



# Christine R. Davis

SHAREHOLDER

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## Overview

Christine Davis is an experienced appellate advocate, regularly handling all aspects of appellate litigation in state and federal courts. Christine concentrates her practice on administrative litigation, complex commercial litigation, medical malpractice, personal injury, health care, product liability, constitutional litigation, and insurance coverage issues, including bad faith actions. She has represented large hospitals and other health care providers, corporations, insurance companies, manufacturers, and governmental entities, among others, in all of these areas.

In addition to her traditional appellate work, a large part of Christine's practice involves serving as appellate counsel before and at trial, through which she has logged countless courtroom hours. This work involves attending trial and assisting with general trial strategy, ensuring the record is preserved for appeal, and drafting and arguing legal motions, case-dispositive motions, jury instructions, and post-trial motions.

Christine frequently provides presentations to her clients, trial lawyers, and other organizations on topics relating to appellate issues and the best trial practices from an appellate lawyer's point of view, which covers every part of litigation, from the filing of the complaint to the filing of the appeal. She also regularly presents on substantive areas of the law in which she practices, set forth above.

Christine is board certified in Appellate Practice by The Florida Bar. She has been listed repeatedly in *Florida Trend's* Florida Legal Elite and selected for inclusion in *Florida Super Lawyers* for Appellate Practice. She is a past-president of the First District Appellate Inn of Court and continues to serve on its Executive Committee, was appointed by the Florida governor to the First District Court of Appeal Judicial Nominating Commission, and was a vice-chair of The Florida Bar Appellate Court Rules Committee.

She is the managing shareholder of Carlton Fields' Tallahassee office.

## Experience

- *Dukes v. Michelin N. Am., Inc.*, No. 4D17-240, 2019 WL 1500713 (Fla. 4th DCA Apr. 4, 2019). Obtained affirmance of a jury verdict in favor of her client in an \$80 million product liability case. Christine also served as appellate counsel during the trial of this matter, which occurred over a 10-week period.
- *Stanchi v. Univ. of Miami*, 263 So. 3d 1131 (Fla. 5th DCA 2019). Obtained affirmance of summary judgment in favor of her client in a matter dealing with a university's liability to its students.
- *Shands Jacksonville Med. Ctr., Inc. v. Pusha*, 254 So. 3d 1076 (Fla. 1st DCA 2018). Granting certiorari petition in medical malpractice case, holding that health care provider did not waive its right to a corroborating presuit expert affidavit when, before providing requested medical records, it sought to verify that the person requesting the records was legally entitled to receive them.
- *Zahoruiko v. Fed. Ins. Co.*, 717 F. App'x 50 (2d Cir. 2018). Insurance coverage action, involving timely notification of claim to insurer under directors and officers liability policy.
- *Anapolsky v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 707 F. App'x 949 (11th Cir. 2017). Provided trial support during week-and-a-half trial and handled appeal in insurance coverage matter involving, among other things, applicability of contractual liability exclusion.
- *Brownsville Manor, LP v. Redding Dev. Partners, LLC*, 224 So. 3d 891 (Fla. 1st DCA 2017). Bid protest relating to affordable housing tax credits; interpretation of request for applications.
- *Arizona Chem. Co., LLC v. Mohawk Indus., Inc.*, 197 So. 3d 99 (Fla. 1st DCA 2016). Obtained reversal of \$15 million award of prejudgment interest based on improper accrual date.
- *Goodwin v. Dep't of Children & Families*, 194 So. 3d 1042 (Fla. 1st DCA 2016). Ability to deduct pre-eligibility nursing home expenses in calculating Medicaid payment.
- *Goodwin v. Agency for Health Care Admin.*, 194 So. 3d 1041 (Fla. 1st DCA 2016). Class certification.
- *Arizona Chem. Co., LLC v. Mohawk Indus., Inc.*, 193 So. 3d 95 (Fla. 1st DCA 2016). Provided trial support during three-week jury trial and handled appeal in complex breach of warranty dispute involving more than \$100 million in claimed damages.
- *Morris v. Muniz*, 189 So. 3d 348 (Fla. 1st DCA 2016). Dismissal of medical malpractice lawsuit for failure to comply with statutory presuit notice requirements.
- *Companion Prop. & Cas. Ins. Co. v. Category 5 Mgmt. Grp., LLC*, 189 So. 3d 905 (Fla. 1st DCA 2016). Applicability of contingency fee multiplier to attorneys' fee award in insurance coverage dispute.
- *Langley v. Nursecore Mgmt. Servs. LLC*, 183 So. 3d 359 (Fla. 2d DCA 2015). Medical malpractice action involving obligation of nurse employed by home health agency to carry EpiPens.
- *Shands Teaching Hosp. & Clinics, Inc. v. Estate of Lawson*, 175 So. 3d 327 (Fla. 1st DCA 2016), *review granted*, No. SC15-1827. Whether lawsuit involved claim for ordinary negligence or medical malpractice, requiring compliance with presuit notice requirements.
- *Carvelli v. Marchand*, 166 So. 3d 797 (Fla. 4th DCA 2015). Provided trial

