References are to Sections

ABANDONMENT OF PERSONS

Wrongful death, damages, distributions, § 14.18

ABNORMALLY DANGEROUS ACTIVITIES

Assumption of risk, § 1.27 Contributory negligence, § 1.27 Explosives, this index Indemnity and indemnification, contracts, § 18.21 Obvious Danger, generally, this index Standard of care, negligence, § 1.27

ABORTION

Wrongful birth or life, medical malpractice, § 7.25

ABSOLUTE LIABILITY

Strict Liability, generally, this index

ABSTRACT STATEMENTS

Closing arguments, § 25.4

ABUSE

Children and minors, joint and several liability, intentional tort negligently allowed, § 18.14

Sexual abuse, limitation of actions, § 17.8

ABUSE OF PROCESS

Punitive damages, § 12.22

ACCIDENT AND HEALTH INSURANCE

Collateral Source Benefits, generally, this index
Compensation and salaries, capacity, damages, § 12.8
Evidence, collateral source benefits, § 12.25
Governmental immunity, § 10.64
Governmental immunity, collateral source benefits, §§ 10.61, 10.64, 12.25
Capped liability, §§ 10.62, 12.25
Malpractice, physician employed by insurer, § 7.7

ACCIDENTS

Lifestyle,
Diminishing lifestyle,
Damages, § 20.4

ACCURACY

Opening statements, § 22.5

ACCUSATIONS

Accuracy,

Opening statements, § 22.5

ACCUSATORY STATEMENTS

Opening statements, § 22.2

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Blood, transfusions, malpractice, § 7.48

Limitation of actions, exposure to disease, § 17.9

ACTIONS AND PROCEEDINGS

Battle plan, § 20.1

Negligence, prerequisites, § 1.1 Objectives, § 20.1 et seq.

Recapitulation,

Theory of the case, § 20.7

Theory of the case, § 20.1 et seq.

ACTIVE NEGLIGENCE

Concurrent causation, § 2.3

Superseding cause, § 2.8

ACTS OF GOD

Concurrent causation, § 2.3

Apportionment of damages, § 18.12

ADAGES

Behavioral advocacy, § 26.7

ADDITUR

Damages, § 12.34

ADDRESS

Witnesses,

Direct examination, § 23.4

ADJOINING LANDOWNERS

Arson, third parties, liability, § 5.17

Children and minors, trespass, § 5.4

Claims against Commonwealth, highways and roads, dangerous conditions, § 10.42 Dangerous conditions,

Duty, § 5.11

Highways and roads, generally, post

Sidewalks, § 5.13

Governmental immunity, real estate, § 10.33

Access to adjoining land, § 10.37

Highways and roads, generally, post

Risk outside land, § 5.16

Governmental immunity, real estate, § 10.33

Access to adjoining land, § 10.37

Highways and roads,

Dangerous activities or conditions, § 5.12

Claims against Commonwealth, § 10.42

Trespass, § 5.6

Driveways, design, legal cause, § 5.12

Indemnity and indemnification, sidewalks, municipal corporations, § 18.21

Ice and snow, § 5.13

Legal cause, highways and roads, driveways, design, § 5.12

Sidewalks,

Dangerous conditions, § 5.13

Indemnity and indemnification, municipal corporations, § 18.21

Third parties, arson, liability, § 5.17

ADJOINING LANDOWNERS—Continued

Trespass,

Children and minors, § 5.4

Highways and roads, dangerous activities or conditions, § 5.6

ADJUNCTS TO ADVOCACY

Generally, § 27.1 et seq.

ADMINISTRATIVE LAW AND PROCEDURE

Claims against Commonwealth, generally, this index

ADMIRALTY AND MARITIME LAW

Delay, damages, § 13.6

Separation of spouses, wrongful death, standing, § 14.4

ADMISSIONS

Releases, § 18.18

Witnesses, § 21.2

ADVERSE OR PECUNIARY INTEREST

Attorneys, malpractice, § 6.16

Behavioral advocacy, § 26.1 et seq.

