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Winning the Long Game

Attorneys at Maloney Firm APC emphasize building relationships over billable events.

By Nicolas Sonnenburg
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EL SEGUNDO — “How much is it going to cost to solve this problem?” That’s the approach Patrick M. Maloney takes every time a case comes before him. If a client can settle off the bat for \$75,000 with \$10,000 in legal fees, Maloney feels better pursuing that route over trying to settle the case later on for \$50,000 and charging another \$50,000 in fees.

This is an important strategy for the Maloney Firm APC, which handles a significant number of legal malpractice and attorney fee dispute cases.

“You have to be very cognizant of the fact that, if you’re going to go out there and tell other lawyers that they’re overcharging, you have to be very reasonable with your own rates,” Maloney said.

This practice has paid off well for the firm. Maloney said clients often end up hiring his firm to pursue the underlying litigation or future cases after it successfully handles a legal malpractice claim.

This was true for Wood Wornall, a professional dog shower who had been sued for, among other things, slander by a former client. Dissatisfied after spending over \$250,000 on a firm that “lost motion after motion,” Wornall hired Maloney to bring a legal malpractice suit against his former counsel and to continue representing him in the slander case.

“Patrick was able to talk common sense to me,” Wornall said. “The original law firm kept assuring me that, every time there was an effort on their part to accomplish something, I could rest assured they would win for me. They didn’t. He didn’t assure me anything and when it came time to make financial decisions, he was very realistic and he was able to talk me into making decisions.”

The slander case settled confidentially and Maloney was able to obtain restitution for Wornall in the malpractice suit.

At its core, the Maloney Firm is a



Alex Drecun / Special to the Daily Journal

From left, Gregory Smith, Craig Reese, Patrick Maloney and Jacqueline Schock of the Maloney Firm APC in El Segundo.

business litigation outfit that seeks to play the long game. Maloney is not interested in creating what he calls a “billable event,” unnecessary work that does little for the overall strategy of the case.

Keith Olmo, who is involved in the merchant services industry and retained the firm a year and a half ago for an ongoing business partner dispute case, recognized this quality in Maloney’s service, saying that he is very “financially focused,” putting the client’s interest first while also recognizing the client’s financial position.

With offices in El Segundo, Maloney thinks that larger firms see his address and underestimate the firm. If true, that illusion fades quickly when facing Maloney’s team in litigation.

Jayesh Patel, a partner at Zuber Lawler & Del Duca LLP who has known Maloney for several years and has worked in cases both with and against him, said that the firm is unique in that it handles complex matters despite its size.

“For a small firm, they do some very sophisticated stuff,” he said, noting that Maloney has been involved in fairly high stakes legal malpractice claims and cases with high-dollar volumes and complex underlying legal questions around topics such as patents and corporate governance claims.

“It’s a pleasant surprise, that a small law firm is that diligent and that well-informed about issues that you traditionally only find in mid-to large-sized law firms,” he said.

The Maloney Firm also has a reputation for professionalism. Robert M. Ross, of Klass Helman & Ross, currently represents a client involved in a contentious contract dispute case with one of Maloney’s clients. Ross recognizes that Maloney, whom he describes as a “gentleman lawyer,” looks for common ground in handling a case.

“He’s a tough opponent,” Ross said. “But easy to deal with in that he’s never abusive, never aggressive. Certainly steadfast in representing his client’s interests, but always objective.”

Patel echoed this observation, explaining that “[Maloney] isn’t interested in litigating for litigating’s sake.”

Both Ross and Patel have referred clients to Maloney, a testament to his reputation as an effective attorney.

Maloney believes that a key to running a small firm successfully is cultivating a strong pool of associates. He started his firm five years ago alone, in a small office in Torrance. Over the years, he has acquired five other associates as well as an office staff.

“One of the things I’m trying to do here is get the younger folks experienced pretty quickly so they can add

more value to clients,” Maloney said. “You’ve got a fourth-year lawyer who has actually gone through a trial, sat through the trial, seen how it works, put on witness[es], they’ll be better at taking depositions and propounding discovery and developing case strategy earlier in their career.”

Carl I.S. Mueller, who joined Maloney months after being admitted to the bar in late 2013, said he feels he has a high level of “autonomy and trust” at the firm. Recently, Mueller devised a strategy in a case in which a preacher had forged a deed of trust for a client’s property with the hopes of obtaining a favorable settlement.

After the preacher dodged several depositions, citing crippling laryngitis, Mueller became suspicious and sent a private investigator to the preacher’s church. The investigator arrived and captured on tape the preacher singing a lively sermon to his flock. With this evidence, Mueller got the case thrown out.

Maloney happened to be in court the day Mueller moved for terminating sanctions and decided to go to the courtroom and watch Mueller argue the motion.

“It was awesome, I was so proud of him,” Maloney said. “It was super cool to see someone you’ve spent two and a half years working with and helping get there get that result.”

Gregory M. Smith, who joined the firm in April after leaving Haight Brown & Bonesteel LLP, appreciates the flexibility of the small firm, and compares it to a pirate ship. He said that at a place like Maloney, you can be “outgunned and outmanned,” but learn to think innovatively, unlike at larger firms where Smith believes attorneys can learn to depend on the same tools.

“The creative moves are things that are the most fun,” Maloney said. “What you run into a lot of times are lawyers who practice litigation by checklist. But at the end of the day, our job as lawyers is to solve a client’s problem, however that problem presents.”