Wheeler Trigg O'Donnell

Legal Professional Liability

We take on the cases that keep law firm general counsel and loss prevention partners awake at night–representing the largest firms in their most complex, highest-exposure matters in state and federal courts across the country.

We bring a thorough, creative approach and have prevailed time and again–across areas of law, venues, and types of judges. Our cohesive team of lawyers, paralegals, document clerks, and legal secretaries has long experience working seamlessly together and with our clients, who describe us as extremely responsive, diligent, creative, and excellent writers.

Our relentless commitment has produced a long record of finding unexpected pathways to victory or favorable settlement–whether through dispositive motions, discovery, or deep trial experience that exposes the weaknesses in the opposing party's case.

Opposing counsel has "never come close to WTO's level of skill and experience."

– Peer comment to Chambers USA

Cases

Obtained summary judgment for a national legal malpractice carrier in an attorney-lien enforcement action in Wyoming district court. In this matter of first impression, the Court held that the plain language of the statute precluded the plaintiff law firm's attorney-lien and constructive fraud claims. As the prevailing party under the statute, WTO obtained a significant award of attorneys' fees and costs for its client.

Won a landmark federal case in Illinois defining the obligations of lead and liaison counsel in multidistrict litigation.

Argued and won a motion to dismiss $150 million malpractice claims brought in Nevada against an AmLaw 200 firm. The allegations involved the accuracy of an underlying tax opinion.

Won three critical summary judgment and *Daubert* rulings for a major law firm and three lawyers in a legal malpractice case, precluding damages claims in excess of $10 million from proceeding to trial and materially lowering the clients' risk going forward.

Won a defense jury verdict for a lawyer and law firm facing outrageous conduct and malicious prosecution claims.

Won summary judgment for an intellectual property law firm facing legal malpractice claims involving allegations of trade secret misappropriation in the wireless technology space.

Won a 15-day arbitration for a law firm in a malpractice case arising from a construction-defect lawsuit.

Defending a leading international law firm against claims for aiding and abetting an alleged Ponzi scheme.

Won summary judgment dismissal of legal malpractice claims filed in Oklahoma state court seeking tens of millions of dollars from an AmLaw 100 law firm.A panel of the Oklahoma Court of Appeals unanimously affirmed the result based on our briefing.

Secured dismissal of claims against an AmLaw 50 law firm for breach of fiduciary duty, aiding and abetting breaches of contract, and tortious interference in a lawsuit arising from a dispute over the ownership of a renewable energy company.

Obtained partial summary judgment in federal court for a large national law firm that had been sued for malpractice, aiding and abetting, conspiracy, and violations of RICO. The ruling reduced the damage claim from over $150 million to less than $2 million and paved the way for a favorable settlement of the case.

Obtained a Rule 12(b) dismissal of a complaint filed in federal court in Missouri against a large international law firm. The plaintiffs ultimately obtained an eight-figure jury verdict against the remaining defendants in the case.

Won back-to-back Colorado Court of Appeals victories in legal malpractice cases involving claims of failure to disclose, negligent misrepresentation, fraudulent concealment, and breach of fiduciary duty.

Won a complete defense jury verdict in federal court for a large international law firm accused of malpractice. The plaintiff hired our client to handle a complex patent infringement matter, then sued the firm for negligence and breach of fiduciary duty.

Won a complete defense jury verdict in a $12 million legal malpractice case. The jury found in favor of our client on all claims and also awarded unpaid legal fees owed by plaintiffs.

Defeated class certification in federal court in Oklahoma in a case involving thousands of claimants against a law firm that represents clients before the Social Security Administration. Following the denial of certification, the court granted summary judgment in favor of our client on all remaining individual claims in the case.

Won a bench verdict in state court in a legal malpractice matter. After the law firm brought a collection action against a former client, the former client countered with a multimillion-dollar damages demand, claiming breach of fiduciary duty. Following a one-week trial, the judge dismissed the former client's counterclaim and awarded our client the full amount of fees owed plus interest.

Won an arbitration award in favor of a law firm client. The arbitrator denied all legal malpractice claims against our client and awarded it unpaid fees, plus interest, attorneys' fees, and costs.

Obtained summary judgment for a law firm client and an award of attorneys' fees in a legal malpractice case in which the plaintiff sought $7 million in damages. The plaintiff appealed the award of attorneys' fees, and the parties settled the appeal with payments being made to the client.

Prevailed before the Tenth Circuit Bankruptcy Appellate Panel, which affirmed a bankruptcy court's order of summary judgment for WTO's client, a law firm that had been sued for representing its client in bankruptcy proceedings that became intertwined with a protracted divorce in which the plaintiff (to the appeal) was a party.

Won a unanimous opinion from the Colorado Supreme Court that upholds Colorado's strict privity rule in determining whether non-client beneficiaries may sue an estate lawyer for legal malpractice. In its opinion, the Court adopted the most stringent test, as we had advocated, and affirmed that the plaintiffs lacked standing to sue our clients.

Won summary judgment for a large regional law firm in a legal malpractice case involving claims that the firm's lawyers failed to properly advise the plaintiff regarding environmental issues in an underlying real estate transaction.

Won a Tenth Circuit victory for a law firm client in protracted litigation arising out of a divorce and bankruptcy characterized as "the most complex [the divorce court] has seen in 25 years.

Won a complete defense verdict in a professional liability claim against a law firm and lawyer. The plaintiff alleged that our client was negligent, yet the jury found that not only was our client not negligent, but that the alleged negligence didn't cause the claimed damages.

Won an arbitration for a law firm client that sued its former client for unpaid fees and was countersued for malpractice. The arbitrator rejected the malpractice claims and awarded our client its unpaid fees plus interest, as well as its legal fees and costs incurred in the arbitration.

Won a complete defense verdict for a lawyer and law firm accused of legal malpractice in the handling of a sale of interests in the plaintiff's company.

Obtained Rule 12 dismissal for a Midwest-based, AmLaw 200 firm facing claims exceeding $500 million in state court in Kentucky.

Won an arbitration award for a lawyer and law firm against legal malpractice claims related to a 2014 real estate deal. Claimants asserted damages of $3 million plus interest. The arbitrator ruled for our client and found that no legal malpractice had occurred.

Contacts

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