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www.csklegal.com
As a full-service law firm, Cole, Scott & Kissane, P.A. is able to provide our clients with experienced counsel and services in numerous areas of the law. In order to better serve our clients, we have made a major commitment to utilize the best available technology in our practice of law. We believe this will enable us to deliver more organized and efficient service.

Successful litigators know there is no substitute for thorough research, preparation, and management of information. Cole, Scott & Kissane, P.A. is proud to offer our clients the benefit of joining ever-changing technology with hard work, the willingness to go the extra mile, the teamwork of attorneys working for the benefit of our clients, and the integrity and the tenacity that is found in effective attorneys. It is our goal and firm commitment to continue to serve our clients as efficiently and effectively as possible. Each client is important to us, and we value each client relationship. While we have a full complement of attorneys, paralegals, and office staff, not every case requires an army. At the commencement of each matter, we discuss with the client who will be the appropriate lawyer or lawyers to handle the case. This analysis is done based on complexity of the matter in conjunction with the individual talents and expertise of our lawyers. Every case and every project is administered to be cost-effective, without sacrificing quality.

We do not lose sight of the maxim that the firm's success is tied directly to the success of our clients. To that end, we work toward establishing strong relationships with clients and maintaining those relationships with trust, hard work, and efficient and cost-effective service.

About CSK

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Diversity Statement

At Cole, Scott & Kissane, P.A. our commitment to a diverse law firm and inclusive work environment is paramount to the success of our firm and our communities. Diversity only enhances the depth and quality of the advice and services our business can provide. Drawing on the talents of all of the firm's personnel creates an optimum workplace, one which can attract and develop diverse personnel and clients, allowing it to enter and serve varying markets. At Cole, Scott & Kissane, our dynamic workplace encourages innovative ideas and these valuable perspectives help us with approaching services for our clients more creatively. We continue to focus on minority recruitment and supporting the community in which we live and work.
Accountant's Malpractice

The Professional Liability Defense Group at Cole, Scott & Kissane, P.A. has experience defending a wide variety of professionals in malpractice actions, including claims involving the legal and accounting industries, design professionals/architects and engineers, real estate agents/brokers, insurance agents/brokers, certified financial planners, investment advisors, registered representatives, security broker-dealers, attorneys, and medical/healthcare providers.

The attorneys at CSK are seasoned litigators who provide counseling and litigation services to clients involved in fiduciary disputes. Recognizing that fiduciary duties are the highest duties known to the law, these cases often raise complex liability issues with very significant economic consequences. CSK is experienced in litigating these matters, and CSK has the knowledge and resources necessary to resolve them efficiently and discreetly.

Due to its expertise in defending professionals, the leading attorneys at CSK have authored practice guides and loss prevention manuals discussing professional malpractice issues. CSK promotes seamless collaboration teamwork, providing the precise knowledge and skills required in any given case, assuring a cost-effective and focused defense for our professional services clients.

Admiralty & Maritime

International by nature, admiralty and maritime law presents difficult, unique issues that must be met with creative and broadminded counsel. Spearheaded by former United States Attorney and Federal Judge Thomas E. Scott, Cole, Scott & Kissane, P.A. offers representation in diverse matters facing ocean carriers, charterers, non-vessel operating common carriers (NVOCCs), ocean terminals, port authorities, and warehouses and their insurers. CSK’s repertoire of experience includes claims involving marine casualties from vessel sinkings and groundings, general and subcontractors with the United States military, passenger and crew personal injury and wrongful death cases, freight disputes, cargo loss and damages claims, cargo release and delivery disputes, and complex litigation encompassing a variety of cases arising under the Jones Act, Death on the High Seas Act (DOHSA), and the Carriage of Goods by Sea Act (COGSA).

CSK prides itself in its ability to quickly react and achieve results under the most difficult conditions. CSK aims to resolve admiralty and maritime matters as efficiently and cost-effectively as possible, as its lawyers focus their defense strategy for early resolution of cases in ad hoc arbitrations and mediations. Through its multiple offices in the sea-bordering state of Florida, CSK and its vast network of maritime industry authorities and experts stand ready to represent clients in complex admiralty and maritime matters on a single representation basis.

Appellate

Having the luxury of both litigation and appellate lawyers internally working shoulder-to-shoulder in the same firm, Cole, Scott & Kissane, P.A. can not only try cases to verdict but also take cases to the “next level,” the appellate courts. CSK has won federal and state appeals, in addition to having made law and changed outdated law.

Thanks to its capability of representing clients in both the trial and appellate levels within the same firm, CSK saves clients’ time and resources by offering efficient and cost-effective dual representation. Furthermore, CSK and its appellate department can identify and preserve potential appellate issues while the case is still in trial; efficiently assess the merits and likelihood of success of an appeal after trial; handle any and all aspects of the appellate process; prepare appellate writs, achieve results when seeking extraordinary relief; analyze the cost-effectiveness of seeking such relief; and consult and prepare amicus curiae briefs when appropriate.

CSK’s appellate lawyers routinely represent clients before both federal and state appellate courts, including the Florida Supreme Court and all five District Courts of Appeal in Florida. In addition, CSK’s appellate lawyers collectively have subject matter experience in virtually all areas of law.

Arbitration & Alternative Dispute Resolution

Cole, Scott & Kissane, P.A. understands that not all cases
are meant to be tried. Many disputes are amenable to early resolution through arbitration, mediation or other forms of alternative dispute resolution. These dispute resolution alternatives are a time-tested, cost-effective alternative to litigation. CSK recognizes that ADR can be economical and advantageous prior to or during litigation, especially in the context of a highly demanding marketplace.

Many of our leading attorneys at CSK are formally trained, and periodically serve, as mediators or arbitrators. CSK is well-connected with various full-service alternative dispute resolution providers throughout the state of Florida and beyond. In today’s litigious society, it is inevitable that disputes will arise. By mediating cases and resolving matters before reaching the trial stage, CSK can help maintain relationships as well as prevent and minimize the impact of disputes if or when they occur. ADR methods, such as arbitration, mediation, and other out-of-court settlement procedures can deliver efficient and effective results that satisfy the parties involved.