support during jury trial and handled appeal in medical malpractice action involving nursing obligations.

- *O'Neil v. Walton Cty.*, 149 So. 3d 699 (Fla. 1st DCA 2014). Challenge to development order approving planned unit development.
- *Evanston Ins. Co. v. Design Build Interamerican, Inc.*, 569 F. App'x 739 (11th Cir. 2014). Insurance coverage under commercial general liability policy. Interpretation of employer liability and separation of insureds provisions.
- *Anapolsky v. Nat'l Union Fire Ins. Co.* (S.D. Fla. Sept. 26, 2013). Provided trial support during jury trial involving large claim under directors and officers insurance policy.
- *Kearney v. Kearney*, 129 So. 3d 381 (Fla. 1st DCA 2013). Validity of post-nuptial agreement; valuation of closely held corporation; prejudgment interest; attorneys' fees.
- *Whitney Nat'l Bank v. Golf Strategies, LLC*, 125 So. 3d 985 (Fla. 2d DCA 2013). Action on promissory note reformation; bankruptcy.
- *Rhea v. Dist. Bd. of Trs. of Santa Fe Coll.*, 109 So. 3d 851 (Fla. 1st DCA 2013). Public records disclosure; Family Educational Rights and Privacy Act.
- *Citrus Mem'l Health Found., Inc. v. Citrus Cty. Hosp. Bd.*, 108 So. 3d 675 (Fla. 1st DCA 2013). Constitutionality of special law relating to hospital governance.
- *Graham v. Haridopolos*, 108 So. 3d 597 (Fla. 2013). Constitutionality of Legislature's ability to set tuition and fees for state universities.
- *RTI Biologics, Inc. v. Lexington Ins. Co.* (Fla. Cir. Ct. 2011-2016). Large commercial insurance coverage dispute for alleged mass tort.
- *InteliStaf Healthcare, Inc. v. Gervato*, 91 So. 3d 267 (Fla. 1st DCA 2012). Medical malpractice; scope of new trial.
- *Fitchner v. LifeSouth Cmty. Blood Ctrs., Inc.*, 88 So. 3d 269 (Fla. 1st DCA 2012). Medical malpractice; appeal relating to presuit notice for blood banks and legal causation.
- *Swenson v. Am. Ammunition*, 78 So. 3d 736 (Fla. 4th DCA 2012). Forum selection; product liability.
- *Fla. Dep't of Fin. Servs. v. Nat'l Union Fire Ins. Co.* (N.D. Fla. Mar. 7, 2012). Insurance coverage dispute involving large claim under directors and officers insurance policy.
- *McKesson Medication Mgmt., LLC v. Slavin*, 75 So. 3d 798 (Fla. 3d DCA 2011). Medical malpractice; duty of care owed by pharmacy services provider to hospital patient.
- *N. Pointe Cas. Ins. Co. v. Arden Ins. Assocs., Inc.*, 75 So. 3d 798 (Fla. 4th DCA 2011). Renewal of insurance policy; construction of additional insureds provision.
- *Phillips Capital, Inc. v. Crestview, LLC*, 492 F. App'x 948 (11th Cir. 2012). Rights and obligations under contract.
- *Galencare, Inc. v. Mosley*, 59 So. 3d 138 (Fla. 2d DCA 2011). Whether presuit notice required for claim against pharmacists.
- *Arbor Prop., Inc. v. Lake Jackson Prot. All., Inc.*, 51 So. 3d 502 (Fla. 1st DCA 2010). Challenge to development order's consistency with comprehensive plan.
- *Council for Secular Humanism, Inc. v. McNeil*, 44 So. 3d 112 (Fla. 1st DCA 2010). Applicability of no-aid provision of Florida Constitution.
- *President's Council of SD, Inc. v. Walton Cty.*, 36 So. 3d 764 (Fla. 1st DCA

