BERGER SINGERMAN
FLORIDA'S BUSINESS LAW FIRM



MICHAEL J. HIGER

Partner

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Michael's focus in representing a client is to treat the client how he would want to be treated if he was the client. This simple but fundamental approach has molded Michael's distinguished four-decade career as an attorney.

An experienced litigator and trial lawyer, Michael is a Partner in Berger Singerman's dispute resolution team. Michael primarily focuses on handling insurance and a wide variety of complex commercial matters for his diverse range of clients, including lending institutions and real estate developers, as well as both high-profile clients with a national reach and small business owners who are integral members of the local community. He has successfully represented clients before state and federal trial and appellate courts, the Supreme Court of Florida, and the Supreme Court of the United States.

In addition to his work at Berger Singerman, Michael also currently serves as an arbitrator on the American Arbitration Association's National Roster of Arbitrators and Mediators where he routinely adjudicates complex commercial matters including insurance disputes. His service as an arbitrator has given him a unique experience and perspective in representing his many insurance clients who are subject to arbitrating their disputes.

Throughout his career, Michael has been an integral part of the Florida legal community. He previously served as President of The Florida Bar. Additionally, Michael is one of just four lawyers in the entire state who Chambers USA recognizes for his insurance work on behalf of policyholders. Previously, Michael has also been recognized as an Outstanding Member by The Florida Bar, Business Law Section, and he also previously served as Chair of that Section. And, Michael previously was a member of Florida's Judicial Qualifications

Commission which oversees the discipline of judges in Florida.



Education

J.D., *cum laude*, University of Miami School of Law
B.A., University of Florida

Bar Admissions

Florida
New York
Washington, D.C.
U.S. Court of Appeals, Eleventh Circuit
U.S. Court of Appeals, Federal Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, Southern District of Florida
U.S. Supreme Court
U.S. District Court, Southern District of New York

Practice Teams

Dispute Resolution

Practice Areas

Complex Commercial Litigation
Director/Officer Litigation & Partnership Disputes
Insurance

Representative Matters

Representative First-Party Insurance Matters:

- Obtained jury verdict for a homeowner for 100% of the damages sought, successfully defended the verdict on appeal, obtained a significant award of over one million dollars in fees and costs including a 1.5 multiplier, and then obtained a significant bad faith settlement.
- Obtained a substantial settlement for the owner of a jai-alai/casino facility after filing suit where insurance company failed to acknowledge coverage for the significant losses insured incurred as a result of employee embezzlement. And through a pre-mediation, obtained a substantial settlement for this same facility in an unrelated roof collapse claim overcoming an unfavorable burden of proof with respect to the coverage provision in the policy and exclusions concerning a collapse.
- Obtained full policy limits for a company following a multimillion-dollar embezzlement scheme instituted by one of its employees following substantial requests for post loss compliance and document production.
- Representing the owner of large hotel/residential property in Miami Beach with respect to various damages resulting from construction defects at the property which exceed $10 million.
- As a result of a class action, our Insurance Team filed on behalf of similarly situated policyholders challenging the impartiality language in the appraisal provisions in insurance policies in which an insurance company was objecting to insureds' chosen appraiser, the insurance company abandoned its objections, agreed prospectively not to enforce the applicable provision, paid the named insured the full amount of damages incurred, and paid 100% of the legal fees incurred.
- Through negotiation and without the necessity of litigation obtained $28 million in insurance proceeds for the owner of two neighboring, 19-story, residential apartment projects that were under construction at the time of Hurricane Irma. The hurricane caused well over $50 million dollars in building and other damages. Our Insurance Team has assisted and continues to assist the property owner throughout the claim process in counseling it as to submittal of multiple proofs of loss to multiple layers of insurance companies, complying with post-loss requests, assessing and documenting the damages, assembling a group of experts to analyze and assess the damages, and analyzing and evaluating claims by and against third parties.
- Representing the owner of four commercial properties in South Florida – all of which suffered damages in excess of $65 million and representing this owner as to a fifth loss as to one of these properties which subsequently suffered a fire loss. Our Insurance Team obtained a multimillion-dollar settlement just as to the fire loss. As to the Irma claims, our Insurance Team continues to assist the owner throughout the claim process in counseling it as to the submittal of multiple proofs of loss to multiple layers of insurance companies, complying with post-loss requests, assessing and documenting the damages, assembling a group of experts to analyze and assess the damages, and analyzing and evaluating claims by and against third parties. Thus far, our Insurance Team has obtained in excess of $40 million in insurance proceeds for the owner.
- Using a pre-lawsuit mediation, obtained a substantial recovery for a pharmacy which sustained damage to its property and equipment resulting from a break-in at its pharmacy. During the break-in, the perpetrators not only caused direct physical damage but also broke a pipe within the interior causing water damage throughout the pharmacy and a loss of a significant portion of its inventory. Our Insurance Team ultimately prevailed despite the insurance company's denial of the claim prior to our involvement.
- Successfully represented numerous condominium associations in obtaining nearly 100% of the amount demanded without the necessity of the filing of a lawsuit which resulted in a multimillion-dollar recovery for the association and prompt recovery of funds.
- In the face of a summary judgment motion based on a presumptively late notice to the insurance company of the insured's claim, through mediation, our Insurance Team, obtained a substantial six figure recovery for a property developer and preserved the balance of the construction defects claim for the developer to pursue against the contractor and related parties. This claim arose out of ensuing water damages from faulty construction. Despite the insurance company's contention that the reporting of the claim was presumptively late, we were able to overcome this prejudice assertion by showing the insurance company's investigation was insufficient and by showing there was ample evidence from which the insurance company could evaluate the claim.

