

STATEMENT OF LEGAL ISSUE

Whether the Appellees who were beneficiaries under a will and with whom Hogan had no attorney-client relationship may maintain an attorney malpractice claim against him?

Circuit Court's Holding: The Circuit Court opined that the decision of the South Dakota Supreme Court in Chem-Age, *supra*, signifies that this Court may be willing to adopt a third party beneficiary exception to the strict privity requirement in attorney malpractice cases. Therefore, the Circuit Court denied Hogan's motion for summary judgment and granted Appellees' summary judgment motion.