



**Michael G. Murphy P.E.**

Shareholder

Litigation | Products Liability & Mass Torts | Global Energy & Infrastructure | Real Estate Operations

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Michael Murphy is a board certified construction lawyer who focuses his practice on defects, design claims, delay, disruption and acceleration claims, lien foreclosures, and arbitration on behalf of contractors, subcontractors, materialmen and developers. He advises clients in the construction industry on OSHA compliance issues, workplace accident and fatality investigations, and contest of citations through trial. He also practices in the areas of creditor's rights and general commercial litigation.

Michael also practices in the area of product liability and mass tort litigation and acted as part of the team representing a major tobacco company around the state of Florida in defense of a decertified class action.

Michael is a registered Professional Engineer in Florida, New Jersey and Pennsylvania. He has a wide range of experience in all phases of design and construction, including industrial and commercial structural design, fabrication and inspection, and roadway and bridge construction and inspection.

**Areas of Concentration**

- Construction litigation
  - OSHA
  - Creditor's rights and commercial litigation
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**Significant Representations**

- Represented a major tobacco company in numerous cases in state courts throughout Florida as a result of the Florida Supreme Court's decertification of a class of plaintiffs, in its decision in *Engle v. Liggett Group, Inc.*, 845 So. 2d 1246 (Fla. 2006), seeking damages for injuries allegedly caused by smoking cigarettes.
  - Acted as member of team that represented MAT Concessionaire, LLC and its sponsors, Meridiam Infrastructure Fund and Bouygues Travaux Publics, S.A., in the Port of Miami Tunnel project, one of the first greenfield public-private partnerships in the United States.
  - Acted as second chair trial counsel for the Florida Department of Transportation for two cases that were tried to a jury. In the first, FDOT obtained an eve-of-trial summary judgment on the contractor's claim for over \$10 million. In the second, FDOT obtained a jury verdict, defeating the contractor's claims for lost profit due to impaired bonding capacity and a measured mile claim, totaling over \$40 million with interest exposure.
  - *Secretary of Labor v. Bridges Hauling & Grading, Inc.* Acted as lead trial counsel in contest of OSHA citation resulting in verdict for the contractor on some of the items related to the excavation standard and a subsequent award of attorney's fees pursuant to the Equal Access to Justice Act.
  - *Secretary of Labor v. Davis Brothers Construction Co.* Acted as lead trial counsel in contest of OSHA citation related to the fall protection standard resulting in verdict for the contractor at trial.
  - *Hillsborough County School Board v. M.C and L.R. on behalf of M.C v. Hillsborough County School Board.* Acted as pro bono lead trial counsel and finding for the defense in an administrative proceeding pursuant to the Individuals with Disabilities Education Act. Acted as lead counsel in subsequent Federal Court Action to recover attorney's fees and costs which were awarded totaling over \$122,000.
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**Professional & Community Involvement**

- Member, American Bar Association
  - Member, Construction Industry Forum, 1998-Present

- Member, Division 6
    - Chair, 2005-2007
    - Steering Committee, 2001-2005
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#### **Awards & Recognition**

- Listed, *Chambers USA Guide*, 2009-2014
  - Team Member, a *Law360* "Employment Practice Group of the Year," 2011 and 2013
  - Team Member, a *Law360* "Product Liability Practice Group of the Year," 2011
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#### **Military Experience**

- LTJG, U.S. Naval Reserve, 1986-1989
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#### **Other Experience**

- Professional Engineer, Florida, New Jersey and Pennsylvania
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#### **Articles, Publications & Lectures**

##### **Speeches**

Michael is a frequent speaker on issues related to construction litigation and OSHA compliance.

- Speaker, "Breaking The Code: What Is the International Building Code, and Why Is it Important to Owners, Design Professionals and Contractors?" Annual Meeting of the ABA Forum on the Construction Industry, April 7-9, 2005
- Speaker, "An OSHA Primer: What You Need to Know About Dealing with an OSHA Inspection, Investigation and Subsequent Citation and Litigation," Annual Meeting of the ABA Forum on the Construction Industry, April 18-19, 2002

##### **Publications**

- Co-Author, Two Chapters on OSHA, Construction Checklists: A Guide to Frequently Encountered Construction Issues, American Bar Association, 2008
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#### **Education**

J.D., Rutgers School of Law - Camden, 1998

M.S., University of Central Florida, 1992

B.S., Civil / Structural Engineering, Drexel University, 1988

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#### **Admitted to Practice**

- Florida
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