

Since 2015, the Florida Justice Reform Institute (FJRI) has exhaustively examined available data to understand and communicate the problems surrounding assignments of benefits (AOBs). In July 2019, Florida saw the first real AOB reforms, but those reforms were limited to the property insurance context. Abuse of AOBs for auto glass damage litigation continues nearly unabated, driving up costs for all purchasers of comprehensive and collision coverage.

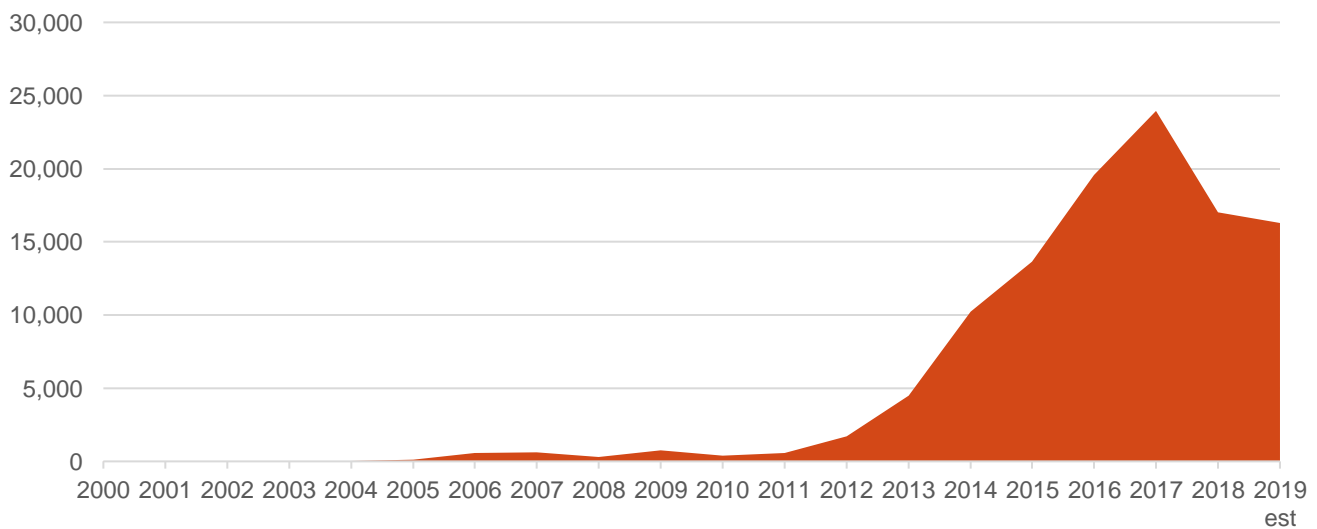
Below FJRI examines the available 2019 data on the prevalence of auto glass AOB lawsuits. This data is drawn from the Florida Department of Financial Services' Service of Process database through September 30, 2019.

Auto Glass AOB Lawsuits Steady Since Last Year; Have Nearly Quadrupled Since 2013

Based on data collected through the end of September 2019 and then annualized, 2019 is on track to be another significant year for auto glass AOB lawsuits. While there was a decrease from 2017 to 2018, it appears that lawsuits in 2019 will hold steady at, or near, the previous year's pace. Auto glass AOB lawsuits still far outpace what they were just a few years ago.

Note that there are several factors that may lead to an understatement of the number of auto glass AOB lawsuits. For example, given FJRI's methodology, the below does not capture auto glass AOB lawsuits filed by companies that lack the word "glass" or "windshield" in their names. Therefore, this data may not capture the full picture of auto glass AOB cases.