Wrongful death, damages, distributions, § 14.18

ADVERSE PARTY

Cross-examination, § 24.8

ADVERSE WITNESSES

Restating opinions,

Cross-examination, § 24.9

ADVERTISEMENTS

Fraud, strict liability, personal injuries, § 9.58

Workers compensation, insurance, assumption of duty, § 1.16

AFFIRMATIVE DEFENSES

Attorneys, malpractice, criminal law and procedure, § 6.6

Comparative negligence, § 15.5

Limitation of actions, § 17.2

Master-servant relationship, lack of authority, § 3.13

Privileges and immunities, § 10.50

AGE

Witnesses,

Direct examination, § 23.4

AGENTS AND AGENCY

Apparent authority, § 3.18

Estoppel, apparent authority, § 3.18

Fraud, vicarious liability, § 3.8

Joint and several liability, § 18.15

Master-servant relationship, distinguished, § 3.2

Products liability, sellers, § 9.10

Releases, vicarious liability, §§ 18.15, 18.18

Vicarious liability,

Fraud, § 3.8

Joint and several liability, § 18.15

Subagents, § 3.9

AGGRAVATION OF EXISTING INJURIES

Apportionment of damages, §§ 18.11, 18.12

Medical care and treatment, generally, post

Strict liability, § 18.17

Burden of proof, apportionment of damages, § 18.12

AGGRAVATION OF EXISTING INJURIES—Continued

Comparative negligence,

Apportionment of damages, generally, ante

Medical care and treatment, malpractice, §§ 12.28, 18.11, 18.13

Patient conduct, § 7.24

Concurrent causation, § 2.3

Damages, § 12.26

Apportionment of damages, generally, ante

Legal cause, § 2.6

Joint and several liability,

Apportionment of damages, generally, ante

Strict liability, § 18.17

Legal cause,

Concurrent causation, § 2.3

Damages, § 2.6

Medical care and treatment, malpractice,

Apportionment of damages, §§ 12.28, 18.11, 18.13

Releases, § 18.3

Satisfaction of judgments, §§ 18.9, 18.13

Comparative negligence, generally, ante

Physicians and surgeons. Medical care and treatment, generally, ante

Releases, medical care and treatment, malpractice, §§ 18.3, 18.13

Satisfaction of judgments, medical care and treatment, malpractice, § 18.13

Strict liability, joint and several liability, § 18.17

AGGRESSION

Behavioral advocacy, § 26.3

Closing argument, § 25.1

Trial advocacy, § 19.5

AGREEMENTS

Cross-examination,

Unique approaches, § 24.9

VIDE

Acquired Immune Deficiency Syndrome (AIDS), generally, this index

AIR BAGS

Preemption, products liability, § 9.71

AIR RIFLES

Obvious danger, products liability, misuse of product, foreseeability, § 9.65

ALCOHOLIC BEVERAGES

Parent and child, social hosts, respondeat superior, § 3.3

Products liability, strict liability,

Balance risk and utility, § 9.30

Warnings, § 9.43

Inherently dangerous products, § 9.69

Respondeat superior, parent and child, social hosts, § 3.3

Social hosts, parent and child, respondeat superior, § 3.3

Warnings, products liability, strict liability, § 9.43

Inherently dangerous products, § 9.69

ALCOHOLICS AND INTOXICATED PERSONS

Assault and battery, third parties, duty, bar operator, § 5.17

Children and minors, duty, § 1.15

Claims against Commonwealth, § 10.3

Driving while intoxicated, superseding causes, § 10.51

Liquor control board, §§ 10.16, 10.46

Comparative negligence, medical care and treatment, malpractice, patient conduct, § 7.24 Driving While Intoxicated, generally, this index

ALCOHOLICS AND INTOXICATED PERSONS—Continued

Hotels and motels, duty to guests, scope, \S 1.3 Motor vehicles.

Driving While Intoxicated, generally, this index Governmental immunity, § 10.33

ALIENS

Deportation, guilty pleas, attorneys, malpractice, § 6.3

ALLERGIES

Products liability, warnings, § 9.43

ALLOCATIONS

Comparative negligence. Responsibility, generally, post Contribution, generally, this index Damages. Apportionment of Damages, generally, this index Fault percentages. Responsibility, generally, post Joint and several liability. Responsibility, post Responsibility,

Appeal and review, § 15.7

Defendant relative to plaintiff and to third parties, § 15.3

Strict liability, § 18.17

Multiple defendants,

Defendants relative to each other, § 15.2

Strict liability, § 18.17

To plaintiff and to third parties, § 15.3

Strict liability, § 18.17

Strict liability, § 18.17
Joint and several liability, § 18.11
Strict liability, § 18.17
Verdicts, § 15.3
Pro rata releases, § 18.8
Vicarious liability, § 18.15

Strict liability, § 18.17

ALTERATIONS

Defenses, this index

AMBULANCES

Governmental immunity, waiver, volunteers, § 10.19
Mental disabilities, privileges and immunities, § 7.45
Privileges and immunities, § 7.27
Governmental immunity, waiver, volunteers, § 10.19
Mental disabilities, § 7.45
Operation of vehicle, § 7.26
Volunteers, governmental immunity, waiver, § 10.19

AMMUNITION

Cross-examination, § 24.4 Effective use, § 24.5

ANIMALS

Claims against Commonwealth, § 10.47

ANIMOSITY

Behavioral advocacy, § 26.6

ANSWERS

Affirmative Defenses, generally, this index Direct examination, § 23.1 Privileges and immunities, § 10.50 Witness preparation, § 21.6

ANTI-LOCK BRAKES

Preemption, products liability, § 9.71

ANXIETY

Witnesses.

Direct examination, § 23.4

APATHETIC PRESENTATIONS

Closing arguments, § 25.10

APPARENT AUTHORITY

Master-servant relationship, § 3.18

Franchises, § 3.5

APPEAL AND REVIEW

Damages,

Delay damages, pendency of appeal, § 13.9

Excessive verdicts, § 12.35

Inadequate verdicts, § 12.34

Punitive damages, § 12.24

Punitive damages, § 12.24

APPEARANCE

Demeanor,

Behavioral advocacy, § 26.4

APPENDICES

Trial briefs, § 27.3

APPORTIONMENT OF DAMAGES

Generally, § 18.12

Acts of God, concurrent causation, § 18.12

Burden of proof, § 18.12

Comparative Negligence, generally, this index

Compromise and Settlement, this index

Contribution, generally, this index Delay damages, multiple defendants, § 13.10

Hazardous substances and waste, single defendant, negligence and nonnegligence, burden of proof, § 18.12

