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TOP Professional Responsibility LAWYERS • 2024



DAVID B. PARKER

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Los Angeles*

David B. Parker is a founding partner of Parker Shaffie LLP, which launched 1995, but his professional responsibility experience dates much further back.

"I have been focused on professional liability issues since 1975 during my summer clerkship at Overton, Lyman & Prince," he said. "After passing the bar, I joined the Overton firm as an associate and spent most of my time defending lawyers and other professionals until I left with a group of six other lawyers to form what is now known as Lewis Brisbois Bisgaard & Smith."

He stuck around for 20 years before striking out on his own.

"Defending lawyers was also attractive because lawyers practice in many areas of law and a malpractice attorney must learn the relevant law in a myriad disciplines ranging from family law, trust and estates/probate law, construction, taxes, corporate, real estate and even criminal law," Parker said. "Being a malpractice lawyer makes you a specialist and the ultimate generalist at the same time."

In August 2023, he was lead counsel for the plaintiff in a negligence and fraud case against the fourth-largest insurance brokerage firm. The trial lasted for nine days and they prevailed, with the court writing an extensive opinion. With prejudgment interest and costs, the judgment will substantially exceed \$5 million.

In the last two years, Parker and his team have secured several substantial settlements of legal malpractice claims against large national law firms. They faced significant challenges in the insurance broker case, including defending the failure of the policyholder's independent counsel to follow up and ensure that a tender had been made of a bet-the-company case to all carriers. They also had to defend their substantial seven-figure fees as the defense fees in the underlying action represented damages. Additionally, they had to prove that there was coverage under the policy as to which there was a failure of tender, and establish that the carrier, when late noticed, refused to defend. In essence, they had to prove two different cases: breaches of duty by the broker and wrongful refusal to defend by the carrier.

He noted trends in the field that need to be addressed include, "Persistent ignoring of conflicts of interest, both as a result of greed and ignorance."

"In addition, lawyer overreaching on fees and based on the terms of their fee agreements," Parker said. "We will also be challenged more and more by clients and others to report lawyers to the State Bar based on the new snitch rule."

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