



## Quiz

### Has your negligence caused loss?

1. To succeed in a claim for professional negligence against any professional the claimant must prove three basic elements:
  - a. The existence of contractual obligations and/or a duty of care.
  - b. Breach of that obligation.
  - c. That the breach was the cause of the loss to the claimant.
  - d. All of the above.
  
1. To establish causation in a professional negligence claim the *Civil Liability Act 2002* (NSW) requires:
  - a. That the defendant bears the onus of proof.
  - b. That the claimant bears the onus of proof on the balance of probabilities.
  - c. That the claimant bears the onus of proof beyond reasonable doubt.
  - d. None of the above.
  
2. The vast majority of solicitor professional liability claims
  - a. Arise due to the solicitor's inability to understand and apply the relevant law.
  - b. Arise due to a lack of communication on the part of the solicitor to the client.
  - c. Arise due to a solicitor's inability to deliver legal services in a just, cheap and quick manner.
  - d. Arise in the Northern Territory.

3. It is suggested that practitioners keep detailed file notes of their positions because:
  - a. Written documents act as an aide memoire at the time and also corroborate evidence as to what occurred if there's a factual dispute as to whether or not a discussion took place.
  - b. It is a requirement by the uniform evidence acts.
  - c. It is a requirement under the Lawcover policy.
  - d. A client's recollection of the events will always be more convincing to a court than those of a busy practitioner.
4. Under the Lawcover Policy, a claim is:
  - a. A demand for, or an assertion of a right to, compensation or damages.
  - b. An intimation of an intention to seek compensation or damages.
  - c. A personal costs order.
  - d. All of the above.

Answers:

1. d 2. b 3. b 4. a 5. d