

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.

2013

The Wheeler Trigg O'Donnell appellate team of Managing Partner Carolyn Fairless and Kendra Beckwith won back-to-back victories for WTO's clients in June 2013 in two legal malpractice matters before the Colorado Court of Appeals.

In the first action, a client brought claims for legal malpractice and breach of fiduciary duty against WTO's client, a law firm, for failing to disclose that an attorney who had worked on his case had medical conditions and an arrest history. The Colorado Court of Appeals affirmed the trial court's order in the firm's favor, holding in a published decision that a law firm has no fiduciary duty to disclose information about the attorney that might, but did not actually, impair the quality of the law firm's representation.

In the second action, beneficiaries of a will attempted to bring claims for negligent misrepresentation, legal malpractice, fraudulent concealment, and breach of fiduciary duty against WTO's clients, a law firm and two of its attorneys. The Colorado Court of Appeals affirmed the trial court's order dismissing the entirety of the beneficiaries' claims against

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WTO's clients and awarding them their attorneys' fees and costs. The Court of Appeals specifically declined to extend an attorney's liability to non-parties and awarded WTO's clients their fees on appeal.