

## 'Been Hit, Call Flit' Lawyer Facing Bar Discipline, Multiple Malpractice Claims

**Neil Flit has blamed his problems on a law firm consultant whom he said 'highjacked' his practice and cost it hundreds of thousands of dollars.**

It wasn't too long ago that the ubiquitous "If you've been hit, call Neil Flit" slogan of personal injury lawyer Neil Flit was seemingly visible everywhere.

But these days, it's Flit who's been getting hit—repeatedly—with legal malpractice and breach of contract claims, with more than 20 filed in Cobb and Fulton counties since 2017. Many of those cases have since settled, though some remain pending.

Flit and his firm are also being sued for nearly \$2 million by Black Diamond Funding Venture, a Florida-based litigation funding operation whose May complaint said Flit settled multiple lawsuits for plaintiffs it loaned money to but "has never remitted any amounts owed."

Perhaps most troubling for the lawyer: The Georgia Supreme Court last month appointed a special master to look into two multicount complaints filed by the State Bar of Georgia asserting rule violations, many of which are punishable by disbarment.

Flit, who joined the bar in 2007 and is a graduate of the Salmon P. Chase College of Law, is represented by Christine Mast and Zachary Lewis with Hawkins Parnell & Young, and Marietta solo David Kupsky. Kupsky said they cannot discuss the cases.

But Flit's filings in the Black Diamond case lay the blame for his firm's implosion on the actions of a litigation consultant he hired in 2015 who "insinuated himself into Flit's law practice, dominating Flit and systematically taking control of all facets" of the firm.

The "hijacking" of his practice subjected Flit to "numerous lawsuits and bar complaints and sustained hundreds of thousands if not millions of dollars in damages," said a third-party complaint Flit filed against the consultant, Marcus Thirstrup of Conroe, Texas.

Among Thirstrup's "nefarious acts" were arranging to borrow money from litigation funders, including Black Diamond, "which were neither necessary to the prosecution of clients' claims" and "obligating Flit and Flit clients to funding agreements calling for exorbitant fees. Thirstrup destroyed Flit and Flit's practice economically," it said.

Among other allegations, the consultant "through mental and psychological abuse exerted dominance and control over Flit such (that) Flit was unable to operate his practice in a

normal manner,” said the counterclaims Kupsky filed in June.

Thirstrup filed his own counterclaims against Flit last month, alleging he found that Flit was the subject of multiple legal malpractice actions and bar complaints after he was hired and owed money to several litigation funders from settlements and judgments his clients had received.

Thirstrup’s filing also indicate that Flit may intend to raise his Fifth Amendment rights against self-incrimination in discovery responses to the litigation.

The consultant himself is still owed for his services to Flit, which ended last year, it said.

Thirstrup’s lawyers, Freed Grant partners Gary Freed and Thomas Grant, said their client provides “medical-legal” strategy to personal injury lawyers to help them “prepare and document case-files with the highest value for a settlement.”

“Flit approached him,” said Freed. “Marc was never physically present in the office.

Grant said Flit has been pleading the Fifth in responding to bar complaints and other actions, “and we got word that he might pursue that course.”

“He faces potential criminal allegations relating to manipulation of his IOLTA account,” Freed said.

Black Diamond is represented by **Jason Alloy** and **Heather Sharp** of **Robbins Ross Alloy Belinfante Littlefield**, whose filings say the company became aware late last year that Flit had settled a number of cases for which it advanced funding.

The funds were due within days of payment of the settlement, but Flit did not remit them. In response to a demand letter in October, “Flit’s attorney feigned ignorance” regarding his debt of more than \$1.9 million.

As recently as April 30, Black Diamond learned that Flit and another attorney he was working with settled a case from which he was to pay more than \$300,000, which never materialized.

Alloy said the parties were engaged in a discovery dispute and that he had filed a motion for expedited discovery, which is pending.

“I don’t know what happened to his practice,” Alloy said.

Most of the Cobb County cases, and a couple in Fulton, were filed by William Ney of Lawrenceville’s Ney Rhein.

“My understanding is that Neil ran into some difficulties with regard to funding his operations a few years back, lost some personnel and office staff.”

“About two years ago, I started getting calls from potential clients regarding multiple allegations of legal malpractice,” Ney said.

Most of Ney's cases center on claims that Flit agreed to represent plaintiffs in personal injury cases and then missed filing deadlines, resulting in the cases being tossed. Several allege that he told the clients they could refile even though their cases were time-barred.

Others assert claims for funds that Flit allegedly collected through settlements and then failed to disclose or disburse.

"A lot of these cases have settled, and there are some confidentiality provisions," Ney said.

Some of the complaints include allegations that Flit misled or refused to disclose his professional liability insurance carrier, identified as Berkley Select, when the suits were filed.

Ney noted there have been several settlements and that Flit continues to be represented.

"It's my understanding that Mr. Flit has or had professional liability coverage to resolve his claims and that he's told his clients he's contacted his carrier," he said.