



Barry F. MacEntee

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Barry MacEntee represents national and regional accounting firms and individual accountants in federal and state litigation, arbitration, licensing proceedings, and in responding to subpoenas in civil and criminal proceedings. He also represents AmLaw 200 law firms and individual attorneys in federal and state litigation, arbitration, disciplinary proceedings, and in risk management counseling.

Barry has represented plaintiffs and defendants in a broad range of commercial disputes, including claims for accounting malpractice, legal malpractice, breach of contract, tortious interference with contract, breach of fiduciary duty, fraud, civil RICO, and fraudulent transfers.

He is a trial lawyer and has tried cases in state and federal courts and arbitration tribunals and argued appeals in the United States Court of Appeals for the Seventh Circuit.

Professional Background

Barry joined Hinshaw & Culbertson LLP as an associate in September 2001. Previously, he was a summer associate with the firm.

Honors & Awards

- Recognized on the Rising Stars list by *Illinois Super Lawyers* magazine, 2011, 2013 – 2016
- Recognized as one of "40 Illinois Attorneys Under Forty to Watch," 2015

Representative Matters

- Won dismissal of the bulk of mutual fund's fraud and accounting malpractice claims against auditor seeking more than \$75 million in alleged compensatory damages and \$200 million in alleged punitive damages. The court found at the pleadings stage that the fund could not state a claim for fraud and that 75% of the accounting malpractice claim was time-barred.
- Represented regional accounting firm in suit alleging accounting malpractice, fraud, and civil RICO claims arising out of financial statement audit of agricultural cooperative. Case resolved pursuant to confidential settlement agreement.

Practices

Accountants Liability
Lawyers for the Profession®
Directors & Officers Liability
Commercial Litigation
Fidelity
Sustainability & ESG

Education

J.D., Loyola University Chicago
School of Law, 2001

B.A., *with honors*, John Carroll
University, 1998

Admissions

Illinois

U.S. Court of Appeals for the
Seventh Circuit

U.S. District Court for the
Northern District of Illinois

U.S. District Court for the
Eastern District of Michigan



- Represented accounting firm in suit alleging accounting malpractice and breach of fiduciary duty claims arising out of financial statement audit of mortgage lender. Case resolved pursuant to confidential settlement agreement.
- Won dismissal of business owner's accounting malpractice and breach of fiduciary duty claims arising out of accountant's income tax return preparation work.
- Represented accounting firm in suit alleging fraud, accounting malpractice, and breach of fiduciary duty claims arising out of financial statement audit of Bahamian mutual fund.
- Represented numerous accounting firms in responding to grand jury subpoenas issued in connection with criminal investigations.
- Counseled numerous accountants and accounting firms in responding to regulatory proceedings relating to licensing and disciplinary matters.
- Won summary judgment on real estate developer's claim for \$20 million in alleged lost profits against law firm in suit alleging claim for legal malpractice arising out of underlying commercial foreclosure action. Developer recovered nothing against law firm in suit seeking more than \$22 million in damages.
- Won summary judgment on franchisor's claim for \$9 million in alleged lost profits against law firm in suit alleging claims for legal malpractice and fraud. The court found that franchisor's alleged lost profits were speculative and violated new business rule. Remaining claims settled after court commenced rulings on motions *in limine*.
- Won jury trial of baseball league's legal malpractice suit against law firm seeking \$4 million in alleged damages. After a two-week trial, the jury deliberated for less than two hours before returning a defense verdict, rejecting plaintiff's claim that law firm negligently drafted league agreement.
- Won jury trial on damages in financial institution's suit for \$2 million in alleged damages. Jury awarded less than 25% of the financial institution's claimed damages.
- Won arbitration of media company's breach of contract suit against former executive.
- Won bench trial in breach of contract claim brought by Chapter 7 debtor against creditor.

Presentations

- Moderator, "How Soon Is Now: Generative AI – How the Technology Works, How to Use It Now, and How to Use It Ethically," Hinshaw's 23rd Annual Legal Malpractice & Risk Management Conference (LMRM), Chicago, Illinois, March 6, 2024
- Moderator, "Year in Review: Significant Developments in Legal Malpractice Cases of 2022," Hinshaw's 22nd Annual Legal Malpractice & Risk Management Conference (LMRM), Chicago, Illinois, March 8, 2023
- Moderator, "Year in Review: Significant Developments in Legal Malpractice Cases of 2021," Hinshaw's 21st Annual Legal Malpractice & Risk Management Conference (LMRM), Chicago, Illinois, March 2, 2022

Publications

Barry has published articles and presented on subjects including litigating claims for lost profits, accounting malpractice, and financial institution bonds. A selection of his recent publications includes:

- Co-Author, "Location, Location, Location: How Does the Question of 'Where' Impact Coverage for hacking Social Engineering, and On Premises Losses," *The Fidelity Law Journal*, 2020