

Aaron E. Moore

Shareholder

AEMoore@mdwgc.com

Wilmington – 302.552.4367

Philadelphia – 215.575.2899



Aaron provides legal counsel to attorneys, accountants, real estate agents, home inspectors, home appraisers, insurance brokers, and other professionals. Aaron has strong experience representing insurance brokers throughout Pennsylvania and Delaware, including complex claims involving issues concerning duty of care, policy interpretation, whether alternative policies were available, and claims with nuanced statute of limitations issues. He handles a variety of claims including, but not limited to, legal and accounting malpractice, wrongful use of civil process, commercial litigation, negligence, breach of contract, municipal liability, and civil rights matters. Aaron is also experienced in consumer financial services litigation and compliance, particularly representing attorneys and agencies in debt collection practices.

Outside of his professional liability practice, Aaron is also an experienced litigator, defending clients in matters involving premises liability, land use, automobile liability, intellectual property and employment law.

Aaron is a 1987 graduate of Millersville University. Following graduation, he taught grades six through eight in the School District of Philadelphia for 12 years. During that time, he earned a Master's Degree in Education from Temple University. While teaching, Aaron attended evening classes at the Beasley School of Law at Temple University where he made the Dean's List and earned honors in Trial Advocacy and Research and Writing. Aaron began his legal career as an associate with a Blue Bell, Pennsylvania law firm, where he primarily focused on defending Pennsylvania municipalities in areas of civil rights law, premises liability, land use and automobile liability.

Aaron has received an AV[®] Preeminent[™] rating by the Martindale Hubbell.

Education

- Temple University Beasley School of Law (J.D., 2003)

Practices

- Miscellaneous Professional Liability
- Lawyers' Professional Liability
- Consumer Financial Services Litigation
- Disciplinary Board Representation
- Non-Profit D&O
- Commercial Litigation
- Insurance Agents & Brokers Liability
- Real Estate E&O Liability

- Temple University (M.A., 1995)
 - El. Ed.
- Millersville University of Pennsylvania (B.A., 1987)

Admissions

- Pennsylvania, 2003
- U.S. District Court Eastern District of Pennsylvania, 2006
- U.S. District Court Middle District of Pennsylvania, 2016
- Delaware, 2020
- U.S. District Court District of Delaware, 2021

Honors & Awards

- Top Lawyer, Legal Malpractice, Delaware Today (November 2024)
- AV® Preeminent™ by Martindale-Hubbell®

Associations & Memberships

- Claims & Litigation Management Alliance (CLM)
- Philadelphia Bar Association
- Professional Liability Defense Federation

Classes / Seminars Taught

- *Proving a Case Within a Case in Legal Malpractice Actions*, PLDF Annual Meeting, September 2018
- *Developments in Lawyer Liability in Pennsylvania & New Jersey*, client seminar, March 2017
- *Professional Liability - Issues for Attorneys*, client seminar, June 2016
- *Virtual Law Office and Interstate Practice of Law*, National Business Institute, April 2015
- Aaron has been invited to speak to the Pennsylvania Institute of Certified Public Accountants as well as the Pennsylvania Home Inspector Association. Aaron has also given presentations to insurance companies concerning developments in legal malpractice law.

Published Works

- "[LPL Claims Without Privity: Support for a Bright Line Rule](#)", *Professional Liability Defense Quarterly*, Fall 2018
- "Proving The 'Case-Within-A-Case' Standard," *For The Defense*, April 2018
- "Demonstrative Evidence at Trial", *Pennsylvania Civil Trial Practice*, 2017, 2018, Reviewing Author
- "Common Evidentiary Issues at Trial", *Pennsylvania Civil Trial Practice*, 2017, 2018
- "Responsive Pleadings", *Pennsylvania Civil Pre-Trial Practice*, 2017, 2018, Reviewing Author
- *Pennsylvania Legal Malpractice Handbook, 2017 Edition, 2019 Edition*, Published by Marshall Dennehey Warner Coleman & Goggin, Co-author
- "Pennsylvania Supreme Court Rejects Constitutional Challenge to the Dragonetti Act," *Defense Digest*, Vol. 23, No. 2, June 2017

- "An Argument Against Imposing Liability Against Attorneys for Aiding and Abetting Their Client's Breach of Fiduciary Duty Under Pennsylvania Law," *Defense Digest*, Vol. 17, No. 4, December 2011
- "Former Phillies Tyler Green Thrown a Curve on Appeal for Legal Fees," *Defense Digest*, September 2007
- "Medical Malpractice Plaintiff's Motion for Relief from Judgment of Non Pros Lacks Merit," *Defense Digest*, March 2007
- Regular contributor to MDWC&G *Case Law Alerts*.

