



Hon. **JAMES J. MCBRIDE** (Ret.)

Mediator | Arbitrator | Private Judge | Discovery Referee

Representative Cases LEGAL MALPRACTICE

- Plaintiff was a medical group corporation started by a doctor who claimed to have developed a proprietary staffing model that permitted a long term care facility to manage difficult post-surgical cases, e.g. liver transplant, at a level equal to that offered by a critical care facility but at a far lower cost. He claimed that after a period of initial success, the competitor and dominant physician's group in the area conspired with one or more hospitals to force him out of business. Plaintiff hired defendant law firm to prosecute anti-trust claims on behalf of the company. A lawyer on the case lost a box of documents. Ultimately the case was dismissed for failure to prosecute. Plaintiffs claimed that loss of the documents was malpractice that caused the dismissal. The underlying anti-trust claims had to be heard during the malpractice suit.