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**PROFESSIONAL LIABILITY AND DISCIPLINARY PROCEEDINGS**

**Extensive Experience Defending Claims Against Professionals**

- We have deep experience representing clients of all sizes, from individuals to large national accounting firms, insurance brokers, and law firms, who find themselves defending against allegations that they have breached their professional obligations.
- We defend our clients who are professionals in disciplinary proceedings in which their ability to practice law, medicine, or psychology may be at stake.
- Our experience spans state and federal courts, as well as administrative proceedings.

**ATTENTION TO CRITICAL ISSUES**

Malpractice actions and other professional liability cases implicate not only the particular work challenged by the lawsuit, but also the reputation and livelihood of those professionals who are forced to defend against the allegations. Disciplinary proceedings against a professional have the potential to end that person's career. Even the threat of these types of cases can be extremely damaging to our clients.

These high-stakes cases require special sensitivity due to their potentially damaging nature. Our team of experienced litigators helps our clients navigate the unique legal and reputational issues inherent in these matters. We are equally adept at managing both the legal risks as well as the reputational risks.

**EXPERIENCE DEFENDING AGAINST A VARIETY OF CLAIMS**

We have represented lawyers, accountants, insurance brokers, psychologists, doctors, and other professionals in a variety of matters arising out of their duties to their clients or patients. These cases can involve claims of fraud, breach of contract, or aiding and abetting, in addition to the allegations of professional negligence. Complex issues often arise in these actions and our attorneys have the breadth of knowledge and experience necessary to address them.

Our experience includes:

- Defending national AmLaw 100 law firms against multi-million dollar actions at trial and on appeal.
- Representing AmLaw 200 law firms in malpractice action resolved through mediation.
- Representing national accounting firms in malpractice and breach of contract actions.
- Defending doctors, psychologists, social workers, and other mental health

professionals in disciplinary proceedings before their licensing boards.

- Handling professional liability actions in state and federal courts against lawyers and law firms.
- Defending lawyers in proceedings before the State Bar of Georgia.
- Representing major insurance brokers in connection with claims asserting failure to place coverage, misrepresentations as to coverage, and negligence as to the scope of coverage.

### THE LAWYER'S LAWYER

When lawyers and law firms – whether in Atlanta or beyond – face professional liability claims, they frequently seek out Rogers & Hardin to represent them. Defending such claims has always been a core part of our practice. We also represent lawyers in disciplinary proceedings before the State Bar and in the courts.

### REPRESENTATION FOR AMLAW TOP 20 FIRM

- Client:** A multi-national law firm, ranked in the AmLaw 20
- Challenge:** Defend against a \$35 million malpractice action seeking roughly \$35 million in compensatory and punitive damages for alleged tortious interference, negligence and fraud.
- Outcome:** We were granted summary judgement on all claims, which the U.S. Court of Appeals for the Eleventh Circuit affirmed. We additionally obtained a significant award of attorney's fees and expenses, which was upheld on appeal.

### AUDITORS AND ACCOUNTANTS

We have successfully represented clients ranging from individual auditors to large national accounting firms in malpractice cases at both the state and federal level.

### DEFENDING AUDITORS AGAINST MALPRACTICE

- **Client:** A national accounting firm.
- **Challenge:** The malpractice allegations against the accounting firm related to audits of a large public company conducted over the course of several years that spanned multiple states and countries. Most of the relevant staff no longer worked for the audit firm and hundreds of thousands of pages of audit workpapers were at issue.
- **Outcome:** By working with the client's in-house accounting and outside auditing experts, we were able to reach a favorable settlement with the plaintiffs – before they began the expensive process of conducting depositions of the accountants who had worked on the audits and of other witnesses.

## MENTAL HEALTH PROFESSIONALS

Mental health professionals (such as psychiatrists, psychologists, licensed professional counselors, licensed clinical social workers, and licensed marriage and family therapists) can face a diverse set of legal needs in the support of their practices. These needs can range from responding to subpoenas or to defense before licensing board to seeking advice on employment agreements. With each discipline being governed by its own set of rules and procedures, professionals need targeted services tailored for their individual circumstances.

Over the past two decades our Mental Health Professionals practice group has evolved to provide professionals the tailored advice and guidance needed to support their practices. Click on the link above to learn more about this practice.

## REPRESENTATION BEFORE LICENSING PROCEEDINGS

- **Client:** A psychologist facing sanctions by her licensing board.
- **Issues:** The psychologist was alleged to have violated various state and psychology board rules because of her contact with a patient in order to investigate asserted inappropriate conduct by a mental health professional employed by her practice.
- **Challenge:** To make clear that the psychologist had a responsibility to follow-up on information that one of her employees may have engaged in wrong-doing and that her contact with the patient was appropriate in this context.
- **Outcome:** We persuaded the administrative law judge that the licensing board did not establish any violation of laws or regulations governing psychologists. The request to sanction the psychologist was denied in its entirety.