Significant Representative Matters

- Successfully obtained dismissal of claims brought derivatively and directly by a corporation, including aiding and abetting breach of fiduciary duty and tortious interference with contract. The claims were brought against our client, an out of state attorney who previously represented the corporation and its former director. The Court granted the attorney's Motion to Dismiss, concluding that the plaintiffs failed to sufficiently allege facts that would confer personal jurisdiction over the attorney under a conspiracy theory.
- Successfully obtained dismissal of wrongful use of civil proceedings claims brought against our clients, two attorneys who were alleged to have wrongfully prosecuted a professional negligence claim against the plaintiff, a real estate agent. The plaintiff would not accept any settlement that was less than policy limits. After five years of litigation, the Court granted the attorney defendants' summary judgment motion, concluding that the plaintiff failed to adduce facts that would reflect that the attorneys prosecuted the for obtaining dismissal of wrongful use of civil proceedings claims brought against our clients, two attorneys who were alleged to have wrongfully prosecuted a professional negligence claim against the plaintiff, a real estate agent. The plaintiff would not accept any settlement that was less than policy limits. After five years of litigation, the Court granted the attorney defendants' summary judgment motion, concluding that the plaintiff failed to adduce facts that would reflect that the attorneys prosecuted the underlying action in a grossly negligent manner, or without probable cause. The Court also held that the plaintiff was unable to demonstrate that the underlying lawsuit was prosecuted for an improper purpose.
- Successfully defended a home inspector before the Delaware Division of Professional Regulation. The Claimants sought disciplinary action against our client in connection with his inspection of their home. We were able to persuade the Division that the complained of defects at the property were not subject to inspection because they were not visible at the time of inspection. The Division weighed all concerns involved in the matter and on November 1, 2023, it concluded that the facts did not reflect a violation of the laws, rules, and regulations that governed the activities of the licensed professional.
- A unanimous jury found in favor of our clients, a lawyer and his law firm in a legal malpractice case arising out of the lawyer's drafting of a postnuptial agreement. The postnuptial agreement was invalidated by a family court judge, causing the husband to lose approximately \$1.2 million as part of a subsequent property separation agreement. The jury considered testimony from the plaintiff's ex-wife which reflected that she had signed the agreement under duress and concluded that the plaintiff could not demonstrate that the postnuptial agreement was invalidated as a result of anything the lawyer did.
- Plaintiff claimed that estate attorneys misinterpreted stock restriction agreement causing Plaintiff's husband's estate to lose in excess of \$1 million. Court held that agreement was properly interpreted by attorneys
- Attorney prosecuted civil rights claim on behalf of mother of son who was shot and

killed by a Philadelphia police officer while unarmed and posing no threat to the officer. Mother of decedent served as administrator of estate and retained proceeds of settlement. Decedent allegedly had two children who should have received the proceeds. Attorney sued by children's mother on their behalf. Plaintiff's minor children made \$1 million settlement demand just prior to the court's dismissal of the claims.

- Plaintiff claimed that his attorney failed to properly prosecute his workers' compensation claim causing his benefits to be discontinued. Plaintiff's claims dismissed by way of summary judgment motion.
- Buyers of real property sued real estate agent for seller, claiming misrepresentations regarding use of the property. Claims dismissed by way of summary judgment motion.
- Success in getting a number of legal malpractice cases dismissed promptly by way of preliminary objections. In such cases, the Plaintiff failed to allege facts that, even if true, could yield liability as to our client.
- Success in getting a number of legal malpractice cases dismissed upon the filing of motions for non pros as a result of opposing counsel's failure to comply with the Pennsylvania Rules of Civil Procedure.
- Summary judgment and motions to dismiss granted on behalf of a number of clients. In one recent case, the plaintiff claimed that our attorney client was liable to him for wrongful use of civil proceedings and was seeking in excess of \$3 million in damages. Upon the filing of a Motion for Summary Judgment, the court dismissed our client, finding no liability whatsoever.
- Success in defending clients at arbitration hearings and bench trials, including cases involving alleged home inspector liability and insurance subrogation claims.

