

In The News

Akerman Partners Mark Bernstein and Joel Bertocchi Caution Litigants on Illinois Statue of Limitations for Legal Malpractice

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Akerman litigation partner [Mark Bernstein](#) and [Joel Bertocchi](#) in Chicago co-authored an article for the *Illinois Bar Journal* on a recent legal malpractice lawsuit in the Illinois Supreme Court involving Suburban Real Estate Services, Inc. and Carlson Partners, Ltd., a law firm. The authors explain that the court left questions unanswered concerning the statute of limitations on legal malpractice. Determining when Illinois' two-year statute of limitations begins to run in a legal malpractice case can be difficult and requires a thorough analysis of actual damages, which party is making the legal malpractice claim, and the outcome of the underlying case.

Bernstein and Bertocchi wrote: "Applying the statute of limitations to a legal malpractice claim involves at least two inquiries: 1) when the client learned of the screw-up; and 2) when it suffered damages as a result. But even those requirements have nuances that can dictate dramatically accrual dates based on slight factual variations."

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