

People



## Dena Beth Sacharow

Partner, Litigation

Fort Lauderdale

T: +1 954 331 4131

Miami

T: +1 305 374 5600

[dena.sacharow@akerman.com](mailto:dena.sacharow@akerman.com)

vCard

Dena Sacharow focuses much of her practice on defending lawyers and law firms in legal malpractice matters. She also handles personal injury and property damage cases, insurance coverage and liability matters, and responding to Civil Remedy Notices on behalf of insurance companies and bad faith claims. Dena has successfully defended multiple lawsuits at the trial court level and through appeal. She has also audited and reviewed extensive fee submissions in support of expert witness engagements and for compliance with insurance company billing guidelines and The Florida Bar Rules of Professional Conduct. She represents property insurers who issue commercial policies and direct-to-homeowner policies and has represented property insurers who issue lender-placed coverage. Dena has secured numerous dismissals and summary judgments in state and federal court on behalf of her clients, reducing defense costs, and minimizing or eliminating indemnity exposure. Dena is also currently defending the insureds of one of Canada's largest automobile insurers in Florida litigation.

Dena has presented at numerous conferences on subjects ranging from Florida property and tort reform to legal malpractice issues. She is also certified by the Florida Department of Financial Services to provide continuing education courses to insurance company clients and adjusters licensed in Florida. She has provided continuing education courses for insurers across the country and in Canada on various topics involving the insurance industry, including but not limited to claims practices for effective and good faith claims handling, case law and legislative updates, liability claims handling, and policy interpretation. She also customizes course programs to the needs of the insurer and based on insurance industry trends.

### Notable Work

**Summary Judgment in Favor of Commercial Insurer:** Secured summary judgment in favor of a commercial insurer in a Hurricane Irma claim based on res judicata and collateral estoppel, which was upheld on appeal. After the trial court granted summary judgment in

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### Areas of Experience

Litigation  
Insurance Litigation  
Professional Liability  
Appellate

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### Education

J.D., Nova Southeastern University, Shepard Broad Law Center, 2010, magna cum laude, *Nova Law Review*  
B.S., Florida State University, 2007, cum laude

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### Admissions

#### Bars

Florida  
New York  
New Jersey

#### Courts

U.S. District Court, District of New Jersey  
U.S. District Court, Southern District of Florida  
U.S. District Court, Middle District of Florida  
U.S. District Court, Northern District of Florida

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favor of a commercial insurer in a Hurricane Irma claim, the same insured filed a second lawsuit attempting to allege that the insured had submitted notice of a supplemental or reopened claim by virtue of discovery responses served in the first lawsuit. This issue was raised by the insured in the first lawsuit in a motion for rehearing. In addition, the insured did not complete repairs or otherwise take any other action between entry of summary judgment in the first lawsuit and filing of the second lawsuit to establish a change in circumstances and the submission of a supplemental or reopened claim. Although the trial court initially granted a motion to dismiss based on res judicata and collateral estoppel, the trial court provided the insured with leave to file an amended complaint. Summary judgment was subsequently granted in favor of the insurer on the basis of res judicata and collateral estoppel. *New Hope Ministries, Inc. v. Church Mut. Ins. Co.*, --- So. 3d ---, 2025 WL 85190 (Fla. 6th DCA Jan. 14, 2025).

**Blue Cross & Blue Shield of Florida:** Prevailed on appeal after eight years of contentious litigation over insurance benefits, including a five-day trial. First, the team recovered a judgment in the trial court for \$1,755,436.85 in favor of Blue Cross & Blue Shield of Florida and against Zenith Insurance Company on claims for equitable subrogation and unjust enrichment. Blue Cross sought reimbursement for amounts it paid for medical treatment of an injured employee, which should have been paid by Zenith, the employer's workers compensation insurer. Zenith appealed. On October 12, 2023, the Fourth District Court of Appeal summarily affirmed the trial court judgment a day after oral argument. Blue Cross also prevailed on its claims for attorneys' fees in both the trial court and in the Fourth DCA. *Zenith Ins. Co. v. Blue Cross and Blue Shield of Florida, Inc.*, 373 So. 3d 620 (Fla. 3d DCA 2023).

