



Laura N. Steel

Partner

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Laura Steel represents both corporations and government entities in employment-related negotiations, claims handling and litigation. In addition, she has devoted more than 25 years of her civil litigation career to professional liability defense, specifically for lawyers, law firms, title agents, appraisers and other professionals, as well as psychiatrists, psychologists, social workers, nurses, hospitals, residential facilities and other health care providers. She has also been involved in representing and supervising matters for clients in a variety of product liability, toxic tort and asbestos issues. Laura has lectured before various organizations regarding trial practice techniques and how to avoid legal malpractice claims. Her practice includes active administrative, trial and appellate cases in the state and federal courts as well as the administrative agencies in the District of Columbia and throughout Maryland. Over the course of her career, she has handled more than 100 trials.

Laura worked in several capacities as a prosecutor, trial lawyer and supervisor for the Office of the Attorney General of the District of Columbia (then the D.C. Office of the Corporation Counsel), notably on matters involving the defense of city agencies and officials in a wide range of torts, including police brutality, false arrest and municipal liability, among others. Additionally, during her tenure as an assistant corporation counsel for the Civil Division, Laura handled numerous employment and discrimination matters in the local and federal courts on behalf of the government of the District of Columbia and its agencies. While in the Criminal Division, she prosecuted cases ranging from misdemeanors to major felonies, including homicide, rape, burglary, weapons offenses and felony-murder.

Laura prides herself on providing the highest quality legal services tailored to her clients' specific needs and objectives. She believes that the essential components of her representation involve communication, the art of listening, early critical evaluation and formulation of a practical, realistic resolution strategy commensurate with the complexity of

Services

- Accountants
- Appellate
- Complex Tort & General Casualty
- Employment & Labor
- Lawyers' Liability
- Medical Malpractice & Health Care
- Professional Liability & Services

the problem. Her approach is balanced with a sensitivity to the critical legal and business considerations that influence each client's unique situation.

Appellate

Laura's impressive record in appellate practice speaks to her persuasive brief writing, strong oral advocacy skills, mastery of technical procedural rules and ability to anticipate areas of potential inquiry on the part of an appellate panel. She has handled numerous appeals before the District of Columbia Court of Appeals, the Maryland Court of Special Appeals and the Maryland Court of Appeals, as well as the federal appeals courts for the District of Columbia and Fourth Circuits.

Employment & Labor

Laura has defended sexual harassment claims as well as defamation and employee contracts that address at-will employment issues. She has personally handled employment cases on behalf of a number of carriers and other corporate and government clients both at the administrative level (Equal Employment Opportunity Commission, District of Columbia and Maryland Office of Human Rights, now the Maryland Commission on Civil Rights) and in the state and federal courts of the District of Columbia and Maryland. Laura has handled a number of matters involving the enforcement and defense of restrictive covenants, including non-competition and non-solicitation provisions. She has counseled clients on the drafting, interpretation and negotiation of contracts and responding to cease-and-desist letters. Laura has handled the defense of actions involving alleged violations of the District of Columbia Human Rights Act and Maryland Human Relations Act; wrongful termination and retaliation claims related to filing a workers' compensation claim; and numerous age, sex, personal appearance, pregnancy, religious and disability discrimination claims brought under federal, state and local county laws.

Professional Liability

Laura has handled civil actions and other dispute resolution proceedings relating to professional liability as well as assorted ethics and disciplinary proceedings. She has had experience in a multitude of areas, including legal malpractice cases, and has defended attorneys, accountants, title agents, real estate appraisers and insurance brokers in a variety of professional liability contexts. The nature of the legal malpractice claims that she has handled covers the spectrum from underlying general liability to complex matters involving real estate and commercial transactions, securities, patent and trademark (including lawyers serving as counsel in connection with real estate transactions or as closing agents), and fraud schemes as well as real estate "flipping" and "equity stripping" cases. She has also dealt with matters relating to the legitimacy of executed powers of attorney in connection with real estate transactions. Other claims Laura has handled have arisen from federal racketeering charges under the Racketeer Influenced and Corrupt Organizations Act (RICO) and failures to comply with the Real Estate Settlement Procedures Act (RESPA), the Maryland Protection of Homeowners in Foreclosure Act (PHIFA) and local consumer protection statutes, among others. She has devoted more than two decades to civil litigation and other dispute resolution proceedings relating to professional liability as well as ethics and disciplinary proceedings. Her practice includes active trial and appellate cases.

