawyers who has maintained that distinction for more than 30 years.

An internationally recognized teacher of trial advocacy, Jeffrey was recently invited to serve on the faculty of the South Eastern Circuit Bar Mess Foundation Advanced International Advocacy Course at Oxford University's Keble College in Oxford, England. There, he taught barristers from all over the world. The weeklong program is the most demanding and intensive advocacy course in the U.K.

Jeffrey is also an adjunct professor of trial skills at the University of Miami School of Law and a regular faculty member of the National Institute for Trial Advocacy. He serves on the faculty of the Advanced Trial Advocacy Seminar presented by the Trial Lawyers Section of The Florida Bar. In addition, he frequently publishes and lectures on matters pertaining to insurance law and trial advocacy. He is co-chair of the Bad Faith Subcommittee of the ABA Insurance Coverage Litigation Committee.

## Experience

- Insurance related matters, including insurance coverage, bad faith litigation, and the defense of insureds at the request of their carriers.
- Represented financial institutions in asset recovery, loan workouts, and the defense of lender liability claims.
- Real property disputes, including easements, title issues, foreclosures, and specific performance.
- Professional liability and medical-related matters.
- Litigated disputes related to probate, trust, guardianship, and fiduciaries.
- Business torts and commercial disputes.

## All Insights

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03.26.2021	“Specific” Means “Specific” – Florida’s Bad Faith Statute Must Be Strictly Construed
02.05.2021	Florida Supreme Court Defines Damages Recoverable by First-Party Insureds in Actions Alleging Breach of Policy
03.24.2020	Coronavirus Coverage Conundrums
04.24.2016	Sloppy Claims Handling Exposes Insurer to Bad Faith Claims
04.07.2016	Avoiding Bad Faith Claims in Catastrophic Losses
12.22.2015	To Stay or Not to Stay ... That Is the Question
09.27.2015	When Is a Vehicle Not a “Vehicle”?
06.14.2015	Florida Federal Court Limits First Party Bad Faith Claims
12.21.2014	Florida Courts Offer Different Opinions on "Policy Conditions"
07.07.2014	Eleventh Circuit Maps a Route Around Four Corners
03.06.2013	The Use and Misuse of Expert Testimony in Bad Faith Actions
01.01.2013	Responding to Claims for Liability Coverage - A Decision Tree for Insurers
06.11.2012	Florida Supreme Court Rejects Common Law First Party Bad Faith Cause of Action
02.06.2012	Florida Legislature Rejects Bill Restricting Bad Faith Suits Against Insurers
11.14.2011	Changes to Florida's Mediation Rule Will Affect Insurers
09.08.2011	Liability Insurers Will Face Enhanced Exposure From New Medicare Requirements in January 2012
07.25.2011	The "In Fact" Exclusion of a D&O Policy Does Not Require Exhaustion of Appellate Remedies
06.21.2011	Recent Florida Decision Requires Insurers to Provide “Mediation Notice” to Policyholders in Disputed Property Claims

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03.24.2011	An Update On Top-Down Discovery In Actions Alleging 'Institutional Bad Faith'
07.26.2010	Florida Changes Procedures for Civil Remedy Notices
03.01.2009	Snatching Defeat From The Jaws of Coverage; An analysis of Issues Arising from Post-Loss Policyholder Mendacity
03.01.2009	The Bad Faith Set Up - Doin' It and Dodgin' It
03.09.2008	Snatching Defeat From The Jaws Of Coverage
03.01.2007	Your Cheatin' Heart Will Tell on You
11.30.2006	A Lot of No Evidence is Still No Evidence
06.01.2006	Recovery of extra-contractual ('consequential') damages in first - party bad faith cases
01.31.2005	Declaratory Relief: The Antidote to Bad Faith <i>ABA Insurance Coverage Litigation Committee CLE Seminar</i>

### All News

07.09.2018	Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"
08.27.2017	Jeffrey Michael Cohen Served on the Faculty of the Advanced International Advocacy Course at Oxford University's Keble College
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"
03.12.2017	Jeffrey Michael Cohen Presents: The Bad Faith Trial From Complaint to Verdict

### Recognition

- Board Certified in Civil Trial Law by The Florida Bar
- AV Rated by Martindale-Hubbell
- Top Lawyers, *South Florida Legal Guide*
- *Who's Who in American Law*

- *Florida Monthly – Florida's Best Lawyers*
- *The Best Lawyers in America*, Commercial Litigation, Insurance Law (2005–2021)
- Florida Super Lawyers, *Super Lawyers Magazine* (2017–2018)

