

People



D. David Keller

Partner, Litigation
Professional Liability

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With a passion for defending the reputations of lawyers and law firms, David Keller has devoted more than 25 years to representing lawyers in professional liability matters and counseling law firms on risk management issues. He regularly handles “bet-the-law firm” cases and is frequently engaged to defend some of the largest law firms in the country. A veteran trial lawyer, David has tried more than 50 cases to jury verdict and handled numerous non-jury trials, significant arbitrations, and appeals in both state and federal courts and before the American Arbitration Association.

David also has handled commercial and insurance litigation, including business disputes, defamation, and commercial tort claims; insurance coverage and declaratory judgment cases; and business property insurance claims. In recent years he has also been called on to review and testify regarding fee applications as an expert witness and to review extensive fee submissions from outside counsel for compliance with corporate client billing guidelines and The Florida Bar Rules of Professional Conduct. Although not a certified mediator, he has also been called on to mediate several lawyer professional liability, insurance-related, and commercial cases.

A leader in the bar and the profession, David has served in the American Bar Association House of Delegates, as president of the Broward County Federal Bar Association (1997-1998), and on The Florida Bar Civil Rules Committee. David is also an instrument rated pilot who operates his own aircraft for business and pleasure.

Notable Work

Legal and Professional Malpractice

Jury Trial: In a contentious dispute arising out of a settlement agreement involving collection of delinquent obligations for support and equitable distribution arising out of a New York dissolution of marriage and related enforcement proceedings, David secured pre-trial dismissals and summary judgments on six of the seven counts

Areas of Experience

Litigation
Professional Liability
Commercial Disputes
Insurance Litigation
Appellate

Education

J.D., University of Florida Levin College of Law
B.A., Florida Atlantic University

Admissions

Bars

Florida

Courts

U.S. Supreme Court
U.S. Court of Appeals, Fifth Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Southern District of Florida
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida

Related Content

Akerman Sponsors the ABA Spring 2025 National Legal Malpractice Conference
April 02, 2025

Akerman Expands Premier Litigation Practice With Top Professional Liability Lawyer David Keller and Elite Team
February 18, 2025

on behalf of their lawyer and law firm clients, including claims of legal malpractice, conspiracy to commit fraud, civil theft, unjust enrichment, tortious interference, and third party beneficiary legal malpractice. The remaining count, for aiding and abetting conversion, proceeded to trial, resulting in a directed verdict and complete victory for his clients, including entitlement to substantial attorneys' fees and costs. (Miami-Dade County Circuit Court)

Jury Trial: In a challenging seven-year-old case, taking over the case after a number of adverse rulings, including orders granting leave to pursue punitive damage claims against a major law firm and one of its lawyers, David prevailed in a two-week jury trial on claims for conspiracy/usurpation of corporate opportunity, negligent misrepresentation, aiding and abetting fraud/theft of corporate opportunity, civil theft, and breach of escrow agreement. The court granted a directed verdict on claims for civil theft and for punitive damages against the law firm, and the jury rendered a complete defense verdict on all remaining claims.

Jury Trial: After six days of a two-week trial on claims for legal malpractice in connection with investors' purchase of a financially distressed corporation and alleged negligence in due diligence and advice regarding the transaction, David successfully negotiated a confidential nominal settlement substantially lower than any pre-trial demands. The settlement at trial followed effective cross-examination of plaintiffs' best witnesses and presentation of critical testimony from two key out-of-town defense witnesses taken during plaintiffs' case-in-chief. Settlement was for approximately 3 percent of initial pre-trial demand. (Miami-Dade County Circuit Court)

Jury Trial: After taking over the defense of a highly regarded commercial lawyer and his law firm as lead trial counsel less than a month before trial, David won a directed verdict following several days of trial. After successfully cross-examining the plaintiff, his nationally prominent law professor expert, and the defendant, David established the absence of any basis for a claim of professional negligence relating to a technical legal research issue and preservation of error for appellate review. The defendants obtained a substantial final judgment for attorneys' fees and costs. (Broward County Circuit Court)

Non-Jury Trial: Successful defense of lawyer and major law firm at trial in suit for breach of trust, breach of fiduciary duty, and removal of lawyer as trustee, resulting in dismissal of claim for removal with prejudice and award of substantial attorneys' fees and costs. (Polk County Circuit Court)

Summary Judgment/Dismissal of \$200 Million Claim: Prevailed on claims for legal malpractice and breach of fiduciary duty against a prominent commercial trial lawyer and his firm for alleged damages in excess of \$200 million. (Complex Business Division, Orange County Circuit Court)

AAA Arbitration Trial Victory: Successful prosecution of fee claim and defense of seven-figure counterclaim for breach of fiduciary duty, disgorgement of substantial fees, and damages in AAA arbitration for a major South Florida law firm. Fees in excess of \$800,000 were recovered by the law firm client in the underlying commercial litigation case, with additional fees in excess of \$750,000 for successful pursuit of fee claim and defense of counterclaim.

Voluntary Dismissal Just Before Trial: Successful defense of law firm in claim for negligence in guardianship proceedings and related sale of stock in closely held business, resulting in voluntary dismissal before jury selection at commencement of three-week jury trial. (Broward County Circuit Court)

Voluntary Dismissal in Response to Motion for Summary Judgment and Motion for Sanctions: Successfully defended large out-of-state law firm in claim alleging professional negligence associated with work on behalf of pension plan and IRS audit, and invalidation of the plan based on use of springing cash value life insurance policy funding mechanism sold to client by insurer and financial planners. The claimants voluntarily dismissed the case following receipt of summary judgment motion and agreed to pay fees to the law firm based on pending motions for sanctions pursuant to Florida Statute 57.105.

