For Publication

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

MIRON E. REYNOLDS, Appellant/Plaintiff, v. **LEE ROHN, ESQ. and LEE J. ROHN AND ASSOCIATES, LLC,** Appellee/Defendant.	)	**S. Ct. Civ. No. 2017-0063** Re: Super. Ct. Civ. No. 188/2013 (STX)

On Appeal from the Superior Court of the Virgin Islands
Division of St. Croix
Superior Court Judge: Hon. Douglas A. Brady

Considered: January 15, 2019
Filed: March 1, 2019

Cite as: 2019 VI 8

BEFORE: **RHYS S. HODGE**, Chief Justice; **MARIA CABRET**, Associate Justice; and **IVE ARLINGTON SWAN**, Associate Justice.

APPEARANCES:

Miron E. Reynolds
St. Croix, U.S.V.I.
Pro se,

Gordon C. Rhea, Esq.
Law Offices of Gordon C. Rhea, P.C.
St. Thomas, U.S.V.I.
Attorney for Appellee.

OPINION OF THE COURT

HODGE, Chief Justice.

¶1 Miron Reynolds appeals the Superior Court's grant of a motion for judgment on the

pleadings filed by Lee Rohn, Esq. and Lee J. Rohn and Associates, LLC (jointly "Rohn & Associates") regarding his legal malpractice claim. He further appeals the court's denial of his motions to reconsider and leave to amend his complaint. For the reasons below, we affirm.

I. BACKGROUND

¶2 After Island Mechanical Contractors, Inc. ("IMC") terminated his employment, Reynolds sought out Rohn & Associates to represent him in an employment discrimination and wrongful discharge action against IMC. On or around October 19, 2009, the parties entered a retainer agreement wherein Rohn & Associates agreed to legally represent Reynolds. Reynolds, through Rohn & Associates, sued IMC in the U.S. District Court of the Virgin Islands. IMC successfully moved to compel arbitration, and the District Court ordered the parties to arbitrate their claims.

¶3 At arbitration, the law firm attempted to include a claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., on behalf of Reynolds. But the arbitrator did not allow Reynolds to include the claim because he did not file it within 90 days following his receipt of the "right to sue letter" from the Equal Employment Opportunity Commission under 42 U.S.C. § 2000e–5(f)(1). The arbitrator's decision excluding the Title VII claim limited Reynolds to pursuing his claims for defamation, discrimination under the Virgin Islands Civil Rights Act ("VICRA"), 10 V.I.C. § 61 et seq., and retaliation under the Virgin Islands Discrimination in Employment Act ("VIDEA"), 24 V.I.C. § 451 et seq. (J.A. 102, S.A. 9.) An associate of Rohn & Associates, Ryan W. Greene, Esq., represented Reynolds before the arbitration tribunal. During the pendency of the arbitration proceeding, Attorney Greene left Rohn & Associates. Upon the request of Reynolds, the law firm transferred the case to Greene, who oversaw a successful settlement of the case.

¶4 Following the settlement, Reynolds sued Rohn & Associates for legal malpractice (Count

I), intentional and negligent infliction of emotional distress (Count II), and punitive damages (Count III) in the Superior Court. Rohn & Associates counterclaimed for malicious prosecution and defamation in its answer. The law firm then moved for judgment on the pleadings under FED. R. CIV. P. 12(c)[1] on the basis that Reynolds had not pled sufficient facts in his complaint to prove all the elements of his claims. Reynolds opposed the motion, arguing that, as to the legal malpractice claim, he would have been entitled to greater latitude if the law firm had timely included his Title VII claim.

¶5 After briefing, the Superior Court granted the motion for judgment on the pleadings, finding that Reynolds' complaint did not allege any facts to satisfy two of the elements for a successful legal malpractice claim sounding in tort. Then, in a single motion, Reynolds moved for reconsideration as well as for leave to amend his complaint. But Reynolds' motion merely reiterated the same arguments he presented in his opposition to the motion for judgment on the pleadings. Rohn & Associates opposed, and the Superior Court denied the motion.

