

Matthew R. Henderson

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About Matt

Matt concentrates his practice in the representation of attorneys in all aspects of professional liability and ethics, including the defense of legal malpractice and breach of fiduciary duty actions, providing risk management and legal ethics advice, defending lawyer disciplinary proceedings, and litigating attorney fee disputes and sanctions motions.

Matt's practice also includes representing employers in litigated matters, including the defense of discrimination and wage withholding claims. He regularly represents real estate professionals, accountants, and technology companies in negligence cases. He likewise has extensive experience in consumer class action cases, including actions brought under the Fair Debt Collection Practices Act (FDCPA).

Matt regularly speaks and writes on attorney malpractice, legal ethics, attorney discipline, and risk management. He serves on the Chicago Bar Association Committee on Attorney Malpractice and the Professional Responsibility Committee and is a member of the Illinois State Bar Association and the Association of Professional Responsibility Lawyers (APRL).

He authored the American Bar Association's Amicus Curiae Brief filed in the United States Supreme Court case *Williams-Yulee v. the Florida Bar*, 135 S. Ct. 1656 (2015). The brief, which argued that the ABA Model Rule prohibiting judicial candidates from personally soliciting campaign contributions does not violate the First Amendment, was cited twice in the decision.

Matt appeared on the "Law & Murder" episode of *People Magazine Investigates*, which aired nationally on Investigation Discovery (ID), season 4, episode 7, on December 16, 2019. This episode depicted an investigation

surrounding the murder of Judge Joan Lefkow's husband and mother in 2005, and featured Matt's account of litigating against the murderer in federal court prior to the crime.

He also appeared on NBC 5 Chicago news and was quoted in the *Chicago Tribune* and the *Chicago Sun-Times* regarding his representation of Trinity Services, Inc. in a lawsuit filed by the parents of a patient seeking the entry of an injunction requiring Trinity to administer electric shocks to prevent the patient from injuring himself and others.

Matt joined Hinshaw in 1998.

Matt's Affiliations

- Chicago Bar Association, Committee on Attorney Malpractice; Professional Responsibility Committee
- Illinois State Bar Association
- Association of Professional Responsibility Lawyers (APRL)

Areas of Focus

Industries: Professional Liability

Services: Complex Commercial Litigation ; Consumer & Class Action Defense;
Fair Debt Collection Practices Act (FDCPA); Labor & Employment; Litigation & Trial

Initiatives: Lawyers for the Profession®

Experience

- Secured a favorable decision in a legal malpractice case in the Illinois First District Appellate Court. The appellate court affirmed summary judgment in favor of the defendant lawyer on the basis that the plaintiff could not prove that it sustained actual damages.
- Obtained a motion to dismiss in a district court action for securities fraud and other claims against a California attorney who represented a corporation in a transaction for a plaintiff to invest \$8 million in the corporation's venture to build electric vehicle charging stations in the United States. The court concluded that the lawyer's opinion letter submitted in connection with the transaction and related statements were not misrepresentations and that the plaintiff could not establish scienter or reliance.
- Represented a national association of Indian physicians in a shareholder derivative action where the plaintiffs alleged that the association and its president did not follow the proper steps in amending its bylaws and committed other wrongdoings. Obtained an order in the 18th Judicial Circuit Court of DuPage County, staying the action pending arbitration and dissolving plaintiffs' temporary restraining order. In subsequent arbitration proceedings, the arbitrator denied the plaintiffs' re-noticed temporary restraining order on the basis that they had not established any of the four required elements.