CSK works carefully with each client to determine the best method for a resolution, while not sacrificing the client. CSK keeps the best interest of the client in the forefront of its defense representation and aims to reduce costs, decrease time delays, reduce or eliminate discovery, and nourish relationships involved in a dispute.

Architects & Engineers

Cole, Scott & Kissane, P.A. provides state-wide extensive experience in the defense of architects, engineers, construction managers, general contractors and subcontractors, major design professionals, sureties and suppliers, and owners in virtually all types of construction matters in both the private and public sectors. Most of the lawyers within the Construction Law Division are degreed experienced engineers or are board-certified construction specialists. CSK’s clients benefit from this industry-specific expertise thanks to CSK’s deeper understanding of the highly technical issues arising out of construction disputes.

Distinguishing it from other leading law firms, CSK offers its very own in-house construction consultant. While offering its legal services, CSK routinely assists clients in establishing administrative procedures for compliance with the construction process and helps educate construction participants on the importance of documentation in the design and construction process.

Asbestos Litigation

Cole, Scott & Kissane, P.A. has extensive experience in handling asbestos litigation matters for its clients, specifically, with a focus in defending manufacturers and suppliers of automotive products. Our experiences range from defending matters involving plaintiffs who suffer from mesothelioma and lung cancer to non-malignant diseases, including, asbestosis and pleural plaques. Our team of asbestos attorneys handle these complex litigation matters in all jurisdictions across the state of Florida and in both federal and state court.

Aviation & Transportation

Under the guidance and expertise of former United States Attorney and Federal Judge Thomas E. Scott, Cole, Scott & Kissane, P.A. has defended airlines, airports, airline trade groups, Internet travel services, tour operators, travel agent industry associations, and aircraft equipment manufacturers and service providers. In handling these complex common law and statutory claims, CSK has gained expertise on limitation of liability clauses, forum selection clauses, pre-accident releases, and other protections designated to minimize liability and damages in these areas of the law in an efficient and cost-effective manner.

Our aviation lawyers keep a pulse on litigation developments in all aspects aviation and transportation. CSK is well-versed in handling claims involving various government agencies, including the Departments of Transportation, Justice, State and Homeland Security, as well as other regulatory agencies including Customs and Border Protection, the Transportation Security Administration, NTSB, APHIS and others. While CSK participates in representing clients in the aviation and transportation industry, its lawyers also recommends strategic marketing suggestions that would affect the airline industry and counsels on labor and employment, thereby bridging the gap between law and business. Equipped with the latest legal research tools and assets, CSK provides clients with highly experienced and focused advice in every area of interest to the aviation and transportation community.

Bad Faith & Extra-Contractual Liability

Insurance affects everyone, and the existence or lack of coverage can greatly impact the outcome of any claim or case. Cole, Scott & Kissane, P.A. is adept in counseling clients in the intricacies of insurance policies and insurance coverage, negotiating the resolution of
disputed coverage claims or litigating insurance coverage and “bad faith” issues arising from diverse matters as common law and statutory claims, first-party claims and third-party claims.

CSK holds vast experience in consulting, guiding and defending all types of clients in potential or actual bad faith claims, including direct claims against adjusters, and claims against primary and excess carriers. CSK’s nationally recognized bad faith attorneys have published national articles or lectured widely on bad faith.

Representing clients in both the private and public sector, CSK assists clients in analyzing a client’s insurance policies to determine if the insurer has a duty to pay for a client’s defense and/or indemnify the insured with respect to any adverse judgments or damage awards arising out of a claim or lawsuit; tendering all claims (where appropriate) on behalf of a client to the appropriate insurer; assisting a client in assessing insurance needs; and asserting a client’s rights under the policy and relevant law through litigation.

Banking & Financial

The Banking and Finance litigation team of Cole, Scott & Kissane, P.A. works to protect lenders and guide borrowers through the financing process. Typical transactions include secured and unsecured term and revolving loan facilities, letters of credit, syndicated loan transactions, as well as asset-based lending including equipment, flooring, accounts receivable, and inventory financing. CSK provides representation to broker-dealers, banks, debt collectors, and other financial institutions through its wide-ranging practice areas, including: tax lien, commercial and residential mortgage foreclosure; lien disputes; banking operations litigation; consumer fraud; consumer protection defense; lending practices litigation; bankruptcy; lender liability; forfeiture; loan repurchase litigation; insurer/loss payee disputes; mortgage warehouse lending litigation; inter-creditor disputes; property title disputes; Unfair and Deceptive Trade Practices Act; Uniform Commercial Code, Articles 3 and 4; and other state and federal common law and statutory claims.

CSK is skilled at managing and working collegially with teams, including external and internal financial analysts and economic advisors, to accomplish the client’s objectives. By understanding and utilizing the litigation process, CSK’s attorneys are keenly sensitive to settlement opportunities and are able to obtain results through settlements that in many cases are far more desirable, on a cost-benefit basis, than litigating to conclusion.

Business/Commercial Law

Cole, Scott & Kissane, P.A. handles business and commercial litigation cases for both individuals and business entities. They have effectively represented clients in disputes and lawsuits involving: Breach of Contract, Real estate disputes, Shareholder and partnership disputes and dissolutions, Business torts (including fraud, misrepresentation, civil theft, breach of fiduciary duty and tortious interference), Liability defense, and Malpractice

Cole, Scott & Kissane, P.A. recognizes that business disputes can be complex and costly to litigate. We strive to explore settlements and end costly litigation battles whenever reasonable and possible.

Catastrophic & Personal Injury

Cole, Scott & Kissane. P.A.’s Attorneys and Certified Nursing Paralegals are experienced and well-versed in defending and evaluating catastrophic personal injury claims. Our defense teams work with medical specialists, as well as neuropsychological and rehabilitation and economist experts in assessing all aspects of economic and non-economic damage components for Traumatic Brain Injuries, Paraplegia, Quadriplegia, Spinal Cord Pathology, and Closed Head Injury cases. The evaluation criteria include Life Care Plans, Vocational and Occupational Rehabilitation, Cognitive Therapy, Attendant Care, and future medical and surgical needs, alternative options, and projected economic costs reduced to present value.

