

DAVID W. HENRY, ESQ.
CURRICULUM VITAE

Henry Mediation P.A.

3421 Pinetree Rd.
Orlando FL
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www.henryadr.com

Civil mediation services in state and federal court. Service as neutral and special master. Mediation training and continuing education for lawyers and insurance professionals.

Marshall Dennehey Warner Coleman & Goggin, PC

Shareholder (May 2015 to Nov. 2019)
315 E. Robinson St. Suite 550
Orlando, FL 32801
407.420.4418

Non-medical professional liability, D&O, intellectual property and employment litigation. In-house mediation trainer for 500+ attorney law firm in six states. Private mediation services in state and federal court. National Settlement Counsel for the USLI Group.

Florida Supreme Court Certified Civil Mediator (2006 to present)

Civil mediation for cases pending in state and federal court including intellectual property, shareholder disputes, fiduciary liability, personal injury, insurance, contracts, real estate, community associations, and business litigation.

Alvarez Winthrop Thompson & Storey, P.A., Orlando, FL

Partner (Jan. 2012 to May 2015)
Business and professional liability, employment claims, insurance coverage litigation, and mediation services.

Swartz Campbell, LLC - Orlando, FL

Partner (2009 - 2012)
Business and professional liability, intellectual property, insurance coverage litigation and mediation services.

Allen Dyer Doppelt Milbrath & Gilchrist, P.A.- Orlando, FL

Shareholder (March 2003 - March 2009)
Intellectual property litigation, professional liability, and insurance coverage litigation in state and federal court.

Law Clerk to the Honorable Warren J. Cobb (1988-1989)

Fifth District Court of Appeal, Daytona Beach, Florida.

Legal Research and Writing Instructor, University of Florida College of Law (1987-1988)

Taught required LR&W course for first year law students.

National Faculty, Society of Certified Insurance Counselors (1994 to present)

Insurance educator for CIC® programs offered nationally by the National Alliance and state licensees for insurance agents, brokers and other designees. Topics includes insurance agent errors and omission liability, advertising injury, IP protection for insurance carriers and agencies.

EDUCATION

University of Florida College of Law, Gainesville, FL (J.D. 1988)
Emory University, Atlanta, Georgia (B.A., English 1985)
Robert T. (Bobby) Jones Fellowship Scholar to the Univ. of St. Andrews, Scotland (1983-84)
Melbourne High School, Melbourne, Florida (1981)

QUOTED/NOTED

Orlando Lawyer (2009) (feature article)
Entrepreneur, October 2002
Commercial Law Bulletin (July/August 2002)
Best's Review P&C Edition (February 1997); pg. 76

PROFESSIONAL RECOGNITION AND AFFILIATIONS

2017, 2018, 2019 Best of Orlando® – Mediation, *Orlando Magazine*
2017, 2018, 2019 Best of Orlando® – Insurance Law, *Orlando Magazine*
2019 Best Lawyers in America®

2016 Legal Leaders® TOP RATED Lawyer for ADR

AV Preeminent® Martindale Hubbell

Orange County Bar Association

Co-Chair, ADR Committee (2018 - 2019)

Chair, Business Law Committee (2004 - 2005)

Distinguished Service Award – Orange County Bar Foreclosure Mediation Project

Florida Defense Lawyers Association (2009 – 2013)

Chair, ADR Committee (2009 - 2011)

2010 and 2011 Douglas P. Lawless Award for ADR

2011 President's Award

AIPLA – Chair and founder, IP Insurance Subcommittee (2005 to 2007)

Defense Research Institute (2002-2013)

Chair, Intellectual Property Litigation Subcommittee (2005 - 2007)

Program Chair, DRI Intellectual Property Litigation and Insurance Seminar (2004)

PUBLICATIONS/PAPERS

Mediation Minute f/k/a Mediation Notes, editor and principal contributor – monthly newsletter on mediation advocacy and ethics. August 2015 to present.

