

## Professional Liability

### Atlanta Professional Liability Lawyers

The Robbins Firm has extensive experience representing both plaintiffs and defendants in professional negligence matters, including disputes that involve fraud, breach of fiduciary duty and malpractice. Our Atlanta professional liability lawyers have mastered the intricacies involved in professional liability cases – obtaining large jury verdicts and high dollar settlements for our plaintiff clients and securing dismissals at early stages of the litigation and settlements for pennies on the dollar for our defendant clients. Representing clients in professional liability matters is one of our firm's fastest growing practice areas.

The relationship between an attorney and their client is special. Unfortunately, things can go wrong, just like any other relationship. When that happens, you need experienced legal counsel to help you sort through the issues, determine whether you have a claim, and help you find the way forward.

If you are involved in allegations of malpractice or unethical conduct, either as a lawyer or a client, contact the Atlanta professional liability lawyers at Robbins Alloy Belinfante Littlefield LLC. Call us today at 678-701-9381 to discuss your case and how we can help.

### Lawyers Representing Lawyers

As lawyers, we understand how frightening it can be when someone alleges that you have committed malpractice or engaged in unethical conduct. Such allegations not only threaten your ability to practice but could also damage your professional reputation and lead to considerable embarrassment. That's why our Atlanta professional liability lawyers provide our clients with measured yet aggressive representation when facing claims. We thoroughly investigate the claims against you, help you understand your options, and then develop a comprehensive strategy designed to obtain the best possible result.

From disciplinary proceedings to full-blown state or federal litigation, we can help you face any type of claim you may be facing:

- Claims from corporate clients
- Claims from individual clients
- Claims made by other attorneys

We also understand the nuances of dealing with your professional liability insurance carrier. At Robbins Alloy Belinfante Littlefield LLC, our Atlanta professional liability lawyers staunchly believe that you are our client - not your insurance carrier. We fight to ensure you get the result you deserve, not what will reduce your insurance carrier's exposure.

# Lawyers Representing Clients Against Lawyers

As lawyers, we should be held to the highest standards of professionalism and ethical conduct. As a result, our Atlanta professional liability lawyers also represent clients who have been harmed by attorneys who have committed malpractice or engaged in unethical clients. We represent clients in filing disciplinary complaints as well as pursuing claims for damages. We know what defenses to anticipate, how to prove your claim, and how to work towards a resolution that makes you whole.

To pursue a claim, you will need to prove your case. Unfortunately, malpractice and ethical misconduct aren't always easy to detect. Our professional liability lawyers are seasoned investigators. We can evaluate your claim and determine what evidence we will need to prove your case. We methodically investigate your claim to build the strongest possible case. Our focus is to help recover from any harm you suffered while holding the attorney accountable.

To be clear, an unexpected or unfavorable outcome is not proof of malpractice or unethical conduct. However, if you suspect your attorney has caused you harm, either intentionally or negligently, you should consult with an experienced Atlanta professional liability lawyer.

## Frequently Asked Questions

Having represented several clients in a variety of professional liability claims, we know that the first step is often the most difficult. Knowing what to do next can seem overwhelming and requires careful consideration. To that end, here are some of the common questions that we help clients answer, both attorneys and those who may have claims against attorneys:

**Our lawyer lost our case. Did they commit malpractice?** As mentioned above, the fact that your lawyer lost your case doesn't necessarily mean that they committed malpractice or engaged in unethical behavior. The answer depends mostly on why they lost your case. Did they miss a filing deadline or otherwise neglect your case in a manner that compromised your success? Did they clearly fail to understand the law and apply it correctly in your case? These are fact-specific questions that require investigation by an experienced Atlanta professional liability lawyer.

**My client filed a bar complaint against me. Should I represent myself or hire an attorney?** While representing yourself can undoubtedly save you some money, defending yourself against a bar complaint, even a meritless one, can consume an incredible amount of time and resources. Hiring an Atlanta professional liability lawyer to handle the complaint can allow you to focus on your practice. Your attorney can evaluate the claim, and using their experience, provide guidance on the potential consequences you are facing. In turn, this can help you develop a strategy that will help you decide how to proceed.

**I think my lawyer committed malpractice or engaged in unethical conduct but don't know for sure.**

**What do I do?** Malpractice and unethical conduct can be difficult to detect. It's not easy for non-lawyers to distinguish between their case being mishandled and a poor result that was beyond the lawyer's control. If your lawyer committed malpractice or engaged in unethical conduct, they may try to cover it up. A knowledgeable Atlanta professional liability attorney can investigate your potential claim to help you determine whether your lawyer committed malpractice or engaged in unethical conduct.

**I committed malpractice and/or engaged in unethical conduct. I should just fully cooperate with the disciplinary proceedings, correct?** You should always cooperate with any disciplinary proceedings initiated by the bar. However, it's important to understand that this is somewhat similar to a criminal proceeding - your cooperation will not necessarily mean that they will be lenient. Bar complaints are prosecuted aggressively, and bar counsel may recommend penalties that are excessive or unfair. Most lawyers don't know what to expect from the proceedings or what a fair outcome would be. You could be facing anywhere from thousands of dollars in fines to revocation of your license. Retaining an Atlanta professional liability attorney can help you understand your options and get a fair result.

