1	State of Arkansas	A D;11	
2	85th General Assembly	A Bill	
3	Regular Session, 2005		HOUSE BILL 2804
4			
5	By: Representative Lamoureu	X	
6			
7		For An Act To Be Entitled	
8	AN ACT CONCERNING LIABILITY OF ATTORNEYS AT LAW		
9	FOR CIVIL DAMAGES; AND FOR OTHER PURPOSES.		
10 11	FOR CIVI.	L DAMAGES; AND FOR OTHER PURPOSE	
12		Subtitle	
13	AN AC	T CONCERNING LIABILITY OF ATTORN	NEYS
14	AT LA	W FOR CIVIL DAMAGES.	
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16			
17	BE IT ENACTED BY THE GE	ENERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
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19	SECTION 1. Arkar	nsas 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 profess	sional services performed by the	person, partnership,
27	or corporation, except	for:	
28	(1) Acts,	omissions, decisions, or conduc	t that constitutes
29	fraud or intentional mi	isrepresentations; or	
30		acts, omissions, decisions, or	-
31	•	ation was aware that a primary i	
32	for the professional services to benefit or influence the particular person		
33		or the purposes of this subdivis	ion (a)(2), if the
34	person, partnership, or	-	
35	(A)	Identifies in writing to the cl	ient those persons who
36	are intended to rely or	n the services, and	

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1	(B) Sends a copy of the writing or similar statement to
2	those persons identified in the writing or statement, then the person,
3	partnership, or corporation or any of its employees, partners, members,
4	officers, or shareholders may be held liable only to the persons intended to
5	so rely, in addition to those persons in privity of contract with the person,
6	partnership, or corporation.
7	(b) This section shall apply only to acts, omissions, decisions, or
8	other conduct in connection with professional services occurring or rendered
9	on or after April 6, 1987.
10	(c) The appointment of an attorney as a successor trustee or attorney-
11	in-fact as provided in § $18-50-101$ et seq. shall not expand the liability of
12	the attorney, the entity or partnership employing the attorney, or the firm
13	in which the attorney is a member or partner beyond the liability provided in
14	this section.
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