

COA Opinion: Sustains jury verdict finding no liability arising out of law firm's representation of former shareholder of a former client

11. March 2010

On March 9, 2010, the Court of Appeals published its opinion in *Alpha Capital Management, Inc. v. Rentenbach*, No. 287280. In this case, the Court of Appeals affirmed a jury verdict that found that a lawyer and law firm were not liable to their former client, Alpha Capital Management ("ACM"), in connection with their representation of a former ACM shareholder in a dispute concerning that former shareholder's buyout agreement. The Court of Appeals addressed multiple issues related to the trial court's denial of summary disposition to ACM, and the conduct of the trial. Notably, the Court of Appeals affirmed the trial court's decision that defendants did not, as a matter of law, breach their fiduciary duties to ACM. The Court of Appeals identified a conflict in the expert testimony regarding whether the work defendants performed for ACM had a substantial relationship to the work performed for the former shareholder, and noted that there was no evidence that defendants had any confidential information that advantaged the former shareholder. On another interesting issue related to the conduct of the trial, the Court of Appeals upheld the trial court's time limitations on witness examinations. In making this decision, the Court of Appeals relied heavily on the trial court's decision to allow lengthy examination of ACM's primary witness on the basis of ACM counsel's representation that all the subsequent exams could be completed in a half hour each. Thus, the Court of Appeals concluded that the trial court's limitation of all subsequent exams to 45 minutes for each side was not improper, particularly where there was adequate time to develop the facts and issues involved in the case.