- 2010). Challenge to development order's consistency with comprehensive plan.
- *Fla. Power & Light Co. v. Fla. Pub. Serv. Comm'n*, 31 So. 3d 860 (Fla. 1st DCA 2010). Public records; confidentiality exception.
  - *Villa Capri Assoc., Ltd. v. Fla. Housing Fin. Corp.*, 23 So. 3d 795 (Fla. 1st DCA 2009). Fairness of administrative hearing; right to records.
  - *Harper Mech., LLC v. Hunt Constr. Grp.*, 23 So. 3d 772 (Fla. 5th DCA 2009). Construction payment dispute.
  - *Creative Choice XXV, Ltd. v. Fla. Housing Fin. Corp.*, 991 So. 2d 899 (Fla. 1st DCA 2008). Agency interpretation of statute.
  - *McCalister v. Sch. Bd. of Bay Cty.*, 971 So. 2d 1020 (Fla. 1st DCA 2008). Constitutional and statutory authority of school superintendents.
  - *LifeSouth Cmty. Blood Ctrs., Inc. v. Fitchner*, 970 So. 2d 379 (Fla. 1st DCA 2007). Medical malpractice; presuit notice.
  - *Sch. Bd. of Miami-Dade Cty. v. King*, 940 So. 2d 593 (Fla. 1st DCA 2006). Constitutional challenge to method of distributing state education funds.

### Representative Amicus Briefs

- *Patronis v. United Ins. of Am.*, No. 1D18-2114 (Fla. 1st DCA). Constitutionality of statute imposing new obligations on life insurance companies.
- *Harvey v. Geico Ins. Co.*, No. SC17-85 (Fla.). Scope of bad faith liability in Florida.
- *Dep't of Rev. v. DirecTV, Inc.*, 215 So. 3d 46 (Fla. 2017). Constitutionality of state sales tax provision providing differential rates to service providers.
- *Fla. Bar re Advisory Op.—Scharrer v. Fundamental Admin. Servs.*, 176 So. 3d 1273 (Fla. 2015). Whether certain activities by in-house counsel not licensed in the state constitutes the unauthorized practice of law.
- *DirecTV, Inc. v. Dep't of Rev.*, 218 So. 3d 895 (Fla. 1st DCA 2015). Constitutionality of sales tax provision providing differential rates to service providers.
- *Bondi v. Tucker*, 93 So. 3d 1106 (Fla. 1st DCA 2012). Constitutionality of prison privatization legislation.
- *Atwater v. City of Weston*, 64 So. 3d 701 (Fla. 1st DCA 2011). Constitutional validity of growth management statute; whether governor or individual legislators are proper parties to lawsuit challenging statute's constitutionality.

### All Insights

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|------------|--|
| 07.10.2019 | Florida Governor Ron DeSantis Reappoints Carlton Fields' Christine R. Davis to First District Court of Appeal Judicial Nominating Commission                                     |
| 04.30.2019 | Pending Approval By Governor, Companies That Rent Industrial "Special Mobile Equipment" Will No Longer Be Subject to Strict Vicarious Liability for the Actions of Their Renters |
| 03.18.2019 | Trial Checklist  |

03.07.2019	A Post-Trial Triage Checklist
02.20.2019	Preserved, Actually: Preservation of Arguments Definitively Rejected by the Trial Court
08.24.2018	Fla. Hospital Can Verify Records Request In Med Mal Suit
08.13.2018	Jennifer A. Tschetter Joins Carlton Fields in Tallahassee, Adding Medical Marijuana Regulatory Practice
07.09.2018	Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"
06.29.2018	Carlton Fields Ranked Top Firm and Attorneys Named Legal Leaders in Florida Trend Magazine's 2018 "Legal Elite"
06.04.2018	Objecting to Violations of Prior Rulings
01.01.2018	Recent Developments in Property Insurance Coverage Litigation
10.09.2017	Carlton Fields' Clients Prevail in Unusual Qui Tam Case
10.06.2017	Judge Says Attorneys Are Immune From Court Filing Fees Suit
09.20.2017	When in Doubt, Assume the Earliest Possible Deadline
06.23.2017	Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 "Super Lawyers" and "Rising Stars"
02.14.2017	The Key to Jury Instruction Preservation: Objecting with Precision and Completeness
01.01.2017	Carlton Fields Names Six New Office Managing Shareholders
03.29.2016	A Model Preservation Test for Race-Based Peremptory Challenges
03.22.2016	Second District Clarifies Preservation Test for Race-Based Peremptory Challenges
03.14.2016	Moving For Remand: When Have You Lost Your Chance?
01.15.2015	A Primer on the Intentional-tort Exception to Employers' Workers' Compensation Immunity