¶6 To address the law firm's counterclaims, the Superior Court ordered the parties to meet and confer to prepare a revised scheduling order. It appears that Reynolds moved for summary judgment on the counterclaims and prevailed on the malicious prosecution claim. Rohn & Associates then moved to voluntarily dismiss the counterclaim for defamation without prejudice. The Superior Court granted the motion and directed the clerk of the court to close the case. Reynolds then filed an "emergency motion to reconsider" the dismissal without prejudice, and

[1] The former Superior Court rule incorporating the federal rule applies here because this case arose prior to the adoption of the Virgin Islands Rules of Civil Procedure. *See Mills-Williams v. Mapp*, 67 V.I. 574, 586 (V.I. 2017) (noting we "apply the procedural rules as they existed at the time the matter was pending in the Superior Court"); *In re Adoption of V.I. R. of Civ. Proc.*, Promulgation No. 2017-001, 2017 WL 1293844 (V.I. Apr. 3, 2017).

Rohn & Associates opposed his motion. By order entered July 12, 2017, the Superior Court denied Reynolds' motion. On July 20, 2017, Reynolds timely appealed to this Court, maintaining that Title VII would have afforded him greater latitude. *See* V.I. R. APP. P. 5(a)(1).

II. DISCUSSION

A. Jurisdiction and Standard of Review

¶7 This Court has jurisdiction over "all appeals from the [final] decisions of the courts of the Virgin Islands established by local law[.]" 48 U.S.C. § 1613a(d); *see also* 4 V.I.C. § 32(a). The Superior Court's order dated July 11, 2017 denying Reynolds' emergency motion to reconsider the voluntary dismissal of Rohn & Associates' remaining counterclaims was a final order, because it resulted in dismissal of the remaining claims in the litigation and left nothing more for the Superior Court to do; thus, we have jurisdiction. *See generally Rojas v. Two/Morrow Ideas Enters., Inc.*, 53 V.I. 684, 691 (V.I. 2010) ("A final judgment is 'one that ends the litigation on the merits and leaves nothing to do but execute the judgment.'").

¶8 In his notice of appeal, Reynolds specified that he was appealing from, *inter alia*, the August 22, 2014 order of the Superior Court that denied his motion to reconsider its ruling granting Rohn & Associates' motion for judgment on the pleadings and dismissal of his complaint, as well as his motion for leave to amend that complaint.[2] He also specified, among the 12 questions he presented for appellate consideration, whether the Superior Court "improperly den[ied his] July 16, 2014 [m]otion for reconsideration"[3] and whether the Superior Court "abuse[d] its discretion when it denie[d his] July 16, 2014 [m]otion to [a]mend or cure his complaint."[4] Consequently, we

[2] *See* Notice of Appeal at 1.
[3] *Id*. (issue 2).
[4] *Id*. at 2 (issue 3).

have jurisdiction to review the July 2, 2014 order granting Rohn & Associates' motion for judgment on the pleadings and the August 22, 2014 ruling on the motions for reconsideration and for leave to amend the complaint, because we may review all claims of error that are properly presented in a notice of appeal following a final judgment by the Superior Court. *See Enrietto v. Rogers Townsend & Thomas PC*, 49 V.I. 311, 315 (V.I. 2007) (internal quotation marks omitted) ("[T]he final judgment rule[] means that a party must ordinarily raise all claims of error in a single appeal following final judgment on the merits.").

¶9 In reviewing the grant of a motion for judgment on the pleadings, we apply plenary review. *See United Corp. v. Hamed*, 64 V.I. 297, 305 (V.I. 2016). Further, we review the denial of a motion for reconsideration for abuse of discretion. *See Martin v. Martin*, 58 V.I. 620, 625 (V.I. 2013) (citing *Worldwide Flight Servs. v. Gov't of the V.I.*, 51 V.I. 105, 108 (V.I. 2009)). But, if the Superior Court bases its denial on a legal precept, our review is plenary. *See id.* Finally, this Court reviews the denial of a motion for leave to amend the pleadings for an abuse of discretion. *See Toussaint v. Stewart*, 67 V.I. 931, 941 (V.I. 2017).

B. Judgment on the Pleadings

¶10 Reynolds first argues that the Superior Court erred in granting Rohn & Associates' motion for judgment on the pleadings because the law firm injured him by causing the arbitrator to time-bar his Title VII claim, which he alleges affords him latitude greater than that of the VICRA.[5]

[5] Reynolds' complaint purports to state three counts—legal malpractice (Count I), intentional and negligent infliction of emotional distress (Count 2), and punitive damages (Count III). But on appeal he only addresses the legal malpractice claim (Count I). As a result, Reynolds waived any argument as to Counts II and III. *See* V.I. R. APP. P. 22(m).