Child Welfare Litigation

Cole, Scott & Kissane, P.A. provides counsel to entities and agencies who are in the business of providing services to children within the State’s child welfare system. This includes representation of lead agencies, child placing agencies, foster homes, institutions, mental health service providers and their professionals.

CSK’s extensive experience in defending these niche – and often – complex claims, permits for vigorous and successful defenses through thoughtful representation, critical in matters involving alleged abuses or trauma to children.
Civil Rights Law

Private and public entities face exposure to an array of claims under constitutional, statutory and regulatory provisions that protect the civil rights of individuals. Lawsuits involving civil rights issues are legally challenging because of the court’s diverse interpretations of the U.S. Constitution, the Florida Constitutions and federal and state civil rights statutes. They also tend to be emotionally charged and, frequently, political in nature. Due to the high risk and exposure of these cases, many of them have proceeded to trial. Our seasoned litigators not only bring extensive trial experience, but also an exceptional degree of sensitivity to the civil rights issues involved.

At Cole, Scott & Kissane, P.A., the attorneys understand the nature of civil rights challenges and have counseled many clients in methods and strategies for avoiding such exposure. CSK has successfully represented clients in response to EEOC and other agency proceedings, in addition to litigation arising under the Civil Rights Act; Americans with Disabilities Act (ADA); Rehabilitation Act; Individuals With Disabilities Education Act (IDEA); Age Discrimination in Employment Act (ADEA); Fair Housing Act; 42 U.S.C § 1983 claims; Family Medical Leave Act (FMLA); and other federal and state civil rights claims on behalf of individuals or classes of individuals.

Class Action

Cole, Scott & Kissane, P.A. has been defending class actions for more than 15 years. Class actions and other multi-claimant proceedings pose the most substantial litigation threats to corporations and private entities. Having offices throughout the State of Florida, CSK can provide a multi-jurisdictional perspective to clients and offer insight as to jurisdictional idiosyncrasies.

The Class Action litigation team at CSK has significant experience in successfully defending complex federal and state litigation involving various industries, including: accounting, banking, health care, insurance, manufacturing, securities, telecommunications, transportation and travel. CSK is skilled in litigating class certification, conducting class and merits discovery, guiding clients through the court approval and notice process, litigating the merits in large class action lawsuits, negotiating complicated class action settlements, and handling appeals involving class certification and related issues.

CSK defends class action litigation with aggressive and creative representation. From the outset of each case, CSK works closely with clients to determine their desired results, evaluate the risks and devise the most effective strategy. CSK’s legal work is tailored to support each client’s business goals. The focus is always to achieve the best business result, whether that entails litigating the matter through trial and appeal or achieving a prompt and advantageous settlement. CSK helps clients balance the need for quality legal services and informed coordination against cost containment. Through careful planning, careful budgeting and constant reevaluation, CSK delivers effective and efficient legal services at a time when it is needed the most.

Commercial & Regulatory Litigation

Commercial & Residential Properties

Cole Scott & Kissane is a leader in the defense of property owners under residential and commercial property insurance policies against claims for personal injury, negligence, or other general liability by third-parties. CSK routinely assists various carriers in providing an aggressive defense to their insureds from allegations by tenants, invitees, and neighboring parcel or condominium owners for injury or property damage. Our defense team draws from a combination of extensive experience with property claims, premises liability, and personal injury work to respond to novel arguments, whether it be water and mold damage to adjacent properties or claims regarding maintenance of rental homes. As a trial firm, property owners have the reassurance that their carrier is providing them with a full defense from start to finish.

Commercial Litigation

The commercial attorneys at Cole, Scott & Kissane, P.A. offer legal services structuring a client’s most important business transactions and tackling a client’s most challenging and complex legal dilemmas. CSK offers the full range of services and resources, with the responsiveness and value typically unique to a corporate boutique. CSK has extensive experience in all major and sophisticated aspects of commercial and business disputes, including: acquisition and warranty claims; shareholders’ disputes; construction and engineering contract disputes; intellectual property claims; landlord and tenant disputes; commercial torts; contract disputes; fraud claims; unfair business practices; conversion; conspiracy; professional
CSK acknowledges that the fiscal bottom line is always important. CSK understands that no transaction happens in isolation. From the most senior partner to the most junior associate, CSK provides clients with thoughtful solutions and strategic counseling. The firm’s cross-specialty teams provide legal representation that takes the big picture of its client’s business into account. CSK tailors its approach to respond to each client’s unique needs in order to provide creative, complete solutions and efficient service.

Construction

Cole, Scott & Kissane, P.A. represents major construction interests in cost-effective investigation, defense and disposition of commercial and residential building construction-related risks and civil claims. CSK routinely handles issues involving personal injury, property damage, project delay, contractual indemnity, defects, engineering aspects and OSHA penalty proceedings, both directly and through their insurers. Additionally, CSK represents litigants in surety disputes that often arise during the course of both public and private construction projects. Building a successful project requires cooperation and teamwork among architects, engineers, contractors, subcontractors and many others. We also understand the industry from finance, development and design through implementation, construction and close-out.

Consumer Law


Corporate, Real Estate and Title Insurance Transactions

The firm’s attorneys represent private and public corporations, partnerships, and other commercial enterprises and professional associations. Our attorneys provide services in organization, financing, and business arrangements, including, but not limited to, preparation of shareholder and voting trust agreements, general and limited partnership agreements, joint ventures, consulting contracts, and executive compensation packages. The firm’s attorneys are experienced in a wide variety of commercial and residential real estate transactions, including title insurance issues and the issuance of title insurance policies. The firm has represented both buyers and sellers of real estate, and is familiar with all aspects of financing these types of matters. Our corporate and real estate transactional lawyers also work in conjunction with our litigators in adversarial matters involving corporate and real estate issues.

