

Professional Liability

Attorneys in our Professional Liability group counsel and represent licensed professionals such as accountants, architects, attorneys and law firms, and insurance agents and brokers when disputes arise following the provision of services. Our team has an unparalleled record of successfully litigating claims against professionals at the trial and appellate levels throughout the Mid-Atlantic region and Northeastern United States.

Clients include the professionals as well as the insurers who underwrite their professional liability exposures. One of our strengths is advising insurers (particularly in excess or quota share programs) when their insured professional is brought into litigation, where we monitor, work with defense counsel and coordinate with other insurers.

Our service to certain professionals, such as healthcare providers and insurance producers, includes representation in licensing, staff privileges and similar matters before administrative agencies and regulatory boards. In addition, lawyers in our business-related practices counsel professional business organizations on an array of issues including creditors rights, mergers and acquisitions, real estate transactions, and restrictive covenant enforcement.

Legal Malpractice Litigation

We have substantial experience representing attorneys and law firms in legal malpractice matters across a variety of underlying "case within the case" matters, including:

- bankruptcy, fraud, and self-dealing claims
- corporate attorney representations/claimed misrepresentations and lack of due diligence by corporate counsel
- family trust/legal probate disputes
- patent matters
- real estate transactions
- representation of a condominium association board
- underlying personal injury

Our firm's cyber experience can be invaluable to defending legal malpractice claims arising out of data privacy or protection failures. We have represented attorneys in proceedings before state bar examiners, have served on disciplinary boards and ethics committees and have been appointed special masters in ethics matters.

PRACTICE CONTACTS

Vincent N. Barbera, Partner
215.864.7137
barberav@whiteandwilliams.com

Scott H. Casher, Partner
475.977.9316
cashers@whiteandwilliams.com

Michael O. Kassak, Partner
856.317.3653
kassakm@whiteandwilliams.com

RELATED PRACTICES

Appellate
Commercial Litigation
Corporate and Securities
Financial Lines
Healthcare
Insurance Coverage and Bad Faith
Insurance Fraud
Life, Health, Disability and ERISA

PRACTICE HIGHLIGHTS

- Our clients often come to us with problems before the filing of a lawsuit.
- We work with licensed professionals to manage problems early and provide an aggressive litigation defense when necessary.
- We devote a substantial portion of our practice to representing licensed professionals in errors & omissions and malpractice litigation.



Excess and Quota Share Programs

Our lawyers have experience both defending legal malpractice claims involving small and mid-sized law firms and acting as coverage and monitoring counsel for insurance company clients, either solely or as part of a quota share group representation, which coordinates with defense counsel and other insurers in connection with these claims.

In the large-stakes coverage and monitoring counsel representations, we are typically engaged by excess insurers to efficiently manage and resolve high-stakes litigation against AmLaw 100 law firms that threaten the excess layers on these law firm's E&O insurance programs. Insurance clients hold us in high regard because we are thoughtful and professional in our dealings with defense counsel and the insurance broker, while using our developed relationships with excess insurers, their outside counsel and mediators to drive settlements of these cases to the lowest reasonable amounts that can be achieved. In many cases, we have been effective at building coalitions of excess insurers to successfully negotiate defense strategies and settlements as a block.

Restrictive Covenant, Trade Secret & Unfair Competition Services

The Restrictive Covenant, Trade Secret & Unfair Competition Team at White and Williams understands what it means to protect your business. We have litigated hundreds of restrictive covenant, trade secret and unfair competition matters throughout the United States. In addition to our litigation experience, we serve as trusted advisors to our business clients by providing advice regarding the drafting and enforceability of restrictive covenant, trade secret and confidentiality agreements. Our advice helps our clients ensure that they have the proper protective measures and strategies in place to prevent damage and loss to their business. Our clients come from a wide variety of industries, including insurance, aerospace, executive recruiting, petrochemical, real estate, technology, media, and other professional services. Sometimes, even with protective measures and strategies in place, litigation is inevitable and the Restrictive Covenant, Trade Secret & Unfair Competition Team at White and Williams is always ready to go into court on a moment's notice to enforce your agreements, to stop wrongful conduct through obtaining injunctive relief, and to protect your business.

Our team has counseled numerous businesses and individuals with respect to their rights and obligations under, and strategy with respect to, restrictive covenants. Our experience includes advising and representing insurance brokers on:

- Drafting executive employment agreements, cease and desist letters, separation agreements, trade secret and non-compete agreements
- Enforcement of covenants not to compete against departing franchisees and employees
- Handling temporary restraining order (TRO) and preliminary injunction (PI) hearings, subsequent litigation, and trials in state and federal courts
- M&A due diligence
- Negotiating restrictive covenant provisions for employment agreements, severance documents and other contractual relationships
- Trade secret protection, including crafting corporate confidentiality, security and non-competition programs

CASES & DEALS

Court Rules That Assignment of Claims Against Insurance Broker Was Void
11.15.21



White and Williams Secures Dismissal in Legal Malpractice Suit
3.15.19

PA Superior Court Affirms Dismissal of Legal Malpractice Action
5.17.18

White and Williams Client Prevails in Malpractice Suit
6.6.17

Professional Liability Group Defeats Claim of "Special Relationship" Between Insurance Broker and Insured

NEWS

Congratulations to all of our 2023 Attorneys Named as Super Lawyers and Rising Stars
5.25.23

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
7.13.22

Chambers USA 2022 Ranks White and Williams as a Leading Law Firm
6.1.22

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars
11.1.21

Christopher Leise Recognized by US News – Best Lawyers 2022 "Lawyer of the Year"
8.19.21

Chambers USA 2021 Ranks White and Williams as a Leading Law Firm
5.20.21

White and Williams Earns Tier 1 Rankings from U.S. News "Best Law Firms" 2021
11.5.20

Chambers USA 2020 Ranks White and Williams as a Leading Law Firm
4.23.20

13th Annual Coverage College Hosts Over 400 Insurance Professionals
11.1.19

White and Williams Earns Tier 1 Rankings from U.S. News "Best Law Firms" 2020
11.1.19

Chambers USA 2019 Ranks White and Williams as a Leading Law Firm
4.26.19

12th Annual Coverage College Features Current Trends and State of the Insurance Claims Industry
10.23.18



David Marion Recognized by *Best Lawyers* as "Lawyer of the Year"
8.15.18

Chambers USA 2018 Ranks White and Williams as a Leading Law Firm
5.10.18

Chambers USA 2017 Ranks White and Williams as a Leading Law Firm
5.26.17

White and Williams' Insurance Practice Receives Top Honors
9.22.16

Prominent Trial Attorney David Marion Joins White and Williams
9.6.16

PUBLICATIONS

Are Insurance Brokers the Next Target for Claims Arising From the Pandemic?
The Legal Intelligencer, 7.26.21

Court Holds That Insurance Producer Cannot Be Liable for Denial of COVID-19 Business Interruption Claim
Professional Liability Alert, 10.12.20

Broker Liability in the Wake of COVID-19 Coverage Litigation
Professional Liability Alert, 5.8.20

COVID-19 Fallout: Enforceability of Restrictive Covenants Against Furloughed and Laid Off Employees
Commercial Litigation Alert, 4.30.20

Medical Document Reviewer Hired by an Insurer Does Not Owe a Duty to an Insured, Says the Third Circuit Court of Appeals
Healthcare Alert, 9.29.15