Joint and several liability, distinguished, §§ 18.10, 18.11

Multiple defendants, § 18.12

Comparative negligence, §§ 15.2, 15.3

Pro rata releases, § 18.8

Contribution, generally, this index

Delay damages, § 13.10

Joint and several liability, distinguished, §§ 18.10, 18.11

Strict liability, § 18.17

Releases, this index

Strict liability, pro rata releases, griffin releases, § 18.7

Subsequent Injuries, this index

Vicarious liability, pro rata shares, § 18.15

Natural forces, concurrent causation, § 18.12

Preexisting physical conditions, § 18.12

Releases, this index

Single defendant, negligence and nonnegligence, burden of proof, § 18.12

Strict liability, § 18.17

Multiple defendants, pro rata releases, griffin releases, § 18.7

Subsequent Injuries, this index

Survival actions, wrongful death, § 14.9

Compromise and settlement, § 14.18

Court approval, § 14.17

Personal maintenance deduction, § 14.12

APPRECIATION

Behavieral advocacy, § 26.6

APPREHENSION

Witnesses,

Preliminary considerations, § 21.5

ARBITRATION AND AWARD

Delay, damages, §§ 13.1, 13.5

Health Care Services Malpractice Act, § 7.37

ARGUMENTATIVE STATEMENTS

Behavioral advocacy, § 26.1

Opening statements, § 22.2

ARGUMENTS AND CONDUCT OF COUNSEL

Closing Arguments, generally, this index Opening Statements, generally, this index Trial advocacy, § 19.6

ARMED FORCES

Damages, delay, § 13.8

ARREST

False arrest,

Consortium, loss of, § 12.32

Punitive damages, § 12.22

Punitive damages,

False arrest, § 12.22

Officers and employees, indemnity and indemnification, § 12.21

Relationship between parties, duty, § 1.9

ARSON

Foreseeability,

Legal cause, § 2.6

Superseding causes, § 2.9

Medical care and treatment, malpractice, § 7.41

Superseding causes, foreseeability, § 2.9

Third parties,

Adjoining landowners, liability, § 5.17

Foreseeability,

Legal cause, § 2.6

Superseding causes, § 2.9

ARTICULATION

Closing arguments, § 25.5

ARTIFICIAL JARGON

Behavioral advocacy, § 26.2

Apportionment of damages, concurrent causation, cigarette smoking, § 18.12 Cigarette smoking, apportionment of damages, concurrent causation, § 18.12

Concurrent causation, apportionment of damages, cigarette smoking, § 18.12

Apportionment of damages, cigarette smoking, concurrent causation, § 18.12

Compromise and settlement, § 12.34

Emotional distress, future injury or complications feared, § 11.6

Emotional distress,

Future injury or complications feared, § 11.6

Negligent infliction, bystanders, § 11.4

ASBESTOS—Continued Limitation of actions, § 17.9 Discovery rule, § 17.3 Diligence, § 17.5 Products liability, absence of injury, § 9.72 Multiple defendants, Allocation of responsibility, verdicts, § 15.3 Pro rata releases, § 18.8 Concurrent causation, apportionment of damages, cigarette smoking, § 18.12 Products liability, Absence of injury, § 9.72 Punitive damages, § 12.22 Punitive damages, products liability, § 12.22 Verdicts, multiple defendants, allocation of responsibility, § 15.3 Pro rata releases, § 18.8 **ASSAULT AND BATTERY** Claims against Commonwealth, third party crimes, § 10.44 Mental disabilities, medical care and treatment, § 10.29 Officers and employees, personal liability, § 10.8 Governmental immunity, real estate, § 10.33 Landlord and tenant, security, § 5.19 Medical care and treatment, Informed Consent, generally, this index Malpractice, §§ 7.41, 7.42 Prior episodes, police, duty, § 10.48 Punitive damages, § 12.22 Third parties, Claims against Commonwealth, generally, ante Duty, landowners, § 5.17 Governmental immunity, real estate, § 10.33 **ASSEMBLERS** Products liability, sellers, § 9.12 Incomplete products, § 9.25 **ASSIGNMENTS** Malpractice claims, attorneys, civil cases, § 6.11 **ASSOCIATIONS AND SOCIETIES** Comparative negligence, imputed negligence, § 15.14 **ASSUMPTION OF DUTY** Generally, § 1.16 Inspections and inspectors, workers compensation, § 1.16 Medical care and treatment, malpractice, § 1.16 Workers compensation, inspections and inspectors, § 1.16 **ASSUMPTION OF RISK** Generally, § 16.1 et seq. Abnormally dangerous activities, § 1.27 Athletes and Athletics, this index Baseball, inherent risks, § 16.7 Bulldozers, conscious choice to encounter danger, § 16.4 Burden of Proof, this index Children and minors, § 16.10 Dogs, § 16.6 Common law, § 16.1 Comparative negligence, § 16.2

