



**Lisa Miller & Associates**

Business Development, Government Consulting, Public Relations

**LMA NEWSLETTER**

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## The “Professional” AOB Attorney

For construction and roofing companies utilizing Assignment of Benefits (AOB) and flashy lawyers to try to force insurance companies to pay out big claims, sometimes things just don't go as planned. Sometimes they go very wrong indeed.

Springhill Builders of Jacksonville is learning that lesson the hard way. Lured by attorney advertising, Springhill a few years back hired Harvey Cohen and his Altamonte Springs law firm currently called Cohen Grossman P.A. to handle a mere 23 legal matters for insurance claims owed to Springhill. (If Cohen rings a bell, he should: he's known as one of the founding fathers of AOB litigation in Florida.)

According to [the lawsuit](#) Springhill later filed this past summer against the Cohen Firm, the hiring of Harvey Cohen seemed to have been the highlight of the relationship. Things went downhill from there. According to Springhill's suit for legal malpractice and breach of fiduciary duty, Cohen and his underlings engaged in a pattern of litigious mistakes and failures to communicate with their client, which resulted in Springhill paying hundreds of thousands of dollars in attorney's fees, judgements and other costs.

The suit references three specific AOB cases in which the Cohen firm at times failed to voluntarily dismiss the AOB case within the 21-day safe harbor period, kept right on litigating without Springhill's knowledge and consent, requested bad faith discovery items, refused to coordinate hearings on motions with insurance company counsel, failed to timely respond to discovery and when it did, was deficient, repeatedly changed attorneys, and then tried to withdraw from cases, citing irreconcilable differences with their client Springhill.

In one instance, the law firm was in such a hurry to sue, that it failed to make sure the insured had submitted a proof of loss, according to Springhill's lawsuit. In another case, it transposed the first and last names of the insured, sued the wrong insurance company subsidiary, and attached wrong exhibits to its AOB complaint.

The court in one of those cases found the Cohen Firm was 100% responsible for filing a meritless lawsuit and awarded the insurance company \$93,000 in attorney fees to be paid by the Cohen Firm. In another case, Cohen had to pay \$83,000 in attorney fees to the insurance company. In yet another, the court itself pointed out the many errors in Cohen's work, including mislabeling its client Springhill as an insured, rather than a third-party company. Oops!

Folks, these are trying times. People are trying everything and getting away with it. It's nice to see that Lady Justice cuts both ways and that Karma also uses balance scales. We are happy to discuss this case with you.