



BRETT J. PRESTON

Shareholder

101 East Kennedy Boulevard
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Tampa, Florida 33602
T: 813.227.8419

PRACTICE FOCUS

Professional Liability
Life, Health & Disability Insurance
Products Liability
Insurance Coverage Litigation
Litigation
Drug & Medical Device
Class Action & Complex Mass Tort
Mediation
Consumer Products Liability Litigation
Industrial & Commercial Product Liability
Cybersecurity, Data Breach & Protection
Employment Law
Employee Benefits & Executive Compensation

EDUCATION

Duke University, B.A., 1983,
cum laude
Washington University in St.

Brett Preston is an accomplished trial attorney who is committed to providing responsive and efficient legal solutions to help clients solve their problems.

Brett's practice emphasizes the defense of professional malpractice, product liability, and life, health, and disability insurance cases. He also represents clients involved in serious personal injury and wrongful death, structure collapse, toxic tort, and commercial disputes. Brett represents attorneys in grievance proceedings before The Florida Bar. His trial experience is extensive and includes arguing a case of first impression before the Florida Supreme Court and the Eleventh Circuit Court of Appeals.

Brett serves as the firm's General Counsel. He is a Certified Circuit Mediator and regularly mediates complex commercial, insurance, professional liability, and personal injury cases.

Brett has served as the editor of the Trial Lawyers' Forum of The Florida Bar Journal and was a member of The Florida Bar's Civil Procedure Rules Committee.

Brett has been involved in various community activities in the Tampa area. He attends Feather Sound Church and spends most of his leisure time with his family. He enjoys exercising, boating, following college sports, and reading.

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Louis School of Law, J.D., 1986

- Order of the Coif
- Washington University Law Quarterly

BAR ADMISSIONS

The Florida Bar

Hillsborough County Bar Association

Federal Bar Association

COURT ADMISSIONS

All Florida State Courts

U.S. Supreme Court

U.S. Court of Appeals, Eleventh Circuit

U.S. District Court, Middle and Northern Districts of Florida

HONORS

- AV Preeminent® Rating, Martindale-Hubbell Peer Review
- Florida Super Lawyers (2006-2022)
- Florida Trend's Legal Elite (2012, 2014)
- Super Lawyers Business Edition (2013)
- Tampa's Top Rated Lawyers
- The American Lawyer "Top Lawyers"
- *The Best Lawyers in America*© (2006-2023)
 - 2023 Tampa Legal Malpractice Law – Defendants Lawyer of the Year
 - 2021 Tampa Legal Malpractice Law – Defendants Lawyer of the Year
 - 2018 Tampa Legal Malpractice Law – Defendants Lawyer of the Year
 - 2013 Tampa Legal Malpractice Law – Defendants Lawyer of the Year
- The Best of the U.S. Lawyers
- *TAMPA Magazine's* Top Lawyers (2023)
 - Professional Malpractice Law (Defendants)

EXPERIENCE

- Defending an international steel company in 20 personal injury and wrongful death lawsuits arising out of the collapse of a pedestrian bridge, including substantially contributing to the protocols the court adopted to manage the logistics and complexities of that litigation.
- Defending an international law firm against a complex, eight-figure legal malpractice claim arising out of a failed business relationship.
- Defending a local law firm against a complex, seven-figure legal malpractice claim arising out of a liability insurer's payment of a settlement in excess of policy limits, which concluded promptly after three early and effective depositions.
- Defending an international steel company in multiple lawsuits arising out of the partial collapse of a hotel.
- Defending a class action challenging an employer's right to modify retiree health benefits that were the subject of collective bargaining agreements and ERISA.
- Representing a corporation in an eight-figure commercial dispute arising from the sale of a manufacturing facility.

