

DEANNA F. LIZOTTE

v.

DAVID A. CHASE et al.

Argued January 14, 2010
Decided February 2, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, GORMAN,* and
JABAR, JJ.

MEMORANDUM OF DECISION

Deanna F. Lizotte appeals from a judgment entered in the Superior Court (Penobscot County, *Murphy, J.*) in favor of David A. Chase and the law firm of Macdonald, Chase & Dufour, following a jury verdict on Lizotte's claim for professional negligence. Contrary to Lizotte's contentions, the court properly entered judgment as a matter of law against Lizotte on her claims for negligent infliction of emotional distress, *see Garland v. Roy*, 2009 ME 86, ¶ 24, 976 A.2d 940, 948 (stating that emotional distress damages are not recoverable "in legal malpractice actions that involve only an economic loss and no egregious conduct by the attorney"), and breach of contract, *see Graves v. S.E. Downey Registered Land Surveyor, P.A.*, 2005 ME 116, ¶ 10, 885 A.2d 779, 782 (stating that "legal malpractice actions are analyzed according to tort law principles instead of contract law"). Moreover, the jury's finding on liability renders moot the court's ruling excluding certain portions of Lizotte's testimony, which were relevant only to the

* Although not available at oral argument, Justice Gorman participated in this memorandum of decision. *See* M.R. App. P. 12(a) (stating that a "qualified justice may participate in a decision even though not present at oral argument").

causation and damages elements of Lizotte's negligent infliction of emotional distress claim.

The entry is:

Judgment affirmed.

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