



Avery A. Dial

Overview

Avery Dial, partner and chair of the Data Privacy Practice Group, focuses his practice on commercial, professional liability (including directors & officers, attorneys, accountants, medical professionals, nursing homes and other long-term care facilities, hospitals, architects & engineers and design professionals), insurance coverage, labor and employment, data privacy, intellectual property, product liability and wrongful death litigation.

Mr. Dial defends businesses and professionals accused of data breach and privacy violations. Further, Mr. Dial advises companies in a variety of industries on pre and post data breach practices.

Mr. Dial defends and prosecutes business matters including breach of contract, civil theft, conversion, breach of warranties, statutory violations, fraudulent business practices, professional malpractice, and entertainment matters. He also litigates insurance coverage matters where the underlying claims are business litigation, professional liability, or intellectual property matters.

Mr. Dial counsels and defends private businesses and municipalities on website and brick and mortar accessibility claims under Titles II and III of the Americans with Disabilities Act. He also counsels and defends clients on actions brought under the Fair Housing Act.

Mr. Dial is an experienced litigator for commercial and residential real estate matters including title claims, foreclosures, landlord tenant disputes, and breaches of contract on behalf of title insurers, banks, tenants, and property owners.

Mr. Dial is AV® Preeminent™ Peer Review Rated, by Martindale-Hubbell.

Admissions

- Florida
- U.S. District Court
 - Northern District of Florida
 - Middle District of Florida
 - Southern District of Florida
- U.S. Court of Appeals



Partner
Diversity & Inclusion Committee Member
Chair, Data Privacy & Cybersecurity Practice Group

Contact Information

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Related Practices

- Data Privacy & Cybersecurity
- Cybersecurity
- Directors and Officers (D&O)
- Professional Liability/Errors and Omissions - Defense
- Litigation
- Accountants and Actuaries
- Architects and Engineers
- Lawyers
- Labor and Employment Law
- Fair Housing
- Insurance
- Financial Services
- Health Care/Managed Care
- Hospitality, Entertainment & Gaming
- Hospitality
- Data Privacy
- Consumer Financial Services
- Insurance Regulatory & Transactional
- Corporate & Intellectual Property
- Public Sector/NonProfit

- *Eleventh Circuit*
- *U.S. Bankruptcy Court*
 - *Southern District of Florida*

Education

- *University of Florida Levin College of Law - J.D.*
- *University of Florida - B.A.*

Professional Associations and Memberships

- *Board Director, Goodwill Industries of South Florida, 2023*
- *The Foundation for Sickle Cell Disease Research, Board Director, 2022*
- *American Bar Association*
- *The Florida Bar, Wm. Reece Smith, Jr. Leadership Academy*
- *University of Florida Levin College of Law- Law Center Association Trustee*
- *The Florida Bar, Young Lawyers Division*
- *Hurricane Assistance Attorney, Broward County Bar Association*
- *DRI, Cybersecurity Specialized Litigation Group of the Commercial Litigation Committee*
 - *Co-Vice Chair, 2015*
- *City of Fort Lauderdale Community Services Advisory Board 2004 - 2011*
 - *Chair 2009 - 2011*
- *City of Fort Lauderdale Aviation Advisory Board, 2011 - 2013*
- *The Florida Bar Grievance Committee "H" in the 17th Judicial Circuit*

Awards

Awards

- *AV® Preeminent™ Peer Review Rated, Martindale-Hubbell*
- *Recognized in The Best Lawyers in America®, Commercial Litigation, 2024, 2023, 2022*
- *South Florida Legal Guide, "Top Lawyer", 2019*
- *Florida Trend, Legal Elite, 2015, 2016, 2019*
- *South Florida Legal Guide, Top Up & Comer, 2014 - 2018*
- *Florida Trend, Legal Elite, Up & Comer, 2013*

Publications

- Partner Avery Dial, Esq. quoted in Gov Tech.com article, *Cyber Insurance Roundup: What's Happening Now?*, 11-12-2023
- Partner Avery Dial, Esq., quoted in article "What Happens When You Lose Your Cyber Insurance?" in *Information Week*, 11-7-2023
- Partner Avery Dial quoted in article, " Medicare MOVEit breach a warning of persistent cyber-danger; watch impact," *Part B News*, 8-21-2023
- 4 Tips For Policyholders As SEC Adopts Cyber Reporting Rule, quotes by Avery Dial, Esq., in *Law 360 Insurance Authority*, 8-21-2023
- Cyberattack Rule Raises Insurance Risks for Corporate Officers, *Bloomberg Law*, quotes Kaufman Dolowich's Avery Dial, Esq.
- "Barracuda Hack May Highlight Cyber-Linked Property Damage", *Law360 Insurance Authority* quotes Kaufman Dolowich Partner Avery Dial, 6-20-2023
- "Killnet Group Targets U.S. Hospitals with Cyberattacks", quote from Avery Dial, Esq., *Health Care Risk Management*, April 2023
- "ChatGPT May Pose Cyber, Other Risks As Tech Evolves," article quotes Avery Dial, Esq., in *Law 360 Insurance Authority*, 3-31-23
- Sued for ransomware attack? Hacked health system hit with class action claim, Partner Avery Dial quoted, *Part B News*, Jan 2023
- KD Attorney Avery Dial Appointed to Foundation for Sickle Cell Disease Research Board of Directors
- Black Cyber Lawyers See Racial Diversity as Key to Data Safety, *Bloomberg Law*, ft. Avery Dial
- New Ransomware Advisory Warns of Penalties for Ransom Payments, *Insurance Coverage Law Center*
- Let's Check Our Cybersecurity Before We Wreck Ourselves
- Cyberinsurance Now a Necessity, But Choose Coverage Wisely, *Healthcare Risk Management*, ft. Avery Dial
- Florida Supreme Court Says Frye Is 'Still The One', *Law360*
- Author, "Stuck in the 80s – Florida Statute 627.4265, a Legal Anachronism", *JD Supra*, March 23, 2018
- Co-Author, "Burning Down The House – The Wyndham Decision Allows The FTC To Sue Businesses For Getting Hacked." *Fowler White Burnett, P.A. Legal Alert*, September 14, 2015, Republished by *JD Supra Business Advisor*, September 18, 2015
- Author, "The Basics of Net Neutrality – What 'You Oughta Know'", *JD Supra Perspectives*, March 23, 2015
- Co-Author, "Undercover of the Night – Hacking, Data Breaches And The Terrorism Exclusion", *Fowler White Burnett, P.A. Legal Alert* February 11, 2015, Republished by *JD Supra Business Advisor*, February 12, 2015
- Co-Author, "Land of Confusion: Insurance Coverage for Pre-Suit FCPA Investigation Costs Under D&O Liability Policies," *Fowler White Burnett, P.A. Legal Alert*, August 12, 2014
- Co-Author, "Will Heartbleed Affect Data Breach Insurance Coverage?" *JD Supra Business Advisor*, April 15, 2014

News

- Kaufman Dolowich Partner Avery Dial Elected to Board of Goodwill Industries South Florida, April 2023
- A Service Charge is Not a Tip: 11th Circuit Court Rules Restaurant Mandatory Service Charge is Not Considered a Tip
- Black Cyber Lawyers See Racial Diversity as Key to Data Safety, *Bloomberg Law*, ft. Avery Dial
- New Ransomware Advisory Warns of Penalties for Ransom Payments, *Insurance Coverage Law Center*

- *WATCH OUT FOR SMOOTH CRIMINALS: REMAIN VIGILANT WITH CYBERSECURITY DURING THE PANDEMIC*
- *Avery Dial is Recognized as Florida Legal Elite*