

## Legal Malpractice – Defense Verdict

### SERVICES

Professional Liability

### RELATED ATTORNEYS

Matthew H. Greene

Michael P. Johnson

**January 11, 2019**

Matthew Greene, a Shareholder of the firm, along with Shareholder Michael P. Johnson, successfully defended an attorney in a legal malpractice lawsuit filed in the Worcester Superior Court.

In the lawsuit, the plaintiff, a party to a divorce action, sued Matthew's client alleging that the attorney committed legal malpractice by failing to make clear that he represented only the wife in the divorce and by failing to conduct an investigation into the assets held by all parties causing the plaintiff to receive a disproportionate share of the marital estate. The plaintiff claimed that he believed the defendant attorney was acting as his attorney in the divorce and therefore accepted significantly less than he would have otherwise sought. The plaintiff sought damages in excess of \$1.4 million.

During the lawsuit, the plaintiff contended that the defendant attorney breached his standard of care by acting in a manner that would have lead the plaintiff to believe that that he was represented by counsel. The Court, acting on a motion for partial summary judgment by the plaintiff, agreed, finding as a matter of law that Matthew's client had breached the applicable standard of care.

Nevertheless, the evidence showed that the plaintiff had voluntarily entered into the divorce agreement, which was found by a Judge of the Worcester Probate Court to be fair and equitable. As a result, the case was tried before a jury on a theory that the defendant attorney's acts and/or omissions caused no damages to the plaintiff. After a week-long trial, a jury returned a verdict in favor of the defendant attorney.