

## KENDALL COFFEY

*kcoffey@coffeyburlington.com*

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### PROFESSIONAL

#### PUBLIC SECTOR

U.S. Attorney, Southern District of Florida (1993-1996)  
Law Clerk to Hon. Lewis R. Morgan, U.S. Court of Appeals, Fifth Circuit (1978)

#### PRIVATE SECTOR

Associate, Greenberg, Traurig (1978-1984)  
Director and Shareholder, Greenberg, Traurig, headed firm's banking litigation division (1984-1988)  
Founding member, Coffey, Aragon, Martin & Burlington (1988-1993)  
Currently founding member of Coffey Burlington, concentrating on complex litigation at trial and appellate levels, in federal and state courts

#### TEACHING & COMMUNICATIONS

- Guest Legal Analyst: CNBC, CNN, CNN Headline News, FOX, MSNBC, and Telemundo; has also provided commentary for CBS-4, CNN International and the Canadian Broadcasting Company
- Adjunct faculty member for Florida Constitutional Law, University of Miami School of Law (2008-2009)
- Adjunct faculty member for Trial Practice, University of Miami School of Law (1991-1993)
- Lecturer in trial skills and substantive law for such organizations as the Florida Bar, The Academy of Florida Trial Lawyers, Dade County Bar Association, University of Miami School of Law, Professional Education Systems, Inc., National Business Institute, Inc. and CLE International, Inc.

### PUBLICATIONS

#### ARTICLES

- The United States vs. Gov. Blabbermouth, Miami Herald (December 21, 2008)
- Legal highlights and low points of 2008, National Law Journal.com (December 2008)
- Commentary: Best and Worst of a Year of Celebrity Justice, CNN (December 28, 2007)
- Feds Take On Political Corruption With Gusto, More Flexible Tools, Sun-Sentinel (September, 2007)
- Prosecution Oversight: Beyond The Duke Lacrosse Case, Durham Herald-Sun (September, 2007)
- Mortgage Fraud And The Law Enforcement Challenge, Daily Business Review (August, 2007)
- Cooperating Witnesses: Milestones in U.S. History, The National Law Journal (August, 2007)
- Civilian Trials Not the Truest Gauge of Success, Sun-Sentinel (May, 2007)
- Padilla And The Lesser Of Terrorism's Evils, CNN (2007)
- The Best And Worst In Legal News For 2006, CNN
- The Best, The Worst Of 2005, The Miami Herald (December, 2005)
- The Case For Military Tribunals, The Wall Street Journal (May, 2003)
- Let World Oversee The Trials Of Iraq's War Crimes, The Herald (May 2003)
- Perils Of The New Rules On Absentee Ballots, The Herald (February, 2002)
- Liberty's New Federalism, The Miami Herald (December, 1991)
- Three Part Series On The Bill Of Rights, The Miami Times (Spring, 1991)
- From Confidence-Keeper To Whistle Blower, Miami Review (April, 1990)
- Justice For All Includes Indigents, Miami Review (May, 1988)

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**LAW JOURNALS**

- Litigating at Light Speed, *The Florida Bar Journal* (January 2009)
- Inherent Judicial Authority and the Judicial Disqualification Doctrine, Vol. 56 Fla.L.Rev. 195 (2004), cited in, *BP Amoco Chem. Co. v. Flint Hills Resources, LLC*, 500 F.Supp.2d 957, 960 (N.D. Ill. 2007), and *American Empire Surplus Lines v. Care Center, Inc.*, 484 F.Supp.2d 855, 857 n.2 (N.D. Ill. 2007)
- The Due Process Right to Seek Asylum In The United States: The Immigration Dilemma And Constitutional Controversy, 19 *Yale Law and Policy Review* (May 2001), portions reprinted in *Refugee Law and Policy: Cases and Materials* (2d Ed.), reprinted in 22 *University of Cincinnati Immigration and Nationality Law Review* (Fall, 2002)
- Non-Compete Agreements Under Florida Law: A Retrospective and a Requiem! 19 *Florida State University Law Review*, 1105 (1992), quoted in, *Health Care Financial Enterprises, Inc. v. Levy*, 715 So.2d 341 (Fla. 4th DCA 1998); cited in *Bradley v. Health Coalition, Inc.*, 687 So.2d 329, 1997 (Fla. 3rd DCA 1997); *Kupscznk v. Blasters, Inc.*, 647 So.2d 888 (Fla. 2nd DCA 1994); and *Jewett Orthopaedic Clinic, P.A.*, 629 So.2d 922 (Fla. 5th DCA 1993)
- The Expansion of Lender Liability in Florida, 40 *University of Florida Law Review* (1988)
- Freezing Cash Before Judgment, *The Florida Bar Journal*, Vol. 18, No. 5 (May, 1983)
- Contribution Among Joint Tortfeasors, 35 *University of Miami Law Review* 971 (1981), quoted in, *West American Ins. Co. v. Best Products Co., Inc.*, 541 So.2d 1302 (Fla. 4th DCA 1989); and cited in *Mathias v. Uniroyal Goodrich Tire Co.*, 677 So.2d 328 (Fla. 3rd DCA 1996)
- Non-Compete Agreements by the Former Employee, *Florida State University Law Review* (1980), cited in *Jewett Orthopaedic Clinic, P.A.*, 629 So.2d 922 (Fla. 5th DCA 1993); and *Herndon v. Eli Witt Co.*, 420 So.2d 920 (Fla. 1st DCA 1982)
- Commentary, "Civil Rights § 1981," 29 *University of Florida Law Review* (1977)

