

# Lawyer & Law Firm Litigation

## Overview

Munsch Hardt has long strived to be the "lawyers' lawyer" within the Texas legal community. Within our Firm is a dedicated team of attorneys with significant experience in representing lawyers and law firms.

One area of this group's expertise is legal malpractice defense. With extensive experience in the courts, we aggressively litigate issues relating to lawyers and law firms when those matters involve litigation. Unlike many firms that represent lawyers in these types of cases, Munsch Hardt does not have continuing relationships with insurers who issue errors and omissions coverage. On the contrary, most of the lawyers and law firms we represent in legal malpractice cases choose Munsch Hardt as their counsel because of the Firm's expertise in this area, and obtain their carriers' consent to the engagement of Munsch Hardt. This allows the clients to have counsel with whom they are familiar and have themselves chosen.

Another significant aspect of our representation of lawyers and law firms practice is in the area of business divorce. In today's environment of increased lawyer mobility and evolving challenges in the business of law, it is not unusual for law firms to encounter disputes among principals, withdrawals and expulsion of principals, and firm failures and winding ups, as well as other issues that arise within associations of lawyers. Our team is well-versed at navigating these sensitive matters, and this allows us to efficiently and cost-effectively reach a desired outcome for all parties. This allows our clients to get back to what they do best – practicing law.

Munsch Hardt works to promptly resolve these types of potentially costly and professionally damaging matters in an informal, and when possible confidential, manner.

Because we too are lawyers, we understand the Rules of Professional Conduct that govern our profession and the fiduciary and professional obligations lawyers owe their clients, their firms and their co-principals. Issues we commonly address in the representation of lawyers and law firms include the following:

- Disputes among principals
- Professional liability insurance coverage
- Professional ethics under TDRPC
- Construction and application of existing operating agreements
- Employment issues
- General advice and counsel
- Legal malpractice defense and consultation
- Professional misconduct with potential grievance implications
- Expert testimony regarding the standard of care for lawyers and reasonable attorneys' fees
- Advice regarding law firm structure and amendment and restatement of operating agreements

## Experience

## Legal Malpractice Defense

Obtained summary judgment for a full-service law firm and an individual lawyer in a case involving alleged estate planning malpractice. Against a complicated fact pattern, the court determined that the plaintiff had not presented admissible evidence of proximate cause and damages.

## Legal Malpractice Defense

Represented a full-service law firm and individual lawyers in connection with pre-suit negotiations in connection with alleged estate planning malpractice related to the settlement of a substantial estate of socially prominent Dallas residents. Munsch Hardt aided in the successful resolution of the dispute without litigation.

## Legal Malpractice Defense

Represented a full-service law firm and individual lawyers in a case in which the plaintiff alleged that the lawyers had guaranteed a successful result in underlying litigation. The matter was settled for a reasonable amount without litigation or mediation.

## Legal Malpractice Defense

Represented a full-service law firm and individual lawyers in a case involving serious risk of substantial fee forfeiture. The matter was settled for a reasonable amount without litigation or mediation.

## Withdrawn Partner vs. Law Firm

Represented a former partner of a large law firm in securing payments he was entitled to receive as a withdrawing partner. The court granted summary judgment for the former partner on the law firm's attempt to enforce a provision of the partnership agreement that purported to allow the firm to withhold payments from withdrawing partners who competed with the firm.

## Law Firm vs. Withdrawn Partner

Represented a high profile litigation firm in negotiating a favorable settlement with a retiring partner, thus averting litigation. The parties reached a compromise after Munsch Hardt raised arguments that the retiring partner was not entitled to any payment under the proper construction of the firm's partnership agreement.

## Practice Leaders



## Ross Parker

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## Related People

Maddison Craig  
Steven Harr  
James Jordan  
Richard Schwartz

## Related Practices

Litigation  
Antitrust  
Appellate  
Arbitration  
Director & Officer Litigation  
Financial Institution Litigation  
Insolvency Litigation  
Personal Injury & Wrongful Death  
Products Liability  
Warranty  
Environmental Litigation  
Intellectual Property Litigation  
Employment Litigation  
Trade Secrets  
Tax Controversy

## Related Industries

Insurance