Results

One Month – 4 Outstanding Results! Aaron Moore Obtained Four Successful Results on Behalf of Clients in the Span of One Month

Defense verdict on behalf of a real estate broker and agent. The plaintiffs, homebuyers, claimed that the sellers' broker and agent were liable to them for the value of fixtures that were taken by the sellers when they vacated the property, which were alleged to have been included in the sale. At a bench trial, the judge determined that neither the broker nor the agent could be held liable to the plaintiffs because the representations regarding what was included in the sale were made by the sellers.

Supreme Court affirmance of dismissal of a complex legal malpractice lawsuit.

Aaron and Carol Vanderwoude obtained a Delaware Supreme Court affirmance of the trial court's dismissal of a complex legal malpractice claim. The plaintiffs, seven affiliated companies and their owners in the business of developing property, had been sued by their bank for defaulting on multiple lines of credit. The bank filed multiple lawsuits against the property developers, claiming approximately \$7 million in damages, plus attorneys' fees, which were recoverable pursuant to the terms of the promissory notes. The property developers retained our client to defend the lawsuits, asserting that the amounts claimed to be owed to the bank were significantly overstated. Our client vigorously defended the bank's underlying lawsuits. Ultimately, the property developers settled the bank's lawsuits for the entire amount owed, plus interest and the bank's legal

fees. The developers argued that its attorneys should have advised them to settle the bank's claims after the lawsuits were commenced and that, if they had done so, they would not have had to pay the bank's legal fees, our client's legal fees, or expert witness fees, or the additional interest on the loan. The property developers also claimed that not settling with the bank earlier caused them lost business opportunities valued at nearly \$1 million. The plaintiffs' legal malpractice claims were dismissed because their expert witness, a Maryland attorney with no business litigation experience, was not qualified to serve as an expert and because their damages claims were speculative.

Motion to dismiss in complex matter involving claims of fraud, misappropriation of trade secrets, tortious interference with contractual relations, and piercing the corporate veil. The plaintiff, an investment fund, had purchased a business that was controlled and primarily owned by our client. The business ultimately went bankrupt, and the plaintiff claimed that the purchase was premised upon misrepresentation by our client. The plaintiff maintained that jurisdiction in Delaware was proper pursuant to the Asset Purchase Agreement. The District Court was persuaded by arguments reflecting that it lacked personal jurisdiction over our client, a citizen of Canada, even though he signed the Asset Purchase Agreement which included language conferring jurisdiction over claims arising from the sale in Delaware. The court agreed that our client did not sign the agreement in his individual capacity, and the plaintiff's piercing the corporate veil allegations were insufficient to confer personal jurisdiction.

Dismissal of an unjust enrichment claim. Obtained dismissal of an unjust enrichment claim brought by a condominium unit owner against the attorneys who represented her condominium association. The unit owner claimed that the law firm was liable to her for unjust enrichment in connection with legal fees it received from the association for legal services provided in efforts to collect on past due assessments owed by the unit owner. Pursuant to the association's governing documents, the charges were passed on to the unit owner. The court agreed that the fees that were paid to our client by the condominium association were properly earned.

Unanimous Appellate Decision Preserves Defense Win in Legal Malpractice Suit

We successfully defended an appeal from a jury verdict previously secured by members of our Lawyers' Professional Liability Department in favor of the firm's client in a legal malpractice case. The plaintiffs initially asserted multiple tort claims and a claim under the Unfair Trade Practices and Consumer Protection Law, which were dismissed by the trial court upon partial grant of the defense's motion for judgment on the pleadings. The case proceeded to trial on a remaining breach of contract claim, resulting in a defense verdict. On appeal, the plaintiffs challenged the trial court's rulings on both the motion for judgment on the pleadings and a motion *in limine* related to evidentiary exclusions. The Pennsylvania Superior Court unanimously affirmed the trial court's rulings, holding that the tort claims were time-barred and that the plaintiffs had waived their evidentiary argument by failing to properly develop it in their appellate brief.

