

People



James M. McCann

Of Counsel, Litigation
Appellate

West Palm Beach
T: +1 561 671 3602

Miami
T: +1 305 374 5600

jim.mccann@akerman.com
vCard

Jim McCann has devoted his career to helping clients resolve individual and business disputes. Board Certified by The Florida Bar in Business Litigation, he is recognized for his experience in bench and jury trials, appeals, and dispute resolution across a wide variety of cases for clients in the financial services, healthcare, automotive, insurance, agriculture, real estate, and professional services sectors.

Jim litigates in state and federal courts, and utilizes alternative dispute resolution forums and techniques. His litigation experience includes appellate, class action, construction, financial services, healthcare, intellectual property, products and professional liability and personal injury, real estate, including foreclosures and tax assessment challenges, securities, corporate and partnership disputes, and trust and estates.

His practice began in Miami and moved to Palm Beach County in 1990, when Akerman tapped him to lead the opening of a new office. He has served as chair of Akerman’s Litigation Practice Group, and is recognized by *The Best Lawyers in America for Commercial Litigation*. He frequently teaches and lectures on trial tactics, ethics, and substantive law topics for bar associations and civic groups.

Notable Work

Healthcare Litigation: Represented hospitals and healthcare providers in medical staff bylaws, tortious interference and business tort claims. *University of Miami, Inc. v. Spunberg*, 784 So. 2d 541 (Fla. 4th DCA).

Insurance Litigation: Represented insurers and insureds in interpretation of policies and coverage disputes. *Ranger v. Bal Harbour*, 509 So. 2d 945 (Fla. 3rd DCA); 549 So. 2d 1005 (Fla. S.C.) (leading case on coverage for intentional acts and public policy nullification).

Equine Litigation: Represented a horse show promoter in litigation concerning and sale of show licenses for Wellington Winter

Areas of Experience

- Appellate
- Commercial Disputes
- Commercial Loan Enforcement and Secured Financing Litigation
- Financial Institutions Commercial Litigation
- Intellectual Property Litigation
- Litigation
- Product Liability and Mass Torts
- Real Estate Litigation
- Real Property Tax Planning and Appeals
- Professional Liability
- Financial Services
- Probate and Fiduciary Litigation

Education

- J.D., University of Illinois College of Law, *University of Illinois Law Forum*, Member of the Board and Editor, 1972-1974
- B.S., Southern Illinois University at Carbondale

Admissions

Bars

- Illinois
- Florida

Courts

- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Fifth 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

Related Content

James McCann Receives Pro Bono Award from Legal Aid Society of Palm Beach County
March 18, 2025

Equestrian Festival.

Construction Litigation: Represented property owners, contractors, developers, and insurers in disputes involving construction defects and mold damage.

Product Liability, Mass Tort, Class Action Defense: Represented multinational companies in defense of products liability, mass tort, and class actions, including the defense of Ford Pinto cases and Jeep roll-over claims. Represented B.A.T. Industries, and British American Tobacco in tobacco litigation filed by State of Florida in Palm Beach County, and in over 40 tobacco lawsuits by labor unions and Latin American countries and cities in state and federal courts. *State of Florida v. American Tobacco Company, et al.*, 707 So. 2d 851 (Fla. 4th DCA).

Business Litigation: Represented businesses and individuals in business tort, securities and partnership disputes, and contractual and distributorship litigation. *Union Oil of California v. Watson*, 468 So. 2d 349 (Fla. 3rd DCA) (leading Florida case on malicious prosecution); *Wagner, Nugent v. Flanagan*, 629 So. 2d 113 (Fla. S.C.) (leading case on business defamation); *Bell Atlantic v. Associated Data*, 714 So. 2d 523 (Fla. 4th DCA) (distribution agreements).

Financial Institution Litigation: Represented financial institutions in mortgage foreclosure and secured and unsecured claims, including defense of lender liability, fiduciary duty and bad faith counterclaims. *Williams v. First Union*, 591 So. 2d 1137 (Fla. 4th DCA) (first case upholding constitutionality of F. S. §697.07, enforcement of assignment of rents in mortgage); *Maxwell v. First United Bank*, 782 So. 2d 931 (Fla. 4th DCA) (leading Florida case defining fiduciary duties of bank).

Malpractice Defense: Represented lawyers and law firms in legal malpractice defense claims. Substantial experience as in-house loss prevention counsel for Mershon, Sawyer Firm.

Real Estate Litigation: Represented landowner in first condemnation proceeding under Florida's Conservation and Recreational Lands Act, resulting in an enhanced award of \$6.6 million, following a jury trial.

Agribusiness: Represented agribusiness entity in litigation concerning a \$2.5 million damages claim due to improper use of herbicides.

Shareholder Litigation: Represented shareholders in a \$10 million shareholder derivative action alleging common law fraud and securities fraud in the sale of stock in a surgical and laser center, and claims for individual damages arising from electronic audio and video surveillance placed by Defendant. *Florida Eye Institute v. Paul Minotty*, Circuit Court, 19th Judicial Circuit in and for Vero Beach, FL.