Distinguished, § 16.6 Inherent risks, § 16.7

Conscious choice to encounter danger, §§ 16.1, 16.4

ASSUMPTION OF RISK—Continued Consent, § 16.1 Contracts, express assumption of risk, § 16.8 Deliberation, § 16.6 Dogs, children and minors, § 16.6 Duty, § 16.2 Electricity, poles and wires, § 16.5 Elevators, obvious danger, § 16.3 Emergencies, § 16.6 Explosives, obvious danger, §§ 16.2, 16.3 Express assumption of risk, § 16.8 Firefighters and fire departments, § 16.9 Fireworks, obvious danger, §§ 16.2, 16.3 Hospitals, dangerous conditions, duty, obvious danger, § 16.3 Ice and snow, duty, § 16.2 Inherent risks, § 16.7 Intent, products liability, defects, strict liability, § 9.63 Judgments and decrees, summary judgments, § 16.5 Knowledge, this index Labor and employment, possible risks, § 16.6 Legal cause, products liability, defects, strict liability, § 9.63 Motor vehicles, Passengers, driving while intoxicated, § 16.5 Races, express assumption of risk, § 16.8 Obvious danger, duty, §§ 16.2, 16.3 Parking lots, ice and snow, §§ 16.2, 16.3 Possible risks, § 16.6 Presumptions, Children and minors, § 16.10 Knowledge, § 16.5 Products liability, defects, strict liability, §§ 1.27, 9.63 Safety devices, design defects, § 9.36 Puddled water, storekeepers, Assumption of risk, conscious choice to encounter danger, § 16.4 Duty, obvious danger, § 16.3 Racgetball, express assumption of risk, § 16.8 Reasonable person standard, § 16.5 Release, express assumption of risk, § 16.8 Rescuers, § 16.9 Roller coasters, inherent risks, § 16.7 Sidewalks, ice and snow, duty, obvious danger, assumption of risk, § 16.3 Skating rinks, Conscious choice to encounter danger, § 16.4 Inherent risks, § 16.7 Skiing, this index Storekeepers, puddled water, Assumption of risk, conscious choice to encounter danger, § 16.4 Duty, obvious danger, § 16.3 Summary judgments, § 16.5 Products liability, defects, strict liability, § 9.63 Survival actions, § 14.16 Theaters and shows, inherent risks, darkness, § 16.7 Time, deliberation, § 16.6 Warnings, § 16.6 Warranties, breach, personal injuries, § 9.54

ATHLETES AND ATHLETICS

Wrongful death, § 14.16

Assumption of risk,

Express assumption of risk, § 16.8

ATHLETES AND ATHLETICS—Continued Assumption of risk—Continued Inherent risks, § 16.7 Patrons, §§ 16.1, 16.7 Skating rinks. Conscious choice to encounter danger, § 16.4 Inherent risks, § 16.7 Skiing, this index Baseball, assumption of risk, inherent risks, § 16.7 Comparative negligence, medical care and treatment, malpractice, patient conduct, § 7.24 Head injuries, Damages, § 20.5 Racquetball, assumption of risk, express assumption of risk, § 16.8 Skating rinks, assumption of risk, Conscious choice to encounter danger, § 16.4 Inherent risks, § 16.7 Skiing, generally, this index ATTACKING WITNESS Cross-examination, Unique approaches, § 24.9 **ATTENTIVENESS** Closing arguments, § 25.5 **ATTITUDE** Behavioral advocacy, § 26.7 **ATTORNEYS** Adverse or pecuniary interest, Malpractice, § 6.16 Business dealings with clients, § 6.17 Wrongful death, damages, distributions, § 14.18 Affirmative defenses, malpractice, criminal law and procedure, § 6.6 Assignments, malpractice claims, civil cases, § 6.11 Behavioral Advocacy, generally, this index Bribery and corruption, malpractice, contributory negligence, § 6.24 Burden of proof, malpractice, Business dealings with clients, § 6.17 Civil cases, Instructions of client, § 6.15 Legal cause, § 6.25 Criminal law and procedure, civil cases distinguished, § 6.1 Legal cause, § 6.25 Business dealings with clients, malpractice, § 6.17 Civil cases, malpractice, Assignments, claims, § 6.11 Attorney-client relationship, § 6.10 Burden of proof, generally, ante Compromise and settlement, generally, post Contributory negligence, § 6.24 Damages, generally, post Elements of actions, § 6.9 Errors and mistakes, § 6.23 Expert witnesses, standard of care, § 6.26 Instructions of client, § 6.15 Joinder of parties, generally, post Legal cause, post Limitation of actions, post Predictions of future law, § 6.22