- Obtained dismissal of the claims against an attorney for aiding and abetting a wrongful eviction arising from a mortgage foreclosure action on the basis that the lawyer's communications with court in the underlying case were immune from liability under Illinois's attorney litigation privilege.
- Represented a law firm in an attorney fee arbitration arising from a business owner's federal court action for breach of fiduciary duty and other claims against his business partner where the law firm claimed that the client failed to pay \$170,000 in attorney's fees. The client counterclaimed for legal malpractice seeking \$290,000 in damages. Obtained summary judgment on the legal malpractice counterclaim on the basis that the client could not establish proximate causation or damages.
- Obtained dismissal of an action filed against a Chicago bankruptcy law firm where the plaintiffs claimed the lawyers' negligence caused them to be found guilty of fraud and concealment of assets which led to the denial of a discharge of \$1.7 million in debts. The Circuit Court of Cook County judge ruled that plaintiffs' claims were barred by collateral estoppel and unclean hands based on the bankruptcy court's finding of wrongdoing by the plaintiffs.
- Represented a 20-attorney law firm in a legal malpractice action with damage exposure in excess of \$8 million premised upon an underlying divorce. The Hinshaw team obtained partial summary judgment on the plaintiff's claim that she was entitled to a share of the attorney's fees at her husband's personal injury law firm and partial summary judgment on the plaintiff's claim for punitive damages on a breach of fiduciary duty claim arising from business dealings with an existing client.
- Represented a skilled care facility in opposing attorney's fees and costs following an adverse judgment in an action brought under the Nursing Home Care Act. The First District Court of Appeal reversed the attorney's fees awarded to the plaintiffs under the Wrongful Death Act but affirmed the remainder of the fees and costs.
- Obtained affirmation in the First District Court of Appeal of summary judgment in a legal malpractice action for lawyer's alleged failure to timely file a claim against a financial institution to recover \$500,000 that was misdeposited by corporate controller. The appellate court found that plaintiff could not satisfy the actual damage requirement because the funds were ultimately accounted for albeit in different corporate accounts.
- Obtained affirmation in the First District Court of Appeal of summary judgment in favor of an attorney who drafted a condominium declaration for the South Loop development project. The appellate court found that most claims brought by the real estate developer were barred by the six-year statute of repose measured from the date that the declaration was signed and recorded even though the lawyer continued to represent the developer in the sale of individual units for several years thereafter.
- Obtained dismissal of two companion cases in the Northern District of Illinois alleging violations of plaintiffs' civil rights, due process, equal protection, and intentional infliction of emotional distress against the attorneys and law firm who represented a school district in an investigation of academic dishonesty arising from alleged cheating in a geography bee competition.
- Obtained affirmation in the Third District Court of Appeal of summary judgment in favor of an attorney in a legal malpractice action brought by the son of his deceased client. The court ruled that the lawyer owed the plaintiff no duty as an incidental beneficiary or co-trustee and found that the trial court properly denied plaintiff's request to amend to add a claim for financial exploitation of an elderly person on the basis that it was outside the two-year statute of limitations for actions against attorneys.

- Represented a high-profile personal injury law firm in a legal malpractice action in the Circuit Court of Cook County brought by the adult children of a deceased client seeking to recover \$7 million in annuities as part of the structured settlement of an underlying medical malpractice case. Obtained dismissal of the action on the initial motion on the basis that it was not filed within the statute of limitations for alleged estate planning malpractice.
- Represented a health care provider in opposing a petition for attorney fees under a fee-shifting provision of ERISA. The defendant trust fund was awarded \$0 in attorney's fees even though summary judgment was previously entered in its favor.
- Obtained an upholding in the First District Court of Appeals of a "not guilty" jury verdict against a lawyer and law firm following a two-week jury trial where the plaintiff asked for \$6.5 million in damages. The appellate court found that there was sufficient evidence to support the jury's finding that the attorney was not negligent in his drafting of a mattress licensing agreement and that lawyer's offer to perform free legal services to rectify the claimed mistake constituted a Rule 408 settlement communication.
- Obtained affirmation in the First District Court of Appeal of the dismissal of a shareholder derivative claim for legal malpractice against the attorney for a condominium association based upon expiration of the statute of limitations. The court ruled that the action accrued when the association levied a special assessment, and the plaintiff wrote a letter to the board suggesting that the lawyer had committed malpractice.
- Obtained summary judgment in the Circuit Court of Cook County in a real estate developer's claim for legal malpractice against an attorney who drafted a condominium declaration. The trial judge ruled that the claim was barred by the six-year statute of repose measured from the date that the declaration was signed and recorded notwithstanding the fact that the lawyer continued to represent the developer in the sale of individual units for several years.
- Obtained summary judgment in the Circuit Court of Rock Island County in favor of an estate planning attorney who allegedly failed to prevent a trust beneficiary's sister from converting trust assets on the basis that he did not owe a duty of care to the beneficiary.
- Obtained affirmation in part and reversal in part in the Second District Appellate Court of the dismissal of the McHenry County state's attorney's claims against a special prosecutor finding that the claims were stated for malicious prosecution and intentional infliction of emotional distress.
- Obtained affirmation in the Seventh Circuit Court of Appeals of the dismissal of a legal malpractice action against class action counsel on the basis that the plaintiff's employment classification claims remained viable at the time that client discharged his attorneys and because the fraud claim was not pled with sufficient particularity and was contradicted by exhibits attached to the complaint.
- Obtained affirmation in a nonprecedential disposition in the Seventh Circuit Court of Appeals of the dismissal of legal malpractice and civil RICO claims against a lawyer for supposedly conspiring with the City of Chicago, other law firms and attorneys, and a Cook County judge on the basis that the allegations were legally frivolous and for lack of diversity jurisdiction.
- Obtained a reversal in the Seventh Circuit Court of Appeals of its own precedent and ruling that an attorney had standing to appeal a district's court order sanctioning her even though the sanction award had been paid by her employer.

