

Most personal injury cases in California are brought under a theory of negligence. This requires showing the following legal elements:

- The defendant owed the plaintiff a duty of care
- The defendant breach the duty of care
- The plaintiff was harmed
- The defendant's negligence was a substantial factor in causing the harm

The duty of care may be imposed by law, such as teachers having a duty to provide proper supervision to children in their care or drivers having a duty to obey traffic laws. Negligence occurs when a person fails to use reasonable care to prevent harm to himself or others. A jury must determine what a reasonably prudent person would have done under the same or similar circumstances when considering the duty of care.