- Recognizing that the federal forum was not advantageous for the insured, our Insurance Team successfully argued that the federal court should remand the coverage dispute to the state court with respect to a commercial property loss which resulted in substantial damage from a plumbing leak. Thereafter, the state court granted the insured's motion to compel appraisal and forced the insurance company to appraise the loss. During the course of the appraisal, it was discovered that insured had sustained damage from a plumbing leak originating from another location. We reported this water event and asserted that it should also be appraised. The insurance company fought the inclusion of the additional claim in the appraisal and filed an action to determine coverage for the additional loss. Ultimately, the insurance company agreed to appraise the amount of the additional loss but maintained its conditions to coverage. We successfully obtained 100% recoveries for the insured as to both claims together with interest and fees.
- After years of extensive litigation, a state court approved a class action settlement in favor of a class of homeowner policyholders which alleged that the insurance company engaged in a general business practice referred to as "post-claims underwriting." The Class alleged that once an insured made a claim to the insurance company it would conduct a very simple underwriting analysis it did not do in the first place and would void the policy "ab initio" so that it could effectively deny coverage based on purported, "incorrect statements" in the applications. Although the practice is not per se illegal and Chapter 627.409, Florida Statutes, allows for this practice, the Florida Office of Insurance Services, the Florida Office of the Insurance Consumer Advocate, and the Florida Legislature have all described this practice as against the public policy of Florida. After extensive discovery and litigation, the parties reached a settlement in which the insurance company created a substantial reserve to compensate the victims of its improper practice.
- Our Insurance Team successfully compelled appraisal of a restaurant's business income loss resulting from a fire damage which destroyed the restaurant and successfully obtained a substantial six figure recovery for the owner.
- Just prior to the formation of our Insurance Team, Michael Higer represented a developer of a non-combustible solar sausage facility suffered substantial damage as the result of the deflation of over one thousand solar sausages. Although the policy excluded coverage for all design and construction defects, it did not exclude coverage for the ensuing losses from such defects. As a result and notwithstanding the insurance company's motion for summary judgment based on its otherwise applicable exclusions, Mr. Higer was able to obtain a multimillion-dollar recovery which resulted in a 100% recovery as to the loss of all of the solar sausages. The recovery also compensated the developer for the millions of dollars in damages that it suffered through the lost opportunities based upon a federal tax credit that is only available for a limited period.
- Just prior to the formation of our Insurance Team, Michael Higer represented a developer in what is now one of the landmark decisions on the issue of coverage for ensuing losses. Prior to the completion of construction of an apartment building, the developer encountered leaks in several of the units which had resulted from defective construction and design of the window structure which had caused water to leak into the interiors and spread throughout the apartment buildings. The insurance carriers disputed coverage and claimed that the damages were the result of construction defects. The federal court determined on summary judgment in favor of the developer that the ensuing losses resulting from the faulty workmanship were covered under the policy's ensuing loss exception. This decision has become one of the cornerstone opinions on Florida's ensuing loss provisions and led to a multimillion-dollar resolution in favor of the developer.
- Just prior to the formation of our Insurance Team, Michael Higer represented a condominium association in two claims against an insurance company for damages resulting from a substantial water loss and exposure to contaminated sewage water. The insurance company improperly categorized the sewage loss as a Category 1 or 2 in an attempt to avoid its contractual obligation to compensate the association for the complete removal and replacement of the affected drywall throughout its property as well as the necessary cleaning of the wall cavities. The insurance company also improperly limited its payments to the cost of drying a portion of the drywall instead of removing and replacing the drywall as required by the proper protocol for a Category 2 or 3 water loss. After the association filed its lawsuit, the insurance company

