

[Insurance coverage law certification proposal pitched](#)

The Florida BAR

‘It’s a very nuanced area of the law that requires continuous work, continuous study’

Certification logo Tampa insurance lawyer Debbie Crockett has good news for Florida consumers and colleagues who believe their years of experience in a complex practice area sets them apart.

On August 12, the co-chair of the Real Property, Probate & Trust Law Section’s Insurance and Surety Committee filed an application with the Bar to create an “insurance coverage law” board certification program.

“My only regret is that I didn’t do it sooner,” Crockett said. “However, I couldn’t have anticipated several years ago the insurance crisis that the state is facing.”

With board certification available in 27 practice areas, from admiralty & maritime law to workers’ compensation, Florida has one of the most robust programs in the nation. A recent Bar study showed that 5% of Florida lawyers are board certified.

“Board certification recognizes attorneys’ special knowledge, skills, and proficiency in various areas of law and professionalism and ethics in practice,” according to the program’s website.

If the Board of Legal Specialization and Education, the Board of Governors, and the Supreme Court approve, supporters estimate that as many as 200 Florida lawyers could be board certified in insurance coverage law within the next few years. Crockett’s research shows that only the Ohio and Texas bars have insurance-related board certification programs.

Supporters spent months surveying every Florida Bar committee, section, and division, Crockett said.

“No serious objection, although some committees and sections said, ‘Good for you, we hope you succeed, but we have no position,’” Crockett said. “A lot of people said ‘I can’t believe we don’t have it.’”

Crockett is proud that the committee recruited pledges from 258 insurance lawyers.

“You have to get petitions signed by lawyers who say that they agree that the board certification should be created, and that they commit, if created, to seek board certification,” she said.

Crockett hopes that once word of the application spreads, more lawyers who support the proposal will contact their representatives on the Board of Governors.

The application defines the proposed specialty area as “the practice of law that involves issues, disputes, and matters among or between insurers, policyholders, or third-party insurance policy beneficiaries concerning the rights, duties, responsibilities, and coverages that arise out of insurance policies. Included subspecialties are first-party, third-party, bad faith/extracontractual claims, and state regulatory procedures and practices, which would be part of (not separate or in addition to) the Insurance Coverage Law board certification.”

Proposed knowledge and skills would include “the areas of contract formation and cancellation, insurance policy construction, insurance policy interpretation, property insurance, liability insurance, insurance coverage litigation, reinsurance, bad faith/extra contractual litigation, recurring issues in insurance coverage professional responsibility, and other types of insurance, such as life and disability, professional liability, directors and officers, employment practices, commercial crime and fidelity, excess, umbrella, environmental, workers’ compensation, builder’s risk, and OCIPs/CCIPs.”

The proposal is endorsed by the non-profit, consumer advocacy group United Policy Holders, which noted that, “In the wake of natural disasters, it is challenging for Florida residents to identify qualified counsel on matters of insurance coverage.”

The Florida Justice Association’s Property Insurance Section wrote that an insurance coverage law board certification program, “will add value for Florida consumers by identifying the most competent lawyers in a growing and nuanced area of practice,” and help business owners with risk assessment.

The Florida Defense Lawyers Association, which claims 1,200 civil defense and “insurance professionals,”

is also a supporter.

“The FDIA has several substantive committees that focus on insurance coverage and bad faith. Many FDIA members practice almost exclusively in these areas and would benefit from having their expertise recognized...”

The FDIA goes on to say, “It is our view that the certification should also encompass bad faith law and perhaps should be renamed “Insurance Coverage and Bad Faith.”

Crockett says getting support from such diverse groups shows the proposal is balanced.

A 1999 University of Baltimore School of Law graduate, Crockett is a Maryland native who came to Florida in 2004. She recently celebrated a 10-year anniversary with Cheffy Passidomo, where she considers her practice area to be an unusual blend. Homeowners who have disputes with their insurance companies make up a good portion of it, she said.

“I also represent lots of general contractors, subcontractors, design professionals, who then end up suing their insurance company, but not for coverage for themselves, but for liability coverage, because someone has sued that contractor or professional.”

Crockett said her insurance knowledge gives her an advantage when she reviews contracts for building contractors, subcontractors, and design-professional clients.

Crockett said friends on the RPPTL’s Insurance and Surety Committee discussed the proposal years ago, before the COVID-19 pandemic, while they were attending a Real Property, Probate & Trust Law convention.

People with her insurance focus “felt homeless in The Florida Bar,” she said, and “it just wasn’t in me to start a whole section.”

“With Insurance and Surety, the focus has always been construction and insurance, because it’s so tied with the Construction Law Committee,” she said. “So, what’s always been missing from the Insurance Surety Committee, in my view, is the attorneys who handle insurance claims for policy holders.”

Michael Cassel, a managing partner with Cassel & Cassel in Hollywood, agrees. A 2011 FIU College of Law graduate, he spent the first part of his career defending insurance carriers in first- and third-party commercial and residential insurance claims with a focus on coverage, liability, and bad-faith issues. He has since switched to representing policy holders in disputes with insurance companies.

Cassel obtained an LLM in insurance from the University of Connecticut, in part, because there was no board certification program available in Florida.

“I really wanted to stand out in an area where there’s no ability to stand out,” he said.

Cassel has been maintaining a blog of the latest developments in insurance law for the past eight years, but not necessarily to attract a wide readership.

“The reason that I do that is because I need to analyze the law, and I need to be able to remember when I apply it,” he said. “It’s a very nuanced area of the law that requires continuous work, continuous study.”

A board certification program would help consumers and insurance companies, Cassel said.

“It’s not the good attorneys that the insurance companies hate, it’s the bad ones who they still have to pay because of one thing or another,” he said. “That’s why I think board certification is hugely important, it allows people to know who really takes a passion and interest in this area of law instead of just dabbling.”