

MICHAEL A. PACKER

OFFICE MANAGING ATTORNEY
CO-CHAIR, INSURANCE SERVICES PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Insurance Services – Coverage & Bad Faith
Litigation
Architectural, Engineering & Construction
Defect Litigation
Product Liability
Appellate Advocacy & Post-Trial Practice

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ADMISSIONS

Florida
1997

U.S. District Court Southern
District of Florida
1997

U.S. District Court Middle District
of Florida
2006

U.S. District Court Northern District
of Florida
2007

EDUCATION

University of Miami School of Law
(J.D., cum laude, 1997)

State University of New York at
Albany (B.A., 1994)

OVERVIEW

Michael is the firm's supervising attorney for the Insurance Services Practice Group in the state of Florida. The group assists insurers in all aspects of a coverage dispute, including responses to civil remedy notices of insurer violations, pre-suit investigations and coverage evaluations, declaratory judgment and bad faith litigation. In particular, Michael defends property insurers throughout Florida in first party coverage matters, where he responds to claims for sinkhole, windstorm, fire, mold, theft, and water losses. Michael's group also conducts examinations under oath and SIU investigations.

In both the state and federal courts, Michael has participated in a number of bench and jury trials through verdict, all of which resulted in either a defense verdict or a verdict which was less than the amount demanded.

In addition, Michael is often asked to serve as coverage and bad faith counsel in third party actions, including monitoring the defense of litigation, as well as trial. As part of this role, Michael is often asked to draft reservation of rights, declinations and prosecute declaratory relief actions.

Michael has substantial experience in alternative dispute resolution, having represented clients in thousands of mediations, neutral evaluations and arbitration proceedings. Michael routinely advises clients on the evaluation and resolution of multi-claimant matters, often times where the injuries and damages exceed the available policy limits.

Over the past ten years, Michael and his group have defended in excess of three hundred sinkhole lawsuits, as well as hundreds of other first party lawsuits. The group has defended a number of cases through trial and appeal, including four sinkhole trials during recent years. In addition, the group represents more than ten statewide insurance carriers in first party property damage lawsuits, including four out of the five largest carriers in Florida.

Michael routinely speaks at regional and nationwide industry conferences, specifically addressing coverage issues under first party property and third party liability policies. He has also presented a number of seminars on auto negligence, uninsured motorist and bad faith claims. Michael frequently travels around the country to provide in-house claims seminars with claims professionals. In addition, he has lectured on defending first party property damage claims including sinkhole and mold claims, which included review and analysis of claims handling procedures, as well as recommendations for the same. Michael has also written numerous articles for industry publications addressing Florida-specific claim handling issues and insurance companies' rights and obligations in defending first and third party coverage actions.

In 1994 Michael earned his Bachelor of Arts from the State University of New York at Albany. Subsequently, Michael obtained his juris doctor in 1997 from the University of Miami School of Law,

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

South Florida Legal Guide - Top Lawyers in Insurance Litigation Defense
2016, 2017, 2019, 2020, 2021

South Florida Legal Guide – Top Lawyers in Insurance Litigation
2014

South Florida Legal Guide - Top Lawyers
2013

Florida Trend's Legal Elite - Top Up and Comer
2012

ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Defense Research Institute, 2013

Florida WIND, 2012, 2013

The Florida Bar

YEAR JOINED

2007

Coral Gables, Florida, where he graduated cum laude.

Michael is married to Nicole Packer and they live with their three children in Weston, Florida.

THOUGHT LEADERSHIP

Without a judicial determination that the insurer acted in bad faith, it was reversible error for the trial court to enter a final judgment in excess of the policy limits.

Fort Lauderdale
Insurance Services – Coverage & Bad Faith Litigation
May 1, 2024

This appeal followed a trial for underinsured motorist (UM) benefits in which the judge entered a final verdict in the amount of \$1,052,593.21, despite the fact that the policy only provided \$100,000 in UM benefits. Legal Update for Florida Coverage & Property Litigation – May 2024 is prepared by Marshall Dennehey to provide information on recent legal develop

Property Insurance Reform Laws Passed in Florida-Now What?

Fort Lauderdale
Insurance Services – Coverage & Bad Faith Litigation
December 20, 2022

On December 16, 2022, Florida Governor DeSantis signed into law potentially historic insurance reform, commonly referred to as The material in this law alert has been prepared for our readers by Marshall Dennehey.

On the Pulse... Marshall Dennehey's Fort Lauderdale Office: Diverse People and Diverse Practices

Fort Lauderdale
January 29, 2021

In February 2002, Marshall Dennehey established an office in Fort Lauderdale with two attorneys. Defense Digest, Vol. 27, No.

