

# Professional Liability

Professional liability claims, whether directed at an individual, corporation, or partnership, are uniquely unsettling because, in addition to the possible economic burden, they can also pose a direct threat to a defendant's reputation, brand, or licensure. For more than three decades, attorneys at Cozen O'Connor have successfully represented professionals from a variety of industries in these must-win situations.

Our team focuses on defending accountants, lawyers, insurance brokers, architects, and engineers against a wide range of claims, including breach of contract, errors and omissions, and malpractice. Our clients include the Big Four and super-regional accounting firms, Am Law 200 law firms, regional and boutique law firms, national retail and wholesale insurance brokers, nationally renowned architecture and engineering firms, and high-profile individuals from the legal, accounting, and design fields. Cozen O'Connor attorneys appear regularly before state, federal, and appellate courts, as well as arbitration panels and regulatory boards, and have delivered superior results in cases with damage claims ranging up to \$500 million. In addition to trial work, our lawyers provide preventative and advisory counseling to professionals before a dispute crystallizes. In similar fashion, consulted at the first hint of trouble, our attorneys often help resolve disputes through alternative mechanisms that are minimally disruptive to business operations and personal lives.

Cozen O'Connor professional liability attorneys have an exceptionally detailed understanding of the accounting, legal, and construction industries, including industry-specific principles, terminology, operational norms, and market forces. We are as steeped in the nuances of international financial reporting standards, non-equity partnership agreements, and the performance specifications of construction-related systems as our clients, so no time is wasted getting up to speed. Our deep industry knowledge means that our lawyers can immediately and efficiently evaluate the situation and related evidence to assess liability claims. Thus, we are well positioned to effectively resolve pending or threatened claims and defend the essential elements of our clients' business models.

While most professional liability cases settle, often for good reason, our goal isn't simply to make a deal; our goal is to achieve the best result for our client. Cozen O'Connor has a distinct advantage in that endeavor, having tried a large number of professional liability cases. Our well-earned reputation as trial attorneys affects our opponents' settlement posture and incentivizes them to submit more attractive offers. Our courtroom experience also enables us to make more accurate assessments about likely outcomes. When a Cozen O'Connor attorney determines that a case is strong enough to submit to trial—it is. And when a Cozen O'Connor attorney says we are ready for trial—we are.

A strong attorney-client relationship is paramount in professional liability cases because they are often both factually complex and emotionally laden. While our firm has the capacity to process and review substantial amounts of discovery materials and motions, our approach is pointedly not to distribute responsibility among dozens of lawyers with varying degrees of experience. We work in tight teams that are led by our most senior attorneys who know and understand every aspect of the case and are prepared to communicate frequently, knowledgeably, and directly with the client.

Finally, our team's experience in representing E&O insurers, positions Cozen O'Connor to be able to defend professionals in matters where there is no conflict. The Cozen O'Connor team of attorneys has been involved in most of the significant litigated cases against professionals over the past quarter century, and has a vast array of substantive knowledge in the applicable areas of law, including securities and banking, that traditionally lead to claims against professionals. Moreover, our team's experience gives it valuable insight into successful settlement strategies and the personalities of high profile mediators and opposing counsel in this arena.



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## Related Practice Areas

- Commercial Litigation

## SERVICES

### Accounting Liability

- Represent accounting professionals against claims of negligence, misreporting of financial statements, misallocation of expenses, and flawed internal controls
- Defend against claims brought by state regulators or the SEC alleging, among other things, failures in tax consulting or involvement in federal securities offerings
- Represent clients in disciplinary proceedings by the American Institute of Certified Accounting Professionals
- Defend against subpoenas by third parties seeking audit work papers and testimony regarding audit procedures

### Legal Liability

- Represent lawyers in state and federal courts in actions for malpractice, breach of contract, RICO, breach of fiduciary duty and related claims
- Appear before state and local grievance and disciplinary committees, serve on bar association ethics and legal malpractice committees, and appear as expert witnesses in malpractice cases
- Defend law firm clients against corporate claims of malpractice in connection with business transactions, securities matters, real estate transactions, patent and trademark matters
- Resolve disputes arising out of law firm breakups and dissolutions

### Engineering/Architectural Liability

- Represent and defend construction design and management professionals against claims of errors and omissions, including negligence, misrepresentation, design errors, violation of good faith, and inaccurate advice
- Counsel clients regarding best practices and professional standards in negotiating contracts and as to their relationships with potential owners and consultants in providing their services
- Represent these professionals before governmental regulatory boards

### Retail and Wholesale Insurance Brokers

- Represent insurance agents and brokers, general agents, and managing general agents against claims for professional negligence and breach of fiduciary duty arising out of placements in the excess and surplus, personal, commercial, professional, and umbrella excess lines.
- Counsel retail and wholesale insurance brokerage companies on day-to-day business matters, including best practices relating to the placement of policies, employment practices and policies, and hiring brokers from competitor brokerage companies.
- Represent retail and wholesale insurance brokerage companies on the enforceability of their competition restrictions.

### Investment Advisers and Broker Dealers

- Represent and defend investment advisers and securities broker dealers in Financial Industry Regulatory Authority arbitration proceedings and in state and federal courts
- Defend clients against claims alleging mismanagement of customer accounts, breach of fiduciary duty, ERISA liability, employee fraud, acceptance of invalid investments, and similar errors and omissions in rendering professional services

## CLIENTS

- Am Law 200 law firms
- Big Four accounting firms
- Large regional or “super” regional legal and accounting firms
- Engineering and architectural firms
- Large national retail and wholesale insurance brokers
- Investment advisors and broker dealers
- Senior partners or individual professionals

## TEAM

Our professional services liability group includes top practitioners in the field, including several fellows of the American College of Trial Lawyers and members of the prestigious American Law Institute. Our attorneys are ranked by Chambers and Partners and have been recognized as among Pennsylvania’s best malpractice defense attorneys. Members of the professional liability group are also intellectual leaders in the field, having served on the boards of professional services associations and authored books and articles on the rules of conduct and professional ethics.

We are acutely aware that part of our job as professional liability legal advisers is to help limit uncertainty and the toll it can take on businesses and human beings. We do that by mastering the facts of a case without delay and providing a candid assessment based on our long experience in the field. Regardless of what that assessment reveals about the proper course of action—be it mediation, settlement, or trial—our goal is to find a solution quickly and enable our clients to get back to business without the distraction of disputes or claims.