Although this Court gives pro se litigants considerable leeway, s*ee, e.g., Marsh-Monsanto v. Clarenbach*, 66 V.I. 366, 376 (V.I. 2017), we will not assume that Reynolds intended to appeal all counts, as he makes no mention of any of those counts in his brief.

¶11 First, because legal malpractice sounding in tort is a common law cause of action and we have not yet articulated the elements for the claim, our jurisprudence required the Superior Court to conduct a *Banks* analysis. The Superior Court conducted such an analysis, and now we review that analysis to determine whether the complaint pled sufficient facts to prove legal malpractice sounding in tort in this jurisdiction. *See Gov't of the V.I. v. Connor*, 60 V.I. 597, 603 (V.I. 2014); *Banks v. Int'l Rental & Leasing Corp.*, 55 V.I. 967, 967 (V.I. 2011). For the reasons below, we agree with the Superior Court's *Banks* analysis and announce that the majority rule for legal malpractice sounding in tort shall be the applicable rule in the Virgin Islands. In applying the majority rule, we hold that the facts alleged in Reynolds' complaint do not support a claim for legal malpractice because they do not support the elements of such a claim. Therefore, the Superior Court committed no error in granting the motion for judgment on the pleadings.

1. *Banks* Analysis

¶12 A *Banks* analysis calls for the balancing of three non-dispositive factors that include "(1) whether any Virgin Islands courts have previously adopted a particular rule; (2) the position taken by a majority of courts from other jurisdictions; and (3) most importantly, which approach represents the soundest rule for the Virgin Islands." *Simon v. Joseph*, 59 V.I. 611, 623 (V.I. 2013).

¶13 First, we have previously explained that the elements of a legal malpractice claim rest on whether the claimant bases the claim in tort or contract and whether the underlying case was civil or criminal.[6] *Simon*, 59 V.I. at 623. As the Superior Court correctly identified in determining the first *Banks* element, Virgin Islands courts have held—albeit in a general context—that the

[6] In *Simon v. Joseph*, 59 V.I. 611, 624-25 (V.I. 2013), this Court set forth the standard for actual loss/damage for legal malpractice claims in the criminal context. We stated that a criminal defendant "must have his convictions set aside [on appeal or by collateral attack] prior to filing suit for legal malpractice."

elements of legal malpractice are "(1) an attorney-client relationship giving rise to a duty; (2) breach of that duty; (3) a causal connection between the negligent conduct and the resulting injury; and (4) damages." *Matthew v. Miller*, Super. Ct. Civ. No. 988/1992, 2003 WL 27383925, at *1 (V.I. Super. Ct. Aug. 4, 2003) (unpublished) (citing *Moorhead v. Miller*, 21 V.I. 79, 85 (D.V.I. 1984); *accord Zephir v. Bourne*, Super. Ct. Civ. No. (STT), 2012 WL 379914, at *3 (V.1. Super. Ct. Jan. 30, 2012) (unpublished). Thus, we agree with the Superior Court's analysis of the first *Banks* prong.

¶14 Second, we agree with the Superior Court's conclusion that, in general, the majority of United States jurisdictions articulate the elements of legal malpractice similarly to the rule found in Virgin Islands case law, i.e. "(1) that defendant attorney owed plaintiff duty; (2) that attorney breached that duty; (3) that breach was the proximate cause of plaintiff's injury; and (4) that damages occurred." *Gunn v. Minton*, 133 S. Ct. 1059, 1006 (2013) (applying Texas law); *see also* WEST'S DECENNIAL DIGEST *Attorney and Client* 45k105.5 (12th ed. 2018) (collecting cases). In addition, § 48 of the Restatement (Third) of the Law Governing Lawyers provides:

> [A] lawyer is civilly liable for professional negligence to a person to whom the lawyer owes a duty of care within the meaning of § 50 [duty of care to a client] or § 51 [duty of care to nonclients], if the lawyer fails to exercise care within the meaning of § 52 [standard of care] and if that failure is a legal cause of injury within the meaning of § 53 [causation and damages], unless the lawyer has a defense within the meaning of § 54 [defenses, Prospective Liability Waiver; Settlement with a Client].

Thus, the Restatement's recitation of the elements of a legal malpractice claim bears substantial similarity to the rule historically used in Virgin Islands courts. *See id.* Generally, the Restatements distill the general rules in common law across the country and are typically "reflective of the development of the common law." *Sloan v. Atlantic Richfield Co.*, 552 P.2d 157, 160 (Alaska 1976). Consequently, as we have indicated, and as the Superior Court acknowledged in its analysis,

the Restatements remain "helpful guide[s]" to determining the majority rule, although they are not binding on the Court. *Simon*, 59 V.I. at 623; *see also Alaska Airlines, Inc. v. Sweat*, 568 P.2d 916, 925 (Alaska 1977).

