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CALIFORNIA LAWYER

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WHO YOU GONNA CALL?

In 1977 Long & Levit's Ronald E. Mallen, now a partner with Hinshaw & Culbertson in San Francisco, cowrote the first treatise on legal malpractice and essentially established a new practice area. *Preventing Legal Malpractice*, Smith & Mallen (West Publishing 2000, 5th ed.). Since then, the senior members of California's malpractice bar—about a dozen attorneys on the plaintiffs side and two dozen defense firms—have interpreted and shaped the field.

Plaintiffs attorneys who specialize in legal malpractice are still commonly regarded as skunks at a garden party, although the stigma associated with embarrassing fellow lawyers has greatly diminished as the State Bar has grown. Also, most plaintiffs attorneys are in small firms or sole practice. "Attorneys in larger firms, as a matter of business practice, have to deal with each other every day, and they don't want any animosity in the relationship," explains malpractice consultant Robert K. Sall of Newport Beach.

Large plaintiffs firms have similar problems taking malpractice cases. "A great deal of their business comes from referrals from other lawyers," says Joseph P. McMonigle, chair of Long & Levit's professional liability group in San Francisco. "So they don't want to bite the hand that feeds them." That leaves lawyers in smaller firms, who tend to rely less on other attorneys for referrals and socializing, to do the dirty work.

"I don't like cocktail parties, and I don't like lawyer rah-rah events," says Berkeley plaintiffs attorney Tanya Starnes, who has represented plaintiffs in malpractice lawsuits for more than 20 years. "Besides, if your job is to sue other lawyers, you're going to create conflicts for yourself if you go to those events."

Only a handful of names printed at the top of a malpractice complaint set off alarms for defense attorneys and claims adjusters. Excluding those tort lawyers who get big verdicts across several practice areas (such as Bruce A. Broillet, Joseph W. Cotchett, Larry R. Feldman, Thomas V. Girardi, and Ian "Buddy" Herzog), the major players on the plaintiffs side include:

PLAINTIFFS

Mark B. Abelson

Campagnoli, Abelson & Campagnoli
San Francisco

James S. Bostwick
Bostwick & Associates
San Francisco

William C. Callahan
Dreyer, Babich, Buccola & Callahan
Sacramento

William Gwire
San Francisco

James D. Mart
Mart & deVries
Sacramento

Dan L. Stanford
Stanford & Associates
San Diego

Tanya Starnes
Berkeley

Peter R. Thompson
Thompson & Thompson
San Diego

Deborah A. Wolfe
Nugent & Newnham
San Diego

DEFENSE

On the defense side, the malpractice attorneys who have achieved the most prominence also make up a relatively small circle. These heavy hitters include:

Thomas H. Ault
Ault, Davis & Schonfeld
San Diego

Robert C. Baker and Karl A. Keener
Baker, Keener & Nahra
Santa Monica

Douglas M. Butz
Butz Dunn DeSantis & Bingham
San Diego

Guy D. Calladine and Donald W. Carlson

(also represent plaintiffs)
Carlson, Calladine & Peterson
San Francisco

Jerry Coughlan and Robert Semmer
Coughlan, Semmer & Lipman
San Diego

Kevin Culhane
Hansen, Boyd, Culhane & Watson
Sacramento

John M. Drath
Drath, Clifford, Murphy, Wennerholm & Hagen
Oakland

Peter Q. Ezzell and John Sheller
Haight Brown & Bonesteel
Los Angeles

Timothy J. Halloran, James A. Murphy, and Michael P. Bradley
Murphy, Pearson, Bradley & Feeney
San Francisco

H. Gilbert Jones, Douglas R. Reynolds, and R. Gaylord Smith
Lewis, D'Amato, Brisbois & Bisgaard
Costa Mesa, San Diego

Earl H. Maas III
Maas Miyamoto & Bernstein
San Diego

Ronald E. Mallen
Hinshaw & Culbertson
San Francisco

Edith R. Matthai
Robie & Matthai
Los Angeles

Joseph P. McMonigle
Long & Levit
San Francisco

David B. Parker
(also represents plaintiffs)
Parker Mills & Patel
Los Angeles

Pamela Phillips
Rogers, Joseph, O'Donnell & Phillips
San Francisco

Daniel M. White
White, Noon & Oliver
San Diego