



Professional Liability

DLA Piper has significant experience in the prosecution and defense of professionals and organizations including lawyers, accountants, aging services providers, physicians, hospitals, design professionals and others being sued for malpractice. We have participated in many of the largest exposure and high-profile cases involving professionals and organizations. We also have significant experience in arbitration and mediation as alternative strategies to litigation.

Over the years we have developed contacts with some of the finest expert witnesses in the country, with whom we often consult in our work. We also engage services that provide access to information about opposing experts, including those from prior testimony. Where appropriate, we employ sophisticated computer technology to manage documents, transcripts and information.

KEY CONTACTS

- Litigation, Arbitration and Investigations

CAPABILITIES

Representation of Accounting Firms

We have broad-based experienced lawyers, who represent accounting firms in all aspects of their practice. We regularly represent some of the largest accounting firms in the world in major high-stakes lawsuits throughout the country involving alleged failed audits in the context of class-action complaints, or claims brought by trustees in bankruptcy or receivers. In addition, our representation includes claims relating to sophisticated tax-related and advisory services. Moreover, we regularly represent these firms in investigations before various regulators including the Securities and Exchange Commission, the Internal Revenue Service, the Public Company Accounting Oversight Board, and various boards of accountancy.

Representation of Lawyers

On numerous occasions, when law firms and lawyers are involved as litigants, our lawyers have been their counsel of choice. We have represented prominent law firms of all sizes in matters involving legal malpractice claims, allegations of employment discrimination, investigations by government agencies and law firm dissolutions. In addition, we represent clients in bar disciplinary proceedings and advise practicing lawyers on ethical issues that arise during legal representation.

Representation of Physicians, Hospitals and Aging Services Facilities

Our litigation team has significant experience defending medical malpractice cases of all types and complexity. We represent The Johns Hopkins Health System Corporation and many of its physicians, and we provide insurance defense advice for many other medical practice groups and physicians. Our team also has extensive experience working with and defending aging services facilities in state courts around the country. We have also served as personal counsel for physicians involved in malpractice cases. Most recently, we

have been defending aging services facilities and professionals in healthcare claims related to the global COVID-19 pandemic in state and federal courts around the country. As a result, we are familiar with the broad range of issues applicable to professional liability cases in the healthcare and aging services sectors.

We are at the forefront of efforts to challenge the qualifications of expert witnesses and the foundations of their opinions. For example, we recently won an appeal from a victory at trial in the Circuit Court for Baltimore City in which we convinced the court to strike the entire testimony of a psychiatrist who testified on both standards of care and damages issued against our client. We also have experience representing healthcare providers in professional disciplinary matters before licensing and disciplinary boards. We have handled matters before physician, dental and physical therapy boards.

Representation of Design Professionals

We also represent various other design professionals, such as architects and engineers.

EXPERIENCE

Representation of Accounting Firms

- Representation of international accounting firm in civil cases throughout the US in connection with failure to detect the misuse via trustee of in excess of \$100 million in structured settlement.
- Representation of international accounting firm, as restructuring auditors, against professional malpractice, fraud and other claims, by a bankruptcy trustee after the company failed to emerge from a Chapter 11 proceeding.
- Defense of an international accounting firm in a fraud and malpractice action, arising out of the bankruptcy of a large retail clothing chain.
- Representation of international accounting firm in over twenty civil cases throughout the US, an IRS promotions examination, and a host of other government investigations regarding the company's alleged promotion of tax shelters.

Representation of Lawyers

- Successful settlement of massive claims by the liquidating trustee of a large publicly traded thrift against a large national law firm (now defunct) and its more than 100 partners alleging legal malpractice relating to the failure of the thrift and the settlement of the underlying derivative litigation. The malpractice claims were litigated in the federal courts in the Southern District of New York and the Southern District of California. The dispute stands as one of the largest litigated cases in the Southern District.
- Successful defense of a national law firm in a \$100 million malpractice action brought by former clients alleging incompetent real estate investment advice.
- Successful defense of a national law firm partner who was the director of a bankrupt manufacturing conglomerate, in an adversary action against the corporation's former officers, directors, and major shareholders, seeking over \$200 million arising out of alleged fraudulent conveyances of corporate assets. The case settled; our client paid nothing.
- Successful defense of a major regional law firm against claims by an investment banking firm for indemnification of a large judgment allegedly caused by the law firm's acts.

Representation of Physicians, Hospitals and Aging Services Facilities

- Summary judgment in favor of our clients in a case involving wrongful death and survival claims arising from allegations of product liability, negligence, misrepresentation, and denial of informed consent related to the decedent's death from a neurologic disorder allegedly caused by treatment many years earlier with human growth hormone.
- Direct defense of numerous aging services facilities located in 15 states in lawsuits asserting professional liability, personal injury, negligence, elder abuse, wrongful death and other related claims.
- Defense of numerous aging services facilities regarding the COVID-19 pandemic and allegations including professional liability, personal injury and wrongful death claims.

- Jury verdict in favor of our client involving allegations of malpractice in connection with hip replacement surgery resulting in permanent nerve injury, partial paralysis, and chronic pain.
- Jury verdict in favor of our client in the Circuit Court for Baltimore City involving allegations of malpractice in connection with laparoscopic surgery that allegedly resulted in permanent nerve injury.
- Arbitration award in favor of our client in case involving alleged failure to diagnose and treat a wrist fracture. The case was retried before a jury in the Circuit Court for Baltimore City, which also returned a defense verdict in favor of our client.
- Judgment in favor of our client in a case involving allegations of permanent brain damage arising from electroconvulsive therapy and of psychiatric malpractice. The trial court granted our client's motion to strike the plaintiff's expert's testimony and then granted our motion for a directed verdict. The judgment was affirmed on appeal.

Representation of Design Professionals

- Defense of an engineering firm in a claim by the unit owners of a high-rise luxury condominium. The claim, which exceeded \$4 million, was settled on extremely favorable terms.
- Defense of an engineering firm that had testing and inspection responsibility for a high-rise condominium project. The firm was sued for alleged defects in construction, and the case was successfully settled prior to trial for a nuisance amount.
- Successful representation of an architect in claim against an owner for nonpayment.
- Jury verdict of \$17.9 million in a construction case in favor of an owner. The case included claims against the architect and engineer, both of whom settled for a total of \$650,000 prior to trial.

INSIGHTS

Publications

Defensible deletion: The proof is in the planning

5 February 2021

A framework for making defensible deletion an attainable goal.