Privity, § 6.10

```
ATTORNEYS—Continued
Civil cases—Continued
   Professional responsibility, violation of rules, § 6.20
   Standard of care, generally, post
Collateral estoppel, malpractice, ineffective assistance of counsel, § 6.2
Compensation,
   Probable future earnings, theory of the case, § 20.6
Compromise and settlement, malpractice,
   Client dissatisfaction with settlement, § 6.19
   Communication of offers, § 6.18
       Expert witnesses, standard of care, § 6.26
Confidential or privileged information, malpractice,
   Criminal law and procedure, affirmative defenses, § 6.6
   Fiduciary relationship, § 6.16
   Malpractice, criminal law and procedure, affirmative defenses, § 6.6
Conflict of interest, wrongful death, damages, distributions, § 14.18
Consent, compromise and settlement, malpractice, § 6.19
Contracts, malpractice,
   Civil cases, § 6.9
       Instructions of client, § 6.15
   Criminal law and procedure, § 6.2
       Limitation of actions, § 6.8
   Limitation of actions,
       Civil cases, § 6.29
       Criminal law and procedure, § 6.8
      Pleadings, § 17.2
Contributory negligence, malpractice, § 6.24
Criminal law and procedure, malpractice,
   Affirmative defenses, § 6.6
   Burden of proof, civil cases distinguished, § 6.1
   Civil cases distinguished, § 6.1
   Confidential or privileged information, affirmative defenses, § 6.6
   Contracts, § 6.2
       Limitation of actions, § 6.8
   Damages, § 6.7
       Civil cases distinguished, § 6.1
   Defenses, § 6.6
   Elements of actions, § 6.2
   Exhaustion of remedies, civil cases distinguished, § 6.1
   Guilty pleas, § 6.3
   Indigent persons, privileges and immunities, § 6.5
   Legal cause, §§ 6.2, 6.4
   Limitation of actions, § 6.6
       Commencement at imprisonment, § 6.7
   Public policy, § 6.2
   Willful or wanton negligence, § 6.2
Damages,
   Delay damages, egregious misconduct, common law, § 13.11
   Malpractice,
       Civil cases, § 6.27
          Criminal cases distinguished, § 6.1
          Instructions of client, § 6.15
       Criminal law and procedure, § 6.7
          Civil cases distinguished, § 6.1
      Delay damages, § 13.5
Instructions of client, civil cases, § 6.15
      Punitive damages, § 6.28
Defenses, malpractice,
   Confidential or privileged information, criminal law and procedure, § 6.6
   Contributory negligence, § 6.24
```

```
ATTORNEYS—Continued
Disclosures, adverse or pecuniary interests, malpractice, § 6.16
Errors and mistakes, malpractice, § 6.23
Evidence, malpractice,
   Ineffective assistance of counsel, § 6.2
   Professional responsibility, violation of rules, § 6.20
Exhaustion of remedies, malpractice, criminal law and procedure, civil cases distinguished,
Expert witnesses, malpractice, standard of care, § 6.26
Fiduciary relationship, malpractice, § 6.16
Fraud, adverse or pecuniary interests, malpractice, § 6.16
   Business dealings with clients, § 6.17
Guilty pleas, malpractice, § 6.3
Indigent persons, malpractice, criminal law and procedure, privileges and immunities, § 6.5
Ineffective assistance of counsel, malpractice, evidence, § 6.2
Legal cause, malpractice,
   Burden of proof, § 6.25
   Civil cases, §§ 6.9, 6.25
      Instructions of client, § 6.15
   Criminal law and procedure, §§ 6.2, 6.4
      Guilty verdicts, suicide, § 2.5
Limitation of actions, malpractice,
   Civil cases, § 6.29
      Expert witnesses, standard of care, § 6.26
   Criminal law and procedure, § 6.8
      Commencement at imprisonment, § 6.7
   Pleadings, § 17.2
Malpractice, § 6.1 et seq.
   Adverse or pecuniary interests, § 6.16
      Business dealings with clients, § 6.17
   Affirmative defenses, criminal law and procedure, § 6.6
   Assignments, claims, civil cases, § 6.11
   Attorney-client relationship, §§ 6.9, 6.10
   Bribery and corruption, contributory negligence, § 6.24
   Burden of proof, generally, ante
   Business dealings with clients, § 6.17
   Civil cases, generally, ante
   Collateral estoppel, ineffective assistance of counsel, § 6.2
   Compromise and settlement, generally, ante
   Confidential or privileged information,
      Affirmative defenses, criminal law and procedure, § 6.6
      Fiduciary relationship, § 6.16
   Contracts, generally, ante
   Contributory negligence, defenses, § 6.24
   Criminal law and procedure, generally, ante
   Damages, generally, ante
   Defenses, generally, ante
   Delay, damages, § 13.5
   Elements of actions.
      Civil cases, § 6.9
      Criminal law and procedure, § 6.2
   Errors and mistakes, § 6.23
   Evidence,
      Ineffective assistance of counsel, § 6.2
      Professional responsibility, violation of rules, § 6.20
   Executors and administrators, contributory negligence, § 6.24
   Exhaustion of remedies, criminal law and procedure, civil cases, distinguished, § 6.1
   Expert witnesses, standard of care, § 6.26
   Fiduciary relationship, § 6.16
```

Indigent persons, privileges and immunities, criminal law and procedure, § 6.5

ATTORNEYS—Continued Malpractice—Continued Ineffective assistance of counsel, evidence, § 6.2 Instructions of client, civil cases, § 6.15 Joinder of parties, Additional defendants, failure to join, § 6.21 Third party claims, § 6.10 Legal cause, generally, ante Limitation of actions, Discovery rule, § 17.4 Generally, ante Pleadings, § 17.2 Predictions of future law, § 6.22 Privileges and immunities, indigent persons, criminal law and procedure, § 6.5 Privity, § 6.10 Professional responsibility, violation of rules, § 6.20 Public policy, criminal law and procedure, § 6.2 Punitive damages, civil cases, § 6.28 Real estate, expert witnesses, standard of care, § 6.26 Release, § 6.19 Securities, contributory negligence, § 6.24 Standard of care, generally, post Willful or wanton negligence, criminal law and procedure, § 6.2 Negligence. Malpractice, generally, post Predictions of future law, malpractice, § 6.22 Presumptions, undue influence, § 6.17 Privileges and immunities, malpractice, indigent persons, criminal law and procedure, § 6.5 Privity, malpractice, § 6.10 Professional responsibility, violation of rules, malpractice, § 6.20 Punitive damages, Malpractice, civil cases, § 6.28 Reliance on advice, § 12.21 Evidence, § 12.24 Real estate, malpractice, expert witnesses, standard of care, § 6.26 Release, malpractice, § 6.19 Reliance on advice, punitive damages, § 12.21 Evidence, § 12.24 Securities, malpractice, contributory negligence, § 6.24 Specialists, standard of care, malpractice, civil cases, § 6.14 Standard of care, malpractice, civil cases, § 6.12 Elements of actions, § 6.9 Expert witnesses, § 6.26 Locality rule, § 6.13 Professional responsibility, violation of rules, § 6.20 Specialists, § 6.14 Trial Advocacy, generally, this index Undue influence, presumptions, § 6.17 Willful or wanton misconduct, malpractice, criminal law and procedure, § 6.2 Wrongful death, damages, distributions, § 14.18 ATTORNEYS FEES Civil rights violations, § 10.60 Claims against Commonwealth, § 10.60 Health Care Services Malpractice Act, § 7.38 Municipal corporations, § 10.2 Warranties, breach, personal injuries, Magnuson Moss Warranty Act, § 9.54