- Obtained affirmation on appeal of the dismissal of claims against a special prosecutor on the basis of absolute immunity and because alleged misconduct did not violate due process.
- Obtained a “not guilty” jury verdict in a legal malpractice action at the conclusion of a two-week trial in the Circuit Court of Cook County. A mattress licensor alleged that lawyer and 25 attorney law firm were negligent in drafting 10-year license agreement which excluded royalties and marketing payments on licensee’s private label sales and sought \$6.5 million in damages.
- Obtained a dismissal in the Circuit Court of Cook County of claims against corporations owned and controlled by a husband in a divorce action against the wife’s attorney for allegedly violating the Illinois Trade Secrets Act by disclosing confidential and proprietary information in the dissolution of marriage action pending in a different county.
- Obtained affirmation in the First District Court of Appeal of the dismissal of legal malpractice action against attorneys for failing to conduct sufficient discovery in underlying asbestos wrongful death action on the basis that the claim was not filed within the applicable statute of limitations and statute of repose.
- Obtained affirmation in the Seventh District Court of Appeal of the reversal of a \$165,000 sanction award entered by the US Bankruptcy Court against two Washington state attorneys for allegedly violating the automatic stay and discharge injunction by seeking clarification of their client’s standing from a probate court in Washington.
- Obtained affirmation in the First District Court of Appeal of the dismissal of a legal malpractice action arising from an attorney’s notarization of a signature on an annuity form that his client allegedly used to convert money from his disabled mother.
- Obtained summary judgment in a legal malpractice action in the Circuit Court of DuPage County. A conservative youth foundation sued its attorney to recover a \$2 million failed charitable bequest but failed to come forward with evidence that the settler lacked capacity to eliminate gift to organization prior to her death.
- Obtained the dismissal of an action by the McHenry County state’s attorney against a special prosecutor alleging false arrest and violations of due process in the course of prosecution for alleged political corruption.
- Obtained a reversal in the Illinois Supreme Court of summary judgment in favor of worker’s compensation attorneys in a re-filed legal malpractice action on the basis of res judicata and the prohibition against claim-splitting because trial court’s previous rulings on motions to dismiss were not adjudications on the merits.
- Obtained affirmation in the First District Court of Appeal of summary judgment in favor of worker’s compensation attorneys in a re-filed legal malpractice action on the basis of res judicata and the prohibition against claim-splitting.

Recognition

- *Leading Lawyer*, Commercial Litigation; Professional Malpractice Defense Law
- Martindale-Hubbell, AV® Peer Review Rating

Credentials

Education

University of Minnesota Law School, JD, *cum laude*, 1992

University of Notre Dame, BA, *cum laude*, 1989

Bar Admissions

Illinois*

**Only Admitted in Illinois*

Court Admissions

US Supreme Court

US Court of Appeals for the Seventh Circuit

US District Court for the Central District of Illinois

US District Court for the Northern District of Illinois

Thought Leadership

Presentations

Matt's speeches and presentations include:

