

# Professional Liability

More than ever, today's professionals face a multitude of claims, ranging from errors and omissions, negligence and breach of contract claims against licensed professionals to breach of fiduciary duty, misrepresentation, and other claims against directors and officers. Professionals are increasingly subjected to claims by creative plaintiffs' lawyers – and our attorneys are right by their side, defending them every step of the way.

We represent professionals, licensed or otherwise at any and every stage, from pre-suit analysis and resolution through trial and appeal. We analyze the underlying facts and law, and work with our clients to find the most advantageous means to resolve the dispute, whether through settlement or trial.

The wealth of experience and knowledge in our firm allows us to achieve the best result we can as efficiently as possible. We collaborate with our colleagues to analyze the underlying issues in any given field or area of law, often avoiding the expense of retaining outside consultants. We draw on knowledge from our colleagues in the corporate, and labor and employment groups to strengthen our defense of directors and officers when those fields are implicated. Our clients benefit from our ability to blend that focused perspective into our overall strategy.

Above all, we are sensitive to and appreciate the fact that our clients are not just in business, but are business professionals. Our clients take their obligations to their profession and their own clients seriously. For that reason, many clients understandably see these claims not just as legal issues, but as personal attacks. This dynamic is valued by our attorneys and is factored into every matter we handle.

## Areas of Practice

We work with a wide variety of professionals to protect their legal interests, both before and after a dispute arises. Our attorneys understand the regulatory framework that governs professionals. We represent and counsel clients on all aspects of their work, from initial engagement letters and contracts, internal protocols and risk management, and the termination of their projects and relationships. We also defend professionals and their insurance carriers when claims and lawsuits do arise, from responding to the initial complaint all the way through providing vigorous representation at a trial, arbitration, mediation, or administrative hearing and any appeal.

Some of the areas in which we advise and defend professionals are:

## PROFESSIONALS

Ken Perry  
Partner

Patrick J. Lubenow  
Partner

Ronald Balfour  
Partner

Mark P. Broderick  
Partner

Robert C. Buchbinder  
Partner

Tim Fagan  
Partner

Isabelle Faust  
Associate

Larry H. James  
Partner

Matthew Kees  
Partner

Patrick F. Mastrian III  
Partner

Eric L. Samore  
Partner

Andrew C. Seiber  
Partner

Kyle R. Sullivan  
Associate

Michael P. Tone  
Partner

Joe Trevino  
Partner

Michael R. Vescio  
Partner

## Accountants

- Audit procedures and reports
- Compilations
- Prevention and detection of fraud
- Fiduciary duties
- Privity
- Reviews
- Third party discovery
- Maintenance of work papers
- Independence
- Contract review
- Risk management
- NASD litigation
- Defend negligence and fiduciary claims

## Architects & Engineers

- Negligence
- Personal injury
- Construction defect
- Construction management
- Design defect
- Structural defect

## Attorneys

- Compliance with statutory liability under the Debt Collection Practices Act
- Conflicts of interest
- Attorney disciplinary proceedings
- Sanctions motions under state and federal law
- Partnership liability
- Avoidance of litigation claims
- Real estate collection and bankruptcy
- Pre-claim investigation and negotiations
- Litigation arising out of varied practice areas, including:
- Estate planning
- Family law

# Professional Liability

- Marital dissolution proceedings
- Probate proceedings
- Bankruptcy proceedings
- Commercial transactions
- Workers' Compensation claims
- Personal injury lawsuits
- Commercial litigation
- Real Estate transactions

## Consultants

- Systems implementations
- Independence issues
- Outsourcing
- Litigation support

## Directors & Officers

- Investigations
- SEC filings and investigations
- Derivative actions
- Breach of fiduciary duty claims
- Corporate and nonprofit governance

