

Michael A. Packer

Office Managing Attorney

Co-Chair, Insurance Services Practice Group

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Michael is the firm's supervising attorney for the Insurance Services Practice Group in the state of Florida and a member of the firm's Board of Directors. 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 many of the largest insurance carriers in Florida.

Practices

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

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, Coral Gables, Florida, where he graduated cum laude.

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

Education

- University of Miami School of Law (J.D., *cum laude*, 1997)
- State University of New York at Albany (B.A., 1994)

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

Honors & Awards

- Florida Trend Legal Elite, NOTABLE Managing Partner (2025)
- 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

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

- "After 62 Years, Florida Appeals Court Drops the Expert Witness Rule on Attorney Fees," *Insurance Journal*, March 26, 2026
- "Homeowners Have Post-Loss Duties Too, Florida Appeals Court Says in HCI Win," *Insurance Journal*, March 20, 2025
- "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

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. Specifically, the plaintiffs claimed: (1) the defendant underpaid for the garage by not allowing for “detach and reset of the water heater” in the amount of \$600; (2) water from the water heater leak into the garage traveled through the crawlspace of the garage and caused the master bathroom vanity to warp; and (3) there was damage to “one” loose tile located on the toe-kick of the vanity that cannot be matched, requiring the replacement of the entire continuous tile in the home. The plaintiffs claimed total damages in the amount of \$52,930.95. We defended the case at trial, arguing that the damages were limited to only the garage. Furthermore, we presented a case to the jury premised upon science, that is, water could not have traveled through the crawlspace of the garage for nine feet and caused damage to the master bathroom vanity, as the plaintiffs claim, without defying the laws of gravity.

Thought Leadership

March 1, 2026

Mere Speculation is not Enough to Demonstrate Prejudice After Late Notice

December 1, 2025

Appellate Court Finds Term “Occurrence” Ambiguous as It Pertains to Parkland Mass Shooting

September 1, 2025

Fifth District Sides with the Sixth District and Finds SB-2A Does Not Apply Retroactively

June 1, 2025

Federal Court Holds Replacement Cost Value Coverage Requires Completed Repairs and an Actual Cost Value Estimate

March 1, 2025

Attorneys’ Fee Amount and Multiplier Reversed by Appellate Court.

March 1, 2025

On the Pulse...Sun, Sand and Suits...Lawsuits That Is

December 1, 2024

Uninsured versus underinsured? There is a big difference, and the jury should know!

September 1, 2024

If you do not object to appraiser's partiality timely, you waived the objection.

August 1, 2024

Affidavits in support of motions for summary judgment must be based on personal knowledge and provide underlying facts.

July 1, 2024

A preferred contractor endorsement in a homeowners policy applies to the contractor hired by the insured.

June 1, 2024

District court grants motion for rehearing but maintains its prior decision that affirmed the trial court's decision in favor of defendant in a subrogation dispute.

May 1, 2024

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.

December 20, 2022

Property Insurance Reform Laws Passed in Florida-Now What?

January 29, 2021

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