Country Club, Condominium & Homeowners’ Association Law

Cole, Scott & Kissane, P.A. has extensive experience representing condominiums, homeowners’ associations, cooperatives, country clubs, timeshares, mixed-use communities, resorts and mobile home communities in a wide variety of litigation. CSK has resolved thousands of community association matters to the satisfaction of its clients. This includes covenant enforcement litigation, title disputes, land use litigation, developer representation, Fair Housing, employment matters, collection practices litigation, director and officer negligence, breach of fiduciary duty claims, ADA matters, and boundary line disputes. CSK offers a full range of services and resources to community associations and is eminently sensitive to the needs of our community association clients. We are committed to cost-effective, fast and efficient resolution of these claims, and make use of all appropriate forms of alternative dispute resolution, including early, informal settlement, private mediation, conciliation through the Florida Commission on Human Relations and arbitration through the Florida Department of Business and Professional Regulation. CSK is at the forefront of community association litigation, having obtained victories for its community association clients that now stand as precedential authority in this area of the law.

Cyber Risk and Privacy Liability

There are real and increasingly serious risks and privacy concerns as to cyber security, as it relates to banks and other types of companies using the internet and computers as an integral part of their business plan. Over the next several years, lawsuits involving these IT issues will exponentially increase involving cyber security incidents. Cole, Scott & Kissane, P.A. is at the forefront of this ever increasing area of liability with its
team of skilled lawyers, who are knowledgeable both about the current technology and the technology on the horizon.

**Directors & Officers**

Recognizing that a strong management base is critical to the survival of a business, Cole, Scott & Kissane is committed to providing only the highest quality legal services in defense of its clients. With this goal in mind, our Corporate Litigation Group frequently represents corporate officers and directors in matters arising from alleged violations of fiduciary duties and federal securities laws. Additionally, our attorneys advise clients with regard to officer and director indemnification and advancement arrangements as well as liability insurance coverage.

**E-Cigarette Litigation**

Cole, Scott & Kissane, P.A. has experience in handling electronic cigarette (“e-cigarette”) litigation matters for its clients, specifically, with a focus in defending manufacturers, suppliers, and sellers of e-cigarettes and e-liquids (the liquid refills for the e-cigarettes). Our experience ranges from defending matters involving plaintiffs who suffer from burns to diseases from inhalation of the e-cigarette chemicals. Our team of e-cigarette attorneys handle these complex litigation matters in all jurisdictions across the state of Florida and in both state and federal court.

**Education Law**

Universities, Colleges, School Boards and School Districts face unique, politically charged challenges in an environment that demands ever increasing standards of performance and adherence to laws and regulations. Cole, Scott & Kissane, P.A. has experience dealing with the various legal aspects in the University and College setting and also the local School Board and School District setting, including: faculty and tenure issues; employment contracts; Title IX; sexual assault and harassment; False Claims Act (FCA); Family Educational Rights and Privacy Act (FERPA); No Child Left Behind Act (NCLB); Individuals With Disabilities Education Act (IDEA) and Special Education Plans; Expulsion, Suspension and Discipline; Section 504 Prohibiting Discrimination Against Students with Disabilities; Due Process and Equal Protection; Free Speech; Sovereign Immunity; and Florida’s educational statutes and regulations in general. Our attorneys have lectured on various topics both at publicly sponsored seminars and through in service training programs provided at specific schools. We place a great focus on resolving issues at an early stage, but when litigation becomes necessary we are fully prepared to provide the benefit of our extensive experience through effective and persuasive representation in all forums including administrative hearings, federal and state trial courts and appeals at all levels.

**Employment & Labor**

Employment and labor law can be one of the most pressing concerns for any company, from a start-up hiring its first employee to a conglomerate facing a class action. Cole, Scott & Kissane, P.A. (“CSK”) has handled thousands of employment and labor law claims, including discrimination and retaliation claims under the Americans with Disabilities Act (“ADA”), Age Discrimination in Employment Act (“ADEA”), Title VII and the Florida Civil Rights Act (“FCRA”); overtime, wage and hour claims under the Fair Labor Standards Act (“FLSA”) and Florida Minimum Wage Act; Florida public and private whistleblower claims; workers’ compensation retaliation claims; breach of contract claims; non-competition agreement claims; class actions and collective actions under FLSA and other employment causes of action such as breach of contract class actions; and torts in the employment context such as assault, battery, defamation, negligent hiring, negligent retention and tortious interference.

A significant part of Cole, Scott & Kissane, P.A.’s employment and labor practice also includes defending claims at the administrative level with the Equal Employment Opportunity Commission (“EEOC”), Florida Commission on Human Relations (“FCHR”), National Labor Relations Board (“NLRB”), Department of Labor (“DOL”) and Department of Justice (“DOJ”). In addition to preparing responses to administrative complaints and charges with these government agencies, CSK actively participates in investigations and interviews conducted by these agencies regarding employer practices and alleged violations of state and federal laws.

Cole, Scott & Kissane, P.A. also frequently counsels employers on handling internal employment matters in an effort to avoid potential lawsuits or mitigate their value when they cannot be avoided. Upon request, CSK also conducts internal employer investigations into allegations relating to employment law such as sexual harassment or discrimination, and internal audits for employers to ensure they properly classify employees as exempt/non-exempt in accordance with FLSA regulations. We also draft and revise employee
handbooks and manuals to make sure they are up to date and in compliance with relevant employment and labor laws, including but not limited to social media policies. Our attorneys frequently give seminars and presentations to employers and insurance professionals on employment law topics, such as hiring and firing practices and navigating the administrative process for employment claims handling in Florida. We also distribute periodic employment law updates to our clients regarding interesting and emerging topics in the field.

**Environmental**

Cole, Scott & Kissane P.A. represents defendants in personal injury actions, property damage claims, remediations and insurance coverage disputes, arising out of environmental matters.

**ERISA Litigation**

Cole, Scott & Kissane, P.A. advise and counsel employers of all sizes on the design, creation, compliance and operation of all types of our employee benefits and ERISA law services. Our ERISA litigators regularly defend clients in ERISA lawsuits involving employee benefit plans and plan fiduciaries. We also advise our clients in administering their plans. We have experience with qualified and non-qualified retirement plans, welfare plans, and deferred compensation arrangements. We regularly represent employers and advise on employee benefits issues in mergers and acquisitions. We also assist companies in resolving IRS audits and Department of Labor investigations of employee benefit plans. Our clients include labor unions, public corporations, private companies, non-profit organization and public agencies.

