

# Professional Liability

More than ever, today's professionals face a multitude of claims, ranging from errors and omissions, negligence and breach of contract claims against licensed professionals to breach of fiduciary duty, misrepresentation, and other claims against directors and officers. Professionals are increasingly subjected to claims by creative plaintiffs' lawyers – and our attorneys are right by their side, defending them every step of the way.

We represent professionals, licensed or otherwise at any and every stage, from pre-suit analysis and resolution through trial and appeal. We analyze the underlying facts and law, and work with our clients to find the most advantageous means to resolve the dispute, whether through settlement or trial.

The wealth of experience and knowledge in our firm allows us to achieve the best result we can as efficiently as possible. We collaborate with our colleagues to analyze the underlying issues in any given field or area of law, often avoiding the expense of retaining outside consultants. We draw on knowledge from our colleagues in the corporate, and labor and employment groups to strengthen our defense of directors and officers when those fields are implicated. Our clients benefit from our ability to blend that focused perspective into our overall strategy.

Above all, we are sensitive to and appreciate the fact that our clients are not just in business, but are business professionals. Our clients take their obligations to their profession and their own clients seriously. For that reason, many clients understandably see these claims not just as legal issues, but as personal attacks. This dynamic is valued by our attorneys and is factored into every matter we handle.

## Areas of Practice

We work with a wide variety of professionals to protect their legal interests, both before and after a dispute arises. Our attorneys understand the regulatory framework that governs professionals. We represent and counsel clients on all aspects of their work, from initial engagement letters and contracts, internal protocols and risk management, and the termination of their projects and relationships. We also defend professionals and their insurance carriers when claims and lawsuits do arise, from responding to the initial complaint all the way through providing vigorous representation at a trial, arbitration, mediation, or administrative hearing and any appeal.

Some of the areas in which we advise and defend professionals are:

## PROFESSIONALS

Ken Perry  
Partner

Ronald Balfour  
Partner

Mark P. Broderick  
Partner

Robert C. Buchbinder  
Partner

Tim Fagan  
Of Counsel

Isabelle Faust  
Partner

Larry H. James  
Partner

Matthew Kees  
Partner

Patrick J. Lubenow  
Of Counsel

Patrick F. Mastrian III  
Partner

Andrew C. Seiber  
Partner

Liberty R. Smith  
Associate

Michael P. Tone  
Partner

Joe Trevino  
Partner

Michael R. Vescio  
Partner

## Accountants

- Audit procedures and reports
- Compilations
- Prevention and detection of fraud
- Fiduciary duties
- Privity
- Reviews
- Third party discovery
- Maintenance of work papers
- Independence
- Contract review
- Risk management
- NASD litigation
- Defend negligence and fiduciary claims

## Professional Liability

## Architects & Engineers

- Negligence
- Personal injury
- Construction defect
- Construction management
- Design defect
- Structural defect

## Attorneys

- Compliance with statutory liability under the Debt Collection Practices Act
- Conflicts of interest
- Attorney disciplinary proceedings
- Sanctions motions under state and federal law
- Partnership liability
- Avoidance of litigation claims
- Real estate collection and bankruptcy
- Pre-claim investigation and negotiations
- Litigation arising out of varied practice areas, including:
  - Estate planning
  - Family law

- Marital dissolution proceedings
- Probate proceedings
- Bankruptcy proceedings
- Commercial transactions
- Workers' Compensation claims
- Personal injury lawsuits
- Commercial litigation
- Real Estate transactions

## Professional Liability

### Consultants

- Systems implementations
- Independence issues
- Outsourcing
- Litigation support

### Directors & Officers

- Investigations
- SEC filings and investigations
- Derivative actions
- Breach of fiduciary duty claims
- Corporate and nonprofit governance

### Financial advisors

- Defend financial advisors in FINRA arbitrations

### Insurance Professionals

- Procurement/renewal/cancellation of policies
- Failure to forward claims
- Adequate communication with insurers and insureds
- Estate planning and insurance annuity
- Liabilities arising from insurance product sales
- MGAs
- TPAs
- Brokers

# Professional Liability

## Real Estate Professionals

- Conflicts of interest
- Intentional/negligent misrepresentation
- Breach of fiduciary duties
- Avoidance of appraisal errors
- Representations regarding financing arrangements
- Lease disputes
- State and federal agency investigations
- Commission disputes
- Risk management

## Pharmacists

- Represent before the medical board
- Defend against claims of wrongfully dispensing opioid medication

