



Lawyers

We have defended hundreds of lawyers in allegations of legal malpractice and/or breaches of fiduciary duty. We were primary counsel to the insurer who wrote coverage for the California State Bar and have represented many of the major legal malpractice insurers.

We have defended lawyers in a wide variety of malpractice claims including those arising out of claims of inadequate criminal representation, breaches of fiduciary duty in failing to disclose certain conflicts of interest, claims of malicious prosecution and abuse of process, claims arising out of estate planning and family law representation, claims alleging substandard representation by bankruptcy and real estate counsel and allegations of security fraud.

Representative Experience

Attorneys: Andrew L. Margulis, Jung H. Park

Key Issues: Legal Malpractice Defense

Venue: New York State Supreme Court, Queens County

Client Type: Defendant Law Firm

Description: Defended a law firm that represented the plaintiff in an underlying medical malpractice action. The trial resulted in a defense verdict and the client sued the law firm for malpractice.

Result: At the close of evidence on the plaintiff's case and after the plaintiff rested, we moved for a directed verdict dismissing the action. The court granted the motion and directed a verdict in favor of our client, the defendant law firm.

Attorneys: Gerald G. Knapton

Key Issues: Retainer; Alternate Fees; Examples

Venue: Los Angeles

Client Type: Individual

Description: Negotiated the retainer agreement for a legal malpractice suit. The agreement included a number of fee alternatives depending on the results of the case, with 10 examples of how fees would be determined and how the matter could be compromised by the client. The law firm was one of the well-known specialty firms.

Result: The agreement was signed by both sides after an exhaustive series of negotiations.

Attorneys: Andrew L. Margulis

Key Issues: Attorney malpractice; patent

Venue: US District Court, Eastern District of NY

Client Type: Third Party Defendant Law Firm/Lawyer

Description: Legal malpractice case arising out of a patent application. Plaintiff invented a video game involving targeted in-game advertising and sought patent protection. Patent application was prepared and filed. Plaintiffs alleged that defendant lawyers/law firm made errors in preparing the patent application and failed to follow through with prosecution of the patent application on a timely basis thereby forfeiting plaintiffs' patent rights in their invention. Plaintiffs sought \$150-200 Million as damages consisting of lost royalties and licensing opportunities for the patent they would have obtained.

Result: After nearly a three week jury trial, we moved for a directed verdict following the defendants' case in chief. Immediately prior to the court's ruling on our motion and before the case being delivered to the jury, the defendants withdrew their claims against our clients with no consideration or any amounts being paid to defendants on behalf of our clients.

Attorneys: John G. Dooling

Key Issues: Secured Lending, Usury, Promissory Note, Security Agreement, U.C.C., Malpractice

Venue: County of San Francisco Superior Court

Client Type: Defendant private lender

Description: Represented limited partnership, managing general partner (a limited liability company), and the managing member of the limited liability company in action by plaintiff lender to recover on a promissory note. Tried defendants' rescission defense to the court and prevailed, resulting in no personal liability for the managing member and plaintiff abandoning his claims against the other defendants through settlement. Plaintiff lender had also been the defendants' attorney in several prior lawsuits.

Result: A defense verdict on our affirmative defense for rescission of the promissory note and security agreement, resulting in a settlement in which plaintiff abandoned his remaining claims.

Attorneys: Pascale Gagnon, Susan H. Handelman

Key Issues: Primary Right, Statute of Limitations, Legal Malpractice

Venue: Santa Barbara County, Anacapa

Client Type: Attorney and Law Firm

Description: Plaintiff sued the attorneys having represented her in workers' compensation matters with her past employee for legal malpractice, amongst others. She contended that they had not secured her the best settlement possible and had agreed to terms with regard to the handling of the settlement funds (trust) that were not in her best interest and leading to her not having free access to the settlement funds -- which were not proper compensation.

Result: The action was dismissed at the pleading stage - following three demurrers based on the primary right

doctrine applied in relation to the statute of limitation defense. Plaintiff appealed the dismissal and the appeal affirmed the trial court's decision.