

## Professional Liability

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The Goulston & Storrs Professional Liability Group is without question the “go-to” group for elite law firms in Boston and New York that have chosen us to be their advocates. The Group includes two Fellows of the American College of Trial Lawyers (ACTL), two members of the Massachusetts Bar Association Ethics Committee, a member of the New York City Bar Association Professional Responsibility Committee, a member of the Boston Bar Association Ethics Committee, a member of the American Bar Association’s Committee on Ethics and Professional Responsibility, and a former member of the Massachusetts Board of Bar Overseers.

Our professional liability lawyers have also lectured at seminars on professional liability sponsored by the ACTL, the ABA Standing Committee on Lawyers Professional Liability, the Boston Bar Association, the Ethics Officers Association and the American Corporate Counsel Association.

We are nationally recognized as top-rated practitioners by our peers, as demonstrated by the fact that numerous AmLaw 100 and AmLaw 200 firms, and general counsel at law firms of all sizes have hired us when confronted with thorny legal and professional problems of their own. We also handle cases referred to us by other firms who want the very best representation for their clients in litigation. With a strong record of success as both trial and appellate lawyers, we have the ability to plan and execute a winning strategy from the outset of a case.

In recent years, interviewees of Chambers USA have described our litigators as “a strong group with extensive trial skills” which is “dedicated to client service,” and one which has a “deep bench in its Boston office.”

Clients especially love that our trial advocates are also keenly aware of the business context in which litigation decisions must be made, making special efforts to understand how a verdict or settlement affects the client’s brand and business.

## Representative Matters

### **Summary Judgment Obtained**

Defended AmLaw 50 firm sued for malpractice in connection with an international M&A transaction in two separate state court actions, obtaining dismissal in one case and summary judgment in the other.

### **Agricultural Cooperative Sued by an ERISA Plan Administrator and the Department of Labor in Connection With the Oversight of Plan Trustees**

Representation of former outside directors of an international agricultural cooperative sued by an ERISA Plan Administrator and the Department of Labor in connection with the oversight of Plan Trustees.

**Civil and Criminal Proceedings Relating to the Arthritis Drug, Vioxx.**

Represented a group of world renowned physicians and scientists in various civil and criminal proceedings relating to the arthritis drug, Vioxx.

**Multi-Million Dollar Legal Malpractice Case Arising Out of a High Stakes Divorce**

Defense verdict (affirmed on appeal) in favor of a Boston firm in a multi-million dollar legal malpractice case arising out of a high stakes divorce.

**Real-Time Ethics Advice**

Established an "ethics hotline" through which in-house counsel at a major, Boston-based financial services firm can call Goulston & Storrs attorneys and obtain real-time ethics advice

**Regulatory and Internal Investigations**

Advising independent directors in connection with regulatory and internal investigations of securities law and other violations.

**Representation of Attorneys Before the Board of Bar Overseers**

**Represented Two Law Firms in the Longest Civil Jury Trial in Suffolk County History  
Shareholder Suits Asserting Breach of Fiduciary Duty**

Defense of directors and officers in connection with shareholder suits asserting breach of fiduciary duty.

**Defense of Legal Malpractice**

Representation of national law firms in defense of malpractice and disciplinary claims of conflict of interest.

**Defense of Legal Malpractice**

Richard has represented national and regional law firms in defense of malpractice claims of conflict of interest and advised law firms and lawyers on disciplinary matters and regulatory investigations. The lawsuits defended by Richard have included claims concerning patent, tax, trust & estates, corporate, securities, real estate, lobbying, and employment matters.

## **Our Service Difference**

We place a cultural emphasis on individualized attention to every case, focusing on responsiveness, lean staffing, efficiency and results. We often litigate successfully with fewer lawyers than our opponents, while remaining more accessible to our clients when needed. We also carefully choose attorneys who are the right fit for each case, with the goal of providing each client with a stable support team through the course of our representation.

