

# Arthur F. Wheeler

Shareholder

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Mount Laurel – 856.414.6316



Art is a shareholder in the Casualty Department and a member of the firm's Fraud and Special Investigation Unit (SIU) group where he focuses primarily on large loss and medical provider fraud. His practice in the area of fraud investigation consists of assessing and analyzing fraud by both medical providers and falsified claims brought by his client's insureds.

Art has also represented a large number of product manufacturers, designers and distributors in products liability actions. Additionally, he has defended numerous restaurants, hotels and businesses in premises liability claims involving allegations of serious and permanent injuries.

Art has also defended complex professional liability matters with an emphasis on defense of attorneys in legal malpractice matters; real estate agents and brokers as well as architects, engineers, directors and officers.

Art has successfully arbitrated and mediated approximately 100 cases in the Superior Court of New Jersey and Common Pleas Courts of Pennsylvania.

In 1990, Art graduated, *cum laude*, from St. Joseph's University. Following graduation, he attended Georgetown University Law Center and received his *juris doctor* in 1993. He worked as a law clerk for the United States Department of Justice while he was a student at Georgetown. In addition Art went on to earn his LLM Degree in Trial Advocacy from Temple University in 1998. In 2009, Arthur received an AV Preeminent peer review rating from Martindale-Hubbell which he has maintained in each of the subsequent years.

## Education

- Temple University Beasley School of Law (LL.M., 1998)
  - Trial Advocacy

## Practices

- Personal Injury Protection (PIP) Litigation
- Fraud/Special Investigation
- Real Estate E&O Liability
- Product Liability
- Commercial Litigation
- Lawyers' Professional Liability

- Georgetown University Law Center (J.D., 1993)
- Saint Joseph's University (B.A., *cum laude*, 1990)

## Admissions

- New Jersey, 1993
- Pennsylvania, 1994
- U.S. District Court District of New Jersey, 1993
- U.S. District Court Eastern District of Pennsylvania, 1995

## Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®

The Martindale Hubbell rated attorney list is issued by Internet Brands, Inc. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

## Associations & Memberships

- American Bar Association
- Burlington County Bar Association
- Camden County Bar Association
- New Jersey Bar Association

## Published Works

- "Statutory Exemption from Consumer Fraud Act for Realtors," *Defense Digest*, December 2018, Vol. 24, No. 4
- "Disqualification of Counsel and the Substantially Related Matters Test," *Defense Digest*, Vol. 16, No. 4, December 2010
- "Defense of Legal Malpractice Claims Asserted by Non-Clients," *Defense Digest*, Vol. 13, No. 4, December 2007
- "You Sold The Land But Did You Keep The Liability?," *Defense Digest*, Vol. 12, No. 4, December 2006

## Significant Representative Matters

- Obtained summary judgment on behalf of a real estate closing attorney in a matter filed in Cape May County, New Jersey, involving the refinance of a marital home in connection with a divorce settlement. The plaintiff's claims of legal malpractice, misrepresentation, and detrimental reliance upon our client's advice and actions were successfully defeated.
- Obtained summary judgment and successfully defended an appeal of the dismissal on behalf of a deputy surrogate of Mercer County, New Jersey. The trial court's decision was upheld, which granted summary judgment in connection with the administration of an estate involving properties worth several million dollars in New Jersey and Pennsylvania.
- Obtained summary judgment for a well-known Camden County plaintiff's law firm which had been sued for legal malpractice by their former client because the underlying personal injury matter had been dismissed by the trial court. Summary judgment was granted since the plaintiff could not prove that the necessary doctor's report, setting forth the analysis to overcome the New Jersey verbal threshold statute, would have been unable to be obtained by the plaintiff in the underlying matter.

- Obtained dismissal of a legal malpractice claim against a large, well-known plaintiff's firm in New Jersey in which the plaintiff was counseled by one of the two original defendant law firms concerning a workers' compensation claim for asbestosis. Subsequently, the first firm referred the matter to the other co-defendant firm for handling. Our client was asked to consult for a potential third party asbestos claim against the asbestos manufacturer. We successfully argued that the claim was referred to our client for review after the statute of limitations and, further, we argued that there was no attorney-client relationship with the plaintiff in the underlying matter, nor was there any duty owed to the referring law firm.
- Obtained summary judgment in a legal malpractice action by successfully arguing that our client's actions in representing the plaintiff in connection with the appeal of his police sergeant's exam in Camden County, New Jersey, were not the proximate cause of the unsuccessful appeal. Although our client did not file an Appellate Brief within the time prescribed by the court, we successfully argued that the underlying sergeant's exam appeal would have been rejected by the Appellate Division even if the filing deadline had been met by the client.
- Obtained dismissal of a dram shop, premises liability case by showing through deposition testimony that our client did not serve the plaintiff while visibly intoxicated.
- Obtained summary judgment in a premises liability claim against a restaurant in southern New Jersey in which the plaintiff claimed to have fallen, sustaining knee injuries and an aggravation of an arthritic condition. The court granted summary judgment in the matter where the plaintiff admitted in depositions that she could not describe the area where she fell. Further, emergency room records showed that the plaintiff, in fact, went to the emergency room on the day before the subject accident.

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## Results

### **Defense Verdict Affirmed in Complex Legal Malpractice Case**

We successfully defended an appeal in a complex series of legal malpractice actions arising out of an \$11 million investment in an illegal venture in Brazil. In the initial trial, the plaintiff's economic loss expert had offered a net opinion in connection with what plaintiff would have earned from the illegal venture in Brazil. We established the plaintiff's knowledge of that illegality, which had been demonstrated in the previous legal malpractice action. Accordingly, the plaintiff's expert report was barred in the first legal malpractice action, the doctrine of collateral estoppel applied, and the Appellate Division affirmed the trial court's order, which barred the expert report in the second legal malpractice action. In addition, the court found that profits derived from the illegal venture are worthless and cannot form the basis for a claim.

### **Dismissal of Complex Legal Malpractice Action**

We obtained a dismissal of a legal malpractice action arising from a Law Against Discrimination and Conscientious Employment Practices Act action against a municipality and its School Board. In this complex multi-party action, our client, an expert in school law, was retained by the school district to handle a hearing against the plaintiff, a teacher and coach. The plaintiffs alleged a conspiracy among the lawyers and the school board to oust the plaintiff. There were also allegations of malicious prosecution and malicious abuse of process against the town and its attorneys. The court granted our motion and

dismissed based on the litigation privilege.