

Jury rejects Carollo's \$160,000 lawsuit against attorney

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A Miami-Dade jury Tuesday rejected a \$160,000 claim by former Miami Mayor Joe Carollo that a lawyer he hired to help him start a fast-food franchise committed legal malpractice.

In a 1993 lawsuit, Carollo claimed that Miami lawyer [REDACTED] and his firm, then named [REDACTED], failed to warn the veteran politician about the shortcomings of Samuri Sam, a proposed national chain of Asian fast-food outlets that ultimately fizzled.

At a trial that started last week before Circuit Judge Thomas S. Wilson Jr., [REDACTED] countered that he did raise red flags about the lack of a financial statement from Samuri founder Sid Shane, a Dade-based entrepreneur. [REDACTED] also said he raised questions about a franchise offering a proposal, which he called shaky at best.

Testifying on his own behalf, Carollo said that despite his previous experiences with

operating other businesses, he was a stone-cold novice when it came to franchising. He said the warning signs did not become clear until he consulted another lawyer.

Miami attorney Isaac Mitrani, who defended [REDACTED], pressed Carollo about his knowledge of finance, suggesting his level of understanding was relatively high because of his background as an operator of other small businesses, and his experience as mayor and as a city commissioner.

Before his defeat at the hands of Xavier Suarez for mayor last month, it was Carollo who spent months dealing with Miami's fiscal crisis.

But Carollo insisted he actually had little expertise in finance, and that during his years of public service, he and fellow commissioners relied heavily on the advice of professionals before making decisions.

In his closing arguments to the five-woman, one-man jury Tuesday, Mitrani suggested that Carollo's posture was a stretch.

"Does anybody here believe he runs under

the slogan: 'Hi, I'm Joe Carollo, I don't understand finances?'" Mitrani said.

Miami lawyer Joel Wolpe, who represented Carollo, said the argument over Carollo's financial expertise was "fallacious."

"The issue was whether Joe Carollo and his wife were novices in franchise law, and they were," Wolpe said in an interview.

But the jury took only an hour and 15 minutes to side with [REDACTED]. In doing so, the panel also decided that Carollo had broken a settlement agreement with [REDACTED] that had ended a dispute over \$16,000 in legal fees. In 1992, [REDACTED] accepted a \$5,000 payment and his firm wrote off the balance. The breach came when Carollo sued Macauley.

Mitrani said later that he will ask Judge Wilson to award his client \$100,000 in costs and attorneys fees.

"He did a good job for his client," Mitrani said of [REDACTED]. "Carollo's business failed and my client gets sued."

Wolpe and Carollo said they're considering an appeal.