"Crushing It at Mediation!" *The Briefs*, Vol. 86 no. 4, May 2018 (Orange County Bar)

"Insurance Agent E&O Claims Prevention and Defenses - the Road Ahead," (with Tim Ventura), *Insights, Journal of the Institutes CPCU Society* (Summer 2017).

"Mediation as a Dark Art: A Mediator's Message to Parties Seeking to Settle a Difficult Case," *Business Law Today*, pub. American Bar Association, Business Law Section, March 2014

"The Litigator's Guide to Successful Mediation Advocacy: The Case for Mediation Optimization Orders," *For the Defense*, March 2012

"Improving Civil Mediation Practice and the Case for Mediation Optimization Orders," *The Briefs*, Aug. 2011 vol. 79 n. 8 (article on civil mediation advocacy)

"Insurance Coverage for Intellectual Property Claims," *The Briefs* vol. 77 no. 6 (June 2009)

"Big Bombs Need A Long Fuse: Effective Mediation in Complex Cases," *For the Defense*, October 2007

"Running A Good Litigation Practice: 10 Rules for New and Not So New Litigators," *Trial Advocate Quarterly*, Vol. 23, n. 1 (Winter 2004)

"Speaking Candidly About Candor," *National Underwriter*, vol. 109, no. 21, May 30, 2005

"Injecting Aesthetics Into the Industry: The First Element of the Human Voice," *National Underwriter*, vol. 107 no. 32, Aug. 11, 2003

"Insurance Agents E&O Exposure in the Hard Market," *PLUS Journal* (Oct. 2002), republished Agent & Broker Solutions, vol. 16 no. 1 (Feb. 2003) (with James T. Harrison, Jr.)

"Agency Management Based E&O Underwriting," *PLUS Journal* October 2001

"The Accidental Jurist", *The Briefs*, Orange County Bar Association, Vol. XVII, No. 12 (May 1990); republished in the *Bulletin Board*, Seminole County Bar Association (Oct.-Nov. 1990); republished in *The Record, Journal of the Appellate Practice and Advocacy Section*, The Florida Bar, vol. IV, no. 3 (March 1996)

Executive Forum, Hotel & Motel Management vol. 209 n.8 (4/4/93) (topic: hotel security)

"Double Jeopardy After *State v Smith*," Fla. Bar Journal, vol. 63 no. 9 (Oct. 1989)

LAW FIRM SEMINARS

"Advanced Mediation Practice - Casting Light on the Dark Art of Mediation"
- multiple presentations to Florida law firms from 2012 to present:

McEwan, Martinez, Dukes & Hall, P.A.

McGivney & Kluger

Zimmerman Kiser Sutcliffe

Bogin Munns & Munns

Rumberger Kirk & Caldwell

Widerman Malek

Colling Gilbert Wright & Carter

Fassett, Anthony, Divine & Taylor

Morgan & Morgan
Smith Milhausen
Gray Robinson
Marshall Dennehey Warner Coleman & Goggin
deBeaubien Knight Simmons Mantzaris
Hill Rugh Keller & Main

PRESENTATIONS TO INSURANCE AND BAR ORGANIZATIONS

"Crushing It at Mediation During the Pandemic and Beyond," for the Orange County Bar Association, Orlando, FL, June 4, 2020.

