

Page Printed From:

<https://www.law.com/therecorder/2023/05/10/proskauer-rose-legal-malpractice-suit-claims-firm-charged-excessive-and-unconscionable-fees-in-trustee-dispute/>



NOT FOR REPRINT

[NEWS](#)



Proskauer Rose Legal Malpractice Suit Claims Firm Charged



'Excessive and Unconscionable' Fees in Trustee Dispute



The suit, surfaced by Law.com Radar, claims Proskauer Rose estimated that legal fees in the matter would total \$100,000 or less but charged millions of dollars.



May 10, 2023 at 07:42 PM



Legal Malpractice



Alaina Lancaster

Litigation editor



Proskauer Rose allegedly billed siblings embroiled in litigation over a family trust millions of dollars after initially estimating that their fees would total \$100,000 or less, according to a legal malpractice suit filed May 5.

The suit, surfaced by [Law.com Radar](#) and filed in Los Angeles County Superior Court, claims Proskauer Rose and Andrew M. Katzenstein, a partner in the firm's private client services department, engaged in unnecessary and excessive work and improper billing practices, such as block billing and charging "unearned, unreasonable, excessive, and unconscionable fees," according to the complaint.

Trustees Sharyl Gabriel and Susan Louise Gabriel-Potter claim that Proskauer Rose also overstaffed the underlying trust disputes involving their brother Robert Gabriel, additionally inflating costs.

The suit—filed by Makarem & Associates' Ronald Makarem and Samuel Almon in Los Angeles—also asserts that the firm assigned attorneys who were not licensed in California to perform legal services in the litigation. The filing alleges that Proskauer partner Matthew Triggs in Boca Raton, Florida, and Bridget Devoy—a former associate at the firm in Los Angeles who is now a counsel at McDermott Will & Emery—were tapped to work on the underlying matter without being licensed in California. The suit asserts Devoy wasn't licensed in California until May 14, 2018, but worked on the matter in 2017.

The lawsuit also alleges that the firm improperly advised the trustees on several matters, including guiding them to pay excessive distributions to Robert from the trusts.

“This advice was below the standard of care because, among other reasons, the distributions were not legally required, and were used by Robert to wage litigation against parties including Plaintiffs, which in turn caused Plaintiffs to incur damages, including legal fees incurred defending the litigation brought by Robert,” the complaint said.

The firm also allegedly advised their clients that they were trustees of certain trusts when they were not, according to the filing, and that the firm failed to promptly take action to have a court determine their client’s standing as trustees.

The trustees claim that they incurred even more costs because the firm failed to advise them in a timely matter that they might have legal malpractice claims against their prior counsel Paul Basile, who reportedly failed to maintain copies of key documents and has since died.

Law firm representatives did not immediately respond to a request for comment.

SEE IT FIRST ON LAW.COM RADAR

Sign up for [Law.com Radar](#) to keep up with the latest news and lawsuits in a personalized legal news feed. Track federal litigation, deals and who’s getting the work by industry, practice area and region.”

RELATED STORIES

[Fired Proskauer Rose COO Also Defrauded Firm, Deleted 'Hundreds' of Messages, New Filing Alleges](#)

[More Bang for Your Blunder: Rise in Severity of Legal Malpractice Claims](#)

[Appeals Court Nixes Hanson Bridgett Legal Malpractice Suit](#)

[Five Easy Fixes To Limit Legal Malpractice Risk](#)

[Quarantined? Reduce Your Risk of Legal Malpractice](#)

NOT FOR REPRINT

Copyright © 2023 ALM Global, LLC. All Rights Reserved.