- Panelist, "Identifying and Addressing Conflicts of Interest," Practising Law Institute, Chicago, Illinois, May 7, 2025
- Moderator, "The Endgame," Hinshaw's 24th Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 6, 2025
- Co-Presenter, "Legal Malpractice Top Ten Traps," Multnomah Bar Association, CLE Webinar, September 24, 2024
- Panelist, "Disqualification of Counsel—When the Client's Right to Counsel is Taken Away," Annual Meeting, Association of Professional Responsibility Lawyers (APRL), Chicago, Illinois, August 2, 2024
- Moderator, "The Recent Explosion in Disqualification Motions," Hinshaw's 23rd Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 6, 2024
- Co-Presenter, "Legal Malpractice - Top Ten Traps," MunichRe Insurance, Chicago, Illinois, February 27, 2024
- Co-Presenter, "Lessons from Ethics Counsel," Family Business General Counsel Seminar, Chicago, Illinois, June 22, 2023
- Panelist, "Lawyer's Professional Liability Claim Trends Conversation," CLE, Berkley Select LLC, Chicago, Illinois, March 23, 2023

- Moderator, “The Ethical and Practical Implications of Arbitrating Legal Malpractice Claims,” Hinshaw’s 22nd Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 8, 2023
- Co-Presenter, “What Not To Do: Ethics Lessons Learned From Fictional Lawyers,” Nebraska State Bar Association, CLE, Webinar, June 21, 2022
- Moderator, “A New Paradigm: Transactional Malpractice – High Exposure Claims Brought by Large Corporations,” Hinshaw’s 21st Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 2, 2022
- Panelist, “Recession Liabilities” Solicitors’ Liability and Risk Webinar hosted by Reynolds Porter Chamberlain LLP, Virtual Event, March 18, 2021
- Panelist, “Predicting, Preventing, and Defending Legal Malpractice Claims Arising Out of an Economic Downturn,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, Virtual Event, March 2, 2021
- Co-Presenter, “Restructuring Your Law Practice for the New Normal,” CLE, Webinar, June 2020
- “Optimal Pretrial and Trial Strategies to Resolve Causation,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 4, 2020
- “Informal Opinions: Quick Questions, Enduring Troubles,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 2019
- “Attacking Conflicts: A Practical Guide to the Defense of Conflict of Interest Cases,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 2018
- “Indemnity & Contribution: The Law Giveth and the Law Taketh Away,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 2017
- “Legal Malpractice ‘Top Ten’ Traps,” University of Chicago Law School, Chicago, Illinois, January 2016
- “The Exposure of Class Action Counsel,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, February 2015
- “Arbitration – The Why, When and How” Hartford and Liberty International Underwriters, New York City, July 2014
- “Transactional Malpractice – Establishing Causation,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, March 2014
- “Estate Planning – Standing to Sue,” Hartford Insurance, New York, New York, June 2013
- “Corporate Counsel—Where are the Duties Owed and to Whom?” Liberty Insurance, New York, New York, June 2013
- “Recent Cases and Strategies Involving Expert Witnesses in Legal Malpractice Cases,” CNA, Chicago, Illinois, October 2012
- “Lesser Known Affirmative Defenses,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, Chicago, Illinois, February 2012
- “Conflicts of Interest, Waivers, and Civil Liability Implications,” State Bar of Wisconsin, December 2007
- “Statute of Limitations—Disparate Rules on Tolling,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, March 2006

- “Lawyers’ Statutory Liability in Collection Matters and Exposures Under ERISA,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, February 2005
- “The Jurisdiction Jungle and New Development in Insurance Coverage Law,” Hinshaw’s Annual Legal Malpractice & Risk Management (LMRM) Conference, March 2004
- “Legal Ethics: Identifying and Preventing Conflicts of Interest” Illinois Association of Defense Trial Counsel, November 2002, 2003, 2004

