

AARON E. MOORE

SHAREHOLDER



AREAS OF PRACTICE

Miscellaneous Professional Liability
Lawyers' Professional Liability
Consumer Financial Services Litigation & Compliance
Disciplinary Board Representation
Non-Profit D&O
Commercial Litigation
Real Estate E&O Liability

CONTACT INFO

(302) 552-4367
AEMoore@mdwvcg.com

Nemours Building, 1007 N. Orange St.
Suite 600, P.O. Box 8888
Wilmington, DE 19801

ADMISSIONS

Pennsylvania
2003

U.S. District Court Eastern District
of Pennsylvania
2006

U.S. District Court Middle District
of Pennsylvania
2016

Delaware
2020

U.S. District Court for the District
of Delaware
2021

OVERVIEW

Aaron provides legal counsel to attorneys, accountants, real estate agents, home inspectors, home appraisers, insurance brokers, and other professionals. He handles a variety of claims including, but not limited to, legal and accounting malpractice, wrongful use of civil process, commercial litigation, negligence, breach of contract, municipal liability, and civil rights matters. Aaron is also experienced in consumer financial services litigation and compliance, particularly representing attorneys and agencies in debt collection practices. Outside of his professional liability practice, Aaron is also an experienced litigator, defending clients in matters involving premises liability, land use, automobile liability, intellectual property and employment law.

Aaron is a 1987 graduate of Millersville University. Following graduation, he taught grades six through eight in the School District of Philadelphia for 12 years. During that time, he earned a Master's Degree in Education from Temple University. While teaching, Aaron attended evening classes at the Beasley School of Law at Temple University where he made the Dean's List and earned honors in Trial Advocacy and Research and Writing. Aaron began his legal career as an associate with a Blue Bell, Pennsylvania law firm, where he primarily focused on defending Pennsylvania municipalities in areas of civil rights law, premises liability, land use and automobile liability.

Aaron has received an AV[®] Preeminent[™] rating by the Martindale Hubbell.

EDUCATION

Temple University James E.
Beasley School of Law (J.D.,
2003)

Temple University (M.A. Ed. Ed.,
1995)

Millersville University of
Pennsylvania (B.A., 1987)

HONORS & AWARDS

AV[®] Preeminent[™] by Martindale-
Hubbell[®]

ASSOCIATIONS & MEMBERSHIPS

Claims & Litigation Management Alliance (CLM)

Philadelphia Bar Association

Professional Liability Defense Federation

YEAR JOINED

2006

THOUGHT LEADERSHIP

Delaware Supreme Court Rules that Attorneys Are Liable for Malpractice Claims If a Sufficiently Developed Record Could Have Impacted the Outcome of a Case

Wilmington
Lawyers' Professional Liability
July 1, 2024

Update: Prior to publication of this alert, the Delaware Supreme Court vacated its earlier opinion in *GMG Ins. Agency v. Margolis Edelstein*, 2024 WL 1688869 (Del. Apr. Case Law Alerts, 3rd Quarter, July

In an Atypical Legal Malpractice Case, the Delaware Superior Court Dismisses Insurance Agency's Legal Malpractice Claim Against Its Former Attorneys

Wilmington
Lawyers' Professional Liability
June 13, 2023

In *GMG Ins. Agency v. Margolis Edelstein*, 2023 WL 2854760 (Del. Super. Ct. Apr. 10, 2023), reargument denied sub nom. *GMG Ins. Agency v. Edelstein*, 2023 WL 3522297 (Del. Super. Ct. Legal Update for Lawyers' Professional Liability – June 13, 2023,

The Dragonetti Act provision that provides for an award of punitive damages does not violate Pennsylvania's Constitution.

Philadelphia - Headquarters
Lawyers' Professional Liability
April 1, 2023

The Pennsylvania Superior Court, in a non-precedential decision, has upheld a verdict in which a jury awarded a plaintiff punitive damages in a wrongful use of civil proceedings action brought under 42 Pa. C.S. §8351, et seq. (Dragonetti Act). Case Law Alerts, 2nd Quarter, April 2023 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

DE Superior Court dismisses legal malpractice claims for failure to identify expert witness who would support claims at jury trial.

