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LEGAL SERVICES

Friday, July 10, 2009

Law firms facing their own new legal threats as businesses

South Florida Business Journal - by [Paul Brinkmann](#)

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In an era of downsizing and economic turmoil, law firms face new threats of litigation as businesses. In response, insurance companies and lawyers who defend other lawyers have begun to offer new products to help them combat their issues.



Mark Freerks

Gary Reshefsky and Carlos Rodriguez of MDW Insurance in Coral Gables consult with client Peter Fullerton of the Fullerton Law Group.

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Gary Reshefsky and Carlos M. Rodriguez are helping Coral Gables-based **MDW Insurance** launch a law insurance services division. Reshefsky and Rodriguez, both former attorneys at Miami-based **Greenberg Traurig**, quit practicing law for their new careers.

“Law firms are weathering a very challenging economic climate. There are a lot of people in today’s economy trying to blame their lawyer because a deal went bad,” Reshefsky said. “Besides that, when former clients don’t pay a legal bill, it can be difficult for a law firm to file a lien or sue.”

Rodriguez said law firms also are being scrutinized for their decisions about layoffs and cutbacks. Many big national firms have laid off staff or cut pay and benefits.

“You have folks that didn’t make partner because of the economic climate now, and layoffs,” Rodriguez said. “When you have somebody who’s laid off and its difficult to find a job, they are more likely to sue their former employer.”

Economic turmoil also has meant more movement within the legal industry. Boutique law firms have been absorbed by larger firms, while some bankruptcy attorneys and niche attorneys are striking out on their own.

MDW recently provided insurance services to attorney Peter Fullerton of the **Fullerton Law Group** in Coral Gables, which specializes in complex commercial litigation.

“When I started my firm, we didn’t have a bunch of money in the bank,” Fullerton said. “Carlos and Gary are the kind of lawyers that are able to understand what I do and the way I do business.”

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Fullerton has a special addition to his insurance policy that allows him to have an active role in deciding which attorney would represent him if Fullerton Law Group was sued.

“We believe we are better able to help someone like Peter because we are former lawyers,” Reshefsky said. “We also do an insurance efficiency audit to provide the best bang for the buck for a smaller firm.”

Jim Haliczzer, a partner at Haliczzer Pettis and Schwamm in Fort Lauderdale, said attorneys could be targets in real estate deals that fall apart, precisely because they have insurance.

His firm specializes in malpractice and insurance defense, among other issues.

“If there are four or five parties to a series of transactions, the one with insurance looks like a good target,” Haliczzer said. “And, yet, I think it’s imprudent to not carry adequate insurance if you’re practicing law.”

He said his firm has seen some recent inquiries by people who want to sue a law firm that let them go. But, the firm has not taken on any of these cases yet.

Fort Lauderdale attorney Bradley Trushin, of [W Koch & Trushin](#), also specializes in legal malpractice defense.

“Anecdotally, this seems to happen often in an economic crisis, where a client will sue for what they claim to be bad results – closing errors, contract drafting or what have you,” he said. “But, they are frequently settled quietly.”

Trushin said today’s legal malpractice policies often cover the expense of defending an ethical claim before the Florida Bar or another oversight agency.

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