

## Professional Liability & Responsibility Litigation

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

The Professional Liability and Responsibility Litigation team of Wilentz, Goldman & Spitzer, P.A. focuses on claims brought against lawyers. We recognize that a lawyer's reputation is paramount. Our goal is to devise the right strategy to enable our clients to defend a claim in a way that is tailored to both their professional and personal goals.

Members of our team are certified as civil trial attorneys and have chaired the New Jersey State Bar Association Committee on Professional Rules and Responsibility, the Ad Hoc Committee for the Revision of the Judicial Code of Conduct, and New Jersey Supreme Court District Ethics and Fee Arbitration Committees; have served on the Standing Committee of the American Bar Association, Lawyers' Professional Liability Committee; and have regularly lectured on issues related to professional liability and ethics to ICLE, ATLA, and bar associations.

We represent lawyers and law firms, both insured and uninsured, from *AmLaw 100* law firms to solo practitioners, as well as Judges and a number of different insurers including Attorneys' Liability Assurance Society (ALAS). Our clients practice all manner of substantive legal practice areas, including complex commercial litigation, business transactions, matrimonial law, trusts and estates, bankruptcy and creditors' rights, and tax law, among others. The breadth of our firm's practice allows us to combine the knowledge of our clients' specific areas of law with the experience of our Professional Responsibility group to ensure comprehensive representation.

Our clients face claims involving ethics violations, ACJC complaints, professional negligence, conflicts of interest, breach of fiduciary duty, conspiracy, aiding and abetting liability, theft, misuse of funds, fraud, and fraudulent transfers. Understanding the necessity to our clients of expeditious resolution, we have negotiated favorable settlements at all stages of the dispute, including pre-litigation.

Our team also defends attorneys who face disciplinary proceedings involving the district ethics committees, the Office of Attorney Ethics, the Disciplinary Review Board (DRB), and the Supreme Court of New Jersey. We consult on a variety of ethics issues, sales of law practices, and attorney advertising issues. The New Jersey State Bar Association has retained our team as *amicus* counsel in Professional Responsibility matters. Our attorneys provide advice and expert opinions in areas of malpractice, ethics, and the Rules of Professional Conduct. Our attorneys have also represented individuals experiencing challenges with their applications pending before the New Jersey Board of Bar Examiners and Supreme Court Committee on Character.

### Representative Matters

- Obtained a complete defense verdict after a five-week trial representing a regional law firm on a claim it failed to adequately advise or protect a minority shareholder, and aided and abetted the majority shareholders in oppressive conduct.
- Obtained a complete defense verdict after a three-week jury trial representing a regional law firm on claims it negligently structured a Qualified Domestic Relations Order in a divorce proceeding, also securing judgment in its favor on a claim for unpaid fees.
- Prevailed on summary judgment, affirmed on appeal, representing an *AmLaw 100* law firm on claims involving fraudulent conveyance, conspiracy, aiding and abetting fraud, and creditor fraud.

- Prevailed on a motion to dismiss fraud claims, and then on summary judgment as to all remaining claims, thus defeating a \$11.5 million claim that a prominent New Jersey law firm failed to properly litigate a commercial claim.
- Prevailed on summary judgment prior to any discovery, defeating eight-figure claims of professional negligence, breach of fiduciary duty, and fraud based upon allegations that an ALAS member firm asserted a claim not founded in the law.
- Prevailed on a summary judgment based on the plaintiff's lack of standing, resulting in a dismissal of claims against an ALAS member firm arising out of a complex lending transaction involving a bankrupt debtor.
- Prevailed on summary judgment prior to any discovery based upon the entire controversy doctrine, defeating claims against an ALAS member firm of professional negligence arising out of a lending transaction.
- Prevailed on a motion to dismiss claims that a national law firm conspired with its client to obtain evidence to support a whistleblower claim.
- Compelled arbitration of claim asserted against a solo practitioner and then settled the claim prior to discovery.
- Successfully settled individual and derivative claims against an *AmLaw 100* law firm on the eve of trial.