Jury Verdict: Successful defense of major South Florida law firm in two-week jury trial involving bankruptcy trustee auction and sale and the resulting claim for more than \$1 million in damages awarded to the trustee against law firm's former client; collected substantial fee award based on offer of judgment.

Commercial Litigation

Non-Jury Trial: After five years of contentious litigation, David prevailed after a week-long trial, before putting on a defense. David was initially engaged to represent the defendant's counsel in connection with a routine real estate closing that should have ended with a corrective deed and corrected title insurance commitment after a mistake in the legal description came to light. Instead of submitting a title insurance claim, the buyer engaged a major AmLaw 200 firm and sued the seller (a bank that took title by foreclosure and previously sold off a small piece of the property it had acquired) for breach of contract based on an incorrect legal description. The buyer's counsel had changed the legal description in the contract to correspond with the incorrect title commitment after it had been approved, without informing the seller, and denied knowledge of how the error in the legal description occurred. After an evidentiary dispute at trial regarding undisclosed information withheld based on privilege, the buyer produced emails proving that the buyers and their real estate counsel and title and closing agent knew of the discrepancy and the prior sale but failed to disclose it to the bank's counsel. After this evidence was produced (and after making a settlement demand, which was rejected), the plaintiff voluntarily dismissed the case and agreed to relief on the counterclaim for reformation of the deed. The court reserved jurisdiction to award attorneys' fees and costs to the bank. The case was resolved in a confidential settlement.

Summary Judgment in \$20 Million Malicious Prosecution Case – Affirmed on Appeal: Defeated claims of malicious prosecution, tortious interference with business relationships, and conspiracy against corporation and its principals based on an unsuccessful criminal prosecution following insurance fraud investigation, with damages alleged in excess of \$20 million and after court granted claimants leave to amend complaint to seek punitive damages. *Total Fleet Solutions v. National Insurance Crime Bureau*, Orange County Circuit Court Case No. 08-CA-33848-O, Summary Judgment Affirmed, 101 So. 3d 856 (Fla. 5th DCA 2012)

Insurance Coverage

Jury Trial: In a two-week trial of a case taken over from prior counsel who retired, David and his team secured a defense verdict against an excess professional liability insurer seeking to avoid and shift responsibility to a previous excess insurer for its share of a \$10 million settlement of a professional liability claim against a major law firm. The plaintiff insurer presented expert testimony from a nationally recognized authority on excess and surplus lines insurance coverage matters. The successful trial prevented recovery of more than \$9 million.

Pro Bono: Successful pro bono representation of a dependent minor obtaining post-mortem invalidation of life insurance beneficiary designation by estranged parent and award of life insurance benefits to surviving minor dependent.

Lead Appellate Counsel in *Goldman v. State Farm Fire Gen. Ins. Co.*: Represented insurer in a widely cited decision establishing distinction between insurance policy requirement of examinations under oath and depositions, resulting in forfeiture of claim based on insured's failure to appear at an EUO. *Goldman v. State Farm*, 660 So. 2d 300 (Fla. 4th DCA 1995).

Appeals

Published Appellate Decisions: David's published appellate decisions include:

- *Andreasen v. Klein, Glasser, Park & Lowe, P.L.*, 342 So. 3d 732 (Fla. 3d DCA 2022)
- *ARI Mut. Ins. Co. v. Hogen*, 734 So. 2d 574 (Fla. 3d DCA 1999)
- *Goldman v. State Farm Fire Gen. Ins. Co.*, 660 So. 2d 300 (4th DCA 1995)
- *Sembric v. Allstate Ins. Co.*, 434 So. 2d 963 (Fla. 4th DCA 1983)
- *Sparacino v. Laganiere*, 429 So. 2d 1299 (Fla. 4th DCA 1983)

Published Work and Lectures

- *FDCC Quarterly*, Vol. 56, Issue 3, Co-Author, "Update on Cumis Counsel, Florida and Other Selected Perspectives," Spring, 2006

Affiliations

- Seventeenth Circuit Judicial Nominating Committee, Member 2011-2018 Chair, 2016-2017
- Fourth District Court of Appeal, Judicial Nominating Commission, Member 2018-2022
- Federation of Defense & Corporate Counsel
- Florida Defense Lawyers Association, Member
- American Bar Association House of Delegates 1990-1992, 2002-2006
- American Board of Trial Advocates, President, Broward County Chapter 2009
- Broward County Federal Bar Association, President 1997-1998
- Broward County Bar Young Lawyers Section, Former President
- The Florida Bar, Local Grievance Committee, Chairman; Civil Rules Committee, Member, Young Lawyers Division Board of Governors
- President, Temple Beth Israel 2005-2007

Honors and Distinctions

- *Best Lawyers*, 2008-2025, Listed in Florida for Legal Malpractice Law—Defendants
- *Super Lawyers* Magazine, 2010-2025, Listed in Florida for Professional Liability, Civil Litigation
- *South Florida Legal Guide*, 2006-2024
- Lynn Futch Professionalism Award, 2023
- American Board of Trial Advocates, Fort Lauderdale Chapter, 2016 - Trial Attorney of the Year
- Martindale-Hubbell, AV Rated, 1992-Present