

SUPREME COURT OF LOUISIANA

NO. 97-C-0239

O. WILLIAM REEDER, M.D.

VERSUS

BRUCE A. NORTH AND MOLONY, NORTH & KEWLEY

JOHNSON, J., Dissenting

I agree with the holding of the Court of Appeal which reasoned if a client is required to file suit against his attorney while the suit is being litigated and before a judgment is definitive, the client is placed in the untenable position of asserting that a judgment is both valid and invalid.

To follow the reasoning of the majority would lead to absurd results. An attorney need only litigate a claim past the three (3) year preemptive period to avoid all consequences of his malpractice. In my mind, this cause of action did not ripen into a legal malpractice claim until February 28, 1994 when all legal avenues were exhausted.