¶15 Although the statement of the general elements across United States jurisdictions differs in wording and structure, we found no different or minority rule for the elements of a legal malpractice claim sounding in tort. Every United States jurisdiction that has declared a common law rule for legal malpractice based in tort applies the general rule. And as noted by the Superior Court, the Restatement's comments do not identify a minority rule. The only noteworthy difference of opinion we have identified is that some jurisdictions do not recognize the distinction between legal malpractice claims sounding in tort and legal malpractice claims sounding in contract. *See* RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS § 48 cmt. c (2000). But this difference of opinion is irrelevant to our inquiry here, because we have previously decided that maintaining the distinction between these two separate species of legal malpractice claim is essential. *See Arlington Funding Servs., Inc. v. Geigel*, 51 V.I. 118, 134–35 (V.I. 2009).

¶16 Lastly, we also agree with the Superior Court that the majority rule for legal malpractice based in tort is the soundest rule for the Virgin Islands. The Superior Court reasoned that since the rule has long existed in Virgin Islands law, keeping the rule intact would promote the predictability and fairness that attorneys rely upon to gauge the appropriateness of their conduct. We accept this reasoning and agree that the majority rule is practical. The rule effectively mirrors general negligence theories and theories of professional responsibility, and it complements the elements this Court has established for legal malpractice claims based in contract. *See Arlington Funding Servs., Inc.*, 51 V.I. at 134–35; *See, e.g.*, RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS § 48 cmt. a (2000) ("The Section corresponds to the statement of the elements of a cause

of action for negligence in Restatement Second, Torts § 281."); RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS § 48 cmt. b (2000) ("The cause of action for legal malpractice based on professional negligence compensates clients and other plaintiffs for injury caused by a lawyer's improper action or inaction and discourages such conduct. Imposing liability inappropriately can undermine these goals, for example by inordinately increasing the cost of legal services or by creating pressure on lawyers to slight the proper concerns of clients in order to avoid liability to nonclients.").

¶17 Therefore, we agree with the Superior Court's *Banks* analysis and conclude that the majority rule for legal malpractice based in tort—requiring (1) an attorney-client relationship giving rise to a duty; (2) breach of that duty; (3) a causal connection between the negligent conduct and the resulting injury; and (4) damages—is the soundest rule for the Virgin Islands.

2. Review of Judgment on the Pleadings

¶18 When reviewing a decision on a motion for judgment on the pleadings, this Court applies

> the same standard the Superior Court should have used. In doing so, this Court 'views the facts alleged in the pleadings and the inferences to be drawn from those facts in the light most favorable to the plaintiff' and '[a] motion for judgment on the pleadings should not be granted unless the moving party has established that there is no material issue of fact to resolve, and that it is entitled to judgment in its favor as a matter of law.' Like the Superior Court, we may not 'consider[ ] evidence from any source outside of the pleadings and the exhibits attached to the pleadings in determining whether it was proper to grant a motion for judgment on the pleadings.'

United Corp., 64 V.I. at 305 (citations omitted) (alterations in original).

¶19 Here, the facts in the complaint establish that Rohn & Associates and Reynolds had an attorney-client relationship through which the law firm owed a duty to Reynolds. *See, e.g., Savell v. Duddy*, 147 A.3d 1179, 1185 (Me. 2017) ("The existence of an attorney-client relationship is a question of fact."); *Rice v. Neether*, 888 N.W.2d 749, 755 (N.D. 2016) (same). The pleaded facts

establish that, through a retainer agreement, Reynolds and Rohn entered an attorney-client relationship to pursue claims against Reynolds' employer. The alleged facts could also demonstrate that some breach of that duty occurred because the complaint states that Rohn & Associates caused Reynolds' untimely initiation of his Title VII claim. But the facts alleged in the complaint do not establish that the untimely Title VII filing caused him additional injury. Although Reynolds lost the opportunity to arbitrate his claim under Title VII, he arbitrated it under the VICRA.[7] Both Title VII and the VICRA allow a plaintiff to recover compensatory damages, punitive damages, and attorney's fees. *See* 10 V.I.C. § 64 (15); 42 U.S.C. § 1981a. But unlike Title VII, the VICRA does not place a cap on those damages. *Compare* 10 V.I.C. § 64 (15) (providing that a plaintiff suing under the VICRA may recover compensatory damages, punitive damages, and attorney's fees and being silent on any cap on those damages), *with* 42 U.S.C. § 1981a(b)(3) (setting forth the limitations on compensatory damages and punitive damages under Title VII). To Reynolds' favor, the VICRA, unlike Title VII, afforded him the opportunity to recover damages without a limit. *Compare* 10 V.I.C. § 64 (15), *with* 42 U.S.C. § 1981a(b)(3).[8]

