Professional Liability

Our Professional Liability Practice Area attorneys have represented virtually every type of professional in malpractice and disciplinary hearings across New York and beyond. The professionals we represent include accountants; attorneys; architects; engineers; insurance agents; corporate directors and officers; and the full range of health care providers, including medical doctors of all specialties; nurses; nurse practitioners; physician assistants; chiropractors; podiatrists; physical therapists; diagnostic providers; home health care agencies; nursing homes; and hospitals.

Our attorneys have litigated and successfully tried to verdict claims against professionals in state and federal courts. We have also represented professionals before the NYS Board of Regents, the Office of Professional Discipline, the Board of Professional Medical Conduct, the Insurance Department, and accreditation boards of health care providers and insurers as well as a wide array of regulatory agencies in New York State.

Our professional liability attorneys serve as designated panel counsel for a variety of prominent insurance companies who insure professionals. In addition, we represent a large, publicly traded, medical-diagnostic company, handling its professional liability claims throughout the Northeast.

Representative Experience

- Successfully obtained summary judgment dismissing a complaint where the plaintiff alleged malpractice relative to provided accounting services.
- Secured a dismissal of an inmate's deliberate indifference claims against health care providers based on the inmate's failure to allege any municipal policy regarding a defendant-entity and failure to allege any personal involvement of an individual-defendant.
- Obtained dismissal of an inmate's 14th Amendment claims against health care providers based on the inmate's failure to allege subjective deliberate indifference and failure to set forth a violation of his procedural due process rights.
- Obtained dismissal of an inmate's claims against health care providers alleging deliberate indifference to medical needs and violations of the US Constitution.
- Obtained dismissal of an inmate's deliberate indifference claims against health care providers based on the inmate's failure to exhaust his administrative remedies under the Prison Litigation Reform Act.
- Obtained multiple dismissals of claims from inmates against health care providers for deliberate indifference to medical needs and violating the US Constitution.
- Negotiated a settlement on behalf of a reputable law firm and attorney for 3 percent of the originally claimed damages after walking away from a mediation in which the mediator had recommended a settlement for a substantially greater value.
- Obtained a favorable settlement for a client sued in Florida in a complex accounting malpractice case arising from criminal fraud perpetrated by the CEO of a national telecommunications company.
- Successfully counseled clients regarding addressing and responding to subpoenas in various matters.
- Successfully obtained a dismissal of a counterclaim for legal malpractice on appeal where the counterclaim plaintiff alleged malpractice related to the representation during and the ultimate settlement of a matrimonial action.
- Successfully obtained summary judgment where the plaintiff alleged negligence against an assisted living facility client.
- Obtained a favorable settlement in a malpractice action against a nursing home.

- Successfully obtained a summary judgment dismissal of a legal malpractice case arising from representation in a commercial transaction.
- Obtained a favorable settlement in a legal malpractice action against a law firm and individual attorney alleging malpractice related to representation in an underlying commercial transaction.
- Successfully defended a dentist in a lawsuit by numerous minors alleging fraud and malpractice.
- Successfully represented an accounting firm in enforcement actions by the Securities and Exchange Commission (SEC) arising out of alleged violations of securities laws and generally accepted accounting principles.
- Successfully obtained a summary judgment dismissal of a $1.2 million legal malpractice case arising from collection action.
- Obtained a dismissal of a lawsuit by a student alleging 17 causes of medical malpractice and intentional torts against a private university and its health care center.
- A lawyer was investigated for misrepresentation in the use of a judicial subpoena during the course of a family court custody dispute. The principal counsel of the Grievance Committee initially sought a formal disciplinary referral to the court, but after reading our initial submission, changed the recommendation to private discipline. We submitted a comprehensive response on behalf of the client and appeared at a Grievance Committee meeting to argue the client's case. The committee voted to disregard the recommendation of its principal counsel and declined to impose any discipline on the client.
- Represented a lawyer who was temporarily suspended for failure to cooperate with an investigation into the lawyer's IOLTA account. Prepared an Order to Show Cause and supporting papers and convinced the court to stay the suspension and then formally deny the motion of the principal counsel of the Grievance Committee for the temporary suspension. The temporary suspension was lifted within one week of the engagement, and all reference to the suspension was removed from the lawyer's Unified Court System profile.
- Represented a lawyer not admitted in New York State who was charged with violating the advertising rules, including soliciting victims of a mass tort within 30 days of the event. Following an investigation and review of our submissions, the client was able to avoid any discipline being imposed or even a report by the Grievance Committee to the lawyer's home state.
- Successfully obtained dismissal of the complaint and denial of a motion for leave amend in a matter against a health services provider and individual administrator concerning an alleged delay of medical treatment where the complaint asserted claims under 42 USC 1983, Article 26 of the Massachusetts Declaration of Right, and the Massachusetts Tort Claim Act.
- Secured the dismissal of an inmate's Fourteenth Amendment claims against a health care provider based on the inmate's failure to state a claim for subjective deliberate indifference.
- Obtained dismissal of an inmate's Fourteenth Amendment claims against health care providers based on the inmate's failure to allege deliberate indifference against individual providers and failure to set forth a Monell claim against the health care entity.
- Successfully obtained a stipulation of discontinuance with respect to a third-party action filed against a title abstract company client.
- Secured a favorable settlement of medical malpractice claims arising out of the death of the plaintiff's decedent with nominal contribution from the client.
- Secured the dismissal of an inmate's Fourteenth Amendment claims against health care providers based on failure to allege deliberate indifference to dental needs.
- Obtained summary judgment and dismissal of inmate's Eighth Amendment claims against health care providers based on failure to exhaust administrative remedies under the Prison Litigation Reform Act and failure to otherwise establish any undue delay or subjective deliberate indifference.
- Obtained summary judgment and dismissal of inmate's 14th Amendment claims against health care providers based on inmate's failure to establish an objective serious medical need.

- Secured dismissal of an inmate's Fourteenth Amendment claims against health care providers based on failure to allege the requisite elements of deliberate indifference and failure to set forth a Monell claim.