## Financial advisors

- Defend financial advisors in FINRA arbitrations

## Insurance Professionals

- Procurement/renewal/cancellation of policies
- Failure to forward claims
- Adequate communication with insurers and insureds
- Estate planning and insurance annuity
- Liabilities arising from insurance product sales
- MGAs
- TPAs
- Brokers

## Real Estate Professionals

- Conflicts of interest
- Intentional/negligent misrepresentation
- Breach of fiduciary duties
- Avoidance of appraisal errors
- Representations regarding financing arrangements
- Lease disputes
- State and federal agency investigations
- Commission disputes
- Risk management

## Pharmacists

- Represent before the medical board
- Defend against claims of wrongfully dispensing opioid medication

## Litigation Oversight and Monitoring

- Develop early resolution plan
- Negotiate rates
- Supervise and implement defense
- Counsel on risk avoidance and transference
- Review bills
- Advise coverage
- Coordinate counsel
- Audit

## Experience

Defended Multiple Third Party Medical Insurance Administrators for Negligent Administration and Allegations of Misrepresentation and Fraud

Obtained Dismissal of a Matter at Trial Court for an Insurance Professional Accused of Negligence, Conspiracy and Spoliation

Represented a Large Insurance Broker in Claims of Wrongdoing by an Insurance Carrier

Defended Property Preservation Professionals in Claims alleging Personal Injury and Property Damage

## Professional Liability

Received a Not Guilty Verdict on Behalf of a Local Retailer in a Consumer Fraud Claim

Settled Case With Multiple Defendants for Architecture Firm

Defended Claims Professionals in a Complex Claim Seeking Millions of Dollars in Damages

Client Paid Significantly Less Than Exposure in Professional Liability Matter

Defended an Intellectual Property Firm from Negligence, Where the Opposition Alleged Over \$10 Million in Damages

Defended a Large Hospital System as Well as a Cardiologist Accused of Failing to Diagnose a Heart Attack

Obtained Summary Judgment on a Legal Malpractice Claim

Granted Summary Judgment For Architecture Firm Who Designed a Building Addition

Achieved Summary Judgment on a Legal Malpractice Claim

Defended a Physician and a Large Health Care System Against a Plaintiff's Claim Alleging medical Malpractice in a Failure to Diagnose a Tumor

Defended a Third Party Administrator in a Cutting Edge Litigation

Defended Physical Therapists and a Large Hospital System against the Plaintiff's Claim Alleging Medical Malpractice

Defended a Well-Established Independent Insurance Broker in an Alleged Conspiracy

Defended a Bankruptcy Law Firm Against a Professional Liability Claim

Represented an Architect in a 6 Week AAA Arbitration

Tried AAA Arbitration Representing a Roofing Contractor

Successfully Handled a FINRA Arbitration

Represented a Design Engineer in a Suit

James Maschhoff Defends Accounting Firms in Malpractice Claims

Granted Summary Judgment for a Law Firm Against a Former Client

Successfully Demonstrated That a Deceased Insured Acted Non-Negligently

Dismissal Obtained for Life Insurance Agent Client in Professional Liability Suit

Successful Defense of Attorneys Accused of Malicious Prosecution & Abuse of Process

Obtained Dismissal of Claims for Lawyers and Their Firm in Multiple Jurisdictions

Defended a Family Attorney Wrongly Accused of Making Disclosures That Violated Laws and Regulations

### Firm News

Amundsen Davis Attorneys Included in 2023 Wisconsin Super Lawyers and Rising Stars Lists!

Firm News, November 16, 2023

Amundsen Davis Named in the 2024 Edition of Best Law Firms®

Firm News, November 2, 2023

94 Amundsen Davis Attorneys Recognized by Best Lawyers® in 2024 in America

Firm News, August 17, 2023

Amundsen Davis Welcomes Attorney Kyle Sullivan to Chicago Office

Firm News, June 26, 2023

Subscribe to Amundsen Davis's Litigation Nation Podcast for the latest legal updates!