Because of our deep experience, we provide value to clients through early case assessments, which help to identify potential opportunities for quick and creative resolutions. While we look for creative out-of-court solutions whenever possible, we are well prepared to try cases when necessary, and

have done so with success. If you check our references, you will find we have a reputation for conducting ourselves as formidable but reasonable adversaries with the utmost professionalism.

We also understand and appreciate that our clients are entrusting their professional lives to us when they rely on us as trial advocates, and we take that trust seriously. In fact, the entire structure of our firm is client-centric, providing incentives for us to work collaboratively and share information and ideas in order to support our clients to the fullest.

## Our Clients

We have significant experience representing law firms and other professional service firms, architects, physicians, corporate general counsel and law departments, corporate officers and directors, corporate special committees, and individual professionals and administrators within professional organizations. We also represent educational administrators in a variety of claims. Through our work with Attorneys Liability Assurance Society, we have represented lawyers from around the country who have been sued in Massachusetts and other New England states.

Our Professional Liability Group has represented many AmLaw 100 and 200 law firms, as well as two multinational law firms who sought our counsel in opening their Boston offices. In addition, numerous general counsel for law firms of all sizes have sought our advice regarding ethics and professional liability matters.

## Our Experience

Our Professional Liability group defends professionals and their firms in malpractice actions, we represent officers and directors facing professional liability exposures, and we defend third party beneficiary claims by corporate constituents for breach of fiduciary duty. We also represent professionals in disciplinary actions, and provide counsel regarding ethics, professionalism and best practices. Our lawyers have appeared in many forums, including state and federal courts, the Board of Bar Overseers and the Board of Registration of Medicine.

Our attorneys provide advice and assistance in developing effective internal compliance programs in order to avoid claims and disputes and lay the groundwork for successful legal defense. We also represent law firms and lawyers in connection with mergers and acquisitions, disputes with departing partners and other internal matters.

## Publications

February 16, 2023

**How New Cases Are Expanding Parameters of Litigation Privilege**

Bloomberg

October 18, 2022

**But What About But-For Causation? Challenging Legal Malpractice Claims for Lack of Proximate Cause**

New York Law Journal

October 10, 2022

**Litigators Balance Competing Needs in Dispute Resolution**

Crain's New York Business

07/07/21

**Law360: Mass. Ruling A Cautionary Tale For Attorneys Changing Firms**

Law360

May 14, 2021

**Excellence in the Law: Up & Comer Honoree Profile - Jennifer Mikels**

Massachusetts Lawyers Weekly

April 2, 2021

**Don't Be 'Special': Avoiding Legal Malpractice Claims Under New York's 'Special Circumstances' Rule**

New York Law Journal

August 12, 2020

**Unauthorized Practice of Law: Rule 5.5 in the Age of COVID-19 and Beyond**

American Bar Association

April 10, 2020

**New York Court of Appeals Clarifies Lawyer Misconduct Subject to N.Y. Judiciary Law § 487**

April 7, 2020

**Prior Work Conflicts in the Age of COVID-19**

December 3, 2019

**Bloomberg Law: Legal Malpractice - The Rise of Claims by Non-Clients**

Bloomberg Law

December 2, 2019

**Bloomberg Law: Legal Malpractice - Reducing Your Law Firm's Exposure**

Bloomberg Law

September 2018

**Professional Liability Alert: California Supreme Court Decides that Ethical Violation Does Not Necessarily Result in Forfeiture of Fees**

August 2018

**Experts in Legal Malpractice Cases: Necessary Today, Excluded Tomorrow**

August 2018

**Massachusetts Federal Court Warns that IP Practitioners Should Anticipate Potential Conflicts Among Existing Clients**

July 2018

**S.D.N.Y. Bankruptcy Court Declines to Enforce Advance Conflict Waiver Against Winston & Strawn Client, Netflix**

March 2017

**Eleventh Circuit Finds No Coverage for Contempt Proceedings under Lloyd's Professional Liability Insurance Policy**