

VIRGINIA LAWYERS WEEKLY

Vol. 29, No. 33

January 19, 2015

valawyersweekly.com

LARGEST VERDICTS

VIRGINIA'S LARGEST VERDICTS OF 2014



19 \$1.2 Million

Wife lost spousal support when attorney failed to enter appearance

Bennett v. Shea

Type of case: Legal malpractice

Court: Newport News Circuit Court

Attorneys: Jeremiah A. Denton III, Rhiannon M. Jordan and Vivile R. Dietrich, Virginia Beach

Summary: A Newport News jury handed down a \$1.2 million verdict to a woman who lost her rights to spousal support after her divorce attorney failed to enter an appearance.

In 2008, the plaintiff's husband sued her for divorce in Newport News Circuit Court. The plaintiff retained attorney Kevin P. Shea and his firm to defend the divorce case. When she retained the defendant attorney, she gave him a letter by her husband admitting adultery and cruelty and offering to give more than \$1 million in support and equitable distribution to be paid out over her lifetime. Defendant failed to enter an appearance until after the final decree of divorce was entered and 21 days had elapsed. The divorce decree became final, irrevocable and unmodifiable.

Because of defendant's negligent failure to enter an appearance and perform legal services in a competent manner, and because of his failure to bring this error to the court's attention within the 21-day period after the entry of final decree, the plaintiff lost all eligibility and entitlement to spousal support for an undefined period, a lifetime of her former husband's military pension, other equitable distribution and forgiveness of, and/or indemnity on, certain debts and obligations.

The jury awarded \$1.2 million – the full amount plaintiff's counsel requested – in closing argument.



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