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NEWSLETTER

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Since our last newsletter, and as always, the firm has continued to monitor and maintain our fees and costs so as to ensure our economical billing practices. As everywhere, costs continue to rise, but we are determined not to pass this burden on to our clients. Our rates remain exceedingly modest and that approach is consistent with our goal to show the profession, carriers and clients that top quality work does not demand top dollar billing. We intend to maintain this cost containment policy for the foreseeable future. And this will be so despite the significant expertise and experience of our four lawyers in handling most kinds of litigation and effectively dealing with an enormous variety of insurance and business issues over the thirty-five years of this firm's existence. As legal expenses become more and more important to our new and existing clients, our sights are clearly focused on the importance of doing excellent work at sensible rates.

As an example, in January we became fully involved in the defense of a class action lawsuit brought by a large downtown D.C. firm against a longtime small business client in the property management field. It is unusual for a firm of our size to be called upon to defend a multi-million dollar class action litigation. But we have resolved major cases for this client successfully in the past. So it called on us again to save the company. And this language does not

overstate the case in that the litigation expenses traditionally associated with these types of cases make them prohibitively expensive and force most companies to reluctant settlements. The millions of dollars demanded here, however, would destroy the small business involved and defense costs/fees had to be moderated until the case possibly could be resolved. The dispute demanded a quick resolution, so we proposed mediation to the court before class certification was decided. Over the strenuous protests of lawyers on the other side, the court agreed to our request and the matter will proceed to mediation shortly, with a hoped-for settlement achieved that keeps the company afloat and doing business in the District of Columbia without the curse of back-breaking legal expenditures.

In February, on a more prosaic level as to the amounts involved, we again stopped a lawsuit against an existing client in Virginia by a plaintiff who claimed to have performed work on a construction contract that our client vigorously questioned. The plaintiff's pleading had certain defects and we promptly filed a Motion to Dismiss, not waiting for discovery to commence or any other formalities. The plaintiff promptly dismissed its claim. The savings to the client were significant.

In March, an unfortunately long running claim by a Virginia plaintiff

against a building owner and her management company, that had gone through two trials in the Alexandria Circuit Court favorable to our insureds, finally came to an end. The claimant maintained environmental degradation of his apartment and studio workspace related to an oil spill, as well as related health problems. As he was an older, articulate person; a significant oil spill had occurred; the premises did reflect the consequences of the spill; and plaintiff had back-up environmental and medical testimony to support his case, it was not a simple dispute. But his final attempt to appeal an adverse jury verdict in the last trial of this matter was rejected by the Virginia Supreme Court.

In April, we won another Motion to Dismiss, this time in the District of Columbia, where a negligent infliction of emotional distress claim was made by surviving relatives of a deceased whose remains were misplaced. The burial service was begun with the wrong corpse and coffin while the mourners ostensibly gasped. And this was real life, not a movie! The circumstances seemed to present a law school text example of sufficient gravity to onlookers to warrant this tort claim going to a jury. But our argument that the funeral home's total refund of all monies paid for the funeral, which ultimately took place erasing any contractual damages, made sense to the court and the suit was put to rest (terrible pun).

In May, another funeral home dispute in the District of Columbia was resolved by us successfully on a Motion to Dismiss. Here the circumstances presented a less dramatic tableau but still relatively odd. Plaintiff in a funeral

cortege was rear-ended by another, uninsured vehicle. She sued the funeral home, its driver, her uninsured motorist carrier, and the offending driver. We argued lack of proximate cause as a matter of law and the court agreed.

Finally, in June the firm achieved a couple of interesting positive results for our clients in Maryland and Virginia. In the former, we prevailed over the opposition of a unit-owner who by last count had retained five (5) different lawyers to attack various conduct and procedures employed by his Homeowner's Association. The owner's particular bête noir was the holding of an election by the Association wherein some vehemently disliked Association members might be elected and continue to sit as officers of the group. He had sufficiently disrupted an earlier election so as to warrant the police being called. This was followed by one lawyer or another in his employ raising issue after issue with the involved County Commission having jurisdiction over such disputes. Neither the client nor this firm believed the disputacious homeowner nor his array of counsel should be permitted to intimidate by his threats and other outrageous conduct. The Commission agreed; ordered an election to proceed; and directed the case then be dismissed as concluded.

In Virginia, an attorney malpractice case arising from a variety of alleged errors by a lawyer in handling his client's federal court case, was resolved economically and satisfactorily despite the attorney's belief his substantial bill should be fully paid by the disappointed client. The client thought otherwise and brought a

significant counterclaim to the lawyer's fee collection suit. We filed a declaratory judgment action on behalf of the carrier to determine whether the lawyer's late notice of the potential claim, despite notice of its earlier apparent pendency, voided his insurance coverage. We proceeded to do discovery. The parties to the underlying dispute decided that rather than endure more litigation costs, they would compromise their claims. The underlying case settled and our insurer saw its attorneys fees and exposure end; a savings of many thousands of dollars.

In sum, the past six months seemed to show our usual array of interesting cases, good results and litigation variety. But they also reflected the ability to save clients money, a bottom line concern we never overlook.