



### **And The Defense Wins**

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#### **Joe Kingma and Michele Jones**



DRI members [Joe Kingma](#) and [Michele Jones](#), attorneys at **Carlock, Copeland, & Stair, LLP** in Atlanta, recently obtained summary judgment in a legal malpractice case in the State Court of Chatham County, Georgia. The plaintiffs were wealthy investors who formed a LLC and helped fund the acquisition and development of three buildings in downtown Savannah. The condo conversion was initially successful but then failed during the real estate downturn in 2009. The defendant law firm closed sales of condos in the development.

The plaintiffs alleged breach of fiduciary duty, aiding and abetting a breach of fiduciary duty, conversion, conspiracy, and professional negligence. They claimed damages of \$1.2 million plus punitive damages and attorneys' fees.

Defense counsel moved for summary judgment, arguing that even though the law firm represented the LLC that pursued the development and drafted organizational documents for one of the plaintiff investors, the firm owed no duty to the individual investor plaintiffs.

The trial court agreed and granted summary judgment, holding that the defendant law firm never represented or owed any duty to the plaintiffs.

The plaintiffs filed a notice of appeal. The Court of Appeals of Georgia will probably issue a decision in mid-2013.

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