

4 ELEMENTS OF MALPRACTICE LITIGATION

1. **Professional Duty** – legal duty requiring the professional to perform based on a particular standard of conduct
2. **Dereliction of Duty** – the professional was derelict in his/her duty to perform either by omission or commission
3. **Measureable Harm** – some harm, loss or damage occurs such as physical injury or death, or injuries consequent to the act in question such as loss of wages, or mental injuries related to “pain and suffering”
4. **Legal and Proximate Cause** – the harm or injury was directly and proximately caused by the professional’s dereliction of duty