



Dale S. Dobuler

Partner

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Dale Dobuler concentrates his practice exclusively in complex insurance coverage analysis, insurance coverage litigation and bad faith. Within that broad ambit, he has handled a wide array of insurance coverage disputes, such as those involving large-loss first-party commercial and residential property claims (including allegations of insurer bad faith), and many third-party coverage matters involving underlying national products liability litigation, professional negligence cases, complex class action and MDL work, subrogation claims, and numerous coverage matters arising under commercial general liability insurance, often involving multiple carriers and layers of coverage.

Before embarking on his legal career, Dale served as superintendent for several state-operated youth facilities, culminating in an appointment to the Miami-Dade Regional Juvenile Detention Center (the largest juvenile detention center in Florida and third largest nationally), serving the 11th Judicial Circuit, where he was responsible for monitoring compliance with all federal, state and local law, rules and policy.

During this time, Dale assisted the Florida Department of Juvenile Justice in coordinating a legal response to emergency motions, writs of habeas corpus and other motions in conjunction with the Office of the General Counsel. He served as liaison to the local judiciary, the Miami-Dade Office of the Public Defender and the Miami-Dade Office of the State Attorney. Dale was responsible for ensuring that youth met legal criteria for detention under Chapter 985 of Florida Statutes and worked collaboratively with the state employee union to address labor concerns. Dale also was responsible for a full-time staff of 248 state employees and managers with all associated aspects of facility leadership, budget, community relations, contract compliance and monitoring, and daily operations.

Education

- University of Miami School of Law (J.D., 2011)

Services

- Insurance & Reinsurance Coverage

- magna cum laude; Order of the Coif; Executive Board, University of Miami Law Review
- Lynn University – Boca Raton, Florida (B.S. Criminal Justice, 2007)
 - summa cum laude

Bar Admissions

- Florida

Court Admissions

- 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

Professional Affiliations

- Florida Defense Lawyers Association (FDLA), Co-chair, SLG Committee for Bad Faith, 2022–2023
- DRI: The Voice of the Defense Bar, Co-vice-chair, Bad Faith Practice Group
- Dade County Bar Association
- American Inns of Court
- PACE Miami, Founding Board Member, nonprofit school for at-risk girls
- FAIR (Federal Association for Insurance Reform), Board Member, nonpartisan organization to improve the insurance market for consumers

Awards & Honors

- Florida Trend Legal Elite Honoree – Insurance, 2021

Publications

March 27, 2023

Florida's New Tort Reform Package: The Modernizing of Florida's Bad Faith Laws

Client Wins

Freeman and Dobuler Prevail in Coverage Matter for Underlying Traffic Accident Fatality

Nicholas D. Freeman (Partner-Orlando, FL) and Dale S. Dobuler (Of Counsel-Orlando, FL) obtained summary judgment in favor of our client insurance company in a declaratory

action on the lack of coverage for two severe underlying bodily injury claims and lawsuits brought by two different pedestrians who were injured during a traffic accident involving the client's insured. While we defended the underlying claims and suits, it was the client's position that the operative policy did not provide responsive liability coverage for the accident. After filing suit, Nick and Dale quickly moved for summary judgment on the lack of coverage under the policy for the two claims and prevailed in full on that issue. After the successful summary judgment ruling, they sought a final default judgment with respect to certain defendants who had been defaulted in the coverage action. During the subsequent hearing on that issue, Nick and Dale successfully defended against a motion to vacate the default brought by one of the defaulted defendants, and then were successful in obtaining final default judgment on the lack of coverage for our client and the remaining defaulted defendants, bringing the matter to a close and allowing the client to withdraw its defense of the underlying bodily injury suits.

Dobuler Fends Off Potential Enormous Statutory Fees/Costs Award

Dale Dobuler (Of Counsel-Orlando) successfully defended a claim for fees and costs in the U.S. District Court, Northern District of Florida, for Wilson Elser's client, an international insurance company. The matter involved a complex first-party commercial property damage claim following hurricane destruction in Panama City. Our client promptly paid the claim, and the insured completed most of the repairs. Sometime later, the insured's public adjuster demanded millions of dollars in additional payments based on prospective repair estimates instead of actual repair costs. A premature suit was filed against Wilson Elser's client to compel appraisal and was stayed multiple times to allow the insured to comply with still-pending post-loss requests. Despite the insured's lack of cooperation, the claim was eventually placed into appraisal by the District Court, with an appraisal award entered in favor of the insured. Under Florida's former fee-shifting statute, the insured's counsel made a motion for entitlement to statutory fees and costs. While Florida law widely holds that a favorable appraisal award can constitute a "confession of judgment," resulting in entitlement to fees and costs, Dale demonstrated that the suit was improper and premature at filing, as claim adjustment was ongoing. The District Court subsequently denied the motion for fees, avoiding what would likely have been a very significant fee award.