

Legal Malpractice – Appeal

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Matthew H. Greene

November 23, 2020

Matthew Greene, a Shareholder of the firm, successfully defended an appeal of a defense verdict where the jury found in favor of an attorney in a legal malpractice lawsuit filed in the Worcester Superior Court.

In the underlying case, the Court awarded partial summary judgment to the plaintiff on the issues of duty and breach, finding that Matthew’s client represented both his client and her ex-husband in the underlying divorce settlement. Matthew nevertheless tried the case on the issues of causation and damages, obtaining a defense verdict in favor of his client.

On appeal, the plaintiff argued that the trial court had improperly admitted evidence of the Probate Court plea colloquy and improperly instructed the jury. On behalf of his client, Greene cross-appealed the partial summary judgment against his client.

The Massachusetts Appeals Court, after oral argument, affirmed the jury verdict. In a Rule 23.0 opinion, the Appeals Court also stated explicitly that partial summary judgment was decided incorrectly and that the motion judge improperly found a key fact regarding dual representation against Matthew’s client.

Memorandum and Order Pursuant to Rule 23.0