

Third District Court of Appeal

State of Florida

Opinion filed August 19, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-1042
Lower Tribunal No. 24-16763-CA-01

Dario Carnevale, et al.,
Appellants,

vs.

Krinzman Huss & Lubetsky, LLP, et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Lisa S. Walsh, Judge.

Sniffen & Harmon, P.A., and Robert J. Hauser (West Palm Beach), for appellants.

Cole, Scott & Kissane, P.A., and Scott A. Cole and Francesca M. Stein, for appellees Krinzman Huss & Lubetsky, LLP, and Michael Ian Feldman, Cary Alan Lubetsky, Salvatore Hazard Fasulo and Aniella Gonzalez; Robert E. Menje, PLLC, and Robert E. Menje (Okeechobee), for appellees Shir Law Group, P.A., Guy M. Shir, and Stuart J. Zoberg; Lewis Brisbois Bisgaard & Smith LLP, and Todd R. Ehrenreich and Jeffrey R. Geldens for appellees St Denis & Davey, P.A., Michael Schiffrin, and Michelle Sanchez Vargas.

Before SCALES, C.J., and LOGUE, and BOKOR, JJ.

SCALES, C.J.

Appellants, the plaintiffs below, Dario and Flavia Carnevale (together, the “Carnevales”), appeal the trial court’s May 2, 2025 and August 28, 2025 orders dismissing with prejudice their legal malpractice action against appellees, the defendants below, Krinzman Huss & Lubetsky, LLP, Michael Ian Feldman, Cary Alan Lubetsky, Salvatore Hazard Fasulo, Aniella Gonzalez, Shir Law Group, P.A., Guy Millo Shir, Stuart Joseph Zoberg, St. Denis & Davey, PA, Michael Schiffrin, and Michelle Sanchez Vargas (collectively, the “Law Firms”). We affirm.

The Carnevales obtained large money judgments in litigation against the Law Firms’s former clients (collectively, the “Judgment Debtors”), and the Judgment Debtors filed separate petitions for bankruptcy. In the bankruptcy proceedings, the bankruptcy trustees decided not to pursue the Judgment Debtors’s potential legal malpractice claims against the Law Firms, but assigned those claims to the Carnevales, “AS IS, WHERE IS and WITH ALL FAULTS, if any.” Neither the trustees, nor the bankruptcy court approving the assignments, made any warranty regarding the validity of the assignments or the Carnevales’s standing to pursue the assigned legal malpractice claims in a Florida state court.

The Carnevales, as the assignees of the Judgment Debtors, then brought the instant legal malpractice action against the Law Firms.¹ In its well-reasoned orders granting the Law Firms's dismissal motions, the trial court correctly noted the general non-assignability of legal malpractice claims in Florida, especially when, as in this case, the assignees are the litigation adversaries of the assignors. See Law Off. of David J. Stern, P.A. v. Sec. Nat'l Servicing Corp., 969 So. 2d 962, 969 (Fla. 2007) (“[T]he two major policy concerns justifying a general prohibition against the assignment of legal malpractice claims are (1) protecting attorney-client confidences and (2) preventing a market for legal malpractice claims.”); Nat'l Union Fire Ins. Co. v. Salter, 717 So. 2d 141, 142 (Fla. 5th DCA 1998) (“Under Florida law, parties can assign causes of action derived from a contract or a statute. In contrast, purely personal tort claims cannot be assigned. Florida law views legal malpractice as a personal tort which cannot be assigned because of the personal nature of the legal services which involve highly confidential relationships.”); see also Horowitz v. Laske, 855 So. 2d 169, 173 (Fla. 5th DCA 2003) (“The liability of attorneys for negligence in the performance of

¹ The Carnevales filed their legal malpractice action in the Broward County circuit court but the action was transferred to the Miami-Dade County circuit court.

their professional duties is limited to clients with whom they share privity of contract.”).

We find no merit in the Carnevaless’ argument that the bankruptcy court’s approval of the trustees’ assignments – the validity of which were expressly qualified – somehow clothed them with standing and preempted Florida’s long-standing common law prohibition on the assignment of such legal malpractice claims.² The trial court correctly concluded that the Carnevaless lacked the requisite standing to pursue this legal malpractice action against the Law Firms. See Law Off. of David J. Stern, P.A., 969 So. 2d at 970. We, therefore, affirm the trial court’s dismissal orders. See Washington v. Fireman’s Fund Ins. Co., 459 So. 2d 1148, 1149 (Fla. 4th DCA 1984) (affirming the trial court’s dismissal of the complaint with prejudice because the underlying legal malpractice claim was not assignable).

Affirmed.

² The Carnevaless’ reliance on the Fourth District’s decision in Northcutt v. Robert J. Bryan, P.A., 775 So. 2d 976 (Fla. 4th DCA 2000) is misplaced. That case – which determined that a bankruptcy court’s order approving the sale of a legal malpractice claim was binding as to the *judgment debtor*, who took no appeal of the order, Id. at 977 – has no bearing on the instant appeal.