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- Defending a law firm in a class action over alleged unfair debt collection practices.
- Representing a health supplement company to secure a pre-suit recovery against the supplier of contaminated ingredients that caused a product recall.
- Dissuading an attorney from filing a threatened \$3 million ERISA class action by, through administrative remedies, helping the client educate the attorney about the weaknesses of the threatened claim.
- Representing insurers in actions to rescind insurance policies procured through misrepresentation, and in pre-suit evaluation and investigation of the circumstances giving rise to those suits – which sometimes resulted in advice not to rescind.
- Representing insurers in claims arising from agents encouraging prospective insureds to invest in (what turned out to be) a Ponzi scheme to fund life insurance premiums.
- Defending international companies in multidistrict pharmaceutical product liability litigation.
- Representing insurers in first party insurance coverage disputes.
- Representing attorneys in grievance and unlicensed practice of law proceedings before The Florida Bar.
- Representing national company in action to enforce a non-compete.

COMMUNITY & PROFESSIONAL

- Guardian Ad Litem
- Federation of Defense and Corporate Counsel
 - Presidential Review Committee, Chair
 - Contracts Committee, Member
 - Member of Board of Directors, Senior Director, Past
 - Member of Executive Committee, Past
 - Ethics Liaison to Board of Directors, Past
 - Program Chair, 2016 Annual Meeting
 - Convention Chair, 2018 Winter Meeting
 - Litigation Management College Faculty
 - Ethics and Professionalism Committee, Past Chair
 - Law Firm Management Conference, Past Chair
 - Management, Economics & Technology of Practice Section, Past Chair

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- Life, Health and Disability Section, Past Chair
- Insurance Coverage Section, Member
- Products Liability Section, Member
- Trial Tactics, Practice and Procedures, Member
- Visibility Project, Member
- Professional Liability Section, Member
- Toxic Tort and Environmental Law Section, Member
- Commercial Litigation Section, Member
- Drug, Device and Biotechnology Section, Member
- International Association of Defense Counsel
- Defense Research Institute
- Florida Defense Lawyers Association
- Florida Academy of Professional Mediators
- Certified Circuit Mediator
- Professional Liability Defense Federation

NEWS & INSIGHTS

- Brett and Judge Jennifer Bailey recently presented a webinar on the challenges the parties and the Court faced, and the solutions they adopted, in the 20 consolidated lawsuits that arose out of the collapse of the FIU pedestrian bridge in Miami, Florida.

Twenty-Six Hill Ward Henderson Attorneys Recognized in TAMPA Magazine's 2023 Top Lawyers
Firm News, 1.3.23

Eighty-One Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2023 Publication
Firm News, 8.18.22

61 Hill Ward Henderson Attorneys Recognized in 2022 Florida Super Lawyers Listing
Firm News, 7.1.22

Seventy Six Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2022 Publication
Firm News, 8.19.21

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67 Hill Ward Henderson Attorneys Cited in The Best Lawyers in America 2021 Publication
Firm News, 8.20.20

Fifty Nine Hill Ward Henderson Attorneys Recognized in 2020 Florida Super Lawyers Listing
Firm News, 6.5.20

2019 Best Lawyers Cites 46 Hill Ward Henderson Attorneys & Names Six "Lawyer of the Year"
Firm News, 8.16.18

Hill Ward Henderson Attorneys Named 2018 Florida Super Lawyers
Firm News, 6.25.18

2018 Best Lawyers Cites 44 Hill Ward Henderson Attorneys & Names Five "Lawyer Of The Year"
Firm News, 8.15.17

Hill Ward Henderson Attorneys Named 2017 Florida Super Lawyers
Firm News, 6.8.17

Hill Ward Henderson Shareholder Invited To Join The International Association Of Defense Counsel
Firm News, 5.18.17

Hill Ward Henderson Shareholder Invited To Join The Fellows Of The American Bar Association
Firm News, 1.26.17

2017 Best Lawyers Cites 44 Hill Ward Henderson Attorneys & Names Two "Lawyers Of The Year"
Firm News, 8.15.16

Hill Ward Henderson Attorneys Named 2016 Florida Super Lawyers
Firm News, 6.15.16