Marshall Dennehey Relocates Fort Lauderdale Office

October 19, 2020

Marshall Dennehey Warner Coleman & Goggin has relocated its Fort Lauderdale office to a new location effective Monday, October 19, 2020. The new address is 2400 East Commercial Boulevard, Suite 1100, Fort Lauderdale, FL, 33308.

[Read More](#)

Michael A. Packer Named Managing Attorney of Marshall Dennehey's Fort Lauderdale Office

May 5, 2020

Marshall Dennehey has promoted Michael A.

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CLASSES/SEMINARS TAUGHT

Examinations Under Oath - What Claims Professionals Need to Know to Conduct an Effective EUO, ALM/PropertyCasualty360 Complex Claims Conference, February 26, 2024

Investigating a Claim Under a Reservation of Rights - Strategies for Managing Claims that May Not be Covered, Florida Defense Lawyers Association's Florida Liability Claims Conference, Lake Buena Vista, FL, June 16, 2022

What You Need to Know After you Go – Parts 1 and 2, CLM Claims College School of Property - Level 1 – Coverage, Virtual, 2021

Current Issues and Case Law Affecting the Property Claims Arena, CLM Claims College School of Property - Level 3, Virtual, 2021

Covid 19: To Be Property Damage or Not to Be Property Damage, CLM, January 2021

Insurance Coverage and Bad-Faith Insurance Issues Under Florida Law, Marshall Dennehey Florida Claims Symposium - *The Best Defense is a Good Offense*, Orlando, FL, September 17, 2014

Protecting Your Clients' Interest During Settlement, WIND Conference, 2013

American Conference Institute Bad Faith Litigation Conference (co-chairperson and lecturer) 2012

American Conference Institute Bad Faith Litigation Conference (lecturer) 2011

PUBLISHED WORKS

"What Florida's 'Omnibus Insurance Bill' Means for the Duty to Defend, Appraisal Process," *Insurance Journal*, June 17, 2019

"Relief in Sight for Florida's Assignment of Benefits Crisis," *Daily Business Review*, May 7, 2019

"Constant or Repeated Seepage Over a Period of 14 Days or More," *Defense Digest*, Vol. 24, No. 2, June 2018

"Solving One of the Greatest Mysteries of Florida Property Law--Florida's Valued Policy Law," *Defense Digest*, Vol. 22, No. 1, March 2016

"Bill Would Change How Mitigation Companies Do Business," *Daily Business Review*, March 3, 2015

"Make Effective Mediation Your New Year's Resolution," *Claims Journal*, Windstorm Conference Edition, January 2015

Case Law Alerts, regular contributor, 2015-present

"Why Insurers Shouldn't Produce Claims Files in Florida," *Claims Journal*, September 2014

MEDIA COMMENTARY

"Florida High Court Says Appraisals Can be Compelled Before Coverage Decided," *Insurance Journal*, February 2, 2024

"Florida Appeals Court Says Pre-suit Notice Requirement Not Retroactive," *Insurance Journal*, November 29, 2023

"What to Expect From Florida's AOB Reform Law," *Insurance Journal*, June 17, 2019

"Florida Supreme Court Rules Against Insurer in Concurrent Loss Case," *Insurance Journal*, December 6, 2016

RESULTS

Defense verdict for insurance carrier in first party property, breach of contract dispute in the Circuit Court of Palm Beach County.

Insurance Services – Coverage & Bad Faith Litigation

March 1, 2020

A water heater leak in a garage caused direct physical damage to the property, and our client paid the plaintiffs \$956.95 for damages sustained to the garage, after applying the \$1,000 policy deductible. The plaintiffs claimed that the defendant breached the contract of insurance by failing to fully indemnify them for all the property damage caused by the water leak.

Insurance Coverage Case Dismissed

Insurance Services – Coverage & Bad Faith Litigation

August 25, 2016

In an insurance coverage and bad faith case, Marshall Dennehey attorneys obtained a dismissal of a declaratory judgment action seeking \$750,000 in business income damages. The court granted the motion to dismiss, agreeing with the defendant's argument that the loss was not covered pursuant to a sewer water exclusion contained in the insurance policy. The plaintiff argued the sewer water exclusion did not apply to the business income coverage.

No Breach of Umbrella Policy in this Insurance Coverage Case

Insurance Services – Coverage & Bad Faith Litigation

April 21, 2016

Obtained final summary judgment in favor of a major insurance carrier. The plaintiffs filed suit for breach of an umbrella policy after their claim for \$1 million in uninsured motorist benefits was denied because the plaintiffs failed to maintain the required underlying auto insurance.