

VANCE LAMBERT

v.

PATRICK E. HUNT

Argued September 15, 2008
Decided September 30, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER,
MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Vance Lambert appeals from a summary judgment entered by the Superior Court (Penobscot County, *Hjelm, J.*) in favor of his former attorney, Patrick E. Hunt, on Lambert's complaint for legal malpractice. Contrary to Lambert's contention, the court did not err in concluding that the six-year statute of limitations established by 14 M.R.S. § 752 (2007) for filing his claim was not tolled by fraudulent concealment of the claim, *see* 14 M.R.S. § 859 (2007), because Lambert stipulated that Hunt did not withhold any material facts from him. *See Brawn v. Oral Surgery Assocs.*, 2003 ME 11, ¶ 23, 819 A.2d 1014, 1026 ("When a special relationship exists . . . where the defendant knows particular facts and does not disclose them causing the plaintiff to rely on those facts, an inference of fraud is appropriate." (quotation marks omitted)).

Furthermore, the court did not err in holding that 14 M.R.S. § 753-B(1) (2007) precludes creating and applying a discovery rule to make Lambert's claim timely, *see White v. McTeague, Higbee, Case, Cohen, Whitney & Toker, P.A.*, 2002 ME 160, ¶ 7, 809 A.2d 622, 623-24 (stating that the Legislature has specified the exclusive situations in which courts can apply the discovery rule in actions against attorneys); or in declining to apply the doctrine of continuing

representation, which we have not yet recognized, *see Nevin v. Union Trust Co.*, 1999 ME 47, ¶ 37, 726 A.2d 694, 701.

The entry is:

Judgment affirmed.

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