ATTRACTIVE NUISANCE

Children and minors, trespass, landowners, duty, § 5.4

AUCTIONS AND AUCTIONEERS

Products liability, sellers, § 9.11

AVOIDABLE CONSEQUENCES

Mitigation of damages, § 12.29

AVOIDABLE HAZARD

Landowners, duty, § 5.1

AWKWARDNESS

Witness preparation, § 21.6

BANKRUPTCY

Damages, delay, § 13.8

Verdicts, multiple defendants, allocation of responsibility, § 15.3

Pro rata releases, § 18.8

BANKS AND BANKING

Fraud, punitive damages, respondent superior, § 12.23

Punitive damages, fraud, respondeat superior, § 12.23

BASEBALL

Assumption of risk, inherent risks, § 16.7

Obvious danger, foul balls, invitees, duty, landowners, § 5.8

BATTERIES

Explosives, jumper cables, warnings, strict liability, products liability, § 9.43

BATTLE PLAN

Closing arguments, § 25.3

BEHAVIOR

Behavioral advocacy, § 26.7

BEHAVIORAL ADVOCACY

Generally, § 26.1 et seq.

Adages, § 26.7

Courtesy, § 26.3

Demeanor, § 26.4

Generosity, § 26.5

Language, § 26.2

Sensitivity, § 26.6

BIAS OR PREJUDICE

Behavioral advocacy, § 26.1

Problem solving,

Courtroom advocacy, § 19.2

Witnesses, compromise and settlement, admissibility of evidence, § 18.18

BIFURCATION OF ACTIONS

Punitive damages, § 12.24

BIRTH

Wrongful birth, medical malpractice, § 7.25

BLASTING

Explosives, generally, this index

BLIND PERSONS

Negligence, standard of care, § 1.24

Standard of care, negligence, § 1.24

BLOOD

Transfusions,

Informed consent, §§ 8.6, 8.7

BLOOD—Continued

Transfusions—Continued

Malpractice, § 7.48

Products liability, strict liability, §§ 9.15, 9.48

BLOOD BANKS

Privileges and immunities, § 7.48

BOILERS

Components suppliers, products liability, strict liability, \S 9.46 Products liability, \S 9.24

Components suppliers, strict liability, § 9.46

BONDING

Trial advocacy, § 19.2

BOOKS

Products liability, § 9.21

BOREDOM

Adjuncts to advocacy, § 27.2

BORROWED SERVANTS

Generally, § 3.14 et seq. Corporations, parent and subsidiary, § 3.16 Machinery supplied with operator, § 3.15

BORROWING STATUTE

Limitation of actions, foreign states, § 17.1

BRANDS, MARKS AND LABELS

Hazardous substances and waste, products liability, warnings, preemption, § 9.71 Preemption, hazardous substances and waste, products liability, warnings, § 9.71 Products liability, warnings, hazardous substances and waste, preemption, § 9.71 Warnings, products liability, hazardous substances and waste, preemption, § 9.71

BREACH OF DUTY

Actions and proceedings, prerequisites, common law, § 1.1

BRIBERY AND CORRUPTION

Attorneys, malpractice, contributory negligence, § 6.24 Contributory negligence, attorneys, malpractice, § 6.24

BRIDGES

Obvious danger, landowners, licensees, duty, § 5.9

BRIEFS

Adjuncts to advocacy, § 27.1 et seq. Plaintiff trial briefs,
Form, Appendix Exhibit E
Trial briefs,
Adjuncts to advocacy, § 27.3

BUILDING BLOCKS

Witnesses,

Direct examination, § 23.13

BUILDINGS

Construction, generally, this index Contracts, class intended to be protected, negligence, § 1.6 Products liability, § 9.24 Construction, statutes of repose, defenses, § 9.73

BULLDOZERS

Assumption of risk, conscious choice to encounter danger, § 16.4

```
BURDEN OF PROOF
Acts of God, apportionment of damages, § 18.12
Aggravation of existing injuries, apportionment of damages, § 18.12
Apportionment of damages, § 18.12
Assumption of risk, § 16.5
   Inherent risks, necessity, § 16.7
   Products liability, defects, strict liability, § 9.63
Attorneys, this index
Comparative negligence, § 15.5
Compensation and Salaries, this index
Concurrent causation, § 2.4
   Apportionment of damages, § 18.12
Constructive notice, streets and alleys, dangerous conditions, § 10.38
Damages, this index
Dangerous Conditions, this index
Emergencies, negligence, standard of care, § 1.26
Errors and mistakes, mutual mistake of fact, releases, general releases, § 18.3
Fraud,
   Limitation of actions, § 17.6
   Releases, general releases, § 18.3
Ice and snow, dangerous conditions,
   Sidewalks, hills and ridges doctrine, § 5.14
   Streets and alleys, constructive notice, § 10.38
Independent contractors, dangerous conditions, warnings, § 5.10
Jones Act,
   Damages, § 20.2
Legal Cause, this index
Limitation of actions, § 17.2
   Fraudulent concealment and misrepresentation, § 17.6
Master-servant relationship, § 3.13
Medical Care and Treatment, this index
Misrepresentation, limitation of actions, § 17.6
Mutual mistake of fact, releases, general releases, § 18.3
Natural forces, apportionment of damages, § 18.12
Negligence,
   Concurrent causation, § 2.4
   Emergencies, standard of care, § 1.26
   Legal Cause, this index
   Per se negligence, § 1.22
Pain and suffering, survival actions, § 14.14
Preexisting conditions, apportionment of damages, § 18.12
Privileges and immunities, gratuitous use of land, Recreational Use of Land and Water Act,
      § 5.15
Products liability,
   Design,
      Alternative feasibility, § 9.38
      Enhanced injury, § 9.37
   Intended use, § 9.66
   Joint and several liability, alternative defendants, § 9.59
   Legal cause, concurrent causation, § 2.4
   Warnings, strict liability, § 9.43
Punitive damages, § 12.24
Recreational Use of Land and Water Act, privileges and immunities, gratuitous use of land,
      § 5.15
Sidewalks, dangerous conditions, § 5.13
Streets and alleys, dangerous conditions, constructive notice, § 10.38
Subsequent injuries, apportionment of damages, § 18.12
Survival actions, damages,
   Compensation and salaries, future capacity, § 14.11
   Pain and suffering, § 14.14
```

