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Lawyer Takes Fraud, Malpractice Suit Against Proskauer to Nevada

Leigh Jones
[The National Law Journal](#)
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Everything may be bigger in Texas, but attorney George M. Fleming is hoping it's better in Nevada.

The plaintiffs attorney and University of Texas School of Law donor filed suit on Wednesday against Proskauer Rose, alleging that the New York law firm is liable for its role in the development of tax shelters offered by Ernst & Young LLP that the Internal Revenue Service has deemed unlawful.

In February, a Texas appeals court [booted Fleming's case out of the Lone Star state](#), ruling that it lacked jurisdiction because the law firm had insufficient contacts with Texas.

Fleming refiled in the U.S. District Court of Nevada, alleging that his company, Pelican Trading Inc., suffered huge losses through the tax shelters. The lawsuit contends that Proskauer Rose is liable for those losses because it wrongly advised Ernst & Young that the shelters more likely than not were permissible under the federal tax code.

The causes of action include fraud, deceptive trade practices, legal malpractice and conspiracy.

Fleming's attorney, Sarah Duckers in Houston, said that the complaint is suited for Nevada, since Pelican Trading is incorporated in that state, where Proskauer Rose also conducted business.

The law school is home to the George M. Fleming Center for Law and Innovation in Biomedicine and Healthcare. The University of Texas also has the George M. Fleming Center for Healthcare Management. The law school dining commons is "George's Café," named for Fleming.

Fleming is managing partner of Fleming & Associates, a mass tort and personal injury law firm in Houston. Proskauer Rose was not immediately available for comment.

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