



CASE STUDY

Drafting and legal research in a real estate NYC litigation

ABSTRACT

SKJ Juris provided a litigating law firm in New York (“law firm client”) in projecting a transformation road map by providing complete back office litigation and legal research support for the entire set of litigations arising out of a particular dispute between a construction company based out of New York (“ultimate client”) and its insurance excess carriers.

INTRODUCTION OF THE PARTIES

The Law Firm Client

New York based law firm client is a mid-size law firm specializing in different areas of law including civil and commercial litigation, corporate law and transactions, mergers and acquisitions, etc. The law firm client provides its legal services to various corporations from different sectors including IT, biotechnology, manufacturing, real estate and construction, etc. One of the partners of New York based law firm is a general counsel in litigations for and against the ultimate client i.e. New York construction company.

The Ultimate Client

New York based construction company is a large construction house carrying out construction and development work in New York City including carpentry and masonry work, painting, furniture and fixtures, etc.



BACKGROUND – A SET OF FACTS

In the year 2007, the ultimate client was appointed to carry out carpentry work in a building by the owner. The owner had obtained primary insurance from an 'X' insurance company. However, for the carpentry work, the ultimate client was required to obtain an excess carrier insurance from 'Y' insurance company. In mid-2009, one of the labourer Mr. 'A' got injured while carrying out the carpentry work. Mr. A initiated a law suit against the owner claiming damages for the injury sustained in the incident. The owner served a notice of occurrence to 'X' insurance company which started investigating the matter. After a few months, as the claim amount exceeded the coverage amount of 'X' insurance company, the owner brought a third party action against the ultimate client and the excess carrier insurance. The excess carrier insurance denied the coverage on the ground that the ultimate client did not serve notice of occurrence on the excess carrier insurance. On such denial, the ultimate client initiated a declaratory judgment action against the excess carrier whereas the excess carrier filed a summary judgment motion against the ultimate client.

The ultimate client engaged the law firm client in all the cases arising out of the aforesaid facts of the case. The law firm client engaged us to assist them in not only carrying out legal research on relevant issues popping out of the said facts, but also drafting complaints, answer, motions, Memoranda of law and other litigation documents.

THE SOLUTION

SKJ Juris appointed a project manager who acted as a single point of contact for the law firm client. The project manager used to coordinate with the IT Manager in transitioning the project with latest technology as well as coordinate with the team leaders for executing the project.

The team leaders of the legal research team and the litigation drafting team used to work in close coordination with each other considering that this project comprised both the said elements.

With the limited resources, short deadline and requirement of cost saving, at the same time, requirement to maintain the quality of work and services to be provided to the ultimate client, the law firm client approached us with great expectations. Not only did we provide our back office support to the law firm but also reached a comfort level with them so as to work as partners on all subsequent projects.



THE RESULT

1st Part of the Project – SKJ Juris carried out legal research (in LexisNexis) in the first litigation i.e. the third party action initiated by the owner against the ultimate client on account of Mr. A initiating a law suit for damages against the owner. SKJ Juris also prepared Motion to dismiss the complaint and Memoranda of Law in support of the motion filed by the law firm client representing the ultimate client.

2nd Part of the Project – SKJ Juris carried out legal research (in LexisNexis) in the second litigation i.e. the declaratory judgment action initiated by the law firm client on behalf of ultimate client against the excess carrier insurance company on account of its denial of providing excess coverage. SKJ Juris also prepared draft declaratory judgment complaint filed by the law firm client representing the ultimate client against the excess carrier insurance company.

3rd Part of the Project - SKJ Juris carried out legal research (in LexisNexis) in the third litigation i.e. the summary judgment motion filed by the excess carrier insurance company against the ultimate client. SKJ Juris also prepared draft Memorandum of Opposition to Motion filed by the law firm client representing the ultimate client.



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