

**Rhode Island does not Recognize Social-Host Theory of Liability Absent a Special Duty**

By: Ronald P. Langlois, Esquire  
Nicholas J. Schwab, Esquire

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In the matter, Willis v. Omar, No. 2007-164-Appeal, 2008 R.I. LEXIS 84(Sup.Ct. Jul. 9, 2008), the plaintiff suffered severe injuries as a passenger in a single car accident after a night of drinking. The plaintiff's alcohol consumption occurred before, during and after dinner with the defendants at their home. The plaintiff filed suit against the defendants for negligence under a social-host theory of liability due to the drinking that occurred.

The lower court granted the Defendants' Motion for Summary Judgment because Rhode Island did not accept the social-host theory of liability. The Rhode Island Supreme Court agreed.

A claim for negligence in Rhode Island requires "a legally cognizable duty owed by a defendant to a plaintiff..." When there is no legally cognizable duty, the claim fails as a matter of law. The Court recognized some form of social-host liability when alcohol is provided to minors and injuries occur. The Court recognized this exception because "allowing underage drinking gives rise to a special duty, based on both public policy and foreseeability grounds." However, the Court refused to recognize and extend the social-host liability to situations involving the consumption of alcohol by adults in a private home.

If you have any questions, please contact Ronald P. Langlois, Esquire at (401) 351-9970  
[rlanglois@smithbrink.com](mailto:rlanglois@smithbrink.com)

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