GRAYROBINSON



Kelly J.H. Garcia

Of Counsel

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Focus

- Appellate
- Litigation
- Managed Care
- ERISA Litigation
- ERISA and Employee Benefits
- Mediation and Alternative Dispute Resolution

Experienced litigator working alongside clients to manage and resolve complex business disputes. Concentration in ERISA benefits matters and appeals in state and federal courts. Certified as a Circuit Civil Mediator for Florida Circuit and Federal District Courts.

Kelly Garcia brings decades of litigation experience to her collaborations with business owners and C-suite stakeholders throughout Florida. A dedicated advocate and passionate problem solver, she helps clients mitigate and resolve complex business issues through litigation and mediation. Her background as a federal law clerk serves as a strong foundation for her diverse and varied commercial litigation practice and informs her work in ERISA benefits matters and managed care disputes and appeals. She represents clients in state and federal courts and is a Certified Florida Circuit Court Civil Mediator. Kelly's clients include business owners, claim administrators, lenders, and developers.

Clients rely on Kelly for her wide-ranging experience with complex and multiparty business disputes. She handles conflicts involving breach of contract and security agreements, tortious interference, trade secrets, non-compete violations, shareholder and partner disputes, asset recovery, and loan repurchase obligations. In the ERISA context, Kelly defends plan and claim administrators in employee benefits and managed care disputes. She is particularly adept at identifying potential problems that may prolong and protract the litigation process and works cohesively with clients to develop effective strategies and cost-saving solutions.

As a complement to her client work, Kelly is a sought-after thought leader in the professional legal community and an advocate for advancing women's leadership in the law. She has served as a guardian ad litem, vice chair of the Federal Court Practice Committee, co-chair of the FCPC pro bono committee, and as a former member of the 9th Judicial Circuit Pro Bono Committee. She also served as board president of the Orlando Chapter of the Federal Bar Association. She collaborates regularly with GrayRobinson colleagues across practice lines to help further client and community initiatives.

Notable Work

- Representation of a claim administrator in an ERISA action focused on issues of first impression at both the federal district and appellate court levels, including authoring the response to a petition for writ of certiorari to the U.S. Supreme Court.
- Representation of 50% of the limited liability company owners in a professional employer organization insurance matter involving a complex breach of duty dispute. The deadlock was resolved through an expeditious settlement of multiple lawsuits.
- Successful defense of a business landowner against breach of contract and tortious interference claims by a licensee and prosecution of counterclaims for trespass and civil theft, including trial and subsequent appeals.
- Representation of a developer in the appeal of a judgment imposing limitations on the property's development, resulting in appellate court reversal and directive to grant judgment in favor of the developer.
- Representation of lenders in federal and state cases involving injunctions, recovery of collateral, breach of contract, and guarantor liability.

Insights

- Panelist, "Facing the Challenges: Women in the Law," Legal Marketing Association, May 16, 2019

Affiliations

- The Florida Bar
  - Alternative Dispute Resolution Section
  - Appellate Practice Section
  - Federal Court Practice Committee
    - Vice Chair, 2022-2024
    - Pro Bono Subcommittee Co-Chair, 2021-2023
- Federal Bar Association, Orlando Chapter
  - Board Member, 2013-2018
  - President, 2016-2017
- Legal Aid Society of the Orange County Bar Association, Guardian Ad Litem Volunteer Advocate
- 9th Judicial Circuit Pro Bono Committee, 2016-2018

Credentials

- J.D., Duke University School of Law, 1998
- A.B., University of Michigan, 1992, With Distinction
- Florida Supreme Court Certified Circuit Civil Mediator

Admissions

- Florida
- Georgia
- U.S. Court of Appeals for the 11th and Federal Circuits
- U.S. District Court for the Southern, Middle, and Northern Districts of Florida
- U.S. District Court for the Northern District of Georgia
- U.S. Supreme Court