¶20 Additionally, a Title VII claim would have required Reynolds to plead and prove his case under the *McDonnell-Douglas* burden-shifting framework. *See McDonnell-Douglas Corp. v. Green*, 411 U.S. 792, 800 (1973). Under that framework, Reynolds would not only need to allege enough facts to support his claim, but he would also need to prove pretext (i.e., that IMC's

[7] Reynolds and Rohn & Associates appear to disagree on whether Reynolds delivered the letter to them within the time frame or delivered it at all. However, that dispute would not change the outcome of the case because the VICRA affords Reynolds more relief than Title VII.

[8] While Reynolds also argues that he could not arbitrate his defamation and retaliation claims, to the contrary, the arbitrator allowed him to pursue those claims. Thus, Reynolds' plea that he could not arbitrate his defamation and retaliation claims is without merit.

justification was merely pretextual and its actions were actually motivated by discrimination).[9] *See, e.g., St. Mary's Honor Ctr. v. Hicks*, 509 U.S. 502, 507–08 (1993) ("The plaintiff then has 'the full and fair opportunity to demonstrate [] . . . that the proffered reason was not the true reason for the employment decision,' [] and that [the protected class] was.") (citations omitted). In contrast, because the VICRA does not encompass the *McDonnell-Douglas* burden shifting framework, it only required Reynolds to plead enough facts to substantiate his claim. *See Rennie v. Hess Oil Virgin Islands Corp.*, 62 V.I. 529, 552 (V.I. 2015). Hence, because the VICRA afforded him greater relief and entailed a lower burden for proving his claim, Reynolds' claim that the law firm injured him by foreclosing his opportunity to bring his claim under Title VII is meritless. Therefore, we hold that Rohn & Associates adequately demonstrated entitlement to judgment in their favor as a matter of law, and thus the Superior Court committed no error in granting their motion for judgment on the pleadings.

C. Motion for Reconsideration

[9] The *McDonnell-Douglas* burden-shifting framework

> first requires the plaintiff to prove a prima facie case of discrimination. If plaintiff establishes a prima facie case, the burden of going forward shifts to the defendant to produce a legitimate, nondiscriminatory reason for its actions. 'If the defendant does so, the plaintiff must either show that his race, age, gender, or other illegal consideration was a determinative factor in the defendant's employment decision, or show that the defendant's explanation for its action was merely pretext.'

Adamson v. Multi Community Diversified Servs., 514 F.3d 1136, 1145 (10th Cir. 2008) (citations omitted).

¶21 Reynolds argues that the Superior Court abused its discretion by denying his motion for reconsideration because the court "did not give weight to the fact that [he] did actually suffer a loss." [10] (Appellant's Br. 11.)

¶22 When a party files a motion for reconsideration after entry of a final judgment, this Court treats the motion "as a motion filed pursuant to [Superior Court Rule 50]."[11] *Martin v. Martin*, 58 V.I. 620, 625 (V.I. 2013) (citing *Beachside Assocs., LLC v. Fishman*, 53 V.I. 700, 714–15 (V.I. 2010)). Such a motion will be granted only if the movant can demonstrate "'(1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error of law or prevent manifest injustice.'" *Id.*

¶23 Contrary to Reynolds' argument, the Superior Court properly analyzed whether he suffered a loss and considered whether he lost latitude in losing the ability to arbitrate his Title VII claim. That the Superior Court found his argument unpersuasive does not mean that the court did not consider it. And, in any event, Reynolds could not use such a motion as a vehicle for rearguing issues that the Superior Court had already considered. *See Worldwide Flight Servs.* v. *Gov't of the*