## Professional & Community Involvement

- American Bar Association
  - Past Chair, Bad Faith Subcommittee of the Insurance Coverage Litigation Committee, Section of Litigation
- The Florida Bar
  - Board of Legal Specialization and Education
  - Past Chair, Board of Legal Specialization and Education (two terms)
  - Past Chair, Civil Trial Law Certification Committee (three terms)
  - Past Chair and Member, Grievance Committees (two terms)
  - Faculty Member, Trial Lawyers Section Advanced Trial Advocacy Program (2005–present)
- Dade County Bar Association
  - Past Director
  - Chair, Professional Arbitration Committee
  - Chair, Judicial Poll Committee
- National Institute for Trial Advocacy
  - Faculty Member, teaches national courses for lawyers in Deposition Skills and Trial Advocacy (1995–present)
- Nova Southeastern University Shepard Broad College of Law
  - Adjunct Professor of Law, teaches courses in Intensive Trial Advocacy and Advanced Intensive Trial Advocacy
- University of Miami School of Law
  - Adjunct Professor of Trial Skills, teaches courses in Pre-Trial Civil Litigation, Pre-Trial Criminal Litigation, and Trial Advocacy (1988–present)
- Appointed by the governor of Florida to serve as special assistant state attorney to the Leon County grand jury in Tallahassee, Florida
- Appointed to serve as special assistant state attorney in Dade County for public corruption cases
- Appointed to the Dade County Alliance for Ethical Government

## Speaking Engagements

- "Spring Break Trial Clinic," University of Florida Levin College of Law, Gainesville, FL (March 2017)
- "The Bad Faith Trial From Complaint to Verdict," ABA Insurance Coverage

Litigation Committee Annual Conference, Tucson, AZ (March 4, 2017)

- “Making It All Go Away – How to Settle the Contested Coverage Case,” ABA Insurance Coverage Litigation Committee Annual Conference, Tucson, AZ (March 3, 2016 )
- “The Right and Duty to Settle: Bad Faith and Negligence Exposure Associated With Third-Party Claim Handling,” ABA Insurance Coverage Litigation Committee Annual Conference, Tucson, AZ (March 5, 2015 )
- "Success in Insurance Coverage Mediation: Yesterday, Today and Tomorrow," ABA Insurance Coverage Litigation Committee Annual Conference, Tucson, AZ (March 7, 2014)
- "Expert Witnesses – Can't Live With 'Em, Can't Live Without 'Em," ABA Insurance Coverage Litigation Committee Annual Conference, Tucson, AZ (March 1, 2013)
- “The Perfect 10 – Invaluable Tips for Litigating Your Insurance Coverage Case,” ABA Insurance Coverage Litigation Committee Annual Conference, Tucson, AZ (March 1–3, 2012)
- “Building Trial Skills: Florida,” Faculty Member for the National Institute for Trial Advocacy yearly seminar, Fort Lauderdale, FL
- “Institutional Bad Faith – Putting the Insurer’s Practices and Procedures on Trial,” ABA Insurance Coverage Litigation Committee Annual Conference (2011)
- "The Bad Faith Set-Up: Doin’ It and Dodgin’ It," ABA Insurance Coverage Litigation Committee Annual Conference (2009)
- “Oops! Loss of Coverage for Failure of Policy Conditions,” ABA Insurance Coverage Litigation Committee Annual Conference (2008)
- “Cross Examination and Impeachment,” Advanced Evidence CLE Seminar of The Florida Bar (2007)
- "Advanced Trial Advocacy," Trial Lawyers Section of The Florida Bar and the University of Florida Levin College of Law (2006–present)
- “Honesty Is the Best Policy [If There’s Money in It] – Fraud, Misrepresentation and Collusion in the Insurance Context,” ABA Insurance Coverage Litigation Committee Annual Conference (2007)
- “Recovery of Extra-Contractual (consequential) Damages in First-Party Bad Faith Cases," ABA Insurance Coverage Litigation Committee Annual Conference (2006)
- “Anatomy of the Board of Legal Specialization and Education,” concerning the history and future of certification of legal experts, ABA National Roundtable on Legal Specialization (2005)
- “Declaratory Relief – The Antidote for Bad Faith,” ABA Insurance Coverage Litigation Committee Annual Conference (2005)
- “Relationship Between Fidelity Bonds, Directors and Officers Policies, and Errors and Omissions Policies,” Fidelity Law Association Annual Meeting (2003)
- “Practicing With Professionalism,” The Florida Bar (on numerous occasions)

## Credentials

### EDUCATION

- Columbia Law School (J.D., 1965)

### COURT ADMISSIONS

- U.S. Supreme Court

- Colgate University (A.B., 1962)

#### BAR ADMISSIONS

- Florida

#### INDUSTRY SPECIALIZATION

#### CERTIFICATIONS

- Civil Trial Law

- 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
- U.S. District Court, Southern District of Florida
- Florida State Courts

## Background

- Division Chief, Dade County Public Defender's Office
- Major Crimes Prosecutor, Dade County State Attorney's Office

## Areas of Focus

#### PRACTICES

- Appellate & Trial Support
- Life, Annuity, and Retirement Litigation
- Life, Annuity, and Retirement Solutions
- Litigation and Trials
- Property & Casualty Insurance
- Title Insurance

#### INDUSTRIES

- Banking, Commercial, and Consumer Finance