"IP Issues for the Construction Industry," November 21, 2019, for the Orange County Bar IP Committee, Orlando, FL

"The Next to Last Mediation Seminar You Will Ever Need", June 5, 2018 for the Orange County Bar Association

"Effective Mediation for Claims Professionals," Minnesota Lawyer Mutual, September 11, 2018

"Effective Mediation for Claims Professionals," Gallagher Bassett Corporate Headquarters, Chicago, May 13, 2017

"Casting Light on the Dark Art of Mediation," AmTrust, Chicago, IL, May 14, 2017

"Mediation is Not A Punchlist Item," Insurance in the Construction Industry in Florida, Seminar Group, Miami FL, May 11, 2017

"Winning at Mediation: Observations from the Mediator's Chair," inhouse presentation to AIG claims personnel, New York, NY, March 15, 2016

"IP Insurance and Other Topics for a First Date," presentation to OCBA IP Committee, November 4, 2016

"Advertising Injury for Insurance Professionals," CPCU Education Day, Orlando, FL, November 18, 2014

"Advanced Mediation Advocacy," presentation to the OCBA Business Law Committee, July 2, 2014

"Effective Mediation Preparation," presentation to the Florida School Board Attorney's Association, June 7, 2013.

"Casting Light on the Dark Art of Mediation: Advanced Lessons in Mediating the Employment Case, OCBA Labor & Employment Law Seminar, April 24, 2013, Orlando, FL

"Successfully Mediating IP Claims," Hillsborough County Bar Association IP Committee, September 27 2012, Tampa, FL

Casting Light on the Dark Art of Mediation: Advanced Lessons in Mediating the Commercial Case," Professional Mediation Institute, August 22, 2012, Orlando, FL

Co-presenter, "Effective Mediation Techniques and Case-law Update," Florida Liability Claims Conference,

June 7, 2012, Orlando, FL

"Gender Issues in Mediation, "Marion County Association for Women Lawyers, Ocala, FL, January 16, 2012
Advanced Mediation Practice," presentation for CFAWL, Orlando, January 11, 2012

"Mediation Myths and Misadventures, "OCBA Labor & Employment Law Committee, March 23, 2011

"White Hat, Black Hat and Grey Matter in Mediation: Advanced Personal Injury Mediation Practice,
Florida Liability Claims Conference, Disney's Contemporary Resort, June 2, 2011 (w/ Dan Honeywell, Esq.)

Keys to Successful Mediation for Claims Personnel," Selective Insurance Claims Meeting, Hershey, PA, May
18, 2011

"Big Bombs Need a Long Fuse:" Effective Mediation Preparation, Brevard County Bar Association March 25,
2010

"Adding Profit Through Intellectual Property Insurance," PIA EXPO, Orlando, FL, April 21, 2010

"A to Z Checklist for E&O Prevention," Brown & Brown Insurance of Orlando, November 9, 2009

"Big Bombs Need Long Fuses - Effective Mediation Preparation," for the Palm Beach County Justice
Association, October, 2007

"Insurance for Intellectual Property Claims," Fla. Bar Intellectual Property Certification Review Course,
Orlando, FL, July 20, 2007

"Personal and Advertising Injury Coverage," Orange County Bar Association, Orlando FL, June 21, 2007

"Large Agency E&O Prevention," for PIAW, September 7, 2006, Madison, WI

"Retail Agent's Guide to the Wholesale Market," FAIA Annual Convention, Orlando, FL, June 23-24, 2005

Legal and Ethical Responsibilities of Insurance Agents, Society of CIC Agency Management Institute, Tampa,
Florida, July 13-14, 2001

The Role of the Human Voice in the Insurance Industry's Search for Success and Workplace Values,
Independent Insurance Agents of Georgia, Annual Convention, Lk. Buena Vista, FL, June 22, 2001

"An E&O Related Rant," presented to the AIA Agents & Brokers Division Meeting, Aviation Insurance
Association Annual Convention, Washington D. C., May 8, 2000

"Controlling Defense Costs in the American Legal System," and "The Y2K Phenomenon - Is There a
Solution?" for AAMGA/London Seminar, Lloyds' Training Institute (March 25-26, 1998)

"Errors and Omissions Prevention," Professional Insurance Agents of Central Florida, April 29, 1992

"Errors and Omissions Liability of Managing General Agents," for the AAMGA University, Portland, OR,
November 10, 1993 and Nassau, Bahamas, February 14, 1992

