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Ninth Circuit Affirms Summary Judgment for Defendants Based on Plaintiffs' Failure to Present Expert Testimony

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Chastain v. Poynter Law Group, et al., Doc. No. 18-56592 (9th Cir. 5/18/20)

Brief Summary

Plaintiffs appealed the district court's order granting summary judgment in favor of defendants on plaintiffs' legal malpractice and breach of fiduciary duty claims. Plaintiffs alleged that defendants were negligent in handling a mass tort action brought on behalf of a group of flight attendants, including plaintiffs, in a California state court. According to the plaintiffs, the district court erred in holding that the plaintiffs failed to provide necessary expert testimony in support of their legal malpractice claim, and also erred in holding that their breach of fiduciary duty claim was duplicative of the legal malpractice claim. The U.S. Court of Appeals for the Ninth Circuit affirmed.

Complete Summary

The district court granted summary judgment on plaintiffs' legal malpractice claim, because plaintiffs failed to provide necessary expert testimony in support of the claim. Although the appellate court noted that California's expert testimony requirement in legal malpractice actions contains a common knowledge exception, it held that the district court correctly determined that neither choosing a strategy to prove causation in a mass toxic tort action, nor preparing an expert witness to testify on causation, falls within a jury's common knowledge. Accordingly, the appellate court concluded that the district court correctly determined that since plaintiffs had the burden to present expert testimony in support of their claim that defendants had breached the professional standard of care, their failure to do so was fatal to their malpractice claim.

With respect to plaintiffs' alleged claim for breach of fiduciary duty, the district court granted summary judgment in favor of defendants on the basis that the claim was duplicative of the legal malpractice claim. The appellate court affirmed, but on slightly different grounds. The appellate court concluded that the district court was correct in reasoning that while plaintiffs argued the defendants' refusal to permit them to testify violated the duty of loyalty, the allegation actually implicated legal strategy and legal malpractice rather than

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the fiduciary duty of loyalty. The appellate court thus found that summary judgment on plaintiffs' breach of fiduciary duty claim was proper—not because duplicative claims are necessarily impermissible—but because the fiduciary claim was actually for legal malpractice outside the common knowledge exception, which required expert testimony.

Significance of Decision

Although unpublished, this decision still holds significance for legal practitioners. It reiterates that whether or not an attorney breached the applicable standard of care generally does not fall within the "common knowledge" exception to the requirement that expert testimony must establish an attorney's breach of duty in most legal malpractice actions.