

Bird Marella Obtains Dismissal of a Legal Malpractice Claim Against a National Law Firm

On September 10, 2021, Bird Marella principals Paul Chan and Sharon Mayer obtained a complete dismissal in arbitration of a legal malpractice case against a national law firm.

The claimant had alleged that the firm had a conflict of interest and was negligent in representing him in an underlying action involving his ownership of a national restaurant franchise. The underlying action settled at mediation with the claimant pledging his equity in the franchise as collateral for the settlement. After the claimant failed to make the settlement payment and lost the collateral, he sued his former attorneys for legal malpractice, alleging they failed to advise him of the risk that he might lose all of his equity in the event of a default.

The claimant initially filed his case in Superior Court, but Bird Marella successfully moved to compel arbitration. In arbitration, Chan and Mayer argued that the case was barred by the mediation confidentiality statutes, because all the legal advice on which the plaintiff's case relied was given at or in connection with mediation, and therefore was protected from disclosure. The arbitrator agreed that the case should be dismissed on due process and other grounds, dismissed all of the claimants' claims, and issued a final award in favor of the client.

Learn more about Bird Marella's expertise in defending national and international law firms [here](#).