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Malpractice Claim Against Proskauer Rose

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LOS ANGELES (CN) - A media executive sued the Proskauer Rose law firm for more than \$500,000 in a malpractice complaint. William Frazee claims that as president of Ascent Media Group he relied on Proskauer Rose's advice that there were no conflicts of interest in its representing him and Ascent in a lawsuit and a separate arbitration dispute.

But Ascent filed a claim against Frazee in November, claiming his actions in the two previous cases were outside the scope of his employment, "and that it is entitled to in excess of \$500,000 for attorneys' fees, expenses and settlement payments made by Ascent in connection with these matters and other unspecified matters."

In his complaint in Superior Court, Frazee says, "At no time did defendants inform plaintiff that he could be liable for such attorneys' fees, expenses and settlement payments."

Frazee says Ascent hired him as vice president in 1996, "and within six months, was promoted to president."

Ascent employee J. Carrie Zuzenak filed an arbitration claim against Ascent in May 2006, alleging sexual harassment, intentional infliction of emotional distress, constructive discharge and failure to prevent and correct discrimination. Frazee says he "has denied all wrongdoings as alleged by Zuzenak".

Frazee says that Proskauer Rose sent him a conflict of interest waiver letter in December 2006, asking him to consent to joint representation of him and Ascent in the Zuzenak arbitration at Ascent's expense. He says he agreed and reasonably relied on the assurances in the letter, "that defendants were unaware of any conflict of interests between Ascent and plaintiff, but that if a conflict between Ascent and plaintiff did arise, defendants would cease representing plaintiff and plaintiff would be provided an opportunity to obtain separate representation at his own expense."

That arbitration was settled in 2008.

A similar thing happened after Addie Hall sued Ascent and Frazee in March 2010, Frazee says. He again denied all wrongdoing and again consented to Proskauer Rose's joint representation, and its statements about conflicts of interest.

But on Nov. 8, 2010, Ascent filed a complaint against Frazee in an arbitration that is still pending. "In its petition against plaintiff, Ascent alleges, inter alia, that plaintiff's actions in the Zuzenak arbitration and Hall litigation were outside the scope of his employment and that it is entitled to in excess of \$500,000 for attorneys' fees, expenses and settlement payments made by Ascent in connection with these matters and other unspecified matters."

Frazee seeks damages for legal malpractice and breach of fiduciary, from Proskauer Rose and its attorney Anthony Oncidi. He says he has or will incur more than \$500,000 in legal fees, costs and settlement payments. And he says the defendant intended to injure him, with despicable, outrageous, oppressive and malicious conduct, so he should get punitive damages. He is represented by Samuel Smith with SJS Counsel, of Beverly Hills.

Ascent describes itself on its web page as a "fully integrated digital media services provider ... through the stages of creative post production, content management, distribution and, finally, content monetization."

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