

# Daily Journal

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Over the last several years, Cole has defended a growing volume of complex legal malpractice matters, including some for prominent Los Angeles-area law firms, even as he assumed a leadership role at his firm.

Last spring, for instance, he defended a national law firm in a binding arbitration in which the plaintiff sought \$16 million. The contentious proceeding lasted over two weeks, and Cole had to battle not only the plaintiff, but also a co-defendant who had already settled.

"It's a pretty tough case to go into when your co-defendant is saying, 'Yeah, we screwed up, and you guys should just own up to it as well,'" he said. "We refused to do that."

The three arbitrators decided that Cole's client had not caused the plaintiff's damages and gave the client a full defense verdict.

He and his firm also defend accountants, real estate brokers and other professionals, as well as handle other employment, insurance coverage, business and appellate litigation. Still, his firm has "more certified legal malpractice specialists than any other defense firm in the city of Los Angeles," he said. "I'm pretty positive of that."

Cole said up to 85% of his practice involves representing lawyers, although not always in malpractice matters. For instance, he is representing a lawyer suing for fees from

his work as an outside trial lawyer for a plaintiff's firm. *Hackler Daghighian Martino & Novak P.C. v. Knight Law Group*, 20STCV19127 (L.A. Super. Ct., filed May 19, 2020). It is set for trial later this month, and Cole thinks it will go.

In another current case, he represents an attorney who defended a client in a civil suit alleging fraud. The fraud plaintiff won but then sued the defense attorney for conversion, seeking the money the defendant had used to pay legal fees. Cole's summary judgment win is now on appeal. *Madison v. Spielfogel*, B314272 (Cal. App. 2nd Dist., filed July 28, 2021).

"I've tried a lot of crazy cases," Cole said. An odd case from several years ago went all the way through to a jury verdict. He represented a successful family law attorney in Santa Barbara sued for allegedly mishandling a custody hearing. "We proved that the claims were completely meritless, and I'm pretty sure the jury returned a [defense] verdict within 15 or 20 minutes," he said. "It was a fun case."

Then there is the malpractice action against a prominent Los Angeles midsize law firm over whether the firm's one-time client was coerced into signing a retainer agreement with an arbitration provision when he was in jail overnight. When the case began, Cole was unmarried. "I currently have three children."

## Marshall R. Cole

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"We rep the best law firms in the city of L.A.," he said. "When they get sued, they call us, which makes me feel really good."

— DONDEBENEDICTIS