Hill Ward Henderson Shareholder Re-elected To The Federation Of Defense And Corporate Counsel Board Of Directors
Firm News, 9.1.15

2016 Best Lawyers Cites 40 Hill Ward Henderson Attorneys & Names Five "Lawyer of the Year"
Firm News, 8.17.15

Hill Ward Henderson Attorneys Named 2015 Florida Super Lawyers
Firm News, 6.11.15

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2014 Best Lawyers Cites 42 Hill Ward Henderson Attorneys & Names
Three "Lawyer Of The Year"
Firm News, 8.30.13

Hill Ward Henderson Shareholder Elected to the Federation of Defense
and Corporate Counsel Board of Directors
Firm News, 8.9.13

Hill Ward Henderson Attorneys Named To The 2013 Best Lawyers
Business Edition
Firm News, 7.15.13

Four Hill Ward Henderson Attorneys Named 2013 Tampa Lawyers Of
The Year
Firm News, 12.5.12

Best Lawyers In America
Firm News, 7.31.12

Florida Trend Names HWH Attorneys To Hall Of Fame, Legal Elite And
Up & Comers
Firm News, 7.6.12

Hill Ward Henderson Attorneys Named To The 2012 Super Lawyers
Business Edition
Firm News, 3.28.12

Hill Ward Henderson Attorneys Named 2012 Florida Super Lawyers
And Rising Stars
Firm News, 3.20.12

ARTICLES & PUBLICATIONS

- "Erosion of the Attorney-Client Privilege." FDCC Corporate Counsel Symposium, September 2019.
- "Avoiding Ethical/Malpractice Risks in Long-Standing Client Relationships, and Case-Within-a-Case Primer." Professional Liability Defense Federation, October 2018.
- "Class Action Litigation: Avoiding Legal Ethics Violations and Malpractice Liability." Strafford CLE Webinar, February 6, 2018.
- "Bad Faith Preventative Measures." Speaker, FDCC Litigation Management College, June 7, 2016
- "A Real Estate Practitioner's Guide to Committing Legal Malpractice." Presenter, Sarasota County Bar Real Estate Lawyers Meeting, May 2016.
- "Managing Ethical Risks and Avoiding Malpractice in Close Attorney-Client Relationships." Presenter, DRI Labor and Employment, April

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2016.

- "Ethics and Legal Malpractice-Avoidance Tips for In-House Counsel." Presenter, DRI Life, Health, and Disability Conference, April 2016.
- "Role of General Counsel in Law Firms." Presenter, FDCC Annual Meeting, July 2015.
- "Change in Demographics for ERISA Claims." Presenter, FDCC Annual Meeting, July 2015.
- "Learning from Others: Legal Malpractice Defense." Presenter, DRI Trial Tactics Seminar, March 2015.
- "Young Professionals Roundtable: Managing the Tri-Partite Relationship." Presenter, ABA National Legal Malpractice Conference, Fall 2014.
- "Pssst ... Secrets of Highly Successful Law Firms." Presenter, FDCC Annual Meeting, July 2014.
- "Ethics and Professionalism: Managing Risks and Avoiding Malpractice in Familiar Attorney-Client Relationships." Presenter, FDCC Annual Meeting, July 2013.
- "Ethics and Professionalism: Managing Risks and Avoiding Malpractice in Familiar Attorney-Client Relationships." Presenter, DRI Business Litigation Seminar, May 2013.
- "Institutional Risk Management: Firm-Wide Professional Liability Risks and Systems to Manage Them." Moderator, FDCC-IADC Joint Law Firm Management Conference, May 2013.
- "What Will They Think of Next? Planning for 'Over the Horizon' Disasters." Presenter, Federation of Defense and Corporate Counsel Annual Meeting, July 2012.
- "Case Law Update." Presenter, ABA National Legal Malpractice Conference Spring Meeting, April 2012.
- "Managing Risks and Avoiding Malpractice in Familiar Attorney-Client Relationships." Presenter, Federation of Defense and Corporate Counsel Winter Meeting, March 2012.
- "Ethics: Managing Risks and Avoiding Malpractice in Familiar Attorney-Client Relationships." Presenter, Defense Research Institute Life, Health and Disability Conference, April 2011.
- "Madoff and Me: How to Avoid Accidentally Representing Crooks." Presenter, ABA National Legal Malpractice Conference Fall Meeting, September 2010.
- "The Good, the Bad, and the Ugly: Understanding Healthcare Reform Legislation." Presenter, Federation of Defense and Corporate Counsel Winter Meeting, March 2010.