**Legal Malpractice Case:** Successfully obtained a dismissal with prejudice, which was affirmed on appeal in a legal malpractice case in Miami-Dade County. The personal representative of an estate filed a wrongful death and survival claim against the decedent's former lawyers and law firm alleging that the failure to timely file a claim for stacking underinsured motorist coverage caused the decedent to commit suicide three and a half years after the law firm was discharged. The law firm moved to dismiss all claims with prejudice, arguing, in part, that the law firm did not owe a duty to the decedent to prevent his suicide and that the statute of limitations had expired on any purported legal malpractice claims. The court granted the motion to dismiss with prejudice on all grounds, and the ruling was affirmed on appeal. *Andreasen v. Klein, Glasser, Park & Lowe, P.L. et al.*, 342 So. 3d 732 (Fla. 3d DCA 2022).

**Summary Judgment in Favor of Commercial Insurer:** Secured summary judgment in favor of a commercial insurer in a Hurricane Irma claim on two separate grounds. First, following the carrier's initial adjustment of the claim, the insured failed to provide notice of a supplemental or reopened claim prior to filing the lawsuit as required pursuant to the notice provision of the policy, rendering the lawsuit premature. The trial court agreed and granted summary judgment based on the noncompliance with the notice provision. Second, the policy provided that replacement cost damages were not recoverable unless and until repairs were completed and those repairs were completed as soon as reasonably practicable after the loss. The insured never submitted a claim for actual cash value damages prior to filing or during the lawsuit. The trial court agreed and granted summary judgment finding that since the insured failed to complete repairs, the insured was not entitled to recover replacement cost value damages pursuant to the terms of the policy.

The trial court's rulings were affirmed on appeal. The trial court awarded the insurer attorney's fees and costs against the insured. *New Hope Ministries, Inc. v. Church Mut. Ins. Co.*, 340 So. 3d 486 (Fla. 2d DCA 2022).

**Dismissal With Prejudice Against Law Firm:** Successfully obtained a dismissal with prejudice in an abuse of process and conspiracy case filed in Broward County against a law firm and several lawyers. The law firm represented the wife in a dissolution action. Following the dissolution action, an issue arose regarding the husband's obligation to pay alimony. After the wife sought to enforce the alimony determination, contentious litigation ensued, which was ultimately resolved via mediation. After the mediation, the husband sued his now ex-wife, her counsel, and her accountant. The court dismissed the lawsuit with prejudice finding all matters were resolved at the mediation, a lawyer cannot conspire with her client unless there is a personal stake in the illegal conduct separate from advancing the interests of the client, plaintiff could not plead or prevail on an abuse of process claim, and the litigation privilege provided the lawyers immunity. The dismissal was affirmed on appeal. *Rodriguez-Molina v. Fixel & Larocco*, 298 So. 3d 1152 (Fla. 4th DCA 2020).

**DSacharow-Excess Insurance Carrier-MM06:** Assumed the representation of an excess insurance carrier in a long-running insurance coverage dispute spanning a full decade. After a jury trial lasting over two weeks in Miami-Dade Circuit Court in September and October 2018, the team secured a defense verdict against an excess professional liability insurer that was seeking to avoid and shift responsibility to our client, the prior excess insurer, for its share of a \$10 million settlement of a professional liability claim against a prominent mid-size Miami commercial litigation firm. A confidential resolution was reached after the defense verdict and no appeal was taken.

**Legal Malpractice Case:** Successfully obtained a dismissal with prejudice, which was affirmed on appeal in a legal malpractice case against a sole practitioner in Broward County. After the co-personal representative named in a will failed to qualify as personal representative under Florida Statutes, he sued the lawyer who drafted the codicil to the will, alleging legal malpractice in failing to advise the potential personal representative and decedent of the qualification requirements for serving as personal representative. The plaintiff alleged damages in excess of \$2 million, based on the estate's value of nearly \$200 million. The court granted the defendant's motion to dismiss with prejudice because the plaintiff was not a third-party beneficiary of the attorney-client relationship between the lawyer and the decedent, and thus could not state a claim for legal malpractice. Two days after oral argument before the Fourth District Court of Appeal, the appellate court affirmed the ruling in a per curiam decision. *Haber v. Klinton*, 247 So. 3d 502 (Fla. 4th DCA 2018).

## Published Work and Lectures

- Broward County Bar Association Barrister, Author, "To Have and To Hold: Your Bar License," September 2018
- Broward County Bar Association Barrister, Author, "Client Communication Regarding Proposals for Settlement Can Prevent Legal Malpractice Claims," October 2017

## Affiliations

- Broward County Bar Association, Member
- American Bar Association, Member
- Florida Defense Lawyers Association, Member
- Association of Professional Responsibility Lawyers, Member

## Honors and Distinctions

- Broward County Bar Association, 2021, “Top 40 Under 40 Award” Recipient
- Martindale Hubbard, AV Preeminent Rated