

Kelley Drye Wins Significant Real Estate Fraud Pro Bono Case

November 9, 2015

Kelley Drye won a significant *pro bono* victory for a disabled octogenarian, in failing health, who lives alone in her home of 40+ years. This case focused on a sad but all too common tragedy: a scheme to take an elder's home which, despite its modest size and poor condition, had increased dramatically in value, as California real estate values mushroomed over the past 40 years.

This client, however, had a particularly troubling twist: the elder's former estate-planning lawyer created legal documents which helped another of that lawyer's clients in an effort to take the elder's home. Not surprisingly, that lawyer never got a written waiver of his conflict of interest in representing both the octogenarian and his other client who was trying to get the title to the elder's home.

After pre-litigation settlement efforts failed, Kelley Drye sued both the conflicted lawyer and that lawyer's other client, alleging elder financial abuse, fraud, breach of fiduciary duty, and a host of other claims. Both defendants hired multi-lawyer teams to mount a vigorous defense. Faced with Kelley Drye's motion for summary adjudication 60 days before trial, the conflicted lawyer settled for a confidential payment. The other defendant finally capitulated only after losing two significant pre-trial motions and agreeing to Court orders which cleared the title to the client's home and other confidential settlement terms.

The octogenarian client now remains secure in her home. Both she and Bet Tzedek Legal Services (the legal aid group which referred this case to the firm) are deeply grateful to Kelley Drye for helping avert this tragedy.