Representative Experience

- Defense of multi-national companies in defense of products liability, mass tort, and class actions, including the defense of Ford Pinto cases, Jeep roll-over claims, and B.A.T. Industries, and British American Tobacco in the State of Florida tobacco litigation in Palm Beach County, and in over 40 tobacco lawsuits by labor unions and Latin American countries and cities in state and federal courts. *State of Florida v. American Tobacco Company, et al.*, 707 So. 2d 851 (Fla. 4th DCA).

Palm Beach Illustrated Names Nine Akerman
Attorneys Top Lawyer
September 03, 2024

Record Number of Akerman Lawyers Named to *The
Best Lawyers in America* 2024 Guide
August 22, 2023

- Representation of hospitals and health care providers in medical staff bylaws, tortious interference and business tort claims. *University of Miami, Inc. v. Spunberg*, 784 So. 2d 541 (Fla. 4th DCA).
- Representation of business and individuals in business tort, securities and partnership disputes, and contractual and distributorship litigation. *Union Oil of California v. Watson*, 468 So. 2d 349 (Fla. 3rd DCA) (leading Florida case on malicious prosecution); *Wagner, Nugent v. Flanagan*, 629 So. 2d 113 (Fla. S.C.) (leading case on business defamation); *Bell Atlantic v. Associated Data*, 714 So. 2d 523 (Fla. 4th DCA) (distribution agreements).
- Representation of banking and financial institutions in mortgage foreclosure and secured and unsecured claims, including defense of lender liability, fiduciary duty and bad faith counterclaims. *Williams v. First Union*, 591 So. 2d 1137 (Fla. 4th DCA) (first case upholding constitutionality of F. S. §697.07, enforcement of assignment of rents in mortgage); *Maxwell v. First United Bank*, 782 So. 2d 931 (Fla. 4th DCA) (leading Florida case defining fiduciary duties of bank).
- Representation of insurers and insureds in interpretation of policies and coverage disputes. *Ranger v. Bal Harbour*, 509 So. 2d 945 (Fla. 3rd DCA); 549 So. 2d 1005 (Fla. S.C.) (leading case on coverage for intentional acts and public policy nullification).
- Representation of lawyers and law firms in legal malpractice defense claims. Substantial experience as in-house loss prevention counsel for Mershon, Sawyer Firm.
- Representation of landowner in first condemnation proceeding under Florida's Conservation and Recreational Lands Act, resulting in an enhanced award of \$6,650,000, following a jury trial.
- Representation of agribusiness entity in litigation concerning a \$2.5 million damages claim due to improper use of herbicides.
- Representation of shareholders in litigation concerning a \$10 million shareholder derivative action involving common law fraud and securities fraud in the sale of stock in a surgical and laser center, and claims for individual damages arising from electronic audio and video surveillance placed by Defendant. *Florida Eye Institute v. Paul Minotty*, Circuit Court, 19th Judicial Circuit in and for Vero Beach, FL.
- Representation of horse show promoter in litigation concerning and sale of show licenses for Wellington Winter Equestrian Festival.
- Representation of property owners, contractors, developers and insurers in disputes involving construction defects and mold damage.

Representative Clients

British American Tobacco, LLC
 Delaware North Corporation
 GMAC Real Estate, LLC
 Saint Gobain Corporation

Publication and Lectures

- Editor and reviser of chapters on noncompetition agreements and trade secrets - misappropriation and litigation in Matthew-Bender's *Business Law Monographs*, Intellectual Property Series

Affiliations

- Fifteenth Circuit Judicial Nominating Commission, Member

- Akerman Litigation Department, Steering Committee, Past Chair
- American Bar Association, Member
- Business Development Board, Palm Beach County, Florida, Member
- Defense Research Institute, Business Litigation Committee, Member
- Illinois Bar Association, Member
- Palm Beach County Bar Association, Member; Circuit Civil Committee, Past Chair; Professionalism Committee, Member; Alternative Dispute Committee, Member
- Florida Bar Association, Member; Business Litigation Certification Committee, Member
- Sorin Society, University of Notre Dame, South Bend, Indiana, Member

Honors and Distinctions

- *Super Lawyers* Magazine, 2020, Listed in Florida for Business Litigation
- *Corporate Counsel*, 2019, Recognized as “Top Rated Lawyer” in Trusts and Estates Law
- *Palm Beach Illustrated*, 2019, 2024, Listed in Palm Beach County as a “Top Lawyer” for Intellectual Property Law
- *The American Lawyer*, 2019, Recognized as “Top Rated Lawyer” in Trusts and Estates Law
- Board Certified in Business Litigation, The Florida Bar Board of Legal Specialization and Education
- *Best Lawyers*, 2010-2025, Listed in Florida for Commercial Litigation, Litigation - Intellectual Property
- *Best Lawyers*, 2014, Named as “Lawyer of the Year” for Litigation - Intellectual Property in West Palm Beach
- *Super Lawyers* Magazine, 2006-2011, 2018-2019, Listed in Florida for Business Litigation, Estate Planning & Probate, and Personal Injury Defense: Products