**Family Law**

Family law is a very unique field of practice, because it involves both emotional and financial risks. The professionals at Cole, Scott & Kissane, P.A. understands that each situation is different, and requires a carefully crafted solution. Our professionals have experience in many aspects of divorce, child custody and adoption, complex property valuations and asset divisions, and non-traditional family issues.

Situations involving your family are always difficult, and that is why the professionals at Cole, Scott & Kissane, P.A. will take the time to explain each step of the process, and ensure that all of the best options are explored.

**Federal Practice**

Many of our firm’s attorneys are experienced federal practitioners. Given the typical complexity of federal claims, federal practice is based significantly on the ability to communicate effectively and persuasively in writing, and our lawyers meet that demand. The firm’s attorneys represent clients in complex common law and statutory claims typically brought in federal court. These claims include issues related to ADA, civil rights, Fair Housing Act, racial and sex discrimination, Fair Labor Standards Act, ERISA, and the Equal Employment Opportunity Commission. The firm has defended clients in numerous class action suits, some of which involved securities fraud, community association contract disputes and housing discrimination disputes. Class action cases require extensive litigation management skills because of their typical size and document-intensive nature. We have efficiently and effectively addressed these matters.

**Fidelity & Surety Litigation & Counsel**

Cole Scott & Kissane handles matters involving contract suretyship, including cases dealing with claims against a contractor’s payment or performance bond surety.

Our lawyers represent insurance companies that provide surety bonds.

Our lawyers handle cases involving fidelity bond law and litigation. These fidelity cases involve blanket and schedule bonds issued on behalf of commercial and financial institutions providing coverage for fraud or dishonesty of the insured’s employees.

**Fiduciary Litigation**

A strong management base is critical to the survival of a business. Cole, Scott & Kissane, P.A. is committed to providing only the highest quality legal services in defense of its clients who manage over private and public entities.

**FINRA Arbitration**

Cole, Scott & Kissane, P.A. has extensive experience assisting clients in securities litigation and arbitration proceedings. Our collective experience includes representation of financial services firms, including broker-dealers, registered investment advisers, registered representatives, financial planners and investment advisor representatives in arbitration proceedings conducted by the Financial Industry
First Party Property

Cole Scott & Kissane’s first-party residential and commercial property coverage and litigation group is at the forefront of handling sinkhole damage, water damage, wind damage, fire damage and other property damage claims throughout the state of Florida. CSK has handled thousands of pre suit and litigation files for numerous carriers trying many of those to verdict. Our defense team has more than 30 attorneys spread across our 10 offices that handle almost exclusively these types of claims and lawsuits. We are actively involved in investigating and assisting carriers in prosecuting insurance fraud. Many of our attorneys are former geologists, engineers, insurance adjusters or state prosecutors which brings a unique ability to better handle sinkhole, fraud, water, wind and fire claims. We are also unique in the fact that our lawyers have a tremendous amount of first-party property experience while still trying a tremendous number of cases to verdict, which only serves to protect insurance carriers’ interests to a degree that no other firm can provide.

Fraud Litigation

The firm’s attorneys have extensive experience, both affirmatively and defensively, litigating cases for insurance companies and individuals involving fraud and deceit. Our attorneys have represented clients in numerous cases in which fraud was the central legal issue. The firm also has experience in alleging and proving “fraud upon the court” to assist our clients in cases in which a party has intentionally misrepresented the facts to gain an advantage in the litigation. Cole, Scott & Kissane, P.A.’s attorneys are also available to provide legal counsel concerning pre-suit fraud investigations, statutory compliance, and administrative aspects of fraud investigations.

General Civil Litigation

Cole, Scott & Kissane, P.A. is a litigation powerhouse. This enables the firm to respond aggressively and competently when a client has a dispute which needs resolution. However, general liability work is not just courtroom work anymore. We are committed to the appropriate use of Alternative Dispute Resolution methods including arbitration, traditional and innovative mediation, and court-assisted settlement conferences. Our lawyers are capable of handling the most basic slip-and-fall claims to billion dollar asbestos insurance coverage disputes. All of our lawyers are trained in the basics of general liability litigation matters.

Government Relations

Cole, Scott & Kissane, P.A. has a long-history of assisting state, county and local governments with legislative, transactional and litigation issues. Our team of lawyers has provided strategic government affairs advice, including assisting with drafting legislation, and defending these entities in a wide variety of cases including redistricting, bond related litigation defense, securities violations defense, public funding, class actions, homeless issues, ad valorem taxation, municipal fees, section 1983 actions, negligence actions, actions under the police officers bill of rights, and meaningful regulatory issues.

Hospitality Industry Defense

As a service based economy, Florida has a strong hospitality industry catering to both residents and tourists. Cole, Scott & Kissane, P.A. has a team of lawyers throughout the state whose practice focuses on representing hotels, restaurants, bars and similar business against claims ranging from commercial disputes to personal injury claims (including but not limited to premises liability claims such as trip-and fall and negligent security, liability arising from the sale of alcohol and other claims). With a hands-on approach and extensive experience, Cole, Scott, & Kissane, P.A. provides aggressive and effective representation to bring claims to a prompt resolution.

Insurance Coverage & Carrier Representation

Advising and representing national insurance and reinsurance companies in coverage disputes, Cole, Scott & Kissane, P.A. attorneys deal extensively with issues of policy coverage, interpretation, and exclusions. Because insurance defense has been a mainstay of the practices of the firm’s attorneys, CSK has many long-term relationships in the insurance industry.

CSK handles matters dealing with broad-based policies, such as umbrella coverage and comprehensive general liability. CSK represents many clients on a statewide basis. In many instances, CSK is principal or primary counsel for carriers in all matters regarding the State of Florida. In certain instances, CSK is the principal or primary counsel for carriers in matters within other
States throughout the United States.