**My malpractice insurance carrier appointed an attorney to defend me. Do I need to hire my own attorney?** You should speak to your malpractice insurance carrier to discuss your options. You may have the right to hire your own attorney and they will cover the costs of defense. If that isn't an option, it may not be a bad idea to hire an Atlanta professional liability attorney to monitor the case. This can bring some peace of mind as they can act as a second opinion - some attorneys worry that the attorney appointed by their carrier serves the carrier's interests over their own.

## Contact an Atlanta Professional Liability Lawyer

The attorneys at Robbins Alloy Belinfante Littlefield LLC understand the issues between lawyers and their clients. Representing both lawyers and their clients, our Atlanta professional liability lawyers have the knowledge, skill, and experience you need to get a fair result. If you would like to discuss your case and how we can help, call us at 678-701-9381 or send us an email to schedule a consultation today.

## Representative Matters

Examples of Plaintiff cases include the following:

- Our firm obtained the largest plaintiff jury verdict for professional negligence in 2016. In *Firmani v. Dar-Court, LLC*, we represented a small business owner who was assessed with severe back taxes and penalties for a defined benefits plan drafted by defendants. Defendants continually assured our client that this defined benefits plan complied with the law, in particular the IRS tax code, and failed to correct the drafting error even though it should have been aware of the error years prior. While the defense attempted to blame liability on other parties involved – including our clients - a jury agreed that our client should be compensated for this error, awarding six figures in damages, and that the third party administrator should bear most of the responsibility for these damages. The Court of Appeals recently affirmed the jury verdict to our client.
- We represent two plaintiffs who participated in a settlement of over 100 plaintiffs' claims in a multi-district litigation, all represented by the same counsel. Our clients contend they were pressured into a settlement without all of the facts, and that the lead attorney misrepresented the nature of the settlement. Our clients seek disgorgement of legal fees and punitive damages. This case is pending in State Court of Chatham County.
- We filed a multi-million dollar trust in an action against a trust's former attorneys. Our clients assert claims of breach of fiduciary duty, legal malpractice, conversion, and wrongful eviction and trespass

against the former attorneys for the transfer of assets and auction of a multi-million dollar cattle farm. The attorneys not only provided poor advice but also had severe conflicts of interests, which should have been disclosed. Based on the attorneys' advice, our client not only lost a beloved cattle farm, but was also triggered a lawsuit against our client who had no other choice but to settle due to the attorneys' poor performance. The case is set for trial in 2017.

- We represented a client who sued his real estate attorney who represented our client in numerous real estate transactions. Due to the attorney's failure to properly perform due diligence on these transactions, our client was ultimately the victim of a scam and lost millions of dollars. To add insult to injury, our client discovered this attorney had wrongfully taken funds from his trust account. Our client asserted claims for malpractice, breach of fiduciary duty, negligent misrepresentation, gross negligence, punitive damages and attorneys' fees. We secured a high six-figure settlement prior to trial.
- Our firm represents a biotech manufacturer based in Lawrenceville in a malpractice lawsuit against the manufacturer's former attorneys for services provided during the current owners' acquisition of the company in 2008, and three lawsuits that followed. The law firm originally filed the lawsuit against our client in the U.S. District Court for the Northern District of Illinois, but our firm successfully moved to transfer venue in the case to the U.S. District Court for Northern District of Georgia. Summary judgment briefs were filed in January 2016, and the Court denied the firm's summary judgment on our client's malpractice and breach of fiduciary duty claims in place. Expected trial in April 2017.
- We represented a client who sued a third-party administrator for a drafting error in their defined benefits plan. The third-party administrator continually assured our client that this defined benefits plan complied with the law, in particular the IRS tax code, and failed to correct the drafting error even though it should have been aware of the error years prior. Because of this drafting error, our clients faced an IRS tax audit and were ultimately assessed with severe back taxes and penalties. While the defense attempted to blame liability on other parties involved – including our clients - a jury agreed that our client should be compensated for this error, awarding six figures in damages, and that the third party administrator should bear most of the responsibility for these damages.
- Our firm represented a client who sued his certified public accountant after an employee of the accounting firm admitted to stealing money our client's money from an escrow account. The suit was filed in federal court in March and was the subject of media news stories. The case settled pursuant to a confidential settlement agreement in 2014.

In defense cases, we have represented law firms and accounting firms in various actions, including:

- Defending a "Big Four" accounting firm that was sued in a class action due to alleged negligence in the firm's audit opinions. The class action was dismissed.
- Representing a national law firm in a malpractice and breach of fiduciary action.
- Defending a "Big Four" accounting firm that was sued under the False Claims Act. The case against the accounting firm was dismissed.

- Defending a national accounting firm in a professional negligence case. The case settled for pennies on the dollar before trial.
- Pursuing professional liability claims against trustees and attorneys in a trust dispute where the damages are in the tens of millions of dollars