

## In The News

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

June 8, 2022

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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