ECKERT SEAMANS

Professional Liability

OVERVIEW

Eckert Seamans' Professional Liability Group defends professionals who practice in a number of industries against challenging and sensitive claims of malpractice, breach of fiduciary duty, breach of contract, negligence, and securities violations, among other claims of wrongdoing.

We regularly defend medical professionals, attorneys, accountants, insurance brokers and agents, architects, engineers, clergy, and other professionals against liability claims in virtually every setting in which those claims arise.

With experience in all aspects of professional liability defense, attorneys in the group are well qualified to handle sensitive issues of confidentiality, the impact of the case on the professional's ongoing practice, and the need to work closely with the client in developing a litigation strategy and negotiating settlement.

Eckert Seamans attorneys appreciate that professional liability suits threaten financial loss – but also realize that the more significant impact can be permanent damage to a client's hard-earned reputation. Therefore, early case evaluation and resolution is of particular importance from the outset in a claim involving professional negligence.

SERVICES FOR MEDICAL PROFESSIONALS

Our Health Care defense team is among the most respected in the country. The complexity of this practice area is as diverse as the clients we serve. We represent physicians and other health care professionals; hospitals, nursing homes and health care systems; health insurance companies; pharmaceutical companies and professional corporations. We provide counseling and litigate matters concerning physician rights, medical malpractice defense, regulatory and licensure issues, guardianship proceedings/incapacitated patients, insurance issues, pharmacy liability, and reimbursement, in addition to other related matters. We also assist in developing and implementing risk management strategies concerning issues related to the application of peer review privilege and related confidentiality concerns for hospitals and other health care institutions. We frequently defend cases at jury trial and to verdict.

SERVICES FOR LAWYERS

Our practice regularly defends lawyers and law firms in matters involving alleged professional negligence, environmental liability, ethics consulting litigation, intellectual property, internal firm disputes, securities, Racketeer Influenced and Corrupt Organizations Act (RICO) issues, fraud and/or misrepresentation, wrongful use of civil proceedings, and, malicious prosecution, among other related issues.

REPRESENTATIVE MATTERS

Defense verdicts in hundreds of cases alleging legal and medical malpractice, including the following complex cases:

Trauma

- Alleged negligent delay by trauma team in diagnosis of aortic transection from car accident and death of highly compensated executive. Defense verdict.

Emergency Medicine

- Alleged negligent failure to timely diagnose STEMI and death. Defense verdict.
- Alleged negligent discharge of young father who subsequently died from cardiac infarction, alleged negligent failure to admit for work up. Multiple ED presentations. Defense verdict.
- Alleged negligent failure to diagnose colon cancer in patient presenting with acute abdominal pain. Defense verdict.

General Surgery

- Alleged negligent performance of bowel surgery, leading to anastomotic leak, infection and colostomy. Defense verdict for surgeon and hospital.

Spine Surgery

- Alleged negligent delay in performance of spinal surgery post trauma, outcome paralysis. Defense verdict.
- Alleged negligent performance of spinal fusion post trauma, paralysis post-surgery. Post-operative vision-loss following spinal surgery. Co-defendant was found 100 percent liable for verdict of $20 million.
- Alleged misplacement of hardware during spine surgery leading to partial paralysis. Defense verdict.

Cardiac Surgery

- Alleged negligent delay in performance of open heart (CABG) surgery. Defense verdict for clients cardiac surgeon and hospital.

Obstetrics

- Alleged negligent delivery resulting in death of child. Defense verdict.
- Alleged negligence in labor and delivery resulting in cerebral palsy. Defense verdict.
- Alleged negligence in delivery with shoulder dystocia, Erb's palsy. Defense verdict.

Radiology

- Alleged misread of chest imaging, delayed diagnosis of lung cancer. Defense verdict.
- Alleged misread of abdominal CT, delayed diagnosis of ovarian cancer. Defense verdict.

Critical Care

- Death of young mother allegedly due to negligent failure to timely diagnose and treat infection and sepsis. Defense verdict.
- Alleged negligent delay in recognizing onset of brain bleed resulting in death. Defense verdict.

Primary Care

- Death of a 40-year-old husband and father of five children for allegedly failing to diagnose and treat congestive heart failure. Defense verdict.
- Alleged negligent failure to timely diagnose colon cancer. Defense verdict.

Anesthesia

- Alleged nerve injury from positioning. Defense verdict.
- Alleged failure to monitor. Defense verdict.

Orthopaedics

- Alleged negligent performance of discectomy, resulting in need for repeat surgery. Defense verdict.
- Alleged negligent performance of hip replacement surgery, resulting in infection and multiple additional surgeries. Defense verdict.

Wound Care

- Alleged negligent wound care precautions and treatment involving elderly patient. Defense verdict.

Hospital Liability

- Successfully defending a hospital and its employed physician in a complex case alleging failure to

diagnose toxic exposure to various chemicals. Successful in motions for *forum non conveniens* and summary judgment.

- Managing over 500 cases involving alleged improper placement of cardiac stents in Maryland. These cases included claims of professional malpractice, corporate liability and fraud. Our lawyers were involved in all aspects of the defense, including serving as lead trial counsel.

Neurosurgery

- Defense verdict in case involving alleged failure to treat brain tumor.
- Defense verdict in cases involving spine surgery and instrumentation.

Legal Malpractice

- Successfully defended a boutique IP law firm on a claim of computer hacking implicating the Digital Millennium Copyright Act, Copyright Infringement, The Computer Fraud And Abuse Act and related common law claims.
- Successfully defended several law firms for claims of wrongful use of civil proceedings ("Dragonetti claims") and abuse of process.
- Secured summary judgment dismissing legal malpractice claims at trial level and affirmance on appeal with respect to claims of guarantors of debt owed by attorney's clients.
- Secured summary judgment dismissing legal malpractice claims against attorney sued for allegedly mishandling divorce action, including obtaining unpaid legal fees for client.
- Secured summary judgment dismissing legal malpractice claims at trial level and affirmance on appeal against attorney sued for allegedly representing client in a minority shareholder dispute.
- Secured summary judgment in legal malpractice action with respect to claims based on alleged failure to provide advice about the adequacy of property insurance coverage.
- Secured voluntary dismissal with prejudice, without any payment, in insurance broker malpractice action after demanding dismissal of action on threat of frivolous litigation sanctions.
- Successfully obtained summary judgment in favor of attorney accused of mishandling underlying complex medical malpractice action.
- Compelled voluntary dismissal with prejudice of claim against insurance broker accused of non-reporting of claim and related negligence in connection with a loss in excess of $1,000,000.
- Obtained summary judgment in favor of insurance broker accused of not properly placing umbrella coverage in context of catastrophic loss.
- Obtained no cause verdict in favor of attorney accused of legal malpractice and breaching fiduciary duty to client.