**Intellectual Property**

The Intellectual Property Group of Cole, Scott & Kissane handles a wide array of matters involving trademark, copyright and patent infringement; trademark monitoring; false advertising; infringement of the rights of publicity; and Internet domain disputes. Few law firms can match the industry experience, legal skill, technical breadth and business knowledge of CSK.

**Land Use Litigation**

Cole, Scott & Kissane, P.A. has extensive experience assisting clients in working through the complexities of the local regulatory process. Land Use litigation includes disputes involving development rights, zoning, use restrictions, covenants and easements, title matters, density restrictions, challenges to local or municipal ordinances, adverse possession, and disputes arising from administrative action relating to real property. In addition, CSK has extensive experience in handling disputes involving purchase/sale contracts, acquisition of land, loans, foreclosures, commercial leases, construction, and eminent domain.

**Legal Malpractice**

The Legal Malpractice team of Cole, Scott & Kissane, P.A. is composed of extremely experienced and talented attorneys who have represented attorneys in a wide variety of matters. Our defense team has the resources to address the wide spectrum of underlying matters and areas of practice that are at the heart of the malpractice claim. Our approach to the effective defense of an attorney is to fully assess a matter as early as possible to identify all potential areas of concern and to formulate a proactive resolution strategy to resolve problems in a manner consistent with the needs and desires of our clients. Unlike other types of professional malfeasance claims, a legal malpractice action has a set of rules and guidelines unto itself. Legal malpractice cases consist of two cases in one—the malpractice claim and the underlying lawsuit or transaction. Our clients benefit from our attorneys who assess and respond to the claim and the underlying lawsuit or transaction immediately.

**Liquor Liability Defense**

Cole, Scott & Kissane represent retailers, convenience stores, restaurants, and bars in defense of dram shop claims. While the foregoing ordinarily have immunity with respect to alcohol sales, certain circumstances allow for one to pierce immunity such as underage sales and sales to habitual drunkards, among other things. We advise our clients in defense of those claims and assist in prevention of future incidents. We also have experience in representing beverage manufacturers involved in combining high alcohol content with caffeine in their products.

**Longshore and Harbor Workers' Compensation Act ("LHWCA")**

Cole, Scott & Kissane, P.A. works on behalf of its clients to evaluate case exposure and settlement values involving injuries sustained which may be covered under the LHWCA or Longshore Act Extensions. CSK also defends clients with disputed claims both in administrative proceedings and the appellate courts, if litigation ensues.

CSK aims to resolve these claims as efficiently and cost-effectively as possible, as its lawyers focus their defense strategy on early resolution of cases.

**Medical Malpractice**

Cole, Scott & Kissane, P.A. provides counsel for hospitals, medical practices, surgical centers, outpatient facilities, blood banks, physicians, advanced registered practitioners, nurses, pharmacies and pharmacists. Our vast experience with these claims provides requisite insight to each specific client’s needs and concerns whether the client is an entity or individual person. We understand the extremely sensitive nature of these claims in this highly regulated industry. Extensive experience enables the firm’s attorneys to conduct a vigorous defense on behalf of the client while remaining mindful of the families and practitioners who are involved in the case. It is essential for the medical providers to maintain goodwill and an unabashed reputation despite the claims asserted. As such, CSK’s attorneys defend these cases both in an effort to prevail and also protect the provider’s reputation within the community.

**Medicare Secondary Payer Compliance**

The Federal Government’s 2007 Amendment to the Medicare Secondary Payer Act created numerous new and continually evolving responsibilities for many facets of the insurance industry, including, most notably, an obligation to report data to the Center for Medicare and Medicaid Services and to protect Medicare’s interests when resolving claims involving Medicare beneficiaries. The attorneys at Cole, Scott & Kissane, P.A. have actively
compiled instructive materials, given seminars and stand ready to advise primary payers on how to secure their interests and avoid unnecessary exposure to fines and penalties by the Federal Government.

**Municipal Finance (Tax Free Bonds)**

Lawyers in the Firm have extensive experience in municipal bond matters. Key members of the Firm’s municipal financing team are Richard P. Cole (the Firm’s Managing Partner), Tom Scott (former U.S. Attorney and Federal District Judge for the Southern District of Florida), and Paul A. Lester, who is Of Counsel to the Firm. Such matters include serving as counsel on private manufacturing and distribution projects, hospitals, adult congregate living and nursing home facilities, and a variety of low income and other bond financed housing projects. These complex projects involve a variety of parties, including municipalities, County bond issuing agencies, and Florida State bond issuing agencies, as well as lenders, federal government agencies such as FannieMae and FreddieMac, and trustees, developers, and privately held corporate businesses.

**Nursing Home Health Care**

Cole, Scott & Kissane, P.A. provides counsel for nursing homes and other institutional long-term care facilities. The extremely sensitive nature of both claims and clients makes CSK’s experience in this highly regulated industry all the more valuable to nursing home clients. Extensive experience enables the firm’s attorneys to conduct a vigorous defense on behalf of the client while dealing carefully with the families and clients who are involved in the case. The nursing homes, even though they want to win cases against them, also want to maintain good will, and a reputation for compassion. CSK’s attorneys are mindful of their clients’ needs, and act accordingly.

**Nursing Malpractice**

Cole, Scott & Kissane, P.A. is proud to be a leader in the community in defending Medical Negligence lawsuits. Cole, Scott & Kissane, P.A. represents a variety of licensed nursing professionals, including Advanced Registered Nurse Practitioners, Nurse Practitioners, Certified Registered Nurse Anesthetists, Registered Nurses, Licensed Practical Nurses, Certified Nurse Aids, and Patient Care Technicians. Whether these professionals are involved in lawsuits as employees of a hospital or other health care entity, sued individually, or responding to allegations made by the Department of Health, they require a high level of skill and experience, which Cole, Scott & Kissane, P.A. offers statewide. We provide aggressive defense, compassion, counsel, and appreciate the sensitive nature of these claims. We also handle issues concerning credentialing; reporting to state and national accreditation boards; and informal discovery. We are often called upon to apply statutory law and cutting edge legal precedent to formulate early management plans to shape litigation directed toward nurses to our client’s greatest advantage early in the claims handling process. Our extensive experience and range of services offered enables the firm’s attorneys to defend these cases and claims both in an effort to prevail and also protect the client’s reputation in the community.

