

People



Philip Touitou

Partner, Litigation
Professional Liability

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Philip Touitou is a partner in the New York office and a member of the firm's national Litigation Practice Group and Professional Liability Practice. An experienced trial and appellate lawyer, Phil regularly represents and defends law firms, including those listed annually in the AmLaw 100 and 200 rankings, in "bet the firm" claims alleging legal malpractice, breach of fiduciary duty, conflicts of interest and deceit. He also advises and represents lawyers and law firms in partnership "business divorce" disputes, fee claims, disqualification motions, and ethics compliance matters.

In addition to his representation of lawyers and law firms, Phil has experience defending corporate directors and officers in securities fraud actions, insurance brokers in errors and omissions claims, insurers in coverage disputes, and businesses in complex commercial cases and arbitrations alleging breach of contract, conversion, fraud, misrepresentation, and misappropriation.

Notable Work

- Dismissal of aiding and abetting fraud claims against AM Law 100 law firm granted for failure to demonstrate the existence of, or substantial assistance in, an underlying fraud; affirmed on appeal.
- Verdict awarded after four-day jury trial finding partner in professional services business liable for misappropriation; judgment for client entered.
- Dismissal granted of legal malpractice action against AM Law 200 law firm alleging negligent tax advice in connection with exercise of employer-awarded stock options; affirmed on appeal.
- Dismissal granted of legal malpractice action against AM Law 100 law firm alleging negligent drafting of fee-shifting provision in agreement; affirmed on appeal.
- Denial of disqualification of AM Law 100 law firm for alleged conflict of interest based on concurrent representation of parties in trademark infringement action; affirmed on appeal.

Areas of Experience

Professional Liability
Directors and Officers (D&O) Liability
Litigation
Commercial Disputes
Insurance Litigation

Education

J.D., Rutgers University School of Law, 1989
B.A., Rutgers University, 1986

Admissions

Bars

New York
New Jersey

Courts

Supreme Court of New Jersey
U.S. District Court, District of New Jersey
New York State Supreme Court, Appellate Division,
First Judicial Department
U.S. District Court, Eastern District of New York
U.S. District Court, Southern District of New York
United States Court of Federal Claims
U.S. District Court, Eastern District of Michigan
U.S. Court of Appeals, Second Circuit

Languages

French

Related Content

Philip Touitou to Speak on the Ethics of Lawyer
Ratings and Rankings
March 10, 2020

- Dismissal granted of legal malpractice action against national policyholder-side law firm alleging litigation errors resulting in denial of coverage for losses claimed under directors' and officers' liability policy; affirmed on appeal.
- Dismissal granted of legal malpractice action against national policyholder-side law firm alleging litigation errors resulting in denial of coverage for losses claimed under directors' and officers' liability policy; affirmed on appeal.
- Settlement of breach of fiduciary duty claims against trustee partner of prominent mid-sized law firm alleging negligent valuation of estate asset in connection with administration of large family trust.
- Settlement of breach of fiduciary duty claims against trustee partner of prominent mid-sized law firm alleging negligent valuation of estate asset in connection with administration of family trust.
- Dismissal of civil RICO claims against outside general counsel of prestigious college preparatory school accused of covering up serial abuse and misconduct by former athletic director.
- Judgment awarded for unpaid legal fees, with interest, to boutique law firm following dismissal of legal malpractice claims alleging failure to recommend acceptance of settlement proposal.
- Settlement of breach of contract claims against publicly traded multinational manufacturer of electronic security systems following successful arbitration under AAA ICDR procedures.

Published Work and Lectures

- New York State Bar Association, Law Practice Management Committee and the Committee on Continuing Legal Education Webinar, "An Ethical Exploration of the Three R's: Attorney Ratings, Rankings and Review," March 10, 2020
- LMRM Conference, "Lateral Partners: Trick or Treat" – LMRM Conference – Chicago, March 2019
- New York State Bar Association, Speaker, "Multi-Jurisdictional Practice," January 2019
- City Bar Association, Speaker, "Divorce Law 101 – Ethics," May 2017
- New York State Bar Association, Speaker, "Attorney Ethics and Discipline," March 2017
- New York State Bar Association, "Ethics and the Internet: What All Lawyers Need to Know," March 2017
- New York State Bar Association Bi-Annual Legal Malpractice Conference, Speaker, "Risk Management for Lawyers," March 2017
- SFR Conference, Speaker, "Partnership Agreements: Prenup or Healthy Working Document?" November 2016
- Westchester County Bar Association, Speaker, "Virtual Law Practice," May 2016
- New York State Bar Association Webcast, Speaker, "Virtual Law Practice: After *Schoenefeld v. New York* – Where is Your Office?" December 2015
- New York State Bar Association Bi-Annual Legal Malpractice Conference, Speaker, "Risk Management for Lawyers," March 2015
- New York State Bar Association Bi-Annual Legal Malpractice Conference, Speaker, "Risk Management for Lawyers," March 2013

- *Bloomberg Law Reports*, Author, "Directors and Officers: The Role of Motive in Defining the Line Between Good Faith and Bad," February 7, 2011
- New York State Bar Association Bi-Annual Legal Malpractice Conference, Speaker, "Risk Management for Lawyers," March 2011
- ABA Spring 2010 National Legal Malpractice Conference, Speaker, "Emerging Trends in a Depressed Real Estate Market," April 2010
- New York State Bar Association Bi-Annual Legal Malpractice Conference, Speaker, "Risk Management for Lawyers," March 2009
- Legal Malpractice & Risk Management Conference, Speaker, "Evolving Duties," March 2006

Affiliations

- American Bar Association, Member, 2006-Present
 - Committee on LLCs, Partnerships and Unincorporated Entities, 2010-Present
- New York State Bar Association, Member, 2011-Present
 - Law Practice Management Committee, 2015-Present

Honors and Distinctions

- *Super Lawyers* Magazine, 2014-2018, Listed in New York for Business Litigation

Ranking Methodologies