

Leonard Sciolla Attorney Hugh Hutchison Wins \$2.5 Million Verdict in Legal Malpractice Case

A Philadelphia jury has awarded a \$2.5 million verdict to a man who suffered substantial financial losses and mental anguish as the result of substandard legal representation by attorneys from the Malvern, Pa. law firm of Lentz, Cantor & Massey. Following a four-week trial in Kappe v. Lentz, Cantor & Massey, the jury returned the lump sum verdict in favor of Robert J. Kappe after two hours of deliberation. Kappe was represented by Hugh J. Hutchison of Philadelphia-based firm of Leonard, Sciolla, Hutchison, Leonard & Tinari, LLP.

Kappe was a prominent businessman and close friend of the Davis family in West Chester. In 2001, Nelda Davis executed a Power Of Attorney that nominated her husband, Boyd Davis, Sr. as her agent. The POA also nominated her son, Boyd Jr., and Kappe as alternate co-agents in case Boyd Davis became unable to act on her behalf. Kappe understood that he was not required to exercise his POA authority or perform any related duties, and never did exercise that authority.

In 2006, the Davis' daughter, Nelda Jane Helmstaedter, filed a guardianship petition to declare her mother incompetent and to have a guardian appointed for her, alleging that Boyd Jr. was misusing his parents' assets while isolating the elder Davises from contact with other family members. The Petition specifically alleged that Boyd, Jr. had stolen up to \$3 million from his parents. Andrew H. Dohan and Robert C.F. Willson of Lentz, Cantor & Massey were retained to represent the interests of Nelda Davis.

In the response to the guardianship petition, Dohan and Willson adopted a strategy to advise the Court that if a guardian was needed, Nelda had already identified the persons with whom she felt comfortable handling her affairs when she made the POA. In furtherance of that strategy, Lentz Cantor formally entered an appearance for Kappe without his knowledge, thereby making him a party to a case in which he had no personal interest and in which there were no claims directed against him. Lentz Cantor thereafter repeatedly represented to the court and the parties that Kappe acted as co-agent with Boyd Jr. regarding the finances, assets and other personal interests of the Davises despite the fact that Kappe never exercised that authority. As a result, Kappe was ultimately found to be jointly liable with Boyd, Jr. for the misuse of the elder Davis' assets and judgment was entered against him in favor of Nelda Davis in the amount of \$1,400,000. Among other things, Kappe was forced to file for bankruptcy before he was finally able to negotiate a settlement of the claims.

"Kappe was badly mistreated in this ... he was just blindsided by the whole thing. And the jury saw that he was a victim of a completely misguided strategy on the part of the defendants and ended up with a substantial judgment against him through no fault of his own," Hutchison said.