



New York Appellate Court potentially narrows recently expanded statute of limitations for fraud or deceit under Judiciary Law §487, ABA LPL eAdvisory

Farage v. Ehrenberg, 2014 WL 6462586, __ N.Y.S.2d __ (2d Dep't November 19, 2014)

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On November 19, 2014, a New York appellate court sustained the grant of summary judgment to a law firm, further limiting clients' invocation of the continuous representation doctrine in legal malpractice claims. On even more interesting note, the Appellate Division clarified that the recent New York Court of Appeals' decision in *Melcher v. Greenberg Traurig, LLP*, 23 N.Y.3d 10 (2014), holding that a six-year statute of limitations applies to claims under Judiciary Law § 487, was inapplicable in cases where Judiciary Law claim is predicated on the same operative facts as a legal malpractice claim asserted in the same action.

In *Farage*, the plaintiff, Regina Farage, commenced a legal malpractice action against her former attorney, Lance Ehrenberg, alleging claims for legal malpractice, fraud, deceit, negligence, and violations of the Judiciary Law. Farage argued that Ehrenberg was negligent in...