



And The Defense Wins

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Christopher W. Tompkins and Lori Worthington Hurl



DRI members [Christopher W. Tompkins](#) and [Lori Worthington Hurl](#), attorneys at **Betts Patterson & Mines** in Seattle, recently obtained a verdict for the defense in a legal malpractice case on behalf of their client, a dissolution attorney. The plaintiff alleged that his former attorney fell below the standard of care in drafting and advising her client to sign a property settlement agreement. The plaintiff claimed that by signing the property settlement agreement, he incurred approximately \$1.3 million in damages.

The plaintiff had five attorneys—one expert and four involved in the dissolution or related transactions—testify that the defendant’s conduct fell below the standard of care. Defendant’s expert said the property settlement agreement fell below the standard of care in one minor regard. Despite this acknowledgment, the jury, on a 9-3 vote, almost returned a verdict finding that the defendant’s conduct did not breach the standard of care. At the last minute, seven of the jurors switched their vote on breach of the standard of care (so they could reach the second question on the verdict form), after which 11 of the 12 voted “no” as to whether the negligence proximately caused the plaintiff any damage. The jury returned its verdict for the defense after deliberating for approximately four hours.

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