**Personal Injury Protection (PIP)**

Cole, Scott and Kissane, P.A. has extensive experience in defending Personal Injury Protection (PIP) claims. CSK performs a thorough investigation into PIP claims filed with insurance carriers to ensure compliance with Florida’s PIP statute and to aggressively defend against any suspected insurance fraud on behalf of a carrier’s insureds and healthcare providers. Our attorneys in the PIP practice group have defended and litigated numerous PIP claims throughout the State and obtained favorable outcomes for our clients.

**Pharmaceutical & Medical Device Litigation**

Pharmaceutical and medical device defense requires a sophisticated understanding of medicine, product engineering, manufacturing and justify distribution process’ in combination with the ability to handle large-scale complex matters in a highly organized and efficient manner. It also requires extensive knowledge of the technical and regulatory issues relating to the safety and effectiveness of products. CSK regularly appears and represents national drug companies and distributors in both State and Federal Court and has successfully defended both pharmaceutical companies and medical device manufacturers. Our lawyers have years of experience in the major issues companies face in pharmaceutical device litigation, including electronic discovery, defending against consumer fraud claims, federal preemption defenses, and innovative settlement strategies. Our lawyers have litigated large-scale product/torts lawsuits involving pharmaceutical, toxic substances, mass tort, and other significant fraud/ product claims and are adept at managing large sophisticated cases that include daunting amounts of discovery and simultaneous proceedings in multiple...
venues, including district courts and state courts. We are uniquely positioned to litigate product liability matters that combine advanced technology with the intricate legal and regulatory landscape.

Our firm's pharmaceutical and medical device group exercises extreme discretion and sensitivity in ensuring the public's trust in the company's product. We also utilize state of the art and intuitive information and practice management software to assist in the handling of e-discovery and trial presentation.

At CSK, we appreciate the importance of coordinating with National Counsel and justify serving as a valuable resource to them and their clients to safely navigate Florida's challenging litigation landscape. This is particularly so as many matters are consolidated into multidistrict litigation (MDL) proceedings and we are often called upon to try bellwether cases that permit both sides to assess the relative strengths of this position.

**Physician's Malpractice**

Cole, Scott & Kissane, P.A. has represented licensed medical providers of all specialties since the firm's inception. Our experience and dedication to the medical community involves handling claims for physicians of all specialties, dentists, psychiatrists, psychologists, and licensed mental health counselors. Throughout the State of Florida, the firm handles administrative actions initiated by the Agency for Healthcare Administration and Department of Health. Whether the physician or medical provider faces license inquiries, medical negligence claims, peer review action, or merely requires counsel for practice management, the firm's vast experience and leadership in this area is crucial for timely and effective outcome. Our litigation and trial experience in catastrophic damage and injury cases as well as our dedication and understanding of the sensitive nature of these claims benefits these professionals during our unabashed and aggressive counsel.

**Premises Liability**

Property owners and managers can be held liable for unsafe conditions that lead to injuries or death of individuals. Even in cases involving assault or theft, a failure to provide an appropriate level of security may constitute a violation of a duty of care towards “business invitees” and the general public. The lawyers at Cole, Scott & Kissane, P.A. provide extensive experience in the defense of property owners, lessees, retailers, apartment managers and parking lot companies.

The Premise Liability Group at CSK has expertise in handling claims involving slip and fall accidents, negligent security events, drownings, assaults and batteries and a variety of other premises related claims. Its lawyers are skilled in identifying suspicious or fraudulent premise liability claims.

**Product Liability**

Product liability work often involves large numbers of documents that must be controlled promptly and efficiently. It also requires a sophisticated understanding of the product in question, taking into account manufacturing, engineering, production, and distribution processes specific to an industry. In all these areas, Cole, Scott & Kissane, P.A. offers defense for distributors and manufactures with efficiency and cost-effectiveness.

The Product Liability Litigation Group at CSK regularly appears in both state and federal courts on behalf of its clients, who rely on CSK to protect their interests in expanding geographic markets.

**Professional Malpractice**

The Professional Liability Defense Group at Cole, Scott & Kissane, P.A. has experience defending a wide variety of professionals in malpractice actions, including claims involving the legal and accounting industries, design professional/architects and engineers, real estate agents/brokers, insurance agents/brokers, certified financial planners, investment advisors, registered representatives, security broker-dealers, attorneys, and medical/healthcare providers.

The attorneys at CSK are seasoned litigators who provide counseling and litigation services to clients involved in fiduciary disputes. Recognizing that fiduciary duties are the highest duties known to the law, these cases often raise complex liability issues with very significant economic consequences. CSK is experienced in litigating these matters, and CSK has the knowledge and resources necessary to resolve them efficiently and discreetly.

Due to its expertise in defending professionals, the leading attorneys at CSK have authored practice guides and loss prevention manuals discussing professional malpractice issues. CSK promotes seamless
collaboration teamwork, providing the precise knowledge and skills required in any given case, assuring a cost-effective and focused defense for our professional services clients. Qui tam/False Claim/Whistleblower Claims

Quitam/False Claim/Whistleblower Claims

Cole, Scott & Kissane has extensive experience defending clients in qui tam, False Claims Act, and whistleblower related investigations and lawsuits. Our clients are companies and executives in a wide variety of industries, including large healthcare companies, educational institutions, and major defense and government contractors. As well, companies and law firms involved with Sarbanes-Oxley compliant independent investigations. Cole, Scott & Kissane’s proactive approach to defending these matters targets and maximizes a successful result as early as possible. Our knowledge of the broad array of statutory, regulatory and agency requirements, combined with our deep experience in conducting internal investigations, allows us to assist the client in conducting a cost effective assessment of the potential risk involved early in the proceeding. Our lawyers work proactively in the investigation stage to dissuade government intervention or find a satisfactory resolution prior to full scale litigation. We also help clients manage employee whistleblowers, who are initiating the vast majority of FCA cases brought today.

