

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 1883 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2804

5 By: Representative Lamoureux
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For An Act To Be Entitled

9 AN ACT CONCERNING LIABILITY OF ATTORNEYS AT LAW
10 FOR CIVIL DAMAGES; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT CONCERNING LIABILITY OF ATTORNEYS
13 AT LAW FOR CIVIL DAMAGES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 16-22-310 is amended to read as follows:
20 16-22-310. Liability for civil damages.

21 (a) No person licensed to practice law in Arkansas and no partnership
22 or corporation of Arkansas licensed attorneys or any of its employees,
23 partners, members, officers, or shareholders shall be liable to persons not
24 in privity of contract with the person, partnership, or corporation for civil
25 damages resulting from acts, omissions, decisions, or other conduct in
26 connection with professional services performed by the person, partnership,
27 or corporation, except for:

28 (1) Acts, omissions, decisions, or conduct that constitutes
29 fraud or intentional misrepresentations; or

30 (2) Other acts, omissions, decisions, or conduct if the person,
31 partnership, or corporation was aware that a primary intent of the client was
32 for the professional services to benefit or influence the particular person
33 bringing the action. For the purposes of this subdivision (a)(2), if the
34 person, partnership, or corporation:

35 (A) Identifies in writing to the client those persons who



1 are intended to rely on the services, and

2 (B) Sends a copy of the writing or similar statement to
3 those persons identified in the writing or statement, then the person,
4 partnership, or corporation or any of its employees, partners, members,
5 officers, or shareholders may be held liable only to the persons intended to
6 so rely, in addition to those persons in privity of contract with the person,
7 partnership, or corporation.

8 (b) This section shall apply only to acts, omissions, decisions, or
9 other conduct in connection with professional services occurring or rendered
10 on or after April 6, 1987.

11 (c) The appointment of an attorney as a successor trustee or attorney-
12 in-fact as provided in § 18-50-101 et seq. shall not expand the liability of
13 the attorney, the entity or partnership employing the attorney, or the firm
14 in which the attorney is a member or partner beyond the liability provided in
15 this section.

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18 APPROVED: 04/08/2005
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