[10] Reynolds also avers that he was unable to arbitrate his retaliation claims under the VIDEA because they too were time-barred, and therefore, he had no recourse for arbitrating his case. Relying on the declaration of Andrew Simpson, he argues that the retaliation claims would have given him a good chance of success because, according to Mr. Simpson, the bar for retaliation is lower. Because we may not look to any evidence outside of the pleadings on a motion for judgment on the pleadings and the declaration was not in the record as an exhibit attached to the pleadings below, we cannot consider that argument on appeal. *See United Corp.*, 64 V.I. at 305 ("[W]e may not 'consider[ ] evidence from any source outside of the pleadings and the exhibits attached to the pleadings in determining whether it was proper to grant a motion for judgment on the pleadings.'"); *see also* V.I. R. APP. P. 22(m). Even if we could consider the argument, the argument is without merit because the record reveals that the arbitrator did in fact allow him to pursue those claims.

[11] SUPER. CT. R. 50 has since been repealed by the Virgin Islands Rules of Civil Procedure. *See In re Adoption of V.I. R. of Civ. Proc.*, Promulgation No. 2017-001, 2017 WL 1293844 (V.I. Apr. 3, 2017).

Virgin Islands, 51 V.I. 105, 110 (V.I. 2009). Thus, we affirm the Superior Court's denial of the motion for reconsideration.[12]

D. Motion for Leave to Amend the Complaint

¶24 Reynolds' final argument is that the Superior Court should have granted his motion for leave to amend his complaint so that he could better articulate the damages he allegedly suffered as a result of Rohn & Associates' actions.

¶25 Former Superior Court Rule 8, applicable here, states:

> The court may amend any process or pleading for any omission or defect therein, or for any variance between the complaint and the evidence adduced at the trial. If a party is surprised as a result of such amendment, the court shall adjourn the hearing to some future day, upon such terms as it shall think proper.

The decision to allow such amendments is vested in the discretion of the Superior Court. *See Anthony* v. *Indep. Ins. Advisors, Inc.*, 56 V.1. 516, 534 (V.1. 2012). But the Superior Court may not deny a request to amend without providing a "justifying reason." *See id.* (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)). Appropriate justifications include, but are not limited to, "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of the amendment[.]" *Id.*

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[12] Below, Reynolds argued that the Superior Court dismissed his complaint *sua sponte*. But the record reveals that the court dismissed the case in response to a fully briefed motion. Rohn & Associates moved for judgment on the pleadings, Reynolds opposed it, and the Superior Court ruled in favor of the defendants. Thus, the Superior Court did not err in finding that the argument was meritless. He also argued that the Superior Court improperly discounted one of his statements in finding it to be a legal conclusion rather than a fact. The Superior did not err in finding that the statement "[t]he action or inaction of Lee J. Rohn and Associates constitute [sic] negligence in the legal representation of Plaintiff Reynolds" was a legal conclusion not entitled to the assumption of truth. *See Joseph v. Bureau of Corrections*, 54 V.I. 644, 650 (V.I. 2011). Thus, even if Reynolds attempted to renew these arguments on appeal, the Superior Court did not abuse its discretion in denying his motion for reconsideration as to those arguments.

¶26 Here, the Superior Court denied Reynolds' motion because he "fail[ed] to offer a proposed amended complaint or present any indication as to how he would amend his Complaint to cure the purely legal deficiency of his claim." (J.A. 195.) The court concluded that because Reynolds

> offers no set of facts he intends to plead in an amended complaint to cure the legal deficiencies of his Complaint, and because the Court can envision no potential newly pleaded facts that would cure those deficiencies, an amendment to the Complaint would be futile[.]

(J.A. 195.)

¶27 The Superior Court's reasons for denying Reynolds' request for leave to amend are sound. And the Court has considerable discretion in granting or denying amendments. Thus, we conclude that the Superior Court did not abuse its discretion in denying Reynolds' motion for leave to amend, because the court had a valid justification to deny the motion; namely, the futility of an amendment.

III. CONCLUSION

¶28 We affirm the Superior Court's grant of the motion for judgment on the pleadings. Reynolds failed to allege facts that would prove two elements of a claim for legal malpractice based in tort: (1) "a causal connection between the negligent conduct and the resulting injury" and (2) damages. We further affirm the Superior Court's denials of the motions for reconsideration and leave to amend the complaint. Reynolds essentially reargues the same points he already made in previous filings with the court (which is insufficient under the standards for granting a motion to reconsider), and the Superior Court properly denied the motion to amend as futile.

Dated this 1st day of March 2019. **BY THE COURT:**

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court