Wilmington
Lawyers' Professional Liability
April 1, 2022

The plaintiff claimed that expert testimony was not necessary because the matter at issue involved obvious common sense and public knowledge. Case Law Alerts, 1st Quarter, April

Delaware Superior Court Dismissed Plaintiff's Legal Malpractice Claims Because He Failed To Identify an Expert Witness Who Would Support His Claims at His Forthcoming Jury Trial.

Wilmington
Lawyers' Professional Liability
March 10, 2022

In *Weiner v. Holfeld*, 2021 WL 5577255 (Del. Super. Ct. Nov. 30, 2021), the plaintiff claimed that expert testimony was not necessary because the matter at issue involved obvious common sense and public knowledge. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

CLASSES / SEMINARS TAUGHT

Proving a Case Within a Case in Legal Malpractice Actions, PLDF Annual Meeting, September 2018

Developments in Lawyer Liability in Pennsylvania & New Jersey, client seminar, March 2017

Professional Liability - Issues for Attorneys, client seminar, June 2016

Virtual Law Office and Interstate Practice of Law, National Business Institute, April 2015

Aaron has been invited to speak to the Pennsylvania Institute of Certified Public Accountants as well as the Pennsylvania Home Inspector Association. Aaron has also given presentations to insurance companies concerning developments in legal malpractice law.

PUBLISHED WORKS

"LPL Claims Without Privity: Support for a Bright Line Rule", *Professional Liability Defense Quarterly*, Fall 2018

"Proving The 'Case-Within-A-Case' Standard," *For The Defense*, April 2018

"Demonstrative Evidence at Trial", *Pennsylvania Civil Trial Practice*, 2017, 2018, Reviewing Author

"Common Evidentiary Issues at Trial", *Pennsylvania Civil Trial Practice*, 2017, 2018

"Responsive Pleadings", *Pennsylvania Civil Pre-Trial Practice*, 2017, 2018, Reviewing Author

Pennsylvania Legal Malpractice Handbook, 2017 Edition, 2019 Edition, Published by Marshall Dennehey Warner Coleman & Goggin, Co-author

"Pennsylvania Supreme Court Rejects Constitutional Challenge to the Dragonetti Act," *Defense Digest*, Vol. 23, No. 2, June 2017

"An Argument Against Imposing Liability Against Attorneys for Aiding and Abetting Their Client's Breach of Fiduciary Duty Under Pennsylvania Law," *Defense Digest*, Vol. 17, No. 4, December 2011

"Former Phillies Tyler Green Thrown a Curve on Appeal for Legal Fees," *Defense Digest*, September 2007

"Medical Malpractice Plaintiff's Motion for Relief from Judgment of Non Pros Lacks Merit," *Defense Digest*, March 2007

Regular contributor to MDWC&G *Case Law Alerts*.

RESULTS

Summary Judgment Secured for a Condominium Association

Non-Profit D&O

January 20, 2024

We obtained summary judgment, dismissal and an award of attorneys' fees for a condominium association. Judgment was entered in favor of our client against the plaintiff in an earlier action that sought unpaid assessments. In order to sell its property, the plaintiff sent the association a check in the amount of recorded liens. The association returned the check, demanding the full payoff amount, and claimed a statutory lien for all amounts owed.

Defense jury verdict in Philadelphia on a legal malpractice claim.

Lawyers' Professional Liability

May 30, 2023

The plaintiffs had hired our attorney client to represent them in a property damage case against contractors and an insurance company after, as they claimed, the roof of their property was left open and water damage was sustained. The plaintiffs argued that their attorney failed to faithfully represent them and caused them to lose their claims against the contractors.

Unanimous Defense Verdict in Legal Malpractice Case

Lawyers' Professional Liability

May 30, 2023

We secured a unanimous defense verdict in a legal malpractice case stemming from underlying property damage litigation. The plaintiffs rejected a \$350,000 settlement before the jury found for our client.

District court order dismissing a federal civil rights lawsuit affirmed.

Public Entity & Civil Rights Litigation

December 29, 2022

A panel of the the Third Circuit unanimously affirmed an order of the U.S.D.C. for the District of Delaware which granted a Rule 12 motion to dismiss in favor of law enforcement officials. The plaintiff filed suit under Section 1983, seeking damages for the alleged violation of his Fourth and Fourteenth Amendment rights following a traffic stop, for driving under the influence of alcohol, and the lawful seizure of blood alcohol evidence.

Accounting malpractice claim barred by the statute of Limitations.

