

Law Firm Partners Can Be Held Personally Liable for Malpractice Allegations Against Their Firms, Ga. Appeals Court Rules

The Bouhan Falligant attorney had advised her client to sue a longtime client of the firm over a construction project on which another attorney from the firm had provided advice.

June 30, 2026 at 02:29 PM By  **Alex Anteau**



Savannah, Georgia. Credit: Sean Pavone/ Shutterstock

Law firm partners can be held personally liable for certain legal malpractice claims brought against their firms, even if they didn't personally have an attorney-client relationship with the plaintiff, the Georgia Court of Appeals has [ruled](#).

"The court's decision makes it clear that if a corporate officer causes or takes part in a corporate tort, the officer cannot escape liability simply because the duty that was breached was owed by the corporation and not by the officer, personally," plaintiff-appellant counsel Tim Andrews told Law.com in an email.

The issues arose when Bouhan Falligant partner Elsie 'Dolly' Chisholm advised her client, Ships of the Sea Maritime Museum, to sue one of the firm's other longtime clients, Walter Freeman, over construction work he pursued on advice from a different Bouhan Falligant attorney. After Chisholm's client succeeded in getting his building permit revoked, Freeman fired back by suing both Chisholm and her firm for legal malpractice.

"Chisholm argues she cannot be held personally liable for Bouhan Falligant's breach of fiduciary duty because she never owed any duty to Freeman since she never personally represented him," appellate judge Jeffrey Davis wrote in the opinion released on Monday. "But Bouhan Falligant did owe a duty to its client Freeman, and as a partner in the LLP, Chisholm's alleged actions directly caused the firm to breach its duty to Freeman."

Chisholm did not respond to request for comment at the time of publication, and a member of her legal team from Hunter Maclean and Hawkins Parnell & Young declined to weigh in.

According to the ruling, in 2022, Freeman was looking to buy a property previously owned by Ships of the Sea, and wanted to know if a restrictive covenant that required the new owner to get permission from the museum to make alterations to the property—including garden fencing, paint colors and other modifications—was actually enforceable.

Harris Martin, also of Bouhan Falligant, told Freeman it was not, and the client bought the property. However, things took a turn when Freeman began to build a pool on the land without getting permission from the museum. According to the opinion, Freeman argued that Chisholm responded to the construction by urging her client to sue Freeman for breach of the covenant, lobbied neighbors to join as co-plaintiffs in the lawsuit, raised thousands to finance her client's attorney fees and convinced officials to issue a stop-work order and to revoke Freeman's city-issued building permit.

Freeman responded by suing Chisholm and Bouhan Falligant for breach of fiduciary duty and legal malpractice in the Superior Court of Chatham County. At first, Chisholm succeeded in getting the claims against her tossed on a motion to dismiss by arguing that Freeman couldn't sue her because he wasn't her client, according to the opinion. When Freeman appealed, though, the Court of Appeals took a different view of the dispute.

"Had Chisholm owed no duty to Freeman, and another partner in the firm took actions that breached the firm's duty to Freeman, Chisholm would not be personally liable for that breach of duty—because Chisholm neither owed the duty nor did she participate in causing the breach," Davis explained. "But because Chisholm is a partner in the firm, and the firm owed a fiduciary duty to Freeman, and it is alleged that Chisholm directed the actions that caused the breach of duty,

Chisholm can be held personally liable [even if Crisholm herself didn't have an attorney-client relationship with Freeman]."

Davis noted that while Chisholm pointed to a prior ruling in *Smith v. Morris Manning & Martin* that held that if "there was no evidence that the individual attorneys were representing the plaintiffs at the time those attorneys took actions that contravened the plaintiffs' interests, those attorneys could not be individually liable," that holding didn't apply to officers or partners, the court said.

"Further, finding that an attorney-partner can be personally liable for directing an act which causes the firm to breach a fiduciary duty is consistent with the Georgia Rules of Professional Conduct and imputed disqualification," Davis added.

Provided Chisholm's team isn't successful in filing a motion for reconsideration or a petition for certiorari with the state supreme court, that the case will go back to the Superior Court of Chatham County for the parties to begin discovery and prepare for trial, plaintiff's counsel told Law.com.

Presiding Judge Sarah Doyle and Senior Judge Andrew Fuller concurred with the opinion.

Page printed from: <https://www.law.com/dailyreportonline/2026/06/30/law-firm-partners-can-be-held-personally-liable-for-malpractice-allegations-against-their-firms-ga-appeals-court-rules/>

NOT FOR REPRINT

© 2026 ALM Global, LLC, All Rights Reserved. Request academic re-use from www.copyright.com. All other uses, submit a request to asset-and-logo-licensing@alm.com. For more information visit [Asset & Logo Licensing](#).