Lawyers' Liability

Laura has defended attorneys in a wide variety of professional liability contexts, including general liability, general civil and commercial litigation, complex securities transactions, medical malpractice, trusts and estates, real estate and commercial transactions (including lawyers serving as counsel in connection with real estate transactions or as closing agents), domestic and matrimonial proceedings, criminal defense, landlord-tenant, immigration law, and patent matters, among other areas. Many of these issues have also raised allegations of federal racketeering under the Civil Racketeering Influenced and Corrupt Organizations Act (RICO) as well as failure to comply with several local statutes.

Medical Malpractice / Psychiatric

Laura has represented individual practitioners (psychiatrists, psychologists, social workers and counselors), hospitals, psychiatric facilities and other mental health care providers in matters alleging negligence, malfeasance or sexual abuse/misconduct. She also has represented individuals and entities directly and through insurers. As part of the defense of litigation of 238 cases against several local psychiatric hospitals in connection with the treatment of individual adult and adolescent patients, Laura was responsible for the retention of experts to defend the care rendered, including decisions with respect to hospital admission, diagnosis, medication, length of stay and discharge planning. Of particular relevance is her defense of two psychiatric hospitals sued for negligently hiring, training and supervising employees who engaged in sexual relationships with hospital patients. In six "related" cases, she represented a residential treatment center that had unknowingly employed a pedophile who engaged in sexual relations with numerous adolescent male patients. She has also handled numerous claims involving allegations against individual practitioners accused of having had romantic or sexual relationships with their patients, as well as misdiagnosis and negligent treatment.

Product Liability / Toxic Tort

During her career, Laura has supervised asbestos litigation in the District of Columbia and Maryland for a major automobile manufacturer, a boiler company, an oil refiner/producer and a national retailer. These representations totaled more than 500 cases. In the area of product liability, Laura has also served as local counsel for a major electrical manufacturer, a firearms manufacturer and an automaker.

Education

- George Washington University (J.D., 1982)
 - with honors
- Johns Hopkins University (1976)
- Columbia University (B.A., 1978)
 - magna cum laude

Bar Admissions

- District of Columbia, 1982
- Maryland, 1989

Court Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, District of Maryland

Professional Affiliations

- Women's Bar Association of the District of Columbia
- Maryland Bar Association

Representative Matters

Legal Malpractice

Laura obtained summary judgment in a legal malpractice case filed in the Superior Court for the District of Columbia. Wilson Elser represented a plaintiffs-side personal injury lawyer who was sued by his former client for failing to file a medical malpractice case before the expiration of the statute of limitations. In the legal malpractice action, Wilson Elser successfully argued that, where the underlying legal representation ended 13 months before the statute ran, proximate cause and duty were absent as a matter of law.

In the summer of 2011, Laura obtained a defense verdict on behalf of her client, an experienced plaintiff-side employment lawyer after an eight-day jury trial in the U.S. District Court for the District of Columbia. The claim alleged that the lawyer, who represented his former client in a difficult employment discrimination case before the EEOC, inappropriately performed unnecessary and unwarranted tasks and overbilled his client in connection with the underlying proceeding. Ultimately, the jury deliberated for approximately four hours before returning a unanimous defense verdict on the legal malpractice count, finding that there were no departures from accepted standards of care.

Over the course of the past several years, Laura has had numerous successes on dispositive motions brought on behalf of lawyers and other professionals. She obtained summary judgment in a legal malpractice case filed by plaintiffs, two former members of the D.C. Metropolitan Police Department, against their former criminal defense counsel. On summary judgment, Laura was able to establish that, as a matter of law, there was no causal link between the plaintiffs' alleged injury (they were criminally prosecuted, convicted, sentenced and ultimately lost their jobs). The court concluded that plaintiffs did not and could not establish proximate causation, an essential element of a legal malpractice case, because plaintiffs' entry of guilty pleas foreclosed any finding that they could prove their "actual innocence," i.e., that they were wrongly convicted.

Recently, in the U.S. District Court for the District of Columbia, Laura won a Motion to Dismiss on behalf of an immigration lawyer demonstrating that plaintiff's legal malpractice and breach of fiduciary duty claims were barred by the expiration of the applicable statute of limitations and that proximate cause was legally absent because plaintiff's alleged injury (his inability to obtain a visa, become a permanent resident and remain in the United

States) was not proximately caused by any alleged act or omission of his former immigration counsel.

Laura has also obtained several dismissals, on initial dispositive motion, of claims filed against lawyers where privity was lacking. In one case, she obtained dismissal of claims against an attorney who served as a court-appointed guardian to recover her ward's property on the grounds that the lawyer/guardian owed a fiduciary duty to her ward only. In another case, the court dismissed claims brought by an individual tenant against the lawyer representing the tenants association. In yet another legal malpractice matter, Laura successfully convinced a Superior Court judge to dismiss claims brought by the daughter of the lawyer's client, on the ground that there was no privity.