Real Estate & Foreclosures

Cole, Scott & Kissane, P.A. undertakes matters related to property management, leasing, and servicing. With respect to commercial leasing and management matters, CSK advises some of the largest owners and operators of commercial properties on a wide range of retail, office, and industrial projects. CSK also advises investors, developers, and agents concerning operational and management issues, often structuring arrangements for the management and leasing of major commercial developments. CSK counsels clients with asset sales, mergers, and acquisitions where the successful transfer of leasehold interests is critical. Moreover, CSK has significant experience in representing tenants and landlords in sale leaseback transactions. CSK has represented both buyers and sellers of real estate, and is familiar with all aspects of financing the deals.

Additionally, CSK provides counsel in foreclosure Vand distressed real estate matters. CSK has advised many clients concerning troubled real estate projects that must be restructured, refinanced, or liquidated, including both lenders and borrowers in connection with nonperforming or poorly performing loans. CSK also has structured sophisticated workouts and rearrangements of relationships. CSK has experience regarding the interplay between bankruptcy and creditors’ rights law and real estate law, including the relative rights of landlords and tenants in a bankruptcy setting. CSK offers the one-stop shopping for all real estate matters.

Securities

Cole, Scott & Kissane, P.A.’s securities litigation practice includes representation of clients nationwide, in matters arising from broker-dealer and registered investment advisers related claims involving a variety of securities issues. Our attorneys regularly defend securities firms and their officers, directors, registered representatives, employees/agents and associated persons in arbitrations before self-regulatory organizations such as the FINRA, NYSE, and AMEX, as well as in civil lawsuits before federal and state courts. Cole, Scott & Kissane, P.A. is a member of the Florida Securities Dealers Association, Inc. floridasecurities.com/memfirms.html

Security Negligence

Cole, Scott & Kissane also focuses on defending residential and commercial properties and their insurers against Negligent Security claims, arising from Class I Crimes committed at or near a premises. CSK’s Attorneys, Investigators, and Law Enforcement/Security Experts are proficient in crafting the factual and legal defenses and documentary evidence to establish that businesses and residences are compliant with Florida Law. Condominiums, Shopping Malls, Convenience Stores, Apartment Complexes, Service Stations, Bars, Restaurants, Retail Establishments and Single-Family residences are legally required to provide “Reasonable Security Measures for the Protection of Their Invitees.”

These cases are particularly document-intensive. They are fast becoming an area of significant exposure to businesses/residences. Many of these entities are often insufficiently familiar with the required legal duties, until after a significant claim/injury occurs.

Cole, Scott & Kissane is also proactive in advising its clients and insurance carriers regarding measures to be undertaken, to prevent or minimize future occurrences, and to reduce the potential costly damages and
defense costs. CSK’s Negligent Security attorneys also provide CLE Seminars to our insurance clients and their insureds, to familiarize Claims Personnel and Property Owners/Managers with the nuances and unique characteristics of the data and evidence typically utilized by each side, in the prosecution and defense of Negligent Security Claims.

**SIU Insurance Fraud Defense**

Cole, Scott & Kissane, P.A. offers SIU Insurance Fraud Defense for the special investigation units of insurance carriers. CSK engages in the aggressive defense of suspected insurance fraud by claimants, lawyers and healthcare professionals using special investigative techniques to recognize and efficiently resolve vehicular and premise accidents, first party property claims, excessive and unnecessary treatment, illegal clinic ownership, inflated specials and improprieties in medical billing.

**Toxic Tort: Asbestos**

Cole, Scott & Kissane P.A. represents defendants in personal injury actions and insurance coverage disputes, arising out of toxic tort claims.

**Trucking Accident Defense**

The attorneys at Cole, Scott & Kissane, P.A. have represented, and continue to defend, a wide range of clients, insurance carriers, and insureds, in the commercial bus and trucking industries. Our attorneys have defended third-party liability claims, cargo and freight claims, contractual claims, one-way and local rental claims, and worker’s compensation claims throughout the State of Florida.

The attorneys at CSK have extensive experience in defending and investigating serious and catastrophic personal injury and property damage claims.

CSK has statewide accident reconstruction experts, police investigator experts, and attorneys who are available around the clock to immediately respond to the location of an accident, often while the vehicles and investigating officials are still “on-scene.” In our experience, fast-acting response teams have proven extremely effective in gathering and preserving critical physical evidence, and in coordinating efforts with State and/or Federal Investigating officers.

Additionally, CSK offers attorneys who are current and/or former members of the Defense Research Institute—Trucking Law Committee (like Richard Harris Car accident lawyer etc), Trucking Industry Defense Association, Society of Automotive Engineers, and the Florida Trucking Association.

**Trust & Estate Planning**

Estate planning is one of the most important proactive measures one can undertake with regard to securing protection of their income and assets. Whether you are looking to create an estate plan for your lifetime, or the orderly transmission of your assets upon death, having an estate plan is the key to ensuring favorable tax treatment and longevity of your financial well-being. The trust and estate lawyers at Cole, Scott and Kissane offer services to clients in all facets of estate planning. This includes, but is not limited to, the drafting and administration of Wills, Trusts, Family Partnerships, Family Limited Liability Companies, the preparation of Estate and Gift Tax Returns, as well as Estate and Trust Income Tax Returns. This practice area also includes general tax planning, asset protection planning, and of course, representing clients in probate and trust administration proceedings.

**Vehicle Negligence**

Cole, Scott & Kissane, P.A. has extensive experience in defending vehicle negligence claims. Over the years, CSK has handled thousands of claims on behalf of insurers, self-insured rental car companies, trucking companies and other transportation companies. The Vehicle Negligence Practice Group at CSK has developed an expertise for underinsured and uninsured claims of a first-party variety.

**Workers’ Compensation**

Cole, Scott & Kissane, P.A. works on behalf of insurance carriers and self-insured companies to evaluate case exposure and settlement values involving injuries sustained by their employees/agents. CSK defends employers and carriers with disputed claims both in administrative proceedings and the appellate courts, if litigation ensues.

Workers’ compensation requires a high degree of familiarity with the law, in addition to timely and effective communication with CSK.
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<tr>
<td>Miami</td>
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