relented and issued full payment based on the proper assessment of the claim.

Awards & Honors

- *Chambers & Partners USA, America's Leading Business Lawyers,* Insurance (Florida), 2017-2026
- *The Best Lawyers in America*®, 2008-2027
  - *Best Lawyers'* 2020 Litigation – Intellectual Property Lawyer of the Year, Miami
  - *Best Lawyers*' 2017; 2024 Real Estate Litigation Lawyer of the Year, Miami
- *Florida Super Lawyers*, 2009-2022; 2024-2026
- *South Florida Legal Guide*, Top Lawyer, 2015-2019
- *The Florida Bar*, Business Law Section, Outstanding Member of the Year, 2005
- Florida's Elite Lawyers for Commercial Litigation
- Life Fellow, The Florida Bar Foundation
- *Martindale-Hubbell*, AV Rated
- *Florida Trend,* Legal Elite, 2016-2018

Community Activities / Associations

- Past President, The Florida Bar
- Board of Governors, The Florida Bar
- Former Commissioner, Judicial Qualifications Commission
- Past Chair, The Florida Bar Business Law Section
- The Florida Bar, Business Law Section; Family Law Section; Labor and Employment Law Section; Trial Lawyers Section
- Judicial Nominating Screening Committee
- Judicial Qualifications Screening Committee
- Public Member Screening Committee
- Eleventh Judicial Circuit, Committee on Business Courts
- Supreme Court of Florida Committee on Standard Jury Instructions, Contract Business Cases
- Florida Supreme Court Historical Society
- Florida Bankers Association
- The Fellows of the American Bar Foundation
- American Bar Association
- Dade County Bar Association
- Miami-Dade County Justice Association
- Centennial Celebration, Committee of 100
- Florida Justice Association
- Federal Bar Association
- Association of Trial Lawyers of America
- American Intellectual Property Lawyers Association
- Intellectual Property Law Association of Florida
- Wind Conference
- Greater Miami Chamber of Commerce

- Greater Miami Jewish Federation
- University of Miami, Law School Alumni Association
- Cuban American Bar Association
- Florida Association of Women Lawyers
- Wilkie Ferguson Bar Association
- Florida Association of Public Insurance Adjusters

In the News

Berger Singerman Attorneys Recognized in the 33rd Edition of Best Lawyers In America
August 20, 2026

Twenty-One Berger Singerman Attorneys Recognized in 2026 Edition of Florida Super Lawyers
June 26, 2026

Berger Singerman Recognized by Chambers USA for 23rd Consecutive Year
June 4, 2026

Twenty-Three Berger Singerman Attorneys Recognized in 2025 Edition of Florida Super Lawyers
June 26, 2025

Fifty-Six Berger Singerman Attorneys Recognized in the 2025 Edition of Best Lawyers In America
August 15, 2024

