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New York Court of Appeals Confirms Pleading Requirement for Legal Malpractice Claims

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In *Mid-Hudson Val. Fed. Credit Union v. Quartararo & Lois, PLLC*, 31 N.Y.3d 1090 (June 7, 2018), the New York Court of Appeals confirmed that a cause of action sounding in legal malpractice must allege facts "sufficiently particular to give the court and [defendants] notice of the transactions, occurrence, or series of transactions or occurrences, intended to be provide." Relying on this well-settled principal, the Court of Appeals affirmed the order from the Appellate Division, Third Department, *Mid-Hudson Val. Fed. Credit Union v. Quartararo & Lois, PLLC*, 155 A.D.3d 1218, 64 N.Y.S.3d 389 (3d Dep't Nov. 9, 2017), dismissing the plaintiff's amended complaint pursuant to CPLR 3211(a)(7) for failure to state a cause of action.

The action arose out of the defendants' representation of plaintiff in a series of debt collection and mortgage foreclosure actions. The Third Department, in granting the defendants' motion to dismiss, noted that this was the only factual detail alleged in the amended complaint. Significantly, the amended complaint did not allege a single transaction where defendants were retained to provide legal services, a single occurrence of negligent legal representation or identify the underlying foreclosure actions in which the defendants allegedly committed legal malpractice. Further, the amended complaint failed to allege an instance of deficient representation or an example of erroneous advice by the defendants and, thus, the Court was unable to even reasonably infer what defendants did or did not do in a negligent fashion.

By affirming the Third Department's dismissal of the amended complaint, the Court of Appeals confirmed not only the pleading requirement for legal malpractice claim, but the use of CPLR 3211(a)(7) as a useful and effective tool to dispose of pleadings that merely allege the elements of a legal malpractice claim in a general fashion, without more.

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