



## Brigitte J. Smith

Partner

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Baltimore, MD – 410.962.7224

Brigitte Smith represents clients and insurers in the areas of construction, transportation, medical malpractice, motor vehicle litigation, premises liability, product liability, professional liability, employment and toxic tort. She has experience representing design professionals in construction defect cases involving large residential condominium projects. In addition, Brigitte has represented a broad range of national and international trucking clients in motor vehicle litigation across Maryland. She is an experienced member of the firm's 24/7 emergency response team for catastrophic events, and has the ability and knowledge to respond on behalf of her clients. She has successfully represented clients at the local, state and municipal levels, and has extensive litigation experience in both levels of trial courts in Maryland and in the appellate courts. Brigitte has tried many cases to favorable outcomes and has vast experience in mediation and arbitration proceedings.

Known for her skills in legal analysis and reasoning, Brigitte excels at communicating effectively both as an advocate for her clients and as a trusted adviser. She achieves a balance of persuasiveness and deference that advances the successful resolution of her cases. Brigitte's time management and organizational skills demonstrate her high level of commitment to both her clients and her colleagues. Prior to joining Wilson Elser, Brigitte represented employers and their insurers in the defense of workers' compensation claims and honed her advocacy skills in court and at administrative hearings.

### **Professional Liability**

Brigitte has been retained by design professionals and contractors, as well as their professional liability insurers, in defending construction defect and construction accident cases in residential condominium projects across Maryland.

### **Complex Tort & General Casualty**

Brigitte focuses her complex tort & general casualty practice on premises liability and

### **Services**

- Design Professionals
- Construction
- Employment & Labor
- Complex Tort & General Casualty
- Medical Malpractice & Health Care
- National Trial Team
- Product Liability, Prevention & Government Compliance
- Professional Liability & Services
- Railroad
- Toxic Tort
- Transportation

medical malpractice cases. She has defense experience in a broad spectrum of areas, including personal injury, construction, manufacturer's defects and product-based claims.

### **Medical Malpractice**

Brigitte's medical malpractice experience includes medical providers and facilities, principally in the areas of wrongful death, personal injury, insurance coverage and related disputes.

### **Product Liability**

Brigitte defends against product liability and mass tort actions in a variety of categories, drawing on Wilson Elser's nationwide network of consulting experts as the need arises in any number of engineering or scientific disciplines.

### **Railroad Industry**

Brigitte has experience in handling railroad law and litigation matters, including crossing accidents, actions involving injuries to employees, right-of-way and real estate disputes, contract disputes, occupational claims, and toxic tort claims and related environmental matters.

### **Education**

- University of Maryland, Francis King Carey School of Law (J.D., 2002)
- George Washington University (B.S., 1997)

### **Bar Admissions**

- Maryland, 2002
- District of Columbia, 2005
- Pennsylvania, 2006

### **Professional Affiliations**

- American Bar Association
- Maryland Defense Counsel

### **Awards & Honors**

- Selected for inclusion in Maryland *Super Lawyers*, 2016-2020

## **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.

**Murphy-Petros, Smith & Miller Secure Appellate Win Based on Plaintiff's Own Dilatory Conduct in Discovery**

Melissa Murphy-Petros (Of Counsel-Chicago, IL), Brigitte Smith (Partner-Baltimore, MD), and Zachary Miller (Associate-Baltimore, MD) represented a provider of public transportation services in Baltimore City to those with physical disabilities. The legally blind plaintiff, a regular rider, filed suit after he suffered a severe fracture when he fell on ice while walking from his front door to our client's bus. The plaintiff claimed that our driver was negligent in not assisting him while he walked to the bus as the driver was required to do, but admitted that he did not wait for the driver to help him on the day of his injury. The case was tried to a defense verdict by Brigitte and Zak and Melissa handled the appeal. The appellate court affirmed the judgment on the jury's verdict. The only issue plaintiff raised on appeal was the trial court's order denying his motion to strike a supplemental medical expert opinion that we disclosed approximately 10 days before trial. It was plaintiff's position that this testimony at trial was the basis for the jury's defense verdict and it should not have been allowed, so he was entitled to a new trial. In the end, the court agreed with our argument that plaintiff's own dilatory conduct in discovery led to the late timing of our supplemental disclosure in the first place, so the trial judge did not abuse her discretion in denying plaintiff's motion to strike.