

POLITICO

‘Inconspicuous’ political cash helped trial lawyers notch wins against insurers

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TALLAHASSEE — A Coral Gables trial attorney credited “intelligent and inconspicuous” political contributions for helping secure policy wins during the 2020 legislative session, according to an email obtained by POLITICO.

Ben Alvarez, founding partner of Alvarez Feltman Da Silva & Costa PL, addressed the note to “friends and colleagues” — who he later identified as insurance industry professionals — and gave an update on the firm’s successful session, which he said the firm secured with the help of contract lobbyist Manny Reyes and political cash.

“Together with Manny, my partners Leo, Paul, Brian and I stomped the halls of the Capitol, drafted comprehensive legislation and contributed funds to certain members in an intelligent and inconspicuous manner,” he wrote in the March 13 email.

Alvarez, in an email Monday to POLITICO, said the firm’s legislative win wasn’t due to contributions alone.

“The reason we were successful this year, was because a group of senators continue to put Florida’s consumers ahead of insurance company’s gargantuan profits,” Alvarez said in an email to POLITICO on Monday. “It’s really that simple!”

Alvarez’s March 13 email specifically mentioned state Sens. Anitere Flores of Miami and Tom Lee of Thonotosassa, Republicans with a reputation for sparring with insurers, and Democrat Sen. Gary Farmer of Parkland, a former president of the Florida Justice Association, which represents trial lawyers.

Alvarez’s firm has given about \$8,000, a relatively small amount, in combined political contributions during the past two cycles, most of which were directed to Citizens for Principled Leadership, a political committee not aligned with a specific candidate.

Flores said it was “insulting” for anyone to suggest that she was swayed by a campaign contribution.

“I have been in public service for the better part of 16 years and fighting for consumers has always been a priority for me,” Flores told POLITICO. “Abuse in the insurance system has run rampant for years.”

Lee said he doesn't know Alvarez.

"No disrespect intended, but I couldn't pick most of the people mentioned in this email out of a lineup, including its authors," Lee said. "When an Italian diplomat coined the phrase 'victory has a hundred fathers, but defeat is an orphan,' he must have been driving through Tallahassee."

Farmer did not respond to requests for comment.

In his email, Alvarez also referenced past strategic errors.

"The approach we took this year has, and continues to be, the most successful approach to defending our cause in Tallahassee; it is effective and avoids wasting unnecessary funds," Alvarez wrote. "Unfortunately, I know a lot of you were [led] down the wrong path by inexperienced lawyers, who wasted a lot of money on a PAC that repeatedly implemented unsuccessful irrelevant strategies."

Alvarez told POLITICO that the political action committee he was referring to is led by Miami lawyer Anthony Lopez of Marin, Eljaiek, Lopez & Martinez, PL.

Lopez, Alvarez said, was "inexperienced in the legislative process" and directed \$100,000 in political contributions to lawmakers who voted against trial lawyer's interests.

"Immaturity and inexperience can lead to tragic endings," Alvarez said in his email to POLITICO.

Lopez did not immediately respond to a request for comment.

Alvarez said his firm was able to help block three bills generally opposed by trial attorney groups and favored by insurers.

All were battles waged by the state's smaller, and relatively new, insurers that have blamed dwindling profits on a spike in legal disputes that began to pop up three years ago. A law that took effect last year addressed a sharp increase in assignment-of-benefits claims, in which homeowners allow contractors to seek payment directly from insurers for work done after disasters.

Insurers and tort-reform advocates told the Legislature that trial lawyers had found other ways to run up costly legal bills at the expense of insurance companies.

One of the 2020 session bills, FL SB924 (20R) by Sen. Jeff Brandes (R-St. Petersburg), would have limited the time a policy holder could spend calculating the cost of a claim before filing a bad faith lawsuit against an insurer. A provision of the bill would limit costs to those stated in a demand letter filed by the policyholder before any suit is filed.

Another bill, FL SB914 (20R) also by Brandes, sought to eliminate what are known as fee multipliers. Plaintiff lawyers use fee multipliers to calculate billing in contingency cases, which

typically are paid by defendants, often insurance companies. The multipliers can sometimes balloon legal fees beyond the monetary damages awarded to the victims the lawyers represent.

The third bill, FL SB1404 (20R) by Sen. Keith Perry (R-Gainesville), would have updated terms for trust funds used by the state to pay various claims. Perry proposed an amendment to be considered by the Senate Appropriations Committee — the bill's last stop — that would have reduced the amount of time a homeowner could file a claim from three years to two. Perry [withdrew the amendment](#) after an uproar in the March 6 committee meeting. The bill ultimately was approved by the committee but was never considered on the floor.

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