Summary Judgment Secured in a Legal Malpractice Case

We obtained a summary judgment dismissal on behalf of our client, a law firm, that was sued by its former clients for legal malpractice. The plaintiffs, seven affiliated companies and their owners in the business of developing property, had been sued by their bank for defaulting on multiple lines of credit. The bank filed several lawsuits against the property developers, claiming approximately \$7 million in damages, plus attorneys' fees, which were recoverable pursuant to the terms of the promissory notes. The property developers retained our client to defend the lawsuits, arguing the amounts claimed to be owed to the bank were significantly overstated. Our client vigorously defended the bank's underlying lawsuits. Ultimately, the property developers settled the bank's lawsuits for the entire amount owed, plus interest and the bank's legal fees. The developers argued that its attorneys should have advised them to settle the bank's claims after the lawsuits were commenced and that, had they done so, they would not have had to pay the bank's legal fees (\$825,000), our client's legal fees (\$485,000), expert witness fees (\$335,000) or the additional interest on the loan. The property developers also claimed that not settling with the bank earlier caused them lost business opportunities valued at nearly \$1 million. The plaintiffs' legal malpractice claims were dismissed because their expert witness, a Maryland attorney with no business litigation experience, was not qualified to serve as an expert and because their damages claims were speculative.

Successfully Obtained Dismissal of Claims Brought Derivatively and Directly by a Corporation

We successfully obtained dismissal of claims brought derivatively and directly by a corporation, including aiding and abetting breach of fiduciary duty and tortious interference with contract. The claims were brought against our client, an out of state attorney who previously represented the corporation and its former director. The Court granted the attorney's Motion to Dismiss, concluding that the plaintiffs failed to sufficiently allege facts that would confer personal jurisdiction over the attorney under a conspiracy theory.

Successfully Obtained Dismissal of Wrongful Use of Civil Proceedings Claims Brought Against Two Attorneys

We successfully obtained dismissal of wrongful use of civil proceedings claims brought against our clients, two attorneys who were alleged to have wrongfully prosecuted a professional negligence claim against the plaintiff, a real estate agent. The plaintiff would not accept any settlement that was less than policy limits. After five years of litigation, the Court granted the attorney defendants' summary judgment motion, concluding that the plaintiff failed to adduce facts that would reflect that the attorneys prosecuted the underlying action in a grossly negligent manner, or without probable cause. The Court also held that the plaintiff was unable to demonstrate that the underlying lawsuit was prosecuted for an improper purpose.

Obtained Dismissal of All Claims Against Our Clients in Legal Malpractice Matters

We obtained dismissal of wrongful use of civil proceedings claims brought against our

clients, two attorneys who were alleged to have wrongfully prosecuted a professional negligence claim against the plaintiff, a real estate agent. The plaintiff would not accept any settlement that was less than policy limits. After five years of litigation, the court granted our summary judgment motion, concluding that the plaintiff failed to adduce facts that would reflect that the attorneys prosecuted the underlying action in a grossly negligent manner, or without probable cause.

Summary Judgment Secured for a Condominium Association

We obtained summary judgment, dismissal and an award of attorneys' fees for a condominium association. Judgment was entered in favor of our client against the plaintiff in an earlier action that sought unpaid assessments. In order to sell its property, the plaintiff sent the association a check in the amount of recorded liens. The association returned the check, demanding the full payoff amount, and claimed a statutory lien for all amounts owed. The plaintiff paid the full amount and then filed its complaint, seeking a declaration from the court that the association should have satisfied a lien for the recorded amount even though additional amounts were owed under a statutory lien. The court found that the statutory liens which applied to the property created both *in rem* and *in personam* liability and, therefore, the association had no legal obligation to mark the lien as satisfied until it was fully paid. The court awarded our client's attorneys' fees for the plaintiff's failure to appeal the lower court's decision awarding the initial judgment and attorneys' fees and, instead, bringing an additional action, which resulted in further delay and expenditure of additional sums by the association.

Defense Jury Verdict in Philadelphia on a Legal Malpractice Claim

The plaintiffs had hired our attorney client to represent them in a property damage case against contractors and an insurance company after, as they claimed, the roof of their property was left open and water damage was sustained. The plaintiffs argued that their attorney failed to faithfully represent them and caused them to lose their claims against the contractors. After a week-long trial, we successfully proved that our attorney client did not cause the plaintiffs to lose the underlying claims, and we obtained a unanimous defense verdict in favor of the attorney defendant and his law firm.

Unanimous Defense Verdict in Legal Malpractice Case

We secured a unanimous defense verdict in a legal malpractice case stemming from underlying property damage litigation. The plaintiffs rejected a \$350,000 settlement before the jury found for our client.

District court order dismissing a federal civil rights lawsuit affirmed.

