

Diane H. Tutt

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Office Location: Hollywood

Diane H. Tutt, who has been practicing in the area of civil appeals and litigation support for 40 years, is a partner in Conroy Simberg's Hollywood office. She has handled more than 700 appeals in state and federal courts and has presented oral argument in hundreds of cases before all Florida appellate courts, as well as several federal appellate courts.

Diane began her career working for a large insurance defense law firm and then spent many years practicing on her own. She joined Conroy Simberg in 2011 and continues to handle civil appeals in all substantive areas of the law, as well as litigation support. She was listed in *The Best Lawyers in America*® for Appellate Practice from 2021-2022.

Practice Areas:

- Appellate
- Litigation Support
- Subrogation

Admitted to Practice:

- All Florida Courts, 1981
- U.S Supreme Court, 1985
- U.S. Court of Appeals for the Eleventh Circuit, 1981
- U.S. Court of Appeals for the First Circuit, 1987
- U.S. Court of Appeals for the Federal Circuit, 1992
- U.S. District Court, Southern District of Florida, 1982

Education:

- University of Miami School of Law, Juris Doctorate, *cum laude*, 1981
 - Member of the Law Review
- University of Florida, Bachelors of Science in Business Administration

Professional Affiliations:

- Charter Member, Appellate Practice & Advocacy Section of the Florida Bar
- Charter Member, Third District Court of Appeal Historical Society
- Board Certified in Appellate Practice by Florida Bar since 1995

Honors & Awards:

- AV rated by Martindale Hubbell
- Florida Super Lawyers, 2008-2018
- Listed in *The Best Lawyers in America*® for Appellate Practice, 2021-2024

Speaking Engagements:



- "Case Law Update," Conroy Simberg Annual Webinar, 2019-2023
- "Appellate Issues Pertaining to Personal Injury Protection Litigation," Conroy Simberg Annual Claims Management Seminar, 2013
- "Ethics in Mediation," Conroy Simberg Annual Claims Management Seminar, 2012

Representative Experience:

- *Nationwide Mutual Fire Ins. Co. v. Advanced Cooling and Heating, Inc.*
 - Obtained reversal of substantial attorney's fee judgment, which trial court entered based on determination that XYZ Insurance Company breached a duty to defend an insured in an underlying suit in which a property owner claimed that Advanced Cooling and Heating (insured by XYZ Insurance Company) had improperly performed its air conditioning work and had damaged the air conditioning system. The Fourth District held that XYZ Insurance Company had no duty to defend Advanced Cooling and Heating in the underlying action, because "property damage" under its liability policy did not include the work performed by the insured, or damage to the property worked on by the insured.
- *Nicastro v. Palm Beach County*
 - Successfully represented Palm Beach County in three workers' compensation appeals filed by claimant, involving a variety of issues, including attorney's fees, jurisdiction, standing and sanctions.
- *Faddis v. City of Homestead*
 - Obtained affirmance of order of dismissal for fraud on the court on behalf of client sued by a former employee of the City of Homestead alleging invasion of privacy.