Publications

- Chapter Author, “Breach of Fiduciary Duty,” *Attorneys’ Legal Liability*, Illinois Institute for Continuing Legal Education, Editions: 2002, 2005, 2007, 2010, 2012, 2014, 2018, 2022, 2025
- [“What Law Firms Should Know Amid Rise In DQ Motions,”](#) *Law360*, April 23, 2024
- Lead Article, [“Recovering Costs in Illinois Civil Actions,”](#) *Illinois Bar Journal*, September 2000
- “Resolving Contract Ambiguity: Parole Evidence Versus the Rules of Contract Construction,” *Illinois Bar Journal*, April 1999
- “Making the Most of Rule 216 Requests to Admit,” *Illinois Bar Journal*, August 1995
- “Arbitration and the New ‘Public Policy’ Doctrine,” *Minnesota Trial Lawyer*, Fall 1993

Media Mentions

- [“Big Law Firms, Clients Battle Over Advance Conflict Waivers,”](#) *Bloomberg Law: Big Law Business*, December 16, 2024
- [“Conference Report: Major Malpractice Claims Rise as Firms Are Overworked,”](#) *Bloomberg Law: Legal Ethics*, March 7, 2022 (*subscription required*)
- [“After \\$4.1M award, nursing home owes fees separately,”](#) *Chicago Daily Law Bulletin*, July 16, 2019
- [“Off-the-Cuff Legal Advice Can Put Attorneys in Hot Water,”](#) *Bloomberg Law: Big Law Business*, March 7, 2019
- [“Estate lawyer had no duty to client’s son,”](#) *Chicago Daily Law Bulletin*, January 23, 2018 (*subscription required*)
- [“Legal-malpractice appeal loses: plaintiff fails to review contract,”](#) *Chicago Daily Law Bulletin*, July 14, 2017 (*subscription required*)
- [“No New Trial In Malpractice Suit Over Contract Mistake,”](#) *Law360*, July 12, 2017 (*subscription required*)
- [Media Coverage of the 16th Annual Legal Malpractice and Risk Management Conference](#), March 28, 2017
- [U.S. Supreme Court Upholds Ethical Rule on Judicial Elections: Hinshaw Lawyers Write Amicus Brief for the ABA in Support of the Rule](#), May 6, 2015
- [Twelve Hinshaw Lawyers Contribute to IICLE’s Attorneys’ Legal Liability, 2014 Edition](#), October 13, 2014
- [Matthew Henderson Author’s IICLE Chapter on “Breach of Fiduciary Duty,”](#) August 8, 2012
- Featured in national and local news coverage of the murder of The Honorable Joan H. Lefkow’s family, including *World News Tonight* with Peter Jennings; ABC 7 Chicago; CBS 2 Chicago; *The New York Times*; and *Chicago Sun-Times*, March 9–10, 2005

Events

- Matthew Henderson to Present on Attorney Disqualification Motions at APRL's Annual Conference, Aug 2, 2024
- Robert Buchholz and Matthew Henderson Recently Conducted an Interactive Presentation on Attorney Ethics and "What Not To Do", Jun 21, 2022
- An American Expat's View on European Security, Tuesday, May 24, 2022 | 3:30 p.m. PDT | 4:30 p.m. MDT | 5:30 p.m. CDT | 6:30 p.m. EDT

In The News

- Hinshaw Attorneys Contribute Six Chapters to the "Attorneys' Legal Liability" IICLE Handbook, Jun 12, 2025
- Matthew Henderson Says Recent Bellwether Decisions Enforcing Advance Conflict-of-Interest Waivers Represent a Trend Favorable to Law Firms, Dec 17, 2024
- Matthew Henderson Reviews in a Law360 Byline What Law Firms Should Know Amid a Rise in Disqualification Motions, Apr 30, 2024
- A Berkley Select Panel Presentation Featuring Matthew Henderson was the Subject of the Most-Viewed PLUS Blog Post in 2023, Jan 3, 2024
- PLUS Blog Reports on Matthew Henderson Panel Discussion on Lawyers Professional Liability Claims Trends, May 12, 2023

Lawyers for the Profession® Alert

- Hinshaw Readers' Choice Awards: Top Professional Liability and Legal Ethics Articles of 2024, Dec 30, 2024

Lawyers' Lawyer Newsletters

- Law Firm Best Practices to Mitigate the Increasing Risk of Attorney Disqualification Motions, Oct 15, 2024
- Identifying and Resolving Conflicts of Interest: Three Simple Rules, January/February 2023
- The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - May 2016 Edition, May 3, 2016

[*View all of Matt's Insights*](#)