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- "Risk Management Program: 60 Tips in 59 Minutes." Presenter, Federation of Defense and Corporate Counsel Winter Meeting, March 2010.
- "A Lawyer's Risk Management Program: 60 Tips in 59 Minutes." Presenter, Federation of Defense and Corporate Counsel Winter Meeting, March 2010.

PUBLISHED DECISIONS

- Edwards Moving & Rigging, Inc. v. Casey Jenkins, et al.
WL 1545871 8:19-CV-1004-T36SPF United States District Court, M.D. Florida, Tampa Division, April 1, 2020
- Hitchcock v. USAA Casualty Insurance Company
WL 2613185 19-11099-HH United States Court of Appeals, Eleventh Circuit, June 7, 2019
- Moxley v. U-Haul Co. of Florida
WL 7209630 2D18-1530 District Court of Appeal of Florida, Second District, December 27, 2019
- Comer v. Gerdau Ameristeel US, Inc.
WL 4702425 8:14-CV-607-T-23AAS United States District Court, M.D. Florida, Tampa Division, September 8, 2016
- Comer v. Gerdau Ameristeel US, Inc.
WL 4702425 8:14-CV-607-T-23AAS United States District Court, M.D. Florida, Tampa Division, September 8, 2016
- Carlson v. FedEx Ground Package System, Inc.
WL 3856179 8:05CV1380T24TGW United States District Court, M.D. Florida, Tampa Division, July 15, 2016
- Obediente v. Stonebridge Life Insurance Company
WL 12830478 8:15-CV-1722-T-27EAJ United States District Court, M. D. Florida, Tampa Division, November 13, 2015
- Thorn v. Randall
WL 5094134 8:14-CV-862-T-36MAP United States District Court, M.D. Florida, Tampa Division, October 10, 2014
- Carlson v. FedEx Ground Package System, Inc.
WL 272596 8:05-CV-1380-T-24 United States District Court, M.D. Florida, Tampa Division, January 24, 2014
- Carlson v. FedEx Ground Package System, Inc.
WL 3804991 8:05-CV-1380-T-24 United States District Court, M.D. Florida, Tampa Division, July 19, 2013
- Carlson v. FedEx Ground Package System, Inc.
WL 3772485 8:05-CV-1380-T-24 United States District Court, M.D. Florida, Tampa Division, July 16, 2013

