

# Personal Injury Firm Splits Along Practice Area Lines

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*Of the Legal Staff*

Personal injury firm Eisenberg Rothweiler Schleifer Weinstein & Winkler has split into two different firms, citing divergent visions.

As first reported on *The Legal's* blog on Friday, the firm will split down practice area lines, according to Kenneth Rothweiler.

Rothweiler is leaving the firm he joined in 1998 with Stewart J. Eisenberg. The two will focus their practice on complex litigation involving medical malpractice, products liability, crashworthiness and mass torts, he said.

They will be joined by partners Nancy J. Winkler, Fredric S. Eisenberg and Daniel

Jeck, all of whom worked at the firm before its split. All of their names will be included in the new firm name as well.

In total, the Eisenberg Rothweiler firm will have nine attorneys plus one of counsel, Rothweiler said.

Norman J. Weinstein, Charles Jay Schleifer and Richard T. Kupersmith will be moving out of the firm's Philadelphia office to focus their practice more in the suburbs, Rothweiler said. They will handle mainly workers' compensation and general negligence cases.

Schleifer said the firm will continue to handle products liability and medical malpractice cases as well.

That would be something new, Rothweiler said, for his now former part-

ners. He said it was he and Stewart Eisenberg that brought in the multi-million dollar verdicts.

"It was a question of different visions going into the future," Rothweiler said, adding that Weinstein and Schleifer wanted to increase their presence in the suburbs.

The firm currently has offices in Reading, Lancaster, Avondale and Lebanon, Pa. as well as Philadelphia and Cherry Hill, N.J.

Schleifer said that if someone wanted to know why the firm split, they would have to ask Rothweiler and Stewart Eisenberg. He said he is just looking now to the future, and possibly building his new firm through new hires. He said his firm will probably purchase

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space in Philadelphia that could hold more attorneys than they currently have.

Rothweiler said his new firm bought the office in Philadelphia and will remain there. Weinstein, Schleifer, Kupersmith and the approximately six other attorneys that are making the move with them will remain in the Philadelphia office until they can find additional space in the city, Rothweiler said.

He said that while the area of personal injury law has been evolving over the years in the face of tort reform, this split had more to do with the different goals of the firm leaders.

According to Rothweiler, it was definitely he and Stewart Eisenberg who brought up the idea of splitting the two firms.

Rothweiler said that while there is always difficulty in working through the details, the split was an amicable one.

Schleifer said he thought he had a close-knit firm over the years, and said one day he thinks they will all look back and realize "something was lost along the line."

The two sides signed an agreement Friday that made the separation official, he said.

A 12-year member of the firm, Eric G. Zajac, left shortly before its split.

Zajac, a litigator who focuses on crashworthiness, products liability, construction accidents and medical malpractice, left Eisenberg Rothweiler effective April 1 of this year.

He opened his own firm, The Zajac Law Firm, at 1818 Market Street.

Zajac said he was offered a position as a name equity partner in the new Eisenberg Rothweiler firm, but turned it down because there was a lot of difficulty getting on the same page as far as management and partnerships were concerned.

Rothweiler said that while Zajac could possibly have ended up as a name, equity partner, no details were finalized before he left.

Zajac said that while he appreciated the opportunities given to him during his time there, with the last three years spent as partner, he was ready for a new challenge.

Zajac said he started at the firm as a second-year associate.

"Sometimes it's hard for the grown-ups to see you as a grown-up when you finally become one," he said.

Most of his clients are following him to the new firm and most of his referrals have supported his new venture, he said.

In looking back, Zajac said it became clear the firm leaders were moving in different directions about five years ago when they changed the name. Prior to five years ago, the firm was known as Weinstein Goss Schleifer

Eisenberg & Winkler, he said.

"It was business plans that couldn't be reconciled," he said.

According to Zajac, personal injury work requires a narrowly tailored business model.

"A so-called complex personal injury practice is high-risk," he said. "The firm really became the victim of its own successes."

He said it grew too big and required additional office space, which placed a stress on the firm culture.

Philadelphia Bar Association chancellor Alan Feldman said it is unusual to find a firm that does complex personal injury work and general litigation.

"I can't think of any other firms that merged a general practice with a high-end personal injury practice," Feldman said. "It's unusual that they were able to last as long as they've lasted."

Most personal injury firms have specialized in a certain area, and most would not want to or could not do what Eisenberg Rothweiler had been doing, Feldman said.

He said this is not representative of what will happen to other personal injury firms because Eisenberg Rothweiler was so unusual.

Lawrence Cohan, of personal injury firm Anapol Schwartz Weiss Cohan Feldman & Smalley, said the split was probably due to the evolution of a firm with quality lawyers and varying practices.

Zajac said that Weinstein, Schleifer and

Kupersmith will employ a management style that will serve them very well.

He said their approach over the last few years of reaching into the suburban, Latino communities has been very successful, but it was just different than the philosophy of Eisenberg and Rothweiler.

Zajac said he thinks it will take time for the two firms to redefine themselves before the relationship becomes stronger, adding that he does not think there is bad blood there now.

"Unfortunately, I do not expect the two new firms to refer each other business," he said.

Schleifer said the firms will most likely be competitors to some extent.

Although not quite as total of a dissolution, Eisenberg Rothweiler is splitting almost two years after another prominent personal injury firm, Litvin Blumberg, closed its doors because of financial concerns.

Former Litvin Blumberg attorney Ronald Wolf found a home at Eisenberg Rothweiler and will now follow those two named partners to their new firm as of counsel.

Eisenberg Rothweiler was formed around 40 years ago by Weinstein's father, and started out as a general practice firm, Rothweiler said.

Stewart Eisenberg joined in 1991 as the firm's first complex litigator. Rothweiler joined in 1998 when Eisenberg decided he needed another trial lawyer. •