



Hinshaw offices in Fort Lauderdale. Courtesy photo

NEWS

Texas Insurer Slaps Hinshaw & Culbertson With Legal Mal Claim Over \$11 Million Personal Injury Jury Award

“At no point during the course of the representation in the underlying matter did defendant provide written or oral guidance to plaintiff specifically addressing

Proposition 51 or the significant joint and several liability risk posed by the economic damages in the underlying matter,” the complaint said.

January 03, 2025 at 02:18 PM

🕒 3 minute read



By Colleen Murphy

Texas Insurance Co. filed a legal malpractice claim against its law firm, Hinshaw & Culbertson, over the alleged failure to disclose information in a personal injury suit.

Takeaway: Texas Insurance alleged that Hinshaw & Culbertson failed to advise the company of the risk posed by joint and several liability prior to a jury returning an \$11 million verdict against a cab company covered by the insurer.

Court: California, Superior Court for the County of San Francisco

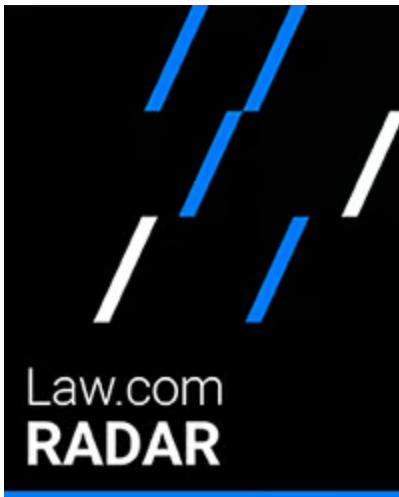
Case Type: Legal Malpractice

Industry: Legal Services, Insurance

Lawyers: Matthew J. Negrin and Amy Gershoony of Negrin LLP in Los Angeles; counsel has not yet entered an appearance for the defense.

Liability arguments: Texas Insurance named attorney Bradley M. Zamczyk, a partner with Hinshaw, and the law firm in the complaint, which alleged the insurer was not properly advised before a jury verdict was issued in an auto collision case.

According to the complaint, the disputed stemmed from an underlying suit filed by Carissa Copeland in San Francisco Superior Court. The suit named DeSoto Cab Co. and its insurer, Texas Insurance. Although the jury returned a more than \$11 million verdict in Copeland’s favor, only 3%



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of fault was assessed as Desoto's responsibility. However, Texas Insurance was found jointly and severally liable for the verdict as required under California's Proposition 51, which says joint and several liability applies to economic damages, while apportionment of fault applies to noneconomic damages.

The carrier contended it would have settled with Copeland within the \$1 million policy limits had they been advised of the risk posed by Proposition 51, according to the complaint.

"At no point during the course of the representation in the underlying matter did defendant provide written or oral guidance to plaintiff specifically addressing Proposition 51 or the significant joint and several liability risk posed by the economic damages in the underlying matter," the complaint said.

Damages arguments: The carrier sought to recover the nearly \$11 million that the jury assessed.

Regarding causation, the insurer alleged that they could also prove that Copeland would have accepted a settlement offer within the policy limits, as evidenced by an offer she made while the case was pending.

What the lawyers are saying: Counsel to Texas Insurance did not immediately return a request for comment. Counsel to Hinshaw & Culbertson and Zamczyk have not yet entered an appearance. In an emailed statement, the firm said, "The claims asserted against the firm in this lawsuit are without merit. We categorically deny any liability, and we look forward to vigorously defending against these claims in court."

Radar scan: At least six legal malpractice claims have been filed against attorneys and law firms this week in courts across the country.

Caption: *Texas Insurance v. Hinshaw & Culberson*

Date filed: Dec. 31, 2024

Judge: Rochelle C. East

Read the complaint [here](#).

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Matthew Negrin

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