

Kim M. Jackson Successfully Defends Second Accounting Malpractice Trial

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Kim M. Jackson, Partner at Bovis Kyle Burch & Medlin, LLC, and local Rome counsel J. Anderson (Andy) Davis of Brinson Askew Berry Seigler Richardson & Davis, LLP, tried an accounting malpractice claim to victory in the Superior Court of Floyd County during the week of March 2, 2015. The jury returned a verdict of only \$6,195.00 for the Plaintiffs against one of Rome, Georgia's largest CPA firms. The claim arose out of an allegation by the Plaintiffs that they had overpaid certain taxes in 2004, and had to pay to amend returns in 2005-2007, as a result of an alleged error by the CPA firm. Plaintiffs' asserted actual damages of over \$70,000. Plaintiffs also presented an OCGA 13-6-11 claim for attorney fees and expenses of litigation of nearly \$300,000, which the jury rejected in its entirety. The verdict was limited to the fees necessary to amend the 2005-2007 tax returns, which resulted in a refund without audit. The jury clearly rejected the professional negligence claims against the accounting firm. This was actually the second trial of this case. The first trial resulted in a jury verdict for the Defendant, after which the Judge granted a motion for new trial. A motion for fees by the Defendant pursuant to OCGA 9-11-68 is expected.