Berger Singerman Recognized by Chambers USA for Twentieth Consecutive Year
June 1, 2023

The Tallahassee Democrat Quotes Michael Higer in, "Hurricane Ian is gone. Before the next storm, here are tips on how to review your insurance policy"
October 18, 2022

The Palm Beach Post Quotes Michael Higer in, "Hurricane Ian is gone. Before the next storm, here are tips on how to review your insurance policy"
October 16, 2022

Client Alert: Don’t Let Your Guard Down: The Aftermath of Hurricane Ian
October 6, 2022

Forty-Three Berger Singerman Attorneys Recognized in the 2023 Edition of Best Lawyers In America
August 18, 2022

Twenty-three Berger Singerman Attorneys Recognized in 2022 Edition of Florida Super Lawyers
June 27, 2022

Berger Singerman Recognized by Chambers USA for Nineteenth Consecutive Year
June 1, 2022

NBC 2 News Quotes Michael Higer in "Florida Lawmakers are Running Out of Time To Lower the Cost of Home Insurance"
May 25, 2022

ABC 7 News Quotes Michael Higer in "Florida Lawmakers are Running Out of Time to Lower the Cost of Home Insurance"
May 25, 2022

The Center Square Quotes Michael J. Higer in, "DeSantis Calls Special Session to Address Property Insurance Reform"
April 26, 2022

The Real Deal Quotes Michael Higer in, "Bad Blood at 100 Biscayne"
October 5, 2021

Thirty-Nine Berger Singerman Attorneys Recognized in the 2022 Edition of Best Lawyers In America
August 19, 2021

Nineteen Berger Singerman Attorneys Recognized in 2021 Edition of Florida Super Lawyers
June 24, 2021

Berger Singerman Hosts 6th Annual Hurricane Preparedness Week Series To Ready Florida Businesses For Storm Season
June 15, 2021

South Florida Sun-Sentinel Quotes Michael Higer in, "Insurance reform proposals could hurt consumers, critics say"
April 16, 2021

The Capitolist Quotes Michael Higer in, "Notice to property owners: According to attorney you'll be paying more and getting less"
April 15, 2021

Berger Singerman Hosts Its First Ever Weather Week
February 23, 2021

Forbes Quotes Michael Higer in, "Homeowners And Insurance Companies Will Grapple With Climate Change In 2021"
January 13, 2021

Thirty-Five Berger Singerman Attorneys Recognized in the 2021 Edition of Best Lawyers In America
August 19, 2020

Berger Singerman Hosts Fifth Annual Hurricane Preparedness Week Series to Ready Florida Businesses for this Year's Storm Season
July 5, 2020

Twenty-Seven Berger Singerman Attorneys Recognized in 2020 Edition of Florida Super Lawyers
June 8, 2020

Berger Singerman's Insurance Team Named 2019 "Most Effective Lawyers" By Daily Business Review
December 8, 2019

Twenty-one Berger Singerman Attorneys Listed in South Florida Legal Guide as Top Attorneys
October 31, 2019

Thirty Berger Singerman Attorneys Recognized in the 2020 Edition of Best Lawyers In America
August 14, 2019

The Florida Bar News quotes Michael Higer in, "Health and Wellness Committee Sets Ambitious Agenda"
July 21, 2019

Berger Singerman Attorneys Recognized in the 2019 Edition of Florida Trend's "Legal Elite"
June 23, 2019

Daily Business Review mentions Michael Higer in, "FIU and FNU Fought Over Their Names. Lawyers Could Make $1.1M From That Trademark Battle"
June 18, 2019

'Florida Insurance Hurricane Preparation Survey' featured on multiple media outlets
June 10, 2019

Berger Singerman Hosts Fourth Annual Hurricane Preparedness Week Series to Ready Florida Businesses for Storm Season

May 30, 2019

Twenty-Eight Berger Singerman Attorneys Recognized in 2019 Edition of Florida Super Lawyers
May 29, 2019

Berger Singerman Recognized by Chambers USA for Sixteenth Consecutive Year
April 24, 2019