- 07.24.2013 Florida Legislature Repeals Longstanding Law on Terms of Courts and Creates New Law Affecting Appellate Court's Ability To Recall Mandate
- 
- 06.13.2012 Florida Supreme Court Declares Hospital Lien Law Unconstitutional Under Florida Constitution's Prohibitions Concerning Special Laws, But Upholds Local Ordinance With Same Effect As Law
- 
- 02.15.2011 Court Rules that Documents Ordered Produced Under "Patient's Right to Know" Amendment ("Amendment 7") are not Admissible at Trial
- 
- 12.01.2008 Using Technology to Help Win the Trial and Appeal
- 
- 06.01.2008 Statutory Construction In Florida: In Search Of A Principled Approach

## Recognition

- Phi Delta Phi, Honorary International Legal Fraternity
- Selected for inclusion in *Florida Super Lawyers*, Appellate (2013-2019)
- Selected for inclusion in *Florida Trend's Florida Legal Elite* (2013-2018)
- Board Certified in Appellate Practice by The Florida Bar

## Professional & Community Involvement

- Appointed by Governor Rick Scott to the Judicial Nominating Commission for the First District Court of Appeal (2016-2019); reappointed by Governor Ron DeSantis (2019-2023)
- The Florida Bar
  - Appellate Court Rules Committee
    - Vice Chair (2016-2017)
    - Member (2012-2017; 2019-present)
  - Board of Governors, Young Lawyers Division, Second Circuit
  - Elected Representative (2006-2013)
- First District Appellate Inn of Court
  - President (2016-2017)
  - Executive Committee (2012-present)
  - Member (2008-present)
- William H. Stafford Inn of Court
  - Active Member (2000-2016)
  - Alumni (2016-present)

- Tallahassee Bar Association
  - Board of Directors (2017-present)
  - Board of Directors, Young Lawyers Section (2007-2009)
- American Bar Association
  - Tort Trial and Insurance Practice Section
  - JD Appellate Judges Conference
- Tallahassee Museum of Natural History
  - Board of Directors (2010-2014)

## Speaking Engagements

- Practicing Before the Florida Supreme Court seminar (June 7, 2018).
- "Improper Arguments and Motions for Mistrial," Third Annual Appellate Forum for Trial Lawyers, Miami (October 23, 2015).
- "Diversity in Law Firms/In-House Counsel," The Florida Bar Young Lawyers Division Central Florida Diversity Symposium, Tallahassee, FL (May 9, 2014).
- "Preparing for Oral Argument – A View From Both Sides of the Bench," Tallahassee, FL (June 5, 2013).
- Practicing Before the Florida Supreme Court seminar (2006-2012).
- Statewide Summit, Funding Justice: The Campaign for Florida Courts, Miami (January 2009).

## Pro Bono

- *Acevedo v. State*, 218 So. 3d 878 (Fla. 2017).
- *Kelley v. State*, 974 So. 2d 1047 (Fla. 2007).
- *Bush v. State*, 945 So. 2d 1207 (Fla. 2006).
- *Van Loan v. Downey*, 915 So. 2d 203 (Fla. 1st DCA 2005).
- *State v. Richardson*, 915 So. 2d 86 (Fla. 2005).

## Credentials

### EDUCATION

- Florida State University College of Law (J.D., with honors, 2002)
  - Executive Editor, *Florida State University Law Review* (2001-2002)
  - William H. Stafford American Inn of Court
- Florida State University (B.S., 1999)

### COURT ADMISSIONS

- United States Supreme Court
- Florida State Courts
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida

#### BAR ADMISSIONS

- Florida

- U.S. District Court, Northern District of Florida

#### BOARD CERTIFICATIONS

- Appellate Practice

#### CLERKSHIPS

- Hon. Charles T. Wells, Florida Supreme Court

### Background

- Law Clerk to the Honorable Charles T. Wells, Florida Supreme Court (2002-2004)

### Areas of Focus

#### PRACTICES

- Administrative Litigation and Appeals
- Appellate & Trial Support
- Government Affairs and Lobbying
- Government Law & Consulting
- Litigation and Trials
- Mass Tort and Product Liability

#### INDUSTRIES

- Health Care