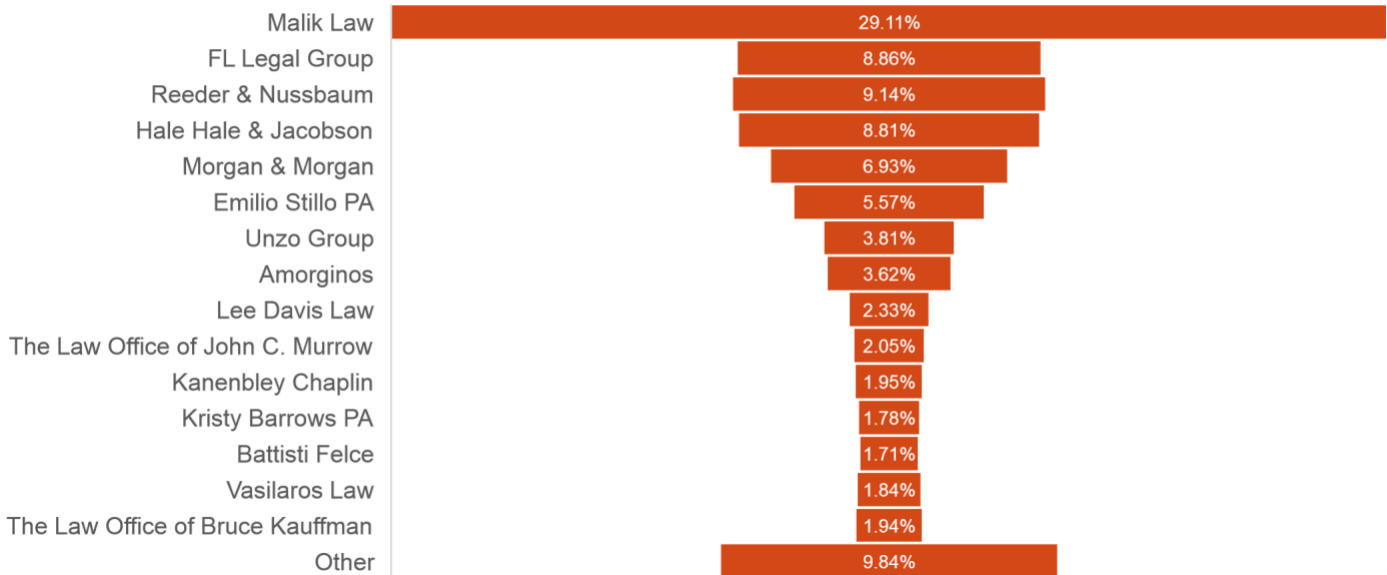
Total Auto Glass AOB Lawsuits



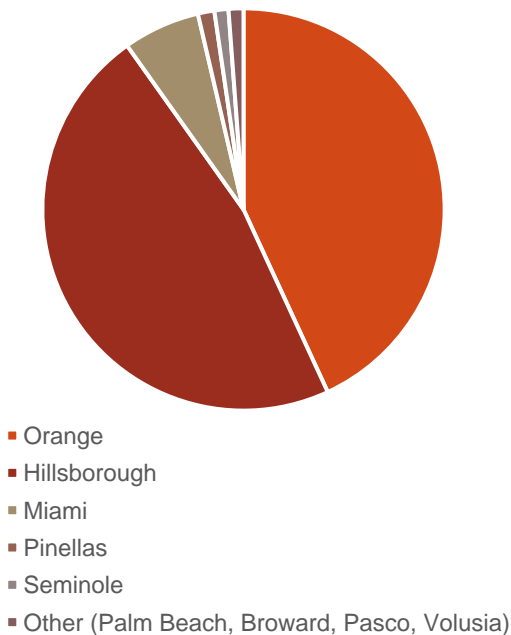
Auto Glass AOB Litigation Still Extremely Concentrated by Law Firm

As always, one of the most intriguing features of AOB litigation continues to be its disproportionate concentration in a small number of law firms. Auto glass AOB suits are no different. For instance, more than a quarter of auto glass AOB lawsuits are filed by a single attorney. An examination of corporate records available from the Department of State also demonstrates how some attorneys have actually gotten into the auto glass business themselves, such as by owning glass, appraisal, and/or billing (those that buy bills from auto glass shops and then sue on behalf of the billing entity) companies.

2019 Auto Glass Data (thru 9/30/19) by Law Firm



2019 Suits (thru 9/30/19) by County



Orange and Hillsborough Counties Are the Hottest Locations for Auto Glass AOB Litigation

Examining the data for the first nine months of 2019, Orange and Hillsborough counties are the clear focus of auto glass AOB litigation. Of course, there is no obvious reason that more windshields are breaking in these counties versus others. Anecdotaly, it appears litigation might be more prevalent in these counties due to higher attorney fee awards. Because the one-way attorney fee statute is alive and well in the auto glass AOB context, there is little reason not to pursue litigation, as filing suit is virtually a no-risk proposition. Although the benefits of the one-way attorney fee statute were clearly intended for premium-paying policyholders, corporate assignees continue to cash in on its common law extension.