BURDEN OF PROOF—Continued

Wrongful death, damages, § 14.7

BURIALS

Expenses and expenditures, wrongful death, damages, §§ 14.2, 14.7

BUSES

Passengers, assault and battery, third parties, § 5.17

BUSINESS AND COMMERCE

Attorneys, dealings with clients, malpractice, § 6.17

Damages, profits, compensation and salaries, distinguished, § 12.11

BUT FOR

Cause in fact, § 2.2

BYSTANDERS

Emotional Distress, this index

CAMOUFLAGE

Closing arguments, § 25.10

CANCER

Limitation of actions, discovery rule, diligence, § 17.5

Death cases, § 17.10

Medical malpractice, increased risk of harm, legal cause, § 7.17

CANDOR

Behavioral advocacy, § 26.3

CAPACITY

Negligence, standard of care, § 1.17

Children and minors, § 1.23

Standard of care, § 1.17

Children and minors, § 1.23

CAPPED DAMAGES LIABILITY

Claims against Commonwealth, this index

Governmental Immunity, this index

CAPTAIN OF SHIP DOCTRINE

Hospitals, operating rooms, malpractice, vicarious liability, § 7.8

CASUAL NEGLIGENCE

Independent contractors, peculiar risk of harm, vicarious liability, § 4.10

CATASTROPHE FUND

Medical professional liability catastrophe loss fund, § 7.36

CAUSATION

Legal Cause, generally, this index

CAUSE IN FACT

Legal cause, distinguished, §§ 2.2, 2.5

CHARISMATIC INDIVIDUALS

Witnesses,

Direct examination, § 23.11

CHARITABLE ORGANIZATIONS

Contributions, personal maintenance deduction, survival actions, \S 14.12 Privileges and immunities, hospitals, malpractice, \S 7.28

CHARTS

Witnesses,

Direct examination, § 23.12

```
CHEATING
Trial advocacy, § 19.5
CHEMICAL SELF DEFENSE SPRAYS
Products liability,
   Crimes and offenses, superseding causes, § 2.9
   Misrepresentations, reliance, § 9.58
Brands, marks and labels, products liability, preemption, § 9.71
CHILDREN AND MINORS
Abuse, joint and several liability, intentional tort negligently allowed, § 18.14
Alcoholics and intoxicated persons, duty, § 1.15
Assumption of risk, § 16.10
   Dogs, § 16.6
Attractive nuisance, trespass, landowners, duty, § 5.4
Born out of wedlock, wrongful death, standing, § 14.4
Cigarette lighters, products liability,
   Dangerous conditions, § 9.27
   Foreseeability, § 9.34
Comparative negligence, §§ 1.23, 15.12
   Imputed negligence, § 15.14
   Per se, § 1.23
Compensation and salaries,
   Damages, future loss of earnings and capacity, § 12.7
      Survival actions, § 14.11
   Survival actions, lost future earnings, § 14.11
Compromise and settlement, wrongful death, § 14.3
   Court approval, § 14.17
Concurrent causation, burden of proof, § 2.4
Consortium, loss of, § 12.31
Damages,
   Compensation and salaries, future loss of earnings and capacity, § 12.7
      Survival actions, § 14.11
   Medical care and treatment, expenses and expenditures, § 12.2
   Presumptions, wrongful death, § 14.7
Dangerous conditions, products liability, cigarette lighters, § 9.27
Dogs, assumption of risk, § 16.6
Duty,
   Alcoholics and intoxicated persons, § 1.15
   Control of third parties. Third Parties, this index
   Landowners, trespass, attractive nuisance, § 5.4
Fetuses, wrongful death, § 14.5
Foreseeability,
   Cigarette lighters, products liability, § 9.34
   Fireworks, products liability, manufacturers and manufacturing, negligence, design,
   Legal cause, §§ 2.5, 2.6
      Extraordinary nexus, superseding cause, § 2.8
      Superseding cause, § 2.9
         Extraordinary nexus, § 2.8
   Products liability, manufacturers and manufacturing, negligence, design, § 9.34
Landowners, machinery and equipment, permissive users, duty, § 1.13
Legal cause,
   Extraordinary nexus, § 2.7
      Superseding cause, § 2.8
   Foreseeability, §§ 2.5, 2.6
```

