

Matthew Flanagan

Co-Chair, Disciplinary Board Representation Practice Group

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Matt is a highly skilled litigator with over 30 years of trial and appellate experience and serves as Co-Chair of the firm's Disciplinary Board Representation Practice Group. His practice is concentrated on the defense of lawyers against malpractice actions, Judiciary Law 487 claims and grievances. He also defends other professionals and handles general litigation matters on behalf of corporate clients. He has successfully tried cases in New York City and its surrounding counties and has secured dozens of victories in attorney liability cases in New York State's appellate courts.

With a career-long focus on professional liability litigation, Matt lectures throughout the state on legal malpractice prevention and defense, ethics and professional responsibility. His articles relating to attorney ethics have been cited in the authoritative codification of the laws of New York, as well as New York's leading treatise on the Rules of Professional Conduct.

Among his numerous professional memberships, he is the past President of the Theodore Roosevelt American Inn of Court and is a member of the New York State Bar Association's Law Practice Management and Insurance Committees. He is a longtime member of the Nassau County Bar Association and served as Chair of the Association's Ethics Committee from 2019 to 2022. He is also a longtime member of the American Bar Association.

Matt has been recognized annually as a New York Metro Area Super Lawyer for over a decade and is rated AV Preeminent™ by Martindale-Hubbell, the highest peer-review ranking for an attorney's professional and ethical competence. A graduate of St. John's University School of Law and Fordham University, he is admitted to practice before the courts of the State of New York, the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.

Practices

- Lawyers' Professional Liability
- Disciplinary Board Representation
- Miscellaneous Professional Liability

Education

- St. John's University School of Law (J.D., 1992)
- Fordham University (B.A., 1989)

Admissions

- New York, 1993
- U.S. District Court Eastern District of New York, 1993
- U.S. District Court Southern District of New York, 1993
- U.S. Court of Appeals 2nd Circuit, 1996

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- New York Metro Area Super Lawyer (2012-2026)

Associations & Memberships

- American Bar Association (2007-Present)
- Nassau County Bar Association (1999-present); Ethics Committee (2011-present); Ethics Committee Chairman (2019-2022)
- New York State Bar Association (1999-present); Law Practice Management & Insurance Committees (2011-present)
- St. John's University Alumni Association, Nassau Chapter (2000-present); President (2017-2020)
- Theodore Roosevelt American Inn of Court, (2011-present); President (October 2023-present)

Classes & Seminars Taught

Trends In Claims, Marshall Dennehey Client Presentation, May 5, 2026

The Art of Mediation, Marshall Dennehey Client Presentation, May 5, 2026

Attorney Discipline, Theodore Roosevelt American Inn of Court (with program chairs Hon. Randall Eng, Appellate Division, Second Department (ret.), and Hon. Helen Voutsinas, Appellate Division, Second Department), November 15, 2023

Risk Management and the Rules of Professional Conduct, Nassau County Bar Association, May 12, 2022

Cybersecurity: Are You and Your Firm Compliant: A Checklist for Lawyers, Joint Presentation of Nassau County Women's Bar Association and Nassau County Bar Association Ethics Committee, March 3, 2020

Navigating Malpractice and Ethical Concerns for Trusts and Estates Attorneys, St. John's University School of Law Continuing Legal Education Weekend, February 8, 2020

Legal Malpractice: Elements & How to Avoid It, Suffolk Academy of Law, December 12,

2019

Legal Malpractice: Reducing Your Risk and Strengthening Your Defense, St. John's University School of Law Spring Continuing Legal Education Weekend, February 10, 2018

Lawyers' Ethics: Escrow Accounts (with Hon. Leonard Austin, Appellate Division, Second Department), Theodore Roosevelt American Inn of Court, December 12, 2017
Judicial Ethics, What's a Judge to Do? (with Hon. Vito DeStefano and Hon. Randy Sue Marber, Supreme Court, Nassau County), Theodore Roosevelt American Inn of Court, April 27, 2017

Legal Malpractice: Professional Liability Claims, Litigation Strategies and Attorney Discipline Procedures, New York State Bar Association, Melville, New York, March 31, 2017

Attorney Ethics: A Discussion of the New Statewide Procedures for Attorney Discipline Matters (with Abraham Krieger, Chairman of Grievance Committee for 10th Judicial District), St. John's University School of Law Continuing Legal Education Weekend, February 25, 2017

Legal Malpractice Update, Nassau County Bar Association, February 1, 2017

Published Works

- "Escrow Cleanup: Taking Care of the Money Left Behind," *NYSBA Journal*, Vol. 90, No. 8, New York State Bar Association, October 2018
- "On Ethics: Agreements Not To Grieve – Are They Ethical?" – *Nassau Lawyer*, November 1, 2017
- "On Ethics: Addressing Claims Against A Client's Settlement Funds," *Nassau Lawyer*, March 1, 2017
- "Bowling Out Ethically: Ending the Attorney-Client Relationship Before the Matter is Completed," *NYSBA Journal*, Vol. 88, No. 7, New York State Bar Association, September 2016
- "Follow the Money - Escrow Accounts: The Dangers of Excessive Delegation and Deference," *NYSBA Journal*, Vol. 87, No. 5, New York State Bar Association, June 2015

Results

Summary Judgment Secured for Law Firm

We secured summary judgment for a law firm by successfully arguing that its role in implementing and overseeing a client's anti-money laundering policies did not encompass the accounting functions the accounting firm had agreed to perform, and that there was no evidence the law firm acted negligently. The underlying malpractice claim was brought by a check cashing company against its accountants, alleging that the

accounting firm failed to detect thefts committed by one of the company's employees. The accounting firm, in turn, filed a third-party contribution claim against the law firm, contending that the firm should have detected the employee's thefts through its work overseeing the company's anti-money laundering policies. The Court rejected the accounting firm's arguments, granted our motion for summary judgment, and dismissed the contribution claim.

Dismissal Secured in New York Legal Malpractice Matter

We secured a decision granting our motion to dismiss an attorney malpractice matter in Orange County, NY. The plaintiff and daughter of the co-defendants sued her parents and our client for breach of contract, breach of fiduciary duty denominated as promissory estoppel, and constructive trust and sought damages of \$800,000. The co-defendants allegedly purchased a property for the plaintiff to live and work in and agreed to deed the property to the plaintiff once she paid the mortgage in full. Our client created a family trust naming the plaintiff as trustee, in which the property would be transferred to the plaintiff following the death of both parents. However, following a family dispute, the co-defendants replaced the plaintiff as trustee with our client. Upon the request of the co-defendants and in accordance with the terms of the trust, our client transferred the house to another beneficiary. We filed a motion to dismiss on all counts which the court granted in full.

Thought Leadership

July 29, 2026

Courts in New York Continue to Crack Down on Attorneys' Faulty Reliance on Generative Artificial Intelligence

January 1, 2026

California Supreme Court Rejects Automatic Expungement of Attorney Disciplinary Records

February 1, 2025

California Initiates Automatic Expungement of Attorney Disciplinary Records

November 1, 2024

Legal Updates for Lawyers' Professional Liability - CASE LAW UPDATE