**BOOKS**

- *Florida Foreclosures: Remedies, Defenses and Lender Liability, Volume I & II, D&S*, Butterworth
- *The Troubled Construction Loan (Chapter on Contractors)*, Wiley & Sons (1991)
- *Real Property III (Chapter on Construction Loan Agreements)* *The Florida Bar*

**LEGAL EDUCATION PUBLICATIONS**

- *The Foreclosure: Issues Faced by Both the Lender and the Borrower In a Typical Commercial or Multi-Unit Residential Foreclosure*, First Institute on Real Property Law (1988 Ed.)
- *Lender Liability in Florida* (1988 Ed.)
- *Florida Construction Law* (1982, 1983, 1984 Ed.)
- *Florida Mortgage Foreclosures* (1983, 1988, 1989, 1990, 1991, 1992 Ed.)
- *Problem Loans*, National Business Institute (1988 Ed.)
- *Construction Lending in Florida*, Professional Education Systems (1985, 1986, 1987, 1988 Ed.)
- *Business Work Outs and Foreclosures* (1987 Ed.)

**ACTIVITIES****DADE COUNTY BAR ASSOCIATION**

- President (1990-1991)
- President-Elect (1989-1990)
- First Vice President (1988-1989)
- Second Vice President (1987-1988)
- Secretary (1986-1987)
- Treasurer (1985-1986)
- President, Young Lawyers Section (1984-1985)
- Chairman, Law Week (1981)

**THE FLORIDA BAR**

- Legislation Committee (1991-1992)
- Rules of Civil Procedure Committee (1985-1987)

**THE FLORIDA BAR FOUNDATION**

- Director (1995-1996)
- Legal Assistance to the Poor Committee (1991-1996)

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### AMERICAN BAR ASSOCIATION

- Immigration Coordinating Committee (2001-2002)
- Co-Chair, Immigration Law Committee, Section of Litigation (2001-2002)
- Legal Assistance to the Poor Committee (1991-1996)
- Special Committee on the Delivery of Legal Services (1991-1993)
- Chair, Kid's Voting (Florida), Inc. (1991-1992)
- Florida Children's Campaign (Dade Planning Committee and Leadership Team)
- Director, Florida Foster Care Review, Inc.
- Trustee, Transition, Inc.
- Florida International University Council of 100
- Law Education Advisory Board
- Leadership Miami Planning Committee
- St. Thomas Inns of Court

### AWARDS AND RECOGNITIONS

- Annually recognized as one of Florida Trend's Legal Elite, Florida "Super Lawyer," and South Florida Legal Guide's "Top Lawyers"
- 2006 Valor Award by The American Diabetes Association
- Highlighted in "Settlements and Verdicts for 2001," Florida Lawyer and Miami Business Review, as Co-Counsel for Trustee
- Recognized by the National Law Journal as one of its Lawyers of the Year for 2000, as Member of Gore Legal Team
- Selected as Miami's Best Lawyer for 1998 by the New Times
- Named as Plaintiffs Counsel in Big Suits, The American Lawyer (Summer, 1988)
- AV Rated by Martindale-Hubbell
- Commendations and Awards from Dade County Association of Chiefs of Police, Executive Office for U.S. Attorneys, Federal Bureau of Investigation, and a dozen other federal and local law enforcement organizations for outstanding public service during 1993 through 1996
- Public Service Commendation from Dade County Association of Criminal Defense Lawyers (1998)
- Special Award from Chief Judge, Dade Circuit Court, for Special Leadership in Providing Pro-Bono Legal Services (1991)
- Recognized by Dade County Legislative Commendation for Service as "Most Innovative, Inspiring and Invigorating President of the Dade Bar" (1991)
- Black Lawyers Award for Support and Commitment to Influence Positive Changes in the Legal Community and In Promoting
- the General Welfare of AU Citizens (1991)
- Legal Services Award for Outstanding Contribution to the Delivery of Legal Services to the Poverty Community (1990)
- Dade County Lawyers Most Productive Young Lawyer (1985)
- Most Productive Young Lawyer in Florida, Florida Bar Young Lawyers (1984)

### PERSONAL

Born Merced, California, December 5, 1952

### ADMITTED TO BAR

- Florida (1978)
- Supreme Court of Florida (1978)
- U.S. District Court, Southern District of Florida (1979)
- U.S. Court of Appeals, Fifth Circuit (1980)
- U.S. Court of Appeals, Ninth and Eleventh Circuits (1982)
- U.S. District Court, Middle District of Florida (1989)
- Supreme Court of the United States (1999)
- U.S. Court of Appeals, Second Circuit (2005)
- U.S. District Court, Northern District of Florida (2007)

### EDUCATION

University of Florida (J.D., with high honors, graduated first in March, 1978 class)

Florida Blue Key; Phi Kappa Phi; Order of the Coif; Member, Moot Court

Articles Editor and Senior Student Works Editor, University of Florida Law Review (1977-1978)

University of Florida – B.S. with honors (1972-1975)

Miami Dade Community College

Palmetto Senior High School