Firm News, February 10, 2023

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, January 23, 2023

Amundsen Davis Attorneys Included in the 2022 Wisconsin Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, November 15, 2022

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2023

Firm News, November 3, 2022

42 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2023

Firm News, August 18, 2022

Amundsen Davis Promotes Five Attorneys to Partner

Firm News, March 14, 2022

Amundsen Davis Attorneys Included in the 2021 Wisconsin Super Lawyers and Rising Stars List

*Amundsen Davis*, November 18, 2021

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2022

November 4, 2021

## Professional Liability

## Professional Liability

34 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2022  
August 19, 2021

Amundsen Davis Attorneys Included on the 2020 Wisconsin Super Lawyers and  
Rising Stars Lists  
*Amundsen Davis*, November 17, 2020

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2021  
November 5, 2020

30 Amundsen Davis Attorneys Recognized in *Best Lawyers in America*© 2021  
August 20, 2020

Amundsen Davis Attorneys Included on the 2019 Wisconsin Super Lawyers and  
Rising Stars List  
*Amundsen Davis*, November 11, 2019

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2020  
November 1, 2019

19 Amundsen Davis Attorneys Named to *Best Lawyers in America*© 2020  
August 15, 2019

29 Amundsen Davis Attorneys Included on 2019 Illinois Super Lawyers and Rising  
Stars Lists  
January 24, 2019

Amundsen Davis Attorneys Included on the 2018 Wisconsin Super Lawyers and  
Rising Stars List  
November 13, 2018

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2019  
November 1, 2018

Amundsen Davis Ranks on Crain's Chicago Business' 2018 Largest Law Firms List  
*Crain's Chicago Business*, October 25, 2018

15 Amundsen Davis Attorneys Included in *Best Lawyers in America*© 2019  
August 15, 2018

6 Amundsen Davis Attorneys Included on 2018 Indiana Super Lawyers and Rising  
Stars Lists  
Firm News, *Amundsen Davis*, February 20, 2018

Amundsen Davis Attorneys Included on the 2017 Wisconsin Super Lawyers and  
Rising Stars List  
Firm News, *Amundsen Davis*, November 10, 2017

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2018  
November 1, 2017

Amundsen Davis Ranks on Crain's Chicago Business' Largest Law Firms List  
*Crain's Chicago Business*, September 15, 2017

12 Amundsen Davis Attorneys Included in Best Lawyers in America© 2018  
August 15, 2017

Amundsen Davis Promotes Two to Partner  
March 9, 2017

27 Amundsen Davis Attorneys Included on 2017 Illinois Super Lawyers and Rising Stars Lists  
Firm News, *Amundsen Davis*, January 13, 2017

Amundsen Davis Attorneys Included on the 2016 Wisconsin Super Lawyers and Rising Stars List  
Firm News, *Amundsen Davis*, November 28, 2016

U.S. News – Best Lawyers® “Best Law Firms” 2017  
Firm News

Amundsen Davis Ranks on Crain's Chicago Business' Chicago Largest Law Firms List  
Firm News, *Crain's Chicago Business*, September 10, 2016

Seven Amundsen Davis Attorneys Included in Best Lawyers in America© 2017  
August 15, 2016

## Alerts

Pre-Judgment Interest Law Takes Effect July 1, 2021  
*Amundsen Davis Alert*, June 2, 2021

New Legislation May Allow Carve-Out for Bypassing Wisconsin Court of Appeals  
*Amundsen Davis Milwaukee Legal Update*, November 13, 2017

Deadman's Statute Repealed by the Wisconsin Supreme Court  
*Amundsen Davis Legal Update*, November 28, 2016

## Events

A New Era: Prejudgment Interest in Illinois  
Event, Amundsen Davis, Webcast, June 16, 2021

USLAW Network Virtual Worldwide Retreat: 2021 and Beyond  
USLAW Network, Webcast, September 30, 2020 - October 9, 2020

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