

PRACTICE

# Professional Liability

## OVERVIEW

### PROFESSIONAL LIABILITY

Professionals are required to make more independent decisions and exercise a greater degree of judgment than ever before, heightening liability concerns.

Unfortunately, lawyers, doctors, accountants, financial advisors and other professionals may sometimes find themselves involved in legal proceedings brought by clients who have suffered as a result of their negligent actions.

Professional services practitioners have to be fully prepared to respond to claims of legal liability at any moment, including breach of contract, errors and omissions, and malpractice. The stakes are high.

Our professional liability team has a detailed understanding of the professional industries, including industry-specific principles, terminology, operational norms, and market forces. We are able to immediately and efficiently evaluate the situation and related evidence to assess liability claims. While most professional liability cases settle, our ultimate goal is to achieve the best result for our client, whatever it takes.

## EXPERIENCE

### An appellate win in a professional fee claim

The Massachusetts Appeals Court upheld a Superior Court jury's verdict in favor of our clients against their former attorney for charging an unfair and excessive fee. The appeals court also affirmed the trial judge's award of triple damages and attorney's fees under the Consumer Protection Act, commonly known as chapter 93A. See *Landry v. Haartz*, 83 Mass. App. Ct. 1135.

### Resolving a favorable withdrawal from a professional healthcare services partnership

A member of a health care practice wasn't getting along with the other two members of their LLC, based on money and personality issues. We filed a pre-emptive suit to stop her partners from forcing her out. That allowed time for us to negotiate a settlement favorable to our client, which included withdrawing from the LLC, resolving compensation issues and coming to an agreement on non-compete terms.

## OTHER EXPERIENCE

- Complex securities fraud claims, breach of contract and 93A where investment advisor and his company defrauded investors of millions of dollars.
- Medical group against a former physician/employee claiming breach of employment agreement and breach of fiduciary duty; we obtained complete summary judgment in the arbitration before JAMS.
- Company in a case involving claims of fraud in a public offering. We defended, and after trial obtained, a judgment in favor of the company.
- Accounting firm against claims of vicarious liability and professional malpractice.
- Attorney who had sanctions issued against him by trial court; obtained direct appellate review by the Supreme Judicial Court, which vacated the sanctions award.
- Lawyers in state and federal courts in actions for malpractice, breach of contract, RICO, breach of fiduciary duty and related claims.
- Appearing before state and local grievance and disciplinary committees, serving on bar association ethics and legal malpractice committees, and appearing as expert witnesses in malpractice cases.
- Law firm against corporate claims of malpractice in connection with business transactions, securities matters, real estate transactions, patent and trademark matters.
- Law firm breakups and dissolutions disputes.
- Claims of negligence, misreporting of financial statements, misallocation of expenses, and flawed internal controls.
- Claims brought by state regulators or the SEC alleging, among other things, failures in tax consulting or involvement in federal securities offerings.
- Disciplinary proceedings by the American Institute of Certified Accounting Professionals.
- Subpoenas by third parties seeking audit work papers and testimony regarding audit procedures.