

David W. Henry, Esq.
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Henry Mediation P.A. (2019 to present)

Florida Supreme Court Certified Civil Mediator (2006 to present)

Civil mediator for cases pending in state and federal court including personal injury and insurance claims, intellectual property, shareholder disputes, fiduciary liability, contracts, real estate, community associations, and business litigation. Service as neutral, arbiter and special master.

www.henryadr.com

Just Resolve, LLC

Affiliated neutral serving on nationwide panel for company providing Neutral-driven Dispute Resolution (NDR) services.

Florida Dispute Resolution Center ADR Rules & Policy Committee (2022 to present)

Member of Florida Supreme Court supervised committee dedicated to making recommendations for improving the use of ADR procedures in state courts throughout Florida.

PRIOR EMPLOYMENT

Marshall Dennehey Warner Coleman & Goggin, PC

Shareholder (May 2015 to Nov. 2019)

315 E. Robinson St. Suite 550

Orlando, FL 32801

Litigation attorney and mediator focusing on 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.

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.

Grower Ketcham More Noecker Rutherford and Eide, P.A. Orlando FL

Associate/Partner (1993 to 2003)

Insurance defense litigation including professional and general liability, products liability, and aviation accidents.

TEACHING/LECTURER

University of Florida College of Law

Guest lecturer, Intellectual Property Seminar (2005-06)

Instructor, Legal Research and Writing (1988)

National Faculty, Society of Certified Insurance Counselors (1994 to 2021)

Insurance educator for CIC® programs offered nationally by the National Alliance and state insurance organizations for insurance agents, brokers, and other designees. Topics include insurance agent errors and omission liability, liability insurance, and intellectual property protection for insurance carriers and agencies.

EDUCATION

University of Florida College of Law, Gainesville, FL (J.D. 1988)

Moot Court, Vice Chair

Research Assistant, Growth Management Studies Center

Emory University, Atlanta, Georgia (B.A., English 1985)

Univ. of St. Andrews, Scotland (1983-84)

Robert T. "Bobby" Jones Fellowship (awarded in 1983)

Coach, University Challenge Team (2nd Place in UK in 1984)

Melbourne High School, Melbourne, Florida (1981)

PROFESSIONAL RECOGNITION AND AFFILIATIONS

2017 to 2024 *Best of Orlando®* – Mediation

2017 to 2021 *Best of Orlando®* – Insurance Law

2019-2023 *Best Lawyers in America®*

Executive Council, ADR Section of the Florida Bar (2019-2022)

Emeritus Member of Executive Council (2022 to present)

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)

Douglas P. Lawless Award for ADR (2010-11)

2011 President's Award

American Intellectual Property Lawyer's Association

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, author and publisher of monthly newsletter related to mediation advocacy, rules, and ethics. Commenced August 2015 and continuing.

"It Only Takes One A\$\$ to Spell Impasse: Mediating Employment Claims and Corporate Divorce," *The Trial Advocate*, Vol. 43, no. 3 (3Q2024)

"Neutral-Driven Dispute Resolution – The Missing Piece of ADR," *Fla. Bar. Journal*. Vol. 98, No. 2 (March/ April 2024)

"The Hidden Danger with Zoom Mediation and Illusory Settlement Agreements," *Fla. Bar Business Law Section Newsletter*, Nov. 2023.

"Making the Case for Early Mediation," *CLM Magazine* October 20, 2022

"An Open Letter to Judges in Florida: Why Non-Binding Arbitration Stinks and the Role of Early Mediation in Dispute Resolution," *The Briefs*, vol. 90 no. 4, (May 2022)

"Revisiting Mediation Provisions with Federal Court Case Management Orders," *The Common Ground*, Vol. 3, No. 2 (Fall 2021) published by the ADR Section of the Florida Bar

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

"Mediation as a Dark Art: A Mediator's Message to Parties Seeking to Settle a Difficult Case," *Business Law Today*, published by the American Bar Association, 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)

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

PRESENTATIONS TO BAR AND INSURANCE ORGANIZATIONS

"What Smart Lawyers Know: Building and Maintaining Clients Through Mediation," Law Practice CLE, webinar recorded on June 3, 2025.

"They Say It's Not About the Money: Successfully Mediating Trust and Estate Litigation," for the Orange County Bar Association, May 5, 2025

"Critical Liability Insurance Issues for Litigators," sponsored by the Florida Bar Business Law Section, February 6, 2025, webinar w/ Derrick Natal, Esq.

"Case Management and ADR in the 18th Circuit," sponsored by the Young Lawyers Division of the Brevard County Bar Ass'n, Jan. 30, 2025, Viera, FL

"Mediate Like Your Career Depends Upon It – Strategies for Effective Mediation in Federal Court, " sponsored by myLawCLE for the Federal Bar Association, Orlando, FL., Feb. 28, 2024 (online webinar)

Mediate Like Your Livelihood Depends Upon It – Because It Does!" CLE for the ADR Section of the Florida Bar, Nov. 9, 2023

"From Business Litigator to Problem Solver, " CLE for the Business Law Section of the Florida Bar, Oct. 26, 2023

"Mediation Mastery in 60 Minutes," Volusia County Bar Association, Feb. 10, 2023

"Win Dave Henry's Skymiles: Mediation Rules and Ethics Pop Quiz," for the Orange County Bar Business Law Committee, Feb. 1, 2023

"Ten Things I Wish Someone Would Have Told Me Thirty Years Ago," for the Florida Bar Young Lawyers Section, Nov. 3, 2021

"The New Metric - How Law Firms Use Mediation Advocacy for a Competitive Advantage," for the ADR

Section of the Florida Bar, October 21, 2021 (with J. Jeff Deery)

"90 Minutes to Mediation Mastery," webinar presented on February 17, 2021 (for the ADR Section of the Florida Bar)

"Casting Light on the Dark Art of Mediation," webinar presented on December 3, 2020

"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," presentation to Minnesota Lawyer's Mutual, September 11, 2018, and Gallagher Bassett Corporate Headquarters, Chicago, May 13, 2017

"Casting Light on the Dark Art of Mediation," presentation to 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," in-house presentation to AIG 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

"E&O Liability of Managing General Agents," for the AAMGA University, Portland, OR, November 10, 1993

LAW FIRM SEMINARS

"Advanced Mediation Practice – Casting Light on the Dark Art of Mediation"
– multiple CLE 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

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 INDUSTRY 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 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