South Florida Legal Guide Names 21 Berger Singerman Attorneys as Top Lawyers
March 7, 2019

Daily Business Review quotes Michael Higer on, "'You Don't Look Like a Judge': Female Jurists, Lawyers Mistaken for Assistants"
January 31, 2019

Daily Business Review quotes Michael Higer in, "'My Heart Breaks': Lawyers React to Miami-Dade Judge's Suicide"
August 28, 2018

Thirty Berger Singerman Attorneys Recognized in the 2019 Edition of Best Lawyers In America
August 14, 2018

Thirty-One Berger Singerman Attorneys Recognized in 2018 Edition of Florida Super Lawyers
June 17, 2018

Miami Herald interviews Michael Higer in, "Following wave of suicides, Florida Bar president put mental health on the docket"
June 8, 2018

Berger Singerman Hosts Third Annual Hurricane Preparedness Week Series to Ready Florida Businesses for Storm Season
May 29, 2018

Berger Singerman Recognized by Chambers USA for 15th Consecutive Year
May 2, 2018

The Florida Bar Foundation Receives $70,000 CY Pres Award
February 12, 2018

Michael Higer to be Recognized with the Champion for Children Award at the 16th Annual Broward Child Advocacy Awards & Reception
January 29, 2018

South Florida Legal Guide Names 23 Berger Singerman Attorneys as Top Lawyers
January 9, 2018

GlobeSt Interviews Insurance Team in, "After Irma, When Will Insurers Pay Your Claims?"
September 26, 2017

Thirty Berger Singerman Attorneys Recognized in the 2018 Edition of Best Lawyers In America
August 14, 2017

WGCU's Gulf Coast Live interviews Michael Higer in "South Floridian Takes Helm of Florida Bar Association"
July 30, 2017

Florida Trend Features Michael Higer in, "Critical Juncture"
August 2017

WLRN features Michael Higer in, "South Floridian Takes Reins As Florida Bar President "
July 9, 2017

Sun Sentinel interviews Michael Higer in, "Florida Bar leader, discusses access to courts, better use of technology, opportunities for women"
June 29, 2017

Seven Berger Singerman Attorneys Recognized in the 2017 Edition of Florida Trend's "Legal Elite"
June 21, 2017

Berger Singerman's Michael Higer to Be Inducted as The Florida Bar's 69th President
June 19, 2017

Berger Singerman Receives High Marks by Chambers USA for Fourteenth Consecutive Year
May 29, 2017

Michael Higer Profiled by Daily Business Review: How Idols of His Youth Fueled Higer, Now Set to Lead The Florida Bar
May 18, 2017

Berger Singerman Hosts Second Annual Hurricane Preparedness Week Series to Ready Florida Businesses for Storm Season
May 16, 2017

Miami Herald: Appeals court undoes $724K judgment against developer Peebles
May 9, 2017

Business Insurance quotes Michael Higer on "Homeowner insurance ruling a game-changer in Florida"
December 12, 2016

Twenty-Eight Berger Singerman Attorneys Recognized in the 2017 Edition of Best Lawyers In America
August 14, 2016

Daily Business Review quotes Michael Higer and Gina Clausen Lozier on "Hurricane Lawyers and CPAs: Be Ready for the Storm"
June 29, 2016

Twelve Berger Singerman Attorneys Recognized in the 2016 Edition of Florida Trend
June 21, 2016

Berger Singerman's Michael Higer Installed as President Elect of The Florida Bar
June 19, 2016

Thirty-Six Berger Singerman Attorneys Recognized in the 2016 Super Lawyers Florida Edition
June 13, 2016

Berger Singerman Hosts Hurricane Preparedness Week Series to Ready Florida Businesses for Storm Season
May 11, 2016

Berger Singerman Receives Successful Jury Verdict in Complex Insurance Case
March 10, 2016

Publications

Paul Steven Singerman and Michael J. Higer Recognized in Miami-Dade Bar Circle of Excellence Awards
November 24, 2025

Chambers & Partners USA - Insurance & Reinsurance 2021 Q&A
January 19, 2021

Berger Singerman Survey Reveals Most Florida Businesses Are Not Prepared for Hurricane Season
June 9, 2019

