

Professional Negligence, Malpractice & Ethics

Greenbaum has significant expertise related to the defense of business professionals, including attorneys, accountants, financial advisors, architects, engineers, medical practitioners and other professionals, against claims of professional negligence, malpractice or ethics violations. Our team possesses a deep understanding of the standards of care and ethical principles that govern various professions, essential in this highly specialized area.

In developing a defense strategy, the first step is a thorough evaluation of the specific claims against the professional, a fact-finding effort that generally involves investigation into the client's records and communications and may also require expert consultation and testimony. One strategy focuses on the failure by a plaintiff to prove one or more of the core elements of the claim. This may involve arguing that there was no breach of duty because the professional's conduct was reasonable and met the standard of care and a reasonable and good-faith error in professional judgment. Another strategy focuses on lack of causation – that the professional's conduct was not the cause of the injury or financial loss alleged.

In disciplinary and ethics proceedings, our team crafts a comprehensive response to a grievance and thereafter presents pertinent facts to disciplinary review boards or ethics committees, with the objective of protecting the professional's license from suspension or revocation.

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Experience

Representative Matters

- Secured a complete defense verdict for an attorney client facing an eight-figure legal malpractice claim arising from alleged conflicts of interest tied to a mezzanine financing transaction following the real estate market collapse, eliminating all exposure at trial.
- Defending a developer and general contractor in construction litigation brought by a specialty subcontractor on a six-story mixed-use project in Bayonne, asserting counterclaims and third-party claims for professional malpractice, breach of contract, fraudulent inducement, and Consumer Fraud Act violations.
- Resolved legal malpractice matters for multiple law firm clients after the unexpected collapse of their primary professional liability insurer, navigating coverage gaps created by reinsurance insolvency and adverse New Jersey Guarantee Fund rulings to achieve favorable outcomes despite the absence of statutory coverage protection.
- Resolved a malpractice action against an accountant asserting over \$1.5 million in damages through a favorable settlement on the first day of trial and separately settled a related fraud action in New York Supreme Court after three days of trial.
- Prosecuted construction lien, Prompt Payment Act, bond, and contract claims on behalf of Merrick, a national engineering, architecture, surveying and geospatial firm, in connection with a biosolids gasification facility, resolving claims exceeding \$1.1 million and defending against counterclaims alleging professional negligence.
- Successfully defended a client in an arbitration hearing against allegations of legal malpractice, resulting in all claims being dismissed and no award being issued.
- Successfully defended a prominent business litigation law firm against a federal legal malpractice action, prevailing on a motion to dismiss.
- Represented a professional services firm and its principal in a malpractice action, securing summary judgment dismissing all claims.

Insights & More

Announcements

Jemi Goulian Lucey Installed as Second Vice President of Association of the Federal Bar of New Jersey

6.10.25

Publications

Ethics and the Rise of AI

April 2025

Seminars & Events

Who's Your Client? Defining Attorney Duties in Non-Clients After Christakos vs. Boyadjis

5.14.26

Am I Covered? - Understanding Your Professional Liability Policy and Trending Claims

5.14.25

How to Avoid Malpractice Risk by Being a Pro at Understanding Your Professional Liability Insurance

5.14.24

Malpractice Update: Carrier Concerns, Cybersecurity Threats, Starting a New Firm, Retiring from Practice

9.19.23

Malpractice Update: Carrier Concerns, Starting a New Firm, Retiring from Practice

5.07.20