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- Carlson v. FedEx Ground Package System, Inc.
WL 3364446 8:05-CV-1380-T-24 United States District Court, M.D. Florida, Tampa Division, July 3, 2013
- American National Insurance Company v. Schneider
WL 12156086 8:12-CV-1683-T35-TBM United States District Court, M. D. Florida, Tampa Division, May 17, 2013
- Ehlen Floor Covering, Inc. v. Lamb
WL 5507461 2:07-CV-666-FTM-29 United States District Court, M.D. Florida, Fort Myers Division, November 14, 2012
- Lacognata v. Hospira, Inc.
WL 6962884 8:12-CV-822-T-30TGW United States District Court, M. D. Florida, Tampa Division, July, 2, 2012
- Ehlen Floor Covering, Inc. v. Lamb
WL 1698351 2:07-CV-666-FTM-29 United States District Court, M.D. Florida, Fort Myers Division, May 14, 2012
- Ehlen Floor Covering, Inc. v. Lamb
WL 1326823 2:07-CV-666-FTM-29 United States District Court, M.D. Florida, Fort Myers Division, April 17, 2012
- Miller v. U.S.
WL 1740020 1:10-CV-38-SPM/GRJ United States District Court, N.D. Florida, Gainesville Division, May 05, 2011
- Miller v. U.S.
WL 1750442 1:10-CV-00038-SPM United States District Court, N.D. Florida, Gainesville Division, March 29, 2011
- Ehlen Floor Covering, Inc. v. Lamb
WL 2813369 2:07-CV-666-FTM29DNF United States District Court, M.D. Florida, Fort Myers Division, July 14, 2010
- Ehlen Floor Covering, Inc. v. Lamb
WL 1742105 2:07-CV-666FTM29DNF United States District Court, M. D. Florida, Fort Myers Division, April 29, 2010
- Ehlen Floor Covering, Inc. v. Lamb
WL 2734728 2:07-CV-666-FTM29DNF United States District Court, M.D. Florida, July 08, 2010
- Ruby Tuesday, Inc. v. Emmanuel Sheppard & Condon PA
WL 5218026 309-CV-438-RV-MD United States District Court, N.D. Florida, Pensacola Division, December 30, 2009
- Coates v. Guardian Life Ins. Co. of America
WL 1043981 8:07-CV-291-T-26TBM, United States District Court, M.D. Florida, Tampa Division, April 16, 2009
- Mirras v. Time Ins. Co.
WL 4369260 8:08-CV-1331-T-30EAJ United States District Court, M. D. Florida, Tampa Division, September 16, 2008

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- Craven v. Stonebridge Life Ins. Co.
WL 4163225 807-CV-1788-T-23MAP United States District Court, M. D. Florida, Tampa Division, September 05, 2008
- Ehlen Floor Covering, Inc. v. Lamb
WL 4097712 207-CV-666-FTM-29DNF United States District Court, M.D. Florida, Fort Myers Division, September 03, 2008
- In re Managed Care Litigation
WL 2944897 00-1334-MD, 03-21296-CIV United States District Court, S.D. Florida, Miami Division, July 24, 2008
- American Nat. Ins. Co. v. Glass
WL 2950111 3:07CV872J16TEM United States District Court, M.D. Florida, Jacksonville Division, July 31, 2008
- Rivers v. Residential Services Group, Inc.
WL 2776250 8:08-CV-84-T-30TBM United States District Court, M.D. Florida, Tampa Division, July 15, 2008
- Walter v. o2HR, LLC
WL 2359915 8:07-CV-1129 T24TGW United States District Court, M.D. Florida, Tampa Division, June 05, 2008
- American Nat. Ins. Co. v. Glass
WL 2157106 3:07-CV-872-J16TEM United States District Court, M.D. Florida, Jacksonville Division, May 21, 2008
- U.S. ex rel. Alderson v. Quorum Health Group, Inc.
WL 824227 8:99-CV-413-T-23TGW United States District Court, M.D. Florida, Tampa Division, March 26, 2008
- Coates v. Guardian Life Ins. Co. of America
WL 269133 807CV291T26TBM United States District Court, M.D. Florida, Tampa Division, January 30, 2008
- Sharkey v. Food & Drug Admin.
WL 2914212 06-11774 United States Court of Appeals, Eleventh Circuit, October 05, 2007
- Midland Nat. Life Ins. Co. v. Scott
WL 2208828 8:07CV745 T26TBM United States District Court, M.D. Florida, Tampa Division, July 27, 2007
- Sharkey ex rel. Sharkey v. Food and Drug Admin.
WL 508044 204CV552FTM33SPC United States District Court, M.D. Florida, March 01, 2006
- Rodriguez v. J.C. Penney Life Ins. Co.
WL 208775 8:02-CV-695-T-17MAP United States District Court, M.D. Florida, January 25, 2006
- Bordenkircher v. American Home Products
WL 6066933 5:03-CV-443-OC-10GRJ United States District Court, M. D. Florida, Ocala Division, April 27, 2004