Accountants' Professional Liability

February 9, 2021

We obtained dismissal of an accounting malpractice claim on preliminary objections in the Philadelphia Court of Common Pleas. The plaintiffs alleged that their accountant improperly prepared their tax returns—as married filing jointly—and failed to claim business losses, that resulted in an unexpected tax liability being owed.

SIGNIFICANT REPRESENTATIVE MATTERS

Successfully obtained dismissal of claims brought derivatively and directly by a corporation, including aiding and abetting breach of fiduciary duty and tortious interference with contract. The claims were brought against our client, an out of state attorney who previously represented the corporation and its former director. The Court granted the attorney's Motion to Dismiss, concluding that the plaintiffs failed to sufficiently allege facts that would confer personal jurisdiction over the attorney under a conspiracy theory.

Successfully obtained dismissal of wrongful use of civil proceedings claims brought against our clients, two attorneys who were alleged to have wrongfully prosecuted a professional negligence claim against the plaintiff, a real estate agent. The plaintiff would not accept any settlement that was less than policy limits. After five years of litigation, the Court granted the attorney defendants' summary judgment motion, concluding that the plaintiff failed to adduce facts that would reflect that the attorneys prosecuted the for obtaining dismissal of wrongful use of civil proceedings claims brought against our clients, two attorneys who were alleged to have wrongfully prosecuted a professional negligence claim against the plaintiff, a real estate agent. The plaintiff would not accept any settlement that was less than policy limits. After five years of litigation, the Court granted the

attorney defendants' summary judgment motion, concluding that the plaintiff failed to adduce facts that would reflect that the attorneys prosecuted the underlying action in a grossly negligent manner, or without probable cause. The Court also held that the plaintiff was unable to demonstrate that the underlying lawsuit was prosecuted for an improper purpose.

Successfully defended a home inspector before the Delaware Division of Professional Regulation. The Claimants sought disciplinary action against our client in connection with his inspection of their home. We were able to persuade the Division that the complained of defects at the property were not subject to inspection because they were not visible at the time of inspection. The Division weighed all concerns involved in the matter and on November 1, 2023, it concluded that the facts did not reflect a violation of the laws, rules, and regulations that governed the activities of the licensed professional.

A unanimous jury found in favor of our clients, a lawyer and his law firm in a legal malpractice case arising out of the lawyer's drafting of a postnuptial agreement. The postnuptial agreement was invalidated by a family court judge, causing the husband to lose approximately \$1.2 million as part of a subsequent property separation agreement. The jury considered testimony from the plaintiff's ex-wife which reflected that she had signed the agreement under duress and concluded that the plaintiff could not demonstrate that the postnuptial agreement was invalidated as a result of anything the lawyer did.

Plaintiff claimed that estate attorneys misinterpreted stock restriction agreement causing Plaintiff's husband's estate to lose in excess of \$1 million. Court held that agreement was properly interpreted by attorneys

Attorney prosecuted civil rights claim on behalf of mother of son who was shot and killed by a Philadelphia police officer while unarmed and posing no threat to the officer. Mother of decedent served as administrator of estate and retained proceeds of settlement. Decedent allegedly had two children who should have received the proceeds. Attorney sued by children's mother on their behalf. Plaintiff's minor children made \$1 million settlement demand just prior to the court's dismissal of the claims.

Plaintiff claimed that his attorney failed to properly prosecute his workers' compensation claim causing his benefits to be discontinued. Plaintiff's claims dismissed by way of summary judgment motion.

Buyers of real property sued real estate agent for seller, claiming misrepresentations regarding use of the property. Claims dismissed by way of summary judgment motion.

Success in getting a number of legal malpractice cases dismissed promptly by way of preliminary objections. In such cases, the Plaintiff failed to allege facts that, even if true, could yield liability as to our client.

Success in getting a number of legal malpractice cases dismissed upon the filing of motions for non pros as a result of opposing counsel's failure to comply with the Pennsylvania Rules of Civil Procedure.

Summary judgment and motions to dismiss granted on behalf of a number of clients. In one recent case, the plaintiff claimed that our attorney client was liable to him for wrongful use of civil proceedings and was seeking in excess of \$3 million in damages. Upon the filing of a Motion for Summary Judgment, the court dismissed our client, finding no liability whatsoever.

Success in defending clients at arbitration hearings and bench trials, including cases involving alleged home inspector liability and insurance subrogation claims.