

SCOTT A. LIBERTY

v.

DAVID J. VAN DYKE et al.

Submitted On Briefs April 30, 2009  
Decided May 26, 2009

Panel: CLIFFORD, ALEXANDER, LEVY, SILVER, and MEAD, JJ.

MEMORANDUM OF DECISION

Scott A. Liberty appeals from the denial of his motion for reconsideration of a summary judgment in favor of attorney David J. Van Dyke and the law firm of Berman & Simmons, P.A. entered in the Superior Court (Cumberland County, *Crowley, J.*) on Liberty's complaint for legal malpractice. Contrary to Liberty's contention, the court did not err as a matter of law in concluding that, in the context of his professional negligence complaint, Liberty must establish causation by presenting evidence to demonstrate that, in the absence of Van Dyke and Berman & Simmons's alleged negligence, Liberty would have obtained a more favorable outcome in his underlying divorce and spousal tort litigation, as well as what that better outcome would have been. *See Corey v. Norman, Hanson & DeTroy*, 1999 ME 196, ¶¶ 13-14, 742 A.2d 933, 940. Additionally, this required element of proof applies equally to all of Liberty's causes of action. *See Niehoff v. Shankman & Assocs. Legal Ctr., P.A.*, 2000 ME 214, ¶ 8, 763 A.2d 121, 124. Finally, viewing the facts in the light most favorable to Liberty, as the nonmoving party, we discern no error in the court's grant of a summary judgment in favor of Van Dyke and Berman & Simmons based on Liberty's failure to establish causation on a prima facie basis for every cause of action. *See Reid v. Town of Mount Vernon*, 2007 ME 125, ¶ 12, 932 A.2d 539, 543.

The entry is:

Judgment affirmed.

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