

Attorney Negligence

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(1) CV401. Committee Note on Attorney Negligence Instructions

The Committee intentionally omitted MUJI 1st Instructions 7.45 and 7.46 because there is no Utah case law supporting them.

If the defendant claims not to be liable because the law is uncertain, the court decides as a matter of law whether the law is uncertain. *Watkiss & Saperstein v. Williams*, 931 P.2d 840 (Utah 1997).

(2) CV402. Elements of claim for attorney’s negligence.

[Name of plaintiff] claims that [name of defendant] negligently performed legal services. To succeed on this claim, [name of plaintiff] must prove that:

- (1) [he] and [name of defendant] had an attorney-client relationship;
- (2) because of that relationship [name of defendant] owed a duty to [name of plaintiff];
- (3) [name of defendant] breached that duty; and
- (4) [name of defendant]’s breach was a cause of [name of plaintiff] injury, loss or damage.

MUJI 1st Reference

7.42

References

Crestwood Cove Apartments Business Trust v. Turner, 2007 UT 48, 164 P.3d 1247.

Bennett v. Jones, Waldo, Holbrook & McDonough, 2003 UT 9, 70 P.3d 17.

Committee Notes

Approved