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- Bordenkircher v. American Home Products
WL 6066904 5:03-CV-443-OC-10GRJ United States District Court, M.D. Florida, Ocala Division, March 25, 2004
- Bordenkircher v. American Home Products
WL 6066924 5:03-CV-443-OC-10GRJ United States District Court, M. D. Florida, Ocala Division, January 26, 2004
- Helm v. Foote
WL 1786095 2D02-663 District Court of Appeal of Florida, Second District, April 04, 2003
- Watson v. Liberty Mut. Ins. Co.
WL 34373973 8:01CV368T27MAP United States District Court, M.D. Florida, Tampa Division, July 11, 2002
- Demint v. NationsBank Corp.
WL 1575167 8:94CV2094T23TGW, 8:94CV995T23TBM United States District Court, M.D. Florida, Tampa Division, May 31, 2002
- Durkin v. Davis
WL 851300 2D01-2520 District Court of Appeal of Florida, Second District, May 03, 2002
- Hayward & Associates, Inc. v. Hoffman
WL 491223 2D01-1828 District Court of Appeal of Florida, Second District, April 03, 2002
- Littell v. U.S.
WL 480891 8:99CV2808T17EAJ United States District Court, M.D. Florida, Tampa Division, March 11, 2002
- U.S. ex rel. Alderson v. Quorum Health Group, Inc.
WL 1480549 8:99-CV-413-T-23TGW United States District Court, M.D. Florida, Tampa Division, November 08, 2001
- Hayward & Associates, Inc. v. Hoffman
WL 912681 2D00-4324 District Court of Appeal of Florida, Second District, August 15, 2001
- Heilig v. Scott
WL 33996251 2:99-CV-412-FTM-29D United States District Court, M. D. Florida, September 20, 2000
- Heilig v. Scott
WL 33996252 2:99-CV-412-FTM-29D United States District Court, M. D. Florida, September 20, 2000
- Levy v. Brown & Williamson Tobacco Corp.
WL 35184005 96-2296-CIV-T-24(B), 96-2280-CIV-T-24(B) United States District Court, M.D. Florida, April 19, 1998
- Cray v. NationsBank of North Carolina, N.A.
WL 688802 94-981-CIV-T-17E United States District Court, M.D. Florida, Tampa Division, October 21, 1997

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- *Watkis v. American Nat. Ins. Co.*
WL 366048 96-624-CIV-T-17A United States District Court, M.D. Florida, Tampa Division, June 13, 1997
- *Unkel v. Liggett Group Inc.*
WL 200046 96-1683-CV-7-17B, 96-1716-CV-T-17B, 96-1710-CV-T-17B, 96-1712-CV-T-17B, 96-1701-CV-T-17B, 96-1689-CV-T-17B, 96-2281-CV-T-17B, 97-580-CV-T-17B, 96-1707-CV-T-17B, 96-1695-CV-T-17B, 96-1698-CV-T-17B, 96-2294-CV-T-17B, 96-2885-CV-T-17B, 96-2640-CV-T-17B, 97-582-CV-T-17B United States District Court, M. D. Florida, Tampa Division, April 10, 1997
- *Modder v. American Nat. Life Ins. Co. of Texas*
WL 67961 88,402 Supreme Court of Florida, February 20, 1997
- *Eloian v. Mutual Life Ins. Co. of New York*
WL 683616 96-336-CIV-T-17A United States District Court, M.D. Florida, Tampa Division, November 25, 1996
- *Modder v. American Nat. Life Ins. Co. of Texas*
WL 328068 95-3020 United States Court of Appeals, Eleventh Circuit, July 01, 1996
- *Eloian v. Mutual Life Ins. Co. of New York*
WL 379042 96-336-CIV-T-17A United States District Court, M.D. Florida, Tampa Division, July 01, 1996
- *Quirk v. Anthony*
WL 52319 89-01682 District Court of Appeal of Florida, Second District, April 25, 1990