

## MICHAEL J. DECANDIO

SENIOR COUNSEL



### AREAS OF PRACTICE

Architectural, Engineering and  
Construction Defect Litigation  
General Liability  
Trucking & Transportation Liability  
Product Liability

### CONTACT INFO

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Suite 1400  
Jacksonville, FL 32202

### ADMISSIONS

Florida  
1982

U.S. District Court Middle  
District of Florida  
1987

U.S. Court of Federal Claims  
1995

### EDUCATION

Cumberland School of Law of  
Samford University (J.D.,  
1982)

American University (B.S.,  
1975)

### OVERVIEW

Michael DeCandio concentrates his practice in the defense of construction and design professionals. Additionally, he defends both products and premises liability as well as trucking cases. He has tried almost 100 cases to verdict.

Michael graduated from the American University College of Public Affairs in 1975. Following employment with the Commonwealth of Virginia, he entered law school, graduating in 1982 with his *juris doctor* from the Cumberland School of Law of Samford University. While at Cumberland, he was a scholarship member of the Moot Court Executive Board and was selected as a national member of the Order of Barristers.

Following receipt of his law degree, he worked as an assistant state attorney for the Fourth Judicial Circuit of Florida for Duval, Clay and Nassau Counties. Michael served as a prosecuting attorney for five years, the last two of which he headed a special operations unit which investigated and prosecuted major drug trafficking and political corruption cases. In addition to that, he served on the homicide department of the State Attorney's Office.

Michael left the State Attorney's Office in 1987, joining the Matthews, Osborn firm, a well-established insurance defense firm in northeast Florida. He remained with that firm and its successor entities for 18 years, until merging with Marshall Dennehey Warner Coleman & Goggin in the summer of 2004.

Special associations and memberships include the Order of Barristers, the Defense Research Institute, the Florida Defense Lawyers Association and the Professional Liability Underwriting Society. He has been awarded an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell. In 2010, Michael was named by his peers to Florida Trend's list of Florida Legal Elite.

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## HONORS & AWARDS

AV® Preeminent™ by  
Martindale-Hubbell®

Attorneys Listed by Best  
Lawyers in America  
- Professional Malpractice Law  
2012-Present

Florida Super Lawyer  
2008-2009, 2016-2019

Florida Trend's Florida Legal  
Elite  
2010

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## ASSOCIATIONS & MEMBERSHIPS

American Judicature Society

Defense Research Institute

Florida Defense Lawyers  
Association

Jacksonville Bar Association

Order of Barristers

Professional Liability  
Underwriting Society

The Florida Bar

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## YEAR JOINED

2004

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## CERTIFICATION/SPECIALTIES

Certified Circuit Court  
Mediator

## THOUGHT LEADERSHIP

### Twelve Marshall Dennehey Attorneys Selected to the 2019 Florida Super Lawyers & Rising Stars Lists

May 30, 2019

Twelve attorneys from Marshall Dennehey's Florida offices (Fort Lauderdale, Jacksonville, Orlando and Tampa) have been selected to the 2019 edition of Florida Super Lawyers magazine.

[Read More](#)

### Eleven Marshall Dennehey Attorneys Selected to the 2018 Florida Super Lawyers & Rising Stars Lists

June 19, 2018

Eleven attorneys from the Florida offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2018 edition of Florida Super Lawyers magazine.

[Read More](#)

### Eight Marshall Dennehey Attorneys Selected to the 2017 Florida Super Lawyers & Florida Rising Stars Lists

June 8, 2017

Eight attorneys from the Florida offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2017 edition of Florida Super Lawyers magazine.

[Read More](#)

### Ten Marshall Dennehey Attorneys Selected to the 2016 Florida Super Lawyers & Rising Stars Lists

June 9, 2016

Ten attorneys from the Florida offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2016 edition of Florida Super Lawyers magazine.

[Read More](#)

### Contractually Limiting Individual Liability for Design Professionals Using Florida's New Legislation

Jacksonville

**Architectural, Engineering and Construction Defect Litigation**

**December 17, 2013**

By R. Thomas Roberts, Esq., Michael J. DeCandio, Esq. and Amanda Ingersoll\* Key Points: Defense Digest, Vol. 19, No. 4, December 2013

# From Frye to Daubert: What You Need to Know About Admitting Expert Testimony in Florida State Courts

**Fort Lauderdale**

**General Liability**

**December 17, 2013**

By R. Thomas Roberts, Esq., Michael J. DeCandio, Esq. and Amanda Ingersoll\* Key Points: *Defense Digest*, Vol. 19, No. 4, December 2013

## CLASSES/SEMINARS TAUGHT

Various American Institute of Architects-sanctioned continued education programs for architects as well as engineers between 1995 and 2002

Mealey Construction Law Super Conference in Las Vegas, Nevada, November 2007 where issues concerning additional insured status were the topic of discussion

## PUBLISHED WORKS

"Contractually Limiting Individual Liability for Design Professionals Using Florida's New Legislation," *Defense Digest*, Vol. 19, No. 3, December 2013, co-author

"From Frye to Daubert: What You Need to Know About Admitting Expert Testimony in Florida State Courts," *Defense Digest*, Vol. 19, No. 3, December 2013, co-author

## RESULTS

### Successful Defense of Window Manufacturer in High-stakes Construction Defect Case

**Architectural, Engineering and Construction Defect Litigation**

**August 30, 2017**

Obtained a defense verdict in a construction defect case after an eight-week jury trial. This was a construction defect/defective design claim brought by a retired CEO of a major automobile manufacturer who had purchased a home on Sarasota Bay for approximately \$19 million. He began remodeling the 21,000 square foot home, which eventually led to a \$19 million remediation claim.

## SIGNIFICANT REPRESENTATIVE MATTERS

Represented the architectural/engineering firm in a design build project for an ocean front hotel suit was brought by the owner. Issues involved all phases of design, to include Code compliance, window selection, HVAC, and structural issues. Following a three-week jury trial, a defense verdict was obtained.

Represented a contractor in a dispute with a large municipality over the contractor's role in construction of a stadium. Following significant litigation, we were successful in reversing a liquidated damages claim by the City against the contractor and in turn obtaining a half-million dollar award to the contractor.

Represented a large real estate investment trust that owned an apartment complex where a resident was killed by a bomb placed by a disgruntled former complex employee. Complaint was a wrongful death claim, predicated upon allegations of negligent hiring, supervision, as well as failure to protect residents in the aftermath of the employee's termination and subsequent bomb threats. Other significant issues

included the application of the "impact rule" under Florida law. At the conclusion of a week-long trial, a defense verdict was returned by the jury.

Represented a large construction company in a lawsuit against a County. The issue involved construction of a large clay-lined landfill and included competing claims for monetary damages between the contractor and the County. A week-long jury trial ended in a mistrial/hung jury, but subsequent court-ordered arbitration resulted in an award for our client and denial of the liquidated damages claimed by the County.

Represented a large health and disability carrier in a claim by a prominent attorney for disability benefits predicated upon alleged bipolar disorder. The issues addressed included questions of fraudulent application, validity of neuropsychological and medical claims, as well as evaluation of past earnings as a basis for damages. At the conclusion of a week-long trial, a verdict was rendered by the jury in favor of our client, the carrier.

Represented a large life insurance company in a claim for benefits made by surviving husband upon the drowning of his wife. Issues that were investigated and became significant in the litigation included fraudulent applications, prior mental history of the decedent, the agency relationship between the broker and the carrier, and evaluation of the cause of death. Upon completion of the investigation, a motion for summary judgment was filed, and a favorable ruling was obtained for our client, the carrier.