

Medical Malpractice – Required Contents of Affidavit of Merit and Response Table¹

Required Contents of Affidavit of Merit	Required Contents of Response to Affidavit of Merit (Affidavit of Meritorious Defense)
<p>The applicable standard of care. See MCL 600.2912d(1)(a).</p>	<p>The factual basis for each defense to the claims made against the defendant in the complaint. See MCL 600.2912e(1)(a).</p>
<p>The health professional’s opinion that the applicable standard of care was breached by the health professional or health facility receiving the notice. See MCL 600.2912d(1)(b).</p>	<p>The standard of practice or care that the health professional or health facility named as a defendant in the complaint claims to be applicable to the action and that the health professional or health facility complied with that standard. See MCL 600.2912e(1)(b).</p>
<p>The actions that should have been taken or omitted by the health professional or health facility in order to have complied with the applicable standard of practice or care. See MCL 600.2912d(1)(c).</p>	<p>The manner in which it is claimed by the health professional or health facility named as a defendant in the complaint that there was compliance with the applicable standard of practice or care. See MCL 600.2912e(1)(c).</p>
<p>The manner in which the breach of the standard of practice or care was the proximate cause of the injury alleged in the notice. See MCL 600.2912d(1)(d).</p>	<p>The manner in which the health professional or health facility named as a defendant in the complaint contends that the alleged injury or alleged damage to the plaintiff is not related to the care and treatment rendered. See MCL 600.2912e(1)(d).</p>

¹See the Michigan Judicial Institute’s *Civil Proceedings Benchbook*, Chapter 9, for more information.

