

ARTHUR F. WHEELER

SHAREHOLDER



AREAS OF PRACTICE

Personal Injury Protection (PIP) Litigation
Fraud/Special Investigation
Real Estate E&O Liability
Product Liability
Commercial Litigation
Lawyers' Professional Liability

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ADMISSIONS

New Jersey
1993

Pennsylvania
1994

U.S. District Court of New Jersey
1993

U.S. District Court Eastern District
of Pennsylvania
1995

OVERVIEW

Art is a shareholder in the Casualty Department and a member of the firm's Fraud and Special Investigation Unit (SIU) group where he focuses primarily on large loss and medical provider fraud. His practice in the area of fraud investigation consists of assessing and analyzing fraud by both medical providers and falsified claims brought by his client's insureds.

Art has also represented a large number of product manufacturers, designers and distributors in products liability actions. Additionally, he has defended numerous restaurants, hotels and businesses in premises liability claims involving allegations of serious and permanent injuries.

Art has also defended complex professional liability matters with an emphasis on defense of attorneys in legal malpractice matters; real estate agents and brokers as well as architects, engineers, directors and officers.

Art has successfully arbitrated and mediated approximately 100 cases in the Superior Court of New Jersey and Common Pleas Courts of Pennsylvania.

In 1990, Art graduated, *cum laude*, from St. Joseph's University. Following graduation, he attended Georgetown University Law Center and received his *juris doctor* in 1993. He worked as a law clerk for the United States Department of Justice while he was a student at Georgetown. In addition Art went on to earn his LLM Degree in Trial Advocacy from Temple University in 1998. In 2009, Arthur received an AV Preeminent peer review rating from Martindale-Hubbell which he has maintained in each of the subsequent years.

EDUCATION

Temple University School of Law
(LL.M., Trial Advocacy, 1998)

Georgetown University Law Center
(J.D., 1993)

St. Joseph's University (B.A., cum
laude, 1990)

THOUGHT LEADERSHIP

Statutory Exemption from Consumer Fraud Act for Realtors

Mount Laurel
Real Estate E&O Liability
Commercial Litigation
December 10, 2018

Key Points: Defense Digest, Vol. 24, No. 4, December 2018. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

HONORS & AWARDS

AV® Preeminent™ by Martindale-
Hubbell®

*The Martindale Hubbell rated attorney list is
issued by Internet Brands, Inc. A description of
the selection methodology can be found here.*

*No aspect of this advertisement has been
approved by the Supreme Court of New Jersey.*

ASSOCIATIONS & MEMBERSHIPS

American Bar Association
Burlington County Bar Association
Camden County Bar Association
New Jersey Bar Association

PUBLISHED WORKS

"Statutory Exemption from Consumer Fraud Act for Realtors," *Defense Digest*, December 2018, Vol. 24, No. 4

"Safe Harbor Provision Is a Beacon for Realtors Seeking Exemption From Consumer Fraud Act Actions," September 19, 2018

"Disqualification of Counsel and the Substantially Related Matters Test," *Defense Digest*, Vol. 16, No. 4, December 2010

"Defense of Legal Malpractice Claims Asserted by Non-Clients," *Defense Digest*, Vol. 13, No. 4, December 2007

"You Sold The Land But Did You Keep The Liability?," *Defense Digest*, Vol. 12, No. 4, December 2006

RESULTS

Defense Verdict Affirmed in Complex Legal Malpractice Case

Lawyers' Professional Liability

January 30, 2024

We successfully defended an appeal in a complex series of legal malpractice actions arising out of an \$11 million investment in an illegal venture in Brazil. In the initial trial, the plaintiff's economic loss expert had offered a net opinion in connection with what plaintiff would have earned from the illegal venture in Brazil. We established the plaintiff's knowledge of that illegality, which had been demonstrated in the previous legal malpractice action.

Dismissal of complex legal malpractice action

Miscellaneous Professional Liability

December 30, 2019

We obtained a dismissal of a legal malpractice action arising from a Law Against Discrimination and Conscientious Employment Practices Act action against a municipality and its School Board. In this complex multi-party action, our client, an expert in school law, was retained by the school district to handle a hearing against the plaintiff, a teacher and coach. The plaintiffs alleged a conspiracy among the lawyers and the school board to oust the plaintiff.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained summary judgment on behalf of a real estate closing attorney in a matter filed in Cape May County, New Jersey, involving the refinance of a marital home in connection with a divorce settlement. The plaintiff's claims of legal malpractice, misrepresentation, and detrimental reliance upon our client's advice and actions were successfully defeated.

Obtained summary judgment and successfully defended an appeal of the dismissal on behalf of a deputy surrogate of Mercer County, New Jersey. The trial court's decision was upheld, which granted summary judgment in connection with the administration of an estate involving properties worth several million dollars in New Jersey and Pennsylvania.

Obtained summary judgment for a well-known Camden County plaintiff's law firm which had been sued for legal malpractice by their former client because the underlying personal injury matter had been dismissed by the trial court. Summary judgment was granted since the plaintiff could not prove that the necessary doctor's report, setting forth the analysis to overcome the New Jersey verbal threshold statute, would have been unable to be obtained by the plaintiff in the underlying matter.

Obtained dismissal of a legal malpractice claim against a large, well-known plaintiff's firm in New Jersey in which the plaintiff was counseled by one of the two original defendant law firms concerning a workers' compensation claim for asbestosis. Subsequently, the first firm referred the matter to the other co-defendant firm for handling. Our client was asked to consult for a potential third party asbestos claim against the asbestos manufacturer. We successfully argued that the claim was referred to our client for review after the statute of limitations and, further, we argued that there was no attorney-client relationship with the plaintiff in the underlying matter, nor was there any duty owed to the referring law firm.

Obtained summary judgment in a legal malpractice action by successfully arguing that our client's actions in representing the plaintiff in connection with the appeal of his police sergeant's exam in Camden County, New Jersey, were not the proximate cause of the unsuccessful appeal. Although our client did not file an Appellate Brief within the time prescribed by the court, we successfully argued that the underlying sergeant's exam appeal would have been rejected by the Appellate Division even if the filing deadline had been met by the client.

Obtained dismissal of a dram shop, premises liability case by showing through deposition testimony that our client did not serve the plaintiff while visibly intoxicated.

Obtained summary judgment in a premises liability claim against a restaurant in southern New Jersey in which the plaintiff claimed to have fallen, sustaining knee injuries and an aggravation of an arthritic condition. The court granted summary judgment in the matter where the plaintiff admitted in depositions that she could not describe the area where she fell. Further, emergency room records showed that the plaintiff, in fact, went to the emergency room on the day before the subject accident.