

**C**onrad O'Brien lawyers understand the unique needs of the professional community because the firm has represented its leaders for decades. Conrad O'Brien is the law firm that global law practices choose to protect the reputations of their lawyers. Conrad O'Brien is also the law firm of choice for a world renowned hospital and its distinguished roster of physicians. When careers are at stake, these highly regarded practitioners turn to us because they trust in the integrity, sound judgment, and skill of our lawyers.

### Legal Malpractice Defense

The firm has many achievements in representing clients in legal malpractice cases. Representative engagements include the following:

- A client charged one of the world's largest law firms with malpractice over advice regarding transactions governed by a federal statute, The Trading with the Enemy Act. Although the original claim sought damages in excess of \$100 million, Conrad O'Brien used a combination of motions to dismiss, for summary judgment, and in limine to pare the claims down. By the beginning of trial, the law firm's total exposure had been reduced to less than \$20 million. By the end of trial, the law firm was exonerated entirely. The jury returned a complete defense verdict.
- A client charged one of the largest law firms in Philadelphia with legal malpractice in handling settlement negotiations. The plaintiff sought a seven-figure damages award, but Conrad O'Brien lawyers mounted an effective defense that refocused the attention of the case where it properly belonged: on the informed decisions of the plaintiff himself. By the end of trial, a jury agreed that the plaintiff's claim lacked merit, and it rendered complete defense verdict.
- In a putative federal class action filed in the Western District of Pennsylvania, Conrad O'Brien represented a Texas-based, plaintiffs' personal injury attorney. The attorney and his co-defendants were alleged to have defrauded and breached fiduciary duties owed to their clients, asbestos personal injury claimants, by failing to disclose settlement terms that were unfavorable and that benefited certain clients over others. First, we defeated class certification, although the Third Circuit remanded the case for re-consideration on the narrow issue of whether the claims were viable under Texas state law. Then, on remand, we successfully moved to dismiss case for lack of subject matter jurisdiction and for failure to join necessary and indispensable parties.
- A regional law firm chose Conrad O'Brien to represent it in a case alleging abuse of process. We stopped the case at its very beginning by moving successfully to dismiss the complaint for failure to state a claim.
- The firm represented local lawyers in an action filed in Philadelphia Common Pleas Court alleging that they negligently permitted a default judgment to be entered against their client. We won the case on a motion for summary judgment.
- Conrad O'Brien represented a law firm in a malpractice action filed in the Eastern District of Pennsylvania. The claims were complex and multi-faceted. They concerned the firm's negotiation of a security agreement and subordination agreement for the plaintiff; the firm's representation of the plaintiff as a creditor in subsequent bankruptcy proceedings; and discussions between the firm and the plaintiff regarding the release of malpractice claims. We moved the case into a posture where the dispute could be mediated, and then represented the client in a mediation that resolved all of the claims to the mutual satisfaction of the parties.
- A major law firm and one of its patent attorneys were sued over a missed deadline for a foreign patent application. The plaintiffs' claims started out at over \$10 million and were based largely on the theory that the lost patent application reduced the royalty potential for the new product. Conrad O'Brien challenged the damages potential of the case on two fronts. First, we presented a legal challenge to the standing to sue of the plaintiff with the largest portion of the claim. Second, we lined up a team of experts – which included a foreign patent law expert, a product market expert, and an intellectual property valuation expert – all of whom worked together to demonstrate that it was very unlikely that the royalty stream would be diminished at all. The approach worked, and the



matter was settled for a portion of the original demand.

### Medical Malpractice Defense

Conrad O'Brien represents physicians and hospitals in connection with medical negligence cases. Among our clients is Children's Hospital of Philadelphia, a pediatric hospital with a worldwide reputation. On behalf of clients like CHOP, Conrad O'Brien lawyers have successfully tried to defense verdicts cases involving death and catastrophic personal injuries.

The medical malpractice team at Conrad O'Brien has an in-depth knowledge of human anatomy and many of the medical specialties that are used to treat disease. Moreover, building upon our extensive trial experience in medical malpractice cases, we have established strong relationships with experts in various medical practices who help us develop effective defenses and make clear and simple trial presentations.

The typical medical malpractice case also involves coordinating different resources that are available to the clients. Client reserves, insurance carriers, excess carriers, and governmental payors all often have stakes in the outcomes of cases. We know how to manage and coordinate these

resources as we work to resolve cases.

As with legal malpractices cases, medical malpractice cases are often most effectively resolved outside of the courtroom. We therefore work with our clients and their opponents in a variety of alternative dispute resolution settings to resolve cases cost-effectively. In this regard, we have used techniques like mediations, high-low arbitrations, and summary jury trials to bring cases to closure in ways that are designed to contain the risks and costs associated with traditional litigation.

Representative cases include the following:

- Successfully tried to verdict a case alleging the wrongful death of a child who underwent a tonsillectomy.
- Successfully tried to verdict a claim by a pregnant woman alleging exposure to HIV and German Measles in a hospital setting.
- Obtained a directed verdict in a case involving catastrophic brain injury from alleged obstetrical malpractice.
- Successfully tried to verdict a claim against a world renowned urologist for alleged medical malpractice in the treatment of intestinal disease.

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