A panel of the the Third Circuit unanimously affirmed an order of the U.S.D.C. for the District of Delaware which granted a Rule 12 motion to dismiss in favor of law enforcement officials. The plaintiff filed suit under Section 1983, seeking damages for the alleged violation of his Fourth and Fourteenth Amendment rights following a traffic stop, for driving under the influence of alcohol, and the lawful seizure of blood alcohol evidence. The officials moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), arguing the Fourth and Fourteenth Amendment claims were barred by the claim accrual rule in Heck v. Humphrey, 512 U.S. 477 (1994). The district court

agreed and dismissed the lawsuit. The plaintiff appealed.

Counsel argued on appeal that the plaintiff was convicted of “reckless driving” and was subject to the “alcohol-related” penalty provision of Delaware’s reckless driving statute. As such, the imposition of the plaintiff’s sentence requires his willful or wanton disregard for safety of others be related to alcohol use. The Third Circuit agreed. In affirming, the court explained, “[c]onsidering that alcohol involvement was the basis for the alcohol-related penalty provision and considering the evidence obtained through the challenged search was integral to establishing the involvement of alcohol, any error in the search would not be harmless.” Because the plaintiff failed to show his sentence has been set aside, the court agreed that the plaintiff cannot bring his claims at this time.

Accounting Malpractice Claim Barred by Statute of Limitations

We obtained dismissal of an accounting malpractice claim on preliminary objections in the Philadelphia Court of Common Pleas. The plaintiffs alleged that their accountant improperly prepared their tax returns—as married filing jointly—and failed to claim business losses, that resulted in an unexpected tax liability being owed. Although the plaintiffs attempted to rely on the discovery rule to toll the statute of limitations, the defense successfully argued that the plaintiffs were on notice of the alleged negligence by the time they received the prepared tax returns, and that their failure to investigate potential claims at that time was a failure to exercise due diligence as a matter of law. We further argued that because they were under a duty to investigate earlier, the plaintiffs could not successfully allege that they could not have known of their claims until they hired a tax attorney to investigate. Because the plaintiffs did not bring their negligence claim until more than two years after they received their prepared tax returns, their claims were barred by the Statute of Limitations.

Dismissal of All Claims Against Attorney in a Consumer Rights Lawsuit

The plaintiff was named as a defendant in a debt collection action for failing to pay her attorney’s legal bills. Judgment was entered against her but never fully enforced. More than five years later, our client filed a Praecipe to Issue Writ of Revival and then mistakenly filed a Praecipe for Writ of Execution before the judgment was revived by the court. Although the Sheriff’s Sale of the plaintiff’s home never proceeded, she nonetheless sued our client for due process violations, abuse of process, conspiracy, negligence, intentional infliction of emotional distress, and violations of the Fair Debt Collection Practices Act and the Fair Credit Extension Uniformity Act. Most of the claims were dismissed early in the proceedings. Thereafter, we successfully argued in a summary judgment motion that the plaintiff failed to adduce evidence that our client acted in a manner to harass, oppress or abuse her, or that our client engaged in any other activity in violation of the FDCPA or FCEUA. The court agreed and dismissed the plaintiff’s remaining claims.

Thought Leadership

October 1, 2025

Delaware Supreme Court Upholds Dismissal of Legal Malpractice Claims Based on Collateral Estoppel

January 1, 2025

Insurance Policies, Including Exclusions, Need to Be Clear and Unambiguous, According to Delaware Court

July 1, 2024

Delaware Supreme Court Rules that Attorneys Are Liable for Malpractice Claims If a Sufficiently Developed Record Could Have Impacted the Outcome of a Case

June 13, 2023

In an Atypical Legal Malpractice Case, the Delaware Superior Court Dismisses Insurance Agency's Legal Malpractice Claim Against Its Former Attorneys

April 1, 2023

The Dragonetti Act provision that provides for an award of punitive damages does not violate Pennsylvania's Constitution.

April 1, 2022

DE Superior Court dismisses legal malpractice claims for failure to identify expert witness who would support claims at jury trial.

March 10, 2022

Delaware Superior Court Dismissed Plaintiff's Legal Malpractice Claims Because He Failed To Identify an Expert Witness Who Would Support His Claims at His Forthcoming Jury Trial.

October 1, 2021

Delaware legal malpractice claim dismissed because plaintiff failed to produce an expert report before discovery deadline.

July 1, 2021

Court reiterates that Pennsylvania does not recognize the "increased risk of harm" doctrine in legal malpractice cases.