



— *Law Office of* —  
*David M. Daftary*

## **PROFESSIONAL NEGLIGENCE**

The Law Office of David M. Daftary represents clients who have suffered a physical injury or a financial loss as a result of the negligent acts of a physician, dentist, attorney, real estate agent, accountant, or other professional.

## **ACCOUNTANTS NEGLIGENCE**

Certified public accountants (CPAs) have a responsibility to their clients to perform their work expeditiously. The opinion, judgment and accuracy of the CPA can affect not only the client but investors, partners, creditors and stockholders alike. Legal liability is the responsibility of the accountant doing the work.

Rules governing accountants and those who specialize in tax preparation come from many sources including professional governing boards, the Security and Exchange Commission and the IRS to name a few. These rules dictate the actions of the accountant in the competent and expert handling of client matters, confidentiality, objectivity and integrity.

On occasion, accountants will act unethically in conducting an audit or in preparing corporate or other taxes that result in losses for their clients. The Law Office of David M. Daftary can help in cases where financial loss is a result of the negligent acts of an accountant. In order to recover losses from a certified public accountant, the client must prove:

- Breach of duty
  - Causation
  - Duty of care
    - Losses



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Without the help of an attorney to adequately investigate and break down these issues so a jury can understand, it is very hard to be successful in recovering your losses. Call The Law Office of David M. Daftary today to obtain the necessary expertise and help with your case. We serve clients throughout San Diego, Orange and Riverside Counties.

### **INSURANCE BROKER NEGLIGENCE**

There are as many types of lawsuits brought against insurance brokers as there are types of insurance. If you live in San Diego, Orange or Los Angeles Counties and your insurance company refuses to pay for your loss, contact The Law Office of David M. Daftary today.

Mr. Daftary can handle a myriad of insurance claims including:

- Business interruption
- Disability claims
- Failure to pay property claims
- Fire, wind and other damage to homes or buildings
  - Life insurance breach of contract or fraud
  - Valuable items loss

Specifics of any case against an insurance broker must be carefully reviewed with an attorney. There are at least three main issues that must be considered.

#### 1. Was the Insured Covered?

Was the loss adequately covered or was it simply not covered at all. If proper insurance had been obtained, there would, of course, be no need for a claim against the broker.

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2. Did the Broker Recommend the Correct Insurance and What did the Client Request?

In this case, communication is key. The client should know what he is requesting, and the broker has a duty to follow through and obtain the insurance coverage requested. Otherwise, the client may have a negligence case.

3. Is There a Special Relationship with the Broker?

Is the broker knowledgeable about a given area so that the proper insurance coverage should have been recommended? In this case, the broker is not just taking orders but should advise the client on the coverage needed.

### **MEDICAL MALPRACTICE**

Medical malpractice results when a person seeks out medical care from a licensed professional and the professional fails to provide the normal standard of care for that procedure and an injury results.

Contact The Law Office of David M. Daftary if you reside in San Diego, Orange and Riverside Counties. We can help with such issues as:

- Diagnostic errors
- Injuries suffered during surgery
- Wrong medications prescribed
  - Wrongful life

In California, there is a one-year statute of limitations for filing a medical malpractice case, and the law has made it very difficult to prove negligence in situations involving medical treatment. That a doctor-patient relationship was established needs to be proved along with the fact that the doctor's negligent treatment caused the injury or harm to the patient among other things. Without the help of an experienced and knowledgeable medical



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malpractice attorney, it is almost impossible to prove negligence. We conduct complex investigations to establish your case.

The Law Office of David M. Daftary understands the debilitating and painful injuries medical malpractice can cause. We treat our clients with compassion and fight for your rights or the rights of your loved one to a just and fair compensation.

### **LEGAL MALPRACTICE**

At The Law Office of David M. Daftary, we take pride in representing our clients with integrity and professionalism. We pay close attention to every

detail, and we give our clients two hundred percent when representing them. Unfortunately, on occasion, there are attorneys who are negligent in handling a case, and the result of their actions causes harm to their client.

This negligence is called legal malpractice and can occur in any case where an attorney gives advice to or represents a client. This includes but is not limited to:

- Contract negotiations
  - Executing estates
  - Insurance claims
  - Patent applications
- Setting up business partnerships

Legal malpractice claims most often involve an attorney missing a deadline for filing paperwork, filing paperwork incorrectly, missing a statute of limitations deadline, producing defective documents and/or acting without the client's consent. Failure to know the law, inadequate investigation and conflicts of interest are also mistakes that can lead to legal malpractice.



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Similarly to medical malpractice, the plaintiff in a successful legal malpractice lawsuit must first prove:

- The existence of an attorney-client relationship
  - Negligence in legal representation
- That the negligence caused harm or injury
  - The extent of the alleged injury

It is advisable to contact the Law Office of David M. Daftary as soon as possible about your legal malpractice case. We can assist with getting the legal outcome you deserved.

### **REAL ESTATE BROKER NEGLIGENCE**

The Law Office of David M. Daftary is experienced in handling disputes relating to real estate brokers and/or agents and their ethical, fiduciary and legal obligations. We can help with contract disputes, close of escrow issues, failure to disclose and other types of errors and omissions that may occur.

Our clients are individual purchasers, sellers and developers in San Diego, Orange and Riverside Counties. We appreciate that real estate broker disputes often involve a large amount of money which makes them all the more emotionally stressful. We are committed to formulating solutions that meet your objectives and to implementing those solutions to your maximum benefit.

**Practice Areas: Construction Litigation • Personal Injury •  
Professional Negligence • Public Entity and Real Property Law**