## Litigation Oversight and Monitoring

- Develop early resolution plan
- Negotiate rates
- Supervise and implement defense
- Counsel on risk avoidance and transference
- Review bills
- Advise coverage
- Coordinate counsel
- Audit

## Experience

Defended Multiple Third Party Medical Insurance Administrators for Negligent Administration and Allegations of Misrepresentation and Fraud

Obtained Dismissal of a Matter at Trial Court for an Insurance Professional Accused of Negligence, Conspiracy and Spoliation

Represented a Large Insurance Broker in Claims of Wrongdoing by an Insurance Carrier

Defended Property Preservation Professionals in Claims alleging Personal Injury and Property Damage

## Professional Liability

Received a Not Guilty Verdict on Behalf of a Local Retailer in a Consumer Fraud Claim

Defended a Large Hospital System as Well as a Cardiologist Accused of Failing to Diagnose a Heart Attack

Obtained Summary Judgment on a Legal Malpractice Claim

Granted Summary Judgment For Architecture Firm Who Designed a Building Addition

Achieved Summary Judgment on a Legal Malpractice Claim

Defended a Physician and a Large Health Care System Against a Plaintiff's Claim Alleging medical Malpractice in a Failure to Diagnose a Tumor

Defended a Third Party Administrator in a Cutting Edge Litigation

Defended Physical Therapists and a Large Hospital System against the Plaintiff's Claim Alleging Medical Malpractice

Defended a Well-Established Independent Insurance Broker in an Alleged Conspiracy

Defended a Bankruptcy Law Firm Against a Professional Liability Claim

Represented an Architect in a 6-Week AAA Arbitration

Tried AAA Arbitration Representing a Roofing Contractor

Successfully Handled a FINRA Arbitration

Represented a Design Engineer in a Suit

James Maschhoff Defends Accounting Firms in Malpractice Claims

Granted Summary Judgment for a Law Firm Against a Former Client

Successfully Demonstrated That a Deceased Insured Acted Non-Negligently

Dismissal Obtained for Life Insurance Agent Client in Professional Liability Suit

Successful Defense of Attorneys Accused of Malicious Prosecution & Abuse of Process

Obtained Dismissal of Claims for Lawyers and Their Firm in Multiple Jurisdictions

Defended a Family Attorney Wrongly Accused of Making Disclosures That Violated Laws and Regulations

Settled Case With Multiple Defendants for Architecture Firm

Defended Claims Professionals in a Complex Claim Seeking Millions of Dollars in Damages

Client Paid Significantly Less Than Exposure in Professional Liability Matter

Defended an Intellectual Property Firm from Negligence, Where the Opposition Alleged Over \$10 Million in Damages

Defense Verdict Achieved for Oral Surgeon in Dental Malpractice Case Over Alleged Faulty Wisdom Tooth Extraction

Defense Verdict Secured for Orthopedic Surgeon in Medical Negligence Case Involving Complications from Hip Replacement Surgery

Defense Verdict Achieved for Hospital in Medical Negligence Case Involving Intubation Complications

Defense Verdict Secured for Oral Surgeon in Dental Malpractice Case Over Alleged Informed Consent Failure

Summary Judgment for Hospital on Provider Responsibility Issue

## Firm News

Amundsen Davis Welcomes Attorney Liberty R. Smith

Firm News, January 12, 2026

Congratulations to Our 2025 Wisconsin Super Lawyers and Rising Stars!

Firm News, November 25, 2025

Several Amundsen Davis Service Groups Named in the 2026 Edition of Best Law Firms®

Firm News, November 6, 2025

130 Amundsen Davis Attorneys Recognized by Best Lawyers® in 2026 in America

Firm News, August 21, 2025

Amundsen Davis Elevates Seven Attorneys to Partner

Firm News, February 19, 2025

Several Amundsen Davis Service Groups Named in the 2025 Edition of Best Law Firms®

Firm News, November 7, 2024

Subscribe to Amundsen Davis's Litigation Nation Podcast for the latest legal updates!

Firm News

93 Amundsen Davis Attorneys Recognized by Best Lawyers® in 2025 in America

Firm News, August 15, 2024

## Professional Liability

## Professional Liability

Amundsen Davis Attorneys Included in 2023 Wisconsin Super Lawyers and Rising Stars Lists!

