

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.

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.

SERVICES FOR LAWYERS

Our practice also routinely 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.

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.

REPRESENTATIVE MATTERS

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

Trauma

- Alleged negligence in Level 1 trauma work-up with death of highly compensated executive from aortic transection.

Emergency Medicine

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

Spine Surgery

- 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.

Obstetrics

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

Radiology

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

Critical Care

- Death of young mother allegedly due to negligent failure to timely diagnose and treat infection and sepsis.

Primary Care

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

Anesthesia

- Alleged nerve injury from positioning.

Orthopaedics

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