

Hinshaw Attorneys Contribute Rhode Island Chapter in ABA Legal Malpractice Survey

Second Edition of the ABA's *The Law of Lawyers' Liability: 50-State Survey*

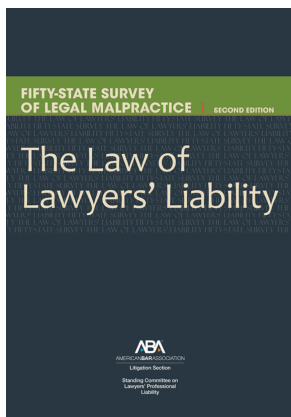
In The News | 1 min read

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Hinshaw attorneys Anthony Aprea and Sabrina Geisler recently contributed a chapter in the Second Edition of *The Law of Lawyers' Liability: 50-State Survey*, published by the American Bar Association's (ABA) Standing Committee on Lawyers' Professional Liability and Section of Litigation.

This is the first update to the *50-State Survey* since the First Edition was published by the Section in 2012. A pair of Hinshaw authors also contributed a chapter in the original First Edition publication.

About the *Law of Lawyers' Liability: 50-State Survey*



The Law of Lawyers' Liability: 50-State Survey, Second Edition brings together a jurisdiction-by-jurisdiction analysis of legal malpractice law.

Each state chapter follows a common format that covers the elements of a claim, damages, defenses, procedural issues, and alternative causes of action.

The shared structure makes it easy for lawyers, law firm general counsel, risk managers, and insurers to compare state laws.

Key Rhode Island Chapter Contents

The chapter provides a practical guide to legal malpractice law in Rhode Island. It starts with the basic elements of a claim: duty, breach, and damages proximately resulting from the breach. Our authors cover:

When a Duty Exists

- This includes how an attorney-client relationship forms, the privity rule and its fraud exception, and duties owed to trust beneficiaries and organizational constituents.

The Standard of Care and Causation

- Rhode Island requires “ordinary care and skill,” and plaintiffs must meet the “but for” causation requirement. In criminal malpractice cases, there is an added requirement to prove the client could not have been convicted but for the attorney’s negligence.

Limitations and Defenses

- The chapter covers the three-year statute of limitations, the statutory discovery rule, and the state’s position that “judgmental immunity has never been recognized in Rhode Island”.

Procedure and Proof

- Topics include expert testimony requirements, how disciplinary rules can be used as evidence, and whether malpractice claims can be assigned.

Alternative Claims Against Lawyers

- These include breach of fiduciary duty, negligent misrepresentation, tortious interference, and claims for champerty, barratry, and maintenance, which Rhode Island allows.

Purchase a copy of the survey

- [*The Law of Lawyers’ Liability: 50-State Survey*](#), Second Edition, American Bar Association, 2026

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