Firm News, November 16, 2023

Amundsen Davis Named in the 2024 Edition of Best Law Firms®

Firm News, November 2, 2023

77 Amundsen Davis Attorneys Recognized by Best Lawyers® in 2024 in America

Firm News, August 17, 2023

Amundsen Davis Attorneys Included in the 2023 Illinois Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, January 23, 2023

Amundsen Davis Attorneys Included in the 2022 Wisconsin Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, November 15, 2022

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2023

Firm News, November 3, 2022

36 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2023

Firm News, August 18, 2022

Amundsen Davis Promotes Five Attorneys to Partner

Firm News, March 14, 2022

Amundsen Davis Attorneys Included in the 2021 Wisconsin Super Lawyers and Rising Stars List

*Amundsen Davis*, November 18, 2021

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2022

November 4, 2021

28 Amundsen Davis Attorneys Recognized by *Best Lawyers in America*© 2022

Firm News, August 19, 2021

Larry James Named on *Columbus Business First* Power 100 List for 2021

*Columbus Business First*, May 5, 2021

Amundsen Davis Attorneys Included on the 2020 Wisconsin Super Lawyers and Rising Stars Lists

*Amundsen Davis*, November 17, 2020

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2021

November 5, 2020

24 Amundsen Davis Attorneys Recognized in *Best Lawyers in America*© 2021

Firm News, August 20, 2020

## Professional Liability

Amundsen Davis Attorneys Included on the 2019 Wisconsin Super Lawyers and Rising Stars List

*Amundsen Davis*, November 11, 2019

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2020

November 1, 2019

15 Amundsen Davis Attorneys Named to *Best Lawyers in America*© 2020

Firm News, August 15, 2019

17 Amundsen Davis Attorneys Included on 2019 Illinois Super Lawyers and Rising Stars Lists

Firm News, January 24, 2019

Amundsen Davis Attorneys Included on the 2018 Wisconsin Super Lawyers and Rising Stars List

November 13, 2018

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2019

November 1, 2018

Amundsen Davis Ranks on Crain's Chicago Business' 2018 Largest Law Firms List

*Crain's Chicago Business*, October 25, 2018

12 Amundsen Davis Attorneys Included in Best Lawyers in America© 2019

Firm News, August 15, 2018

5 Amundsen Davis Attorneys Included on 2018 Indiana Super Lawyers and Rising Stars Lists

Firm News, February 20, 2018

Amundsen Davis Attorneys Included on the 2017 Wisconsin Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, November 10, 2017

U.S. News & World Report – Best Lawyers® “Best Law Firms” 2018

Firm News, November 1, 2017

Amundsen Davis Ranks on Crain's Chicago Business' Largest Law Firms List

*Crain's Chicago Business*, September 15, 2017

9 Amundsen Davis Attorneys Included in Best Lawyers in America© 2018

Firm News, August 15, 2017

Amundsen Davis Promotes Two to Partner

March 9, 2017

24 Amundsen Davis Attorneys Included on 2017 Illinois Super Lawyers and Rising Stars Lists

Firm News, January 13, 2017

## Professional Liability

Amundsen Davis Attorneys Included on the 2016 Wisconsin Super Lawyers and Rising Stars List

Firm News, *Amundsen Davis*, November 28, 2016

U.S. News – Best Lawyers® “Best Law Firms” 2017

Firm News

Amundsen Davis Ranks on Crain's Chicago Business' Chicago Largest Law Firms List

Firm News, *Crain's Chicago Business*, September 10, 2016

Six Amundsen Davis Attorneys Included in Best Lawyers in America© 2017

Firm News, August 15, 2016

### Alerts

Pre-Judgment Interest Law Takes Effect July 1, 2021

Article, *Amundsen Davis Alert*, June 2, 2021

New Legislation May Allow Carve-Out for Bypassing Wisconsin Court of Appeals

*Amundsen Davis Milwaukee Legal Update*, November 13, 2017

Deadman's Statute Repealed by the Wisconsin Supreme Court

*Amundsen Davis Legal Update*, November 28, 2016

### Events

A New Era: Prejudgment Interest in Illinois

Event, Amundsen Davis, Webcast, June 16, 2021

A Non-Peaceful Transition

Speaking Engagement, Center for the Study of American Democracy, Virtual Panel Discussion, January 14, 2021

USLAW Network Virtual Worldwide Retreat: 2021 and Beyond

USLAW Network, Webcast, September 30, 2020 - October 9, 2020

### Published Works

What's New Is Old Again

Publication, *USLAW Magazine*, January 16, 2026