Municipal Liability Matters

Laura has represented a local municipal governmental entity in defending several lawsuits filed by developers challenging land use and zoning decisions. She has successfully obtained dismissal of several multimillion-dollar lawsuits upon initial dispositive motion and/or summary judgment. Laura obtained dismissal of a \$100 million lawsuit in which plaintiffs argued that a Planned Use Development zoning ordinance and a later proposed/unsigned Letter of Understanding (LOU) were enforceable contracts. Under their theory, the developers claimed that the government could not change the zoning designation on their property and also tried to compel approval of a larger diameter sewer line to serve their expanded development goals. Because of the multitude of legal dispositive issues raised, the briefing was comprehensive and oral argument lasted for approximately three hours. The Court ultimately rejected all of plaintiffs' arguments, finding that neither the ordinance nor the LOU created a contract between the parties. Notwithstanding plaintiffs' expenditures of more than \$1 million in engineering studies, plans and fees, the Court also declined to apply estoppel principles and upheld the government's right to change the land use and zoning designations for this property. With respect to plaintiffs' constitutional claims, the Court ruled that plaintiffs were not deprived of all economically viable uses of their land, the developers had no vested rights and there was no disparate treatment of similarly situated entities under equal protection principles.

Laura also filed, and won, a motion to dismiss a \$30 million developer lawsuit alleging breach of contract, inverse condemnation, tortious interference with contract, equal protection, detrimental reliance and equitable claims. Examining the terms of an executed Letter of Understanding, the Circuit Court for Frederick County Maryland found that the contract did not give rise to the rights claimed by the developers, namely to compel the governmental entity to construct and maintain a multimillion-dollar road interchange into a planned development, which plaintiffs claim resulted in tens of millions of dollars of losses, including future profits. Similarly, Laura was able to obtain dismissal of a \$5 million developer lawsuit challenging a legislative action that re-zoned plaintiffs' property during a comprehensive rezoning process.

Employment

Laura has had numerous successes in defending employment claims. After a two-day arbitration (mandated by the employment contract), she represented a major communications company and obtained a defense verdict in a sexual harassment and retaliation claim before the American Arbitration Association. She also defended a case

that was tried in Montgomery County Circuit Court, MD, and successfully obtained dismissal of sexual harassment and wrongful discharge claims brought by the company's vice president.

Over the course of the past several years, Laura has successfully obtained "no cause" determinations in a wide range of discrimination claims brought before the Equal Employment Opportunity Commission and the local administrative agencies in the District of Columbia and Maryland, including the local county commissions on civil rights in Montgomery County, Prince Georges County and Baltimore City. These include sex, race, disability and religious discrimination, harassment, wrongful discharge and retaliation. Her clients have included two local private schools; an architectural firm; two fast-food distributors; a specialty retailer of arts, crafts and floral merchandise; an insulation contractor; a family-owned heating and air-conditioning company; a wastewater treatment contractor; and a health insurance brokerage company, among many others.

Laura recently obtained summary judgment in a disability discrimination case brought against a public interest organization by a former manager who was terminated after being diagnosed with breast cancer and undergoing chemotherapy treatment. Plaintiff also brought claims for hostile work environment and intentional infliction of emotional distress after she received numerous emails and write-ups from her supervisor regarding the ongoing deficiencies in her job performance.

In his Opinion, Judge Ramsey Johnson of the District of Columbia Superior Court agreed with all of Wilson Elser's arguments – namely, that plaintiff failed to show a disability because her cancer did not substantially limit a major life activity, a point stressed both in the motion papers and at oral argument. The Court agreed that there was no showing that the disease resulted in an impairment of a "major life function," such that it qualifies as a "disability" for purposes of the District of Columbia Human Rights Act. Moreover, the court found that the facts proffered did not rise to the level of a hostile work environment and there was no evidentiary basis of extreme and outrageous conduct that intentionally or recklessly caused plaintiff severe emotional distress.

Miscellaneous Professional Liability Matters

Laura recently obtained dismissal on dispositive motions of claims against a title agent, who was alleged to have participated in an "equity stripping" and "straw buyer" scheme in connection with the handling of a real estate closing. After removal, the federal district court granted an initial motion to dismiss and dismissed with prejudice all of the federal claims, including a RICO count. Upon remand and after briefing and extensive oral argument, the Chief Judge of the Circuit Court for Prince Georges County dismissed the remaining state law claims for gross negligence and violations of the Maryland Protection of Homeowners in Foreclosure Act, finding that the statute was inapplicable where the residence was technically not in foreclosure at the time of the real estate closing (the foreclosure action had been dismissed six weeks before settlement).