



Brian C. Foster

Of Counsel

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Brian Foster represents businesses and individuals in state courts, focusing on the defense of claims related to commercial litigation, professional liability and employment matters. Brian is experienced in all aspects of civil litigation, including discovery and depositions, law and motion, and trial.

Prior to joining Wilson Elser, Brian practiced at a boutique litigation firm defending clients in matters that ranged from catastrophic bodily injury accidents to construction defect claims and professional liability. Brian also previously represented injured plaintiffs, developing unique insights into how opposing parties view case evaluation and costs of litigation, which he uses to help guide his clients toward strategies that get results.

During law school, Brian clerked for the Los Angeles District Attorney's Office in the Major Crimes Division.

Education

- Southwestern Law School (J.D. SCALE Program, 2013)
- University of Maryland Baltimore County (B.A. Psychology, 2007)

Bar Admissions

- California
- District of Columbia
- Maryland

Court Admissions

Services

- Commercial Litigation
- Professional Liability & Services
- Employment & Labor

- U.S. District Court, Central District of California
- U.S. District Court, District of Maryland

Client Wins

Smith and Foster Obtain Motion to Dismiss in Legal Malpractice Defense

Brigitte Smith (Partner-Baltimore, MD) and Brian Foster (Of Counsel-Baltimore, MD) prevailed on a motion to dismiss in the Circuit Court for Wicomico County, Maryland, on behalf of the firm's attorney clients in a legal malpractice action. The action was the latest in a series filed by the plaintiff against his family members and legal professionals asserting claims for financial exploitation of an elder, conspiracy, and legal malpractice. The plaintiff claimed his elderly mother had been abducted by her sisters, who conspired with the defendant attorneys to have her execute documents at a time when she lacked capacity, thereby diminishing the value of the estate. Brigitte and Brian, however, argued that the plaintiff, who was seeking \$488,000, did not qualify under the third-party beneficiary exception. The court agreed, barring his claims for legal malpractice as a matter of law.