



## And The Defense Wins

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DRI members [John Palmeri](#) and [Heather Kelly](#) of **Gordon & Rees LLP** in Denver successfully defended a summary judgment victory on behalf of a Denver law firm in a professional malpractice case. The plaintiff filed suit alleging the law firm committed malpractice by failing to timely disclose an appraisal in an underlying condemnation case. At trial, Gordon & Rees presented expert testimony stating the appraisal was inadmissible, separate and apart from the question of timeliness. The jury returned a general verdict in favor of the client law firm. The plaintiff appealed, arguing that the trial court erred in failing to decide if the appraisal was admissible as a matter of law and by admitting expert testimony on the appraisal's admissibility. The Colorado Court of Appeals reversed and remanded the case. After remand, the trial court ordered the parties to brief the admissibility of the appraisal.

Gordon & Rees submitted briefing and evidence supporting the position that the appraisal was inadmissible separate and apart from timeliness, due to project influence and other factors. After an evidentiary hearing, the trial court agreed. Thereafter, the trial court granted Gordon & Rees's motion for summary judgment in favor of the client law firm, concluding that the plaintiff could not establish causation in support of the plaintiff's legal malpractice claim. In a 20-page opinion, the Colorado Court of Appeals affirmed the trial court's grant of summary judgment in all respects.

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