NATIONAL ALLIANCE/CIC PROGRAMS (CIC Designation Courses)

"Advertising Injury and Insuring Intellectual Property," Society of CIC Seminar, Ellicott City MD, March 9, 2015 and Las Vegas, NV January 27, 2015; Orlando, FL, June 12, 2013; Napa, CA, November 8, 2012; Dallas, TX, March 25, 2012; MEGA Seminar June 19, 2012, Orlando, FL; Overland Park, KS, March 16, 2011; "Wrightsville Beach, NC, August 6, 2008; Des Moines, Iowa, August 23-24, 2007

"Agent's Guide to Legal Liability and Litigation Trends," Society of CIC Seminar, Omaha, NE, August 11, 2015; King of Prussia, PA, April 28, 2015

"Intellectual Property Protection for Agencies and Companies," Society of CIC Seminar, Omaha NE, August 12, 2015; King of Prussia, PA, April 28, 2015; Manchester, VT, April 8, 2010; Orlando, FL, February 24, 2010

"Anatomy of the Litigation Process," and Managing the Attorney/Client Relationship," Society of CIC Legal Concepts Ruble, Chicago, IL, September 6, 2006

"Agency Management Based Errors and Omissions Prevention," Society of CIC Seminar, Ellicott City MD, March 9, 2015 and Las Vegas, NV January 27, 2015, Falmouth, MA June 19, 2014; Marco Island, FL, July 18-19, 2013; Orlando, FL, June 12, 2013; Napa, CA, November 8, 2012; Dallas, TX, March 25, 2012; Selective Ins. Company, Branchville, NJ, May 21, 2008; Des Moines, Iowa, August 23-24, 2007

"Retail Agents Guide to the Wholesale Market," CIC Ruble Seminar, Las Vegas, NV, February 9, 2005, Angola, IN, October 5, 2004; New Orleans, March 29, 2004; Omaha NE, February 20, 2003, Annapolis, MD August 15, 2002

TOURISM AND GOLF RELATED CONFERENCES

"Liability for Third Party Attacks", Fla. Bar Cont. Ed. Seminar presented by Lorman Business Inst., Church Street Station, Orlando, FL, January 21, 1999

"Premises Liability: What is the Standard of Care?" Treasure Coast Security Association, Club Med Sandpiper Resort, Port St. Lucie, FL, June 16, 1995

"Defending Negligent Security Claims Against Hotels," Central Florida Hotel & Motel Security Association, Orlando, FL, March 24 and August 25, 1993

Dimples, Dursban, and Disabilities, 11th Annual National Golf Course Owners Association Meeting, Lake Buena Vista, FL, February 14, 1993

"Carts, Claims, and Contracts," National Golf Course Owner's Association Conference, Myrtle Beach, South Carolina, September 16, 1992

DRI SEMNARS

"Helping Lawyers and Law Firms Prepare for Big Changes, " DRI Annual Meeting, Washington D.C., October 13, 2007

"Intra-Litigation Conflicts Between Insurers and Insureds in IP Litigation," DRI Intellectual Property

Seminar, November 3, 2006, Key Biscayne, FL

Program Chair, "Intellectual Property Litigation and Insurance Coverage," DRI/LI Seminar, San Diego, CA, October 23-24, 2004

"Complexities of IP Remedies," DRI Intellectual Property Seminar, Phoenix, AZ, Nov. 21-22, 2002

CHUBB SPONSORED AND LARGE AGENCY PRESENTATIONS

"Advertising Injury and Insuring Intellectual Property," Chubb Insurance Producers School, Austin, TX, July 21, 2008

"Insurance for Intellectual Property and Other Myths," 2nd Annual Chubb Technology and Life Sciences Symposium, October 15, 2009, Tampa, FL

"Agency Management Based Errors and Omission Prevention with the Human Voice," Mazonson Insurance Agency, Boston, MA June 29, 2008