Tampa Bay Times, "Destigmatizing mental health issues in the legal profession"
November 29, 2017

Sun Sentinel, "Revise Florida constitution with caution. Voters, pay attention"
October 18, 2017

Miami Herald, "Here's what to know about insurance coverage for your business after Irma"
September 16, 2017

Condo Management, "Best practices for handling a hurricane insurance claim"
June 6, 2017

South Florida Legal Guide, "Get the Insurance Coverage the Gecko and Flo Promised You"
January 7, 2016

Events & Speaking Engagements

Michael Higer, Presenter, "Valuation Provisions: Actual Cash Value vs. Replacement Cost Value
December 2, 2021

Michael Higer, Presenter, "The Three C's of Construction: Claims, Coverage & Cash", Construction & Insurance Law Webinar Series
March 24, 2021

Michael Higer, Panelist, "Diversity and Inclusion" hosted by the Academy of Florida Elder Law Attorneys
December 4, 2020

Michael Higer, Speaker, "Insurance Advocacy 25 Years After Andrew," History Miami Museum
August 15, 2017

Michael Higer and Gina Clausen Lozier, Presenters, "The Peril of the Wind Created Opening," CLE
June 7, 2017

Michael Higer and Gina Clausen Lozier, Speakers, "2017 Silver Anniversary Conference" Florida Association of Public Insurance Adjusters (FAPIA)
May 21, 2017

Michael Higer, Speaker, "SCOP/Henry Latimer Center for Professionalism," The Florida Bar Professionalism Symposium
April 20, 2017

Michael Higer, Speaker, "Young Lawyers Section of the BCBA: Boot Camp Series," BCBA
April 17, 2017

Michael Higer, Keynote Speaker, Jewish Federation of Broward County's 5th Annual Judicial Reception
March 6, 2017

Michael Higer and Gina Clauden Lozier, Presenters, "Law and Ethics for Public Adjusters," FAPIA 2016 Year End Conference
November 5, 2016

Michael Higer, Presenter, "Cyber Theft and Security: Including Data Breaches," First Party Claims Conference
October 17, 2016

Michael Higer, Panelist, "Got Civility?," Broward County Women Lawyers' Association
May 23, 2016

Michael Higer, Panelist, "Breakfast and Town Hall Session," The Dade County Bar Association Bench & Bar Conference

February 25, 2016

Doing Business in Florida Blog

Joint Alert: Our Response to the 2022 Insurance Reforms
December 21, 2022

Client Alert: Insurers Continue to Scrutinize ACV/RCV Provisions
January 19, 2022

Call to Action Florida Consumers and Businesses
April 13, 2021

Are you weather ready? Understanding your Coverage
March 2, 2021

Insurance Companies Saved By the Bell?
January 5, 2021

Business Interruption Claims and the Virus
November 16, 2020

Mental Health: Coping with Hurricane Season During a Global Pandemic
July 16, 2020

Insurance Carrier Continuity Plans in the Era of COVID-19
March 19, 2020

Understanding Commercial Policies: Not So Easy
June 10, 2019

Remembering Hurricane Irma
July 31, 2018

After Hurricane Irma: Weathering Your Insurance Claim
September 12, 2017

After the Storm: What an Association Needs to Know
June 14, 2017

Held hostage by ransomware? There is insurance for that.
May 16, 2017

A Victory for Florida Policyholders: The Florida Supreme Court Upholds the Concurrent Cause Doctrine
November 30, 2016

Don't Let Your Guard Down: The Aftermath of Hurricane Matthew
October 10, 2016

Wind v. Wave: Making the Critical Distinction of Damage Caused by Storm Winds and Storm Surge
September 8, 2016

Florida Supreme Court Changes Landscape for What is Discoverable in an Attorney's Fees Contest
April 12, 2016

Prior Affiliations

- Higer Lichter & Givner
- Coll Davidson Carter Smith Salter & Barkett

- Fine Jacobson Schwartz Nash Block & England