

Push for insurance law certification gains momentum

The Florida Bar

Sponsors hope three major hurricanes this year will help convince the Board of Legal Specialization and Education to approve an “Insurance Coverage Law” board certification program when it meets November 8.

“I am very optimistic that the full BLSE will agree that there is a void in current Florida Bar board certifications when it comes to insurance,” said Tampa attorney Debbie Crockett. “That void can only be filled by the creation of the Insurance Coverage Law board certification.”

Crockett, a member of Cheffy Passidomo’s litigation department for the past decade, heads a Real Property, Probate & Trust Law panel that filed the proposal in late August, after Hurricane Debby. Since then, Helene and Milton struck less than 12 days apart, damaging thousands of homes and businesses and threatening to further destabilize the insurance market.

“And certainly, after every hurricane season, it becomes more and more apparent that Florida consumers need to be able to seek out experienced board-certified attorneys for help when insurance companies completely deny coverage or otherwise refuse to provide 100% coverage available under policies that – by the way – policy holders bought and paid for through ever-increasing premiums,” Crockett said.

Crockett and three colleagues, Mark Boyle, Reed Grimm, and Scott Pence presented the proposal to the BLSE Standards Subcommittee last week.

“They asked insightful questions, and we appreciated their time and thoughtful consideration. And, of course, we are grateful that they approved moving the application to the full BLSE,” she said.

Michael Cassel, a managing partner with Cassel & Cassel in Hollywood, is a supporter who plans to join

Crockett at the November 8 meeting. He spent the last week in trials that arose from insurance disputes related to Hurricane Ian in September 2022. He has never appeared before the BLSE, but he's also optimistic.

"I figure if I can argue in front of an appellate panel, or in front of judges, or in front of a jury, I can probably do it" in front of the BLSE, he quipped.

Crockett's committee spent months circulating the proposal to various Bar committees and sections – and recruiting pledges from 258 insurance lawyers willing to participate in a program if it's approved.

"Since submitting the application, I have had about 15 or so attorneys (in-house with insurance carriers, in private practices, and full-time neutrals) reach out to me, and some have sent their own emails and letters in support to the BLSE and/or the [Board of Governors]," Crockett said.

Crockett's research shows that only Ohio and Texas have insurance-related board certification programs. With certifications available in 27 practice areas, Florida has one of the most robust board certification programs in the nation.

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, 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, and the Florida Defense Lawyers Association also endorse the proposal, signifying its broad appeal, Crockett said.

If the BLSE approves, the proposal will be forwarded to several board committees before landing on a Board of Governor’s agenda. The Supreme Court will make a final determination.

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Source: <https://uphelp.org/push-for-insurance-law-certification-gains-momentum/> Date: April 5, 2025