

Eleventh Circuit Affirms Summary Judgment In Multi- Million Dollar Legal Malpractice Case

On August 29, 2016, the Eleventh Circuit Court of Appeals affirmed a summary judgment order in favor of a firm client in a multi-million dollar legal malpractice case defended by R. Austin Huffaker, Jr., Esq. In the case, the plaintiff (a business entity) sued its bankruptcy counsel for legal malpractice in connection with a failed Chapter 11 bankruptcy proceeding. In particular, the plaintiff claimed that its bankruptcy counsel failed to file a viable plan of reorganization within the time limits proscribed by the Bankruptcy Code, thereby resulting in conversion of the case to Chapter 7 and therefore liquidation of the plaintiff entity's assets. The plaintiff claimed over \$3 million in damages. After a hotly contested case which the defendant client vigorously defended and after striking the plaintiff's experts, the bankruptcy court granted summary judgment in favor of the defendant attorney on multiple grounds, including the failure by the plaintiff to show a question of fact regarding the standard of care and the failure to show that the outcome of the underlying bankruptcy would have been different but for the attorney's alleged negligence. On review of the bankruptcy court's report and recommendation, the Middle District of Alabama (Watkins) affirmed. On appeal, the Eleventh Circuit Court of Appeals affirmed. This was a hard fought victory in a case with very complex legal issues. The case cites are *Land Ventures for 2 LLC v. Fritz*, 2016 WL 4501660 (11th Cir. 2016)(affirming 551 B.R. 846 (M.D. Ala. 2015)). R. Austin Huffaker, Jr. with the firm defended the case.