Superseding cause,

Extraordinary nexus, § 2.8 Prior incidents, § 2.9

CHILDREN AND MINORS—Continued Limitation of actions, §§ 17.1, 17.7

Medical care and treatment, expenses and expenditures, damages, § 12.2 Negligence, Comparative negligence, generally, ante Duty, generally, ante Presumptions, § 15.12 Standard of care, § 1.23 Newborns, wrongful death, § 14.5 Peanut butter, products liability, choking, warnings, § 9.43 Pleasures of life, pain and suffering, § 12.19 Presumptions, this index Products liability, Cigarette lighters, Dangerous conditions, § 9.27 Foreseeability, § 9.34 Foreseeability, manufacturers and manufacturing, negligence, design, § 9.34 Warnings, § 9.43 Standard of care, § 1.23 Stillbirth, wrongful death, § 14.5 Storekeepers, control of third parties, revolving doors, injuries to patrons, § 1.13 Superseding causes, Extraordinary nexus, § 2.8 Prior incidents, § 2.9 Survival actions, damages, lost future earnings, evidence, § 14.11 Third Parties, this index Trespass, attractive nuisance, landowners, duty, § 5.4 Warnings, Assumption of risk, dogs, § 16.6 Products liability, § 9.43 Witness preparation, § 21.10 Wrongful death, Compromise and settlement, § 14.3 Court approval, § 14.17 Newborns, § 14.5 Presumptions, damages, § 14.7 Standing, §§ 14.3, 14.4 **CHOSES IN ACTION** Warranties, § 9.51 **CIGARETTE LIGHTERS** Products liability, Dangerous conditions, § 9.27 Foreseeability, children and minors, § 9.34 Intended use, § 9.66 **CIGARETTE SMOKING** Apportionment of damages, asbestos, concurrent causation, § 18.12 Asbestos, apportionment of damages, concurrent causation, § 18.12 Comparative negligence, medical care and treatment, malpractice, patient conduct, § 7.24 Concurrent causation, apportionment of damages, asbestos, § 18.12 Defenses, preemption, products liability, § 9.71 Preemption, products liability, defenses, § 9.71 Products liability, Balance risk and utility, defects, strict liability, § 9.30 Preemption, defenses, § 9.71

CIRCUMSTANTIAL EVIDENCE
Master-servant relationship, § 3.13

CIVIL RIGHTS Violations, Attorneys fees, § 10.60 Consortium, loss of, § 12.32 Damages, delay, federal law, § 13.6 Delay, damages, federal law, § 13.6 General releases, public policy, § 18.3 Governmental immunity, §§ 10.2, 10.49 Privileges and immunities, Governmental immunity, §§ 10.2, 10.49 Officers and employees, § 10.49 Sovereign immunity, §§ 10.2, 10.49 Sovereign immunity, §§ 10.2, 10.49 CIVILITY Behavioral advocacy, § 26.3 **CLAIMS AGAINST COMMONWEALTH** Adjoining landowners, highways and roads, dangerous conditions, § 10.42 Affirmative defenses, § 10.50 Alcoholics and Intoxicated Persons, this index Animals, § 10.47 Answers, § 10.50 Assault and Battery, this index Attorneys fees, §§ 10.2, 10.60 Capped liability, § 10.58 Constitutional law, § 10.66 Death, § 10.59 Pro tanto releases, § 18.4 Categorization of defendants, § 10.9 Civil rights, §§ 10.2, 10.49 Collateral source benefits, damages, § 10.57 Colleges and universities, § 10.15 Compensation and salaries, lost earnings, damages, § 10.57 Compromise and settlement, damages, limits, § 10.58 Conditions precedent, Legal cause of action, § 10.25 Notices, §§ 10.3, 10.5 Consortium, Loss of, this index Contribution, pro tanto releases, cross claims, § 18.4 Correctional institutions, mental disabilities, medical care and treatment, § 10.29 Costs, § 10.60 Crimes and offenses, Assault and Battery, this index Third parties, § 10.44 Assault and battery, mental disabilities, medical care and treatment, § 10.29 Joint and several liability, § 10.51 Damages, §§ 10.3, 10.57 et seq. Attorneys fees, § 10.60 Capped liability, generally, ante Categories, § 10.57 Consortium, Loss of, this index Costs, § 10.60 Death, §§ 10.59, 14.7 Delay, § 10.65 Limits, § 10.58 Limits. Capped liability, generally, ante Death, damages, §§ 10.59, 14.7 Defenses, § 10.54

Limited resources, § 10.53

CLAIMS AGAINST COMMONWEALTH—Continued Defenses—Continued Workers compensation, § 10.54 Delay, damages, § 10.65 Limits, § 10.58 Duty, highways and roads, § 1.5 Health Care Services Malpractice Act, medical professional liability catastrophe loss fund, § 10.14 Highways and roads, § 10.3 Adjoining landowners, dangerous conditions, § 10.42 Dangerous conditions, § 10.42 Duty, § 1.5 Turnpike commission, §§ 10.1, 10.2, 10.11 Housing authorities, § 10.13 Indemnity and indemnification, officers and employees, § 10.8 Civil rights violations, § 10.49 Inspections and inspectors, § 10.2 Joint and several liability, § 10.51 Lakes, real estate, § 10.44 Legal cause, Conditions precedent, § 10.25 Personal property, § 10.30 Limitation of actions, § 17.1 Notice, § 10.5 Parties, pleadings, § 10.7 Limited resources, defenses, § 10.53 Liquor control board, § 10.16 Lost earnings, damages, § 10.57 Medical care and treatment, §§ 10.3, 10.29 Damages, § 10.57 Medical professional liability catastrophe loss fund, § 10.14 Mental disabilities, medical care and treatment, § 10.29 Mental Health Procedures Act, Defenses, § 10.54 Privileges and immunities, §§ 10.25, 10.29 Motor vehicles. Emergency vehicles, § 10.28 Operation, § 10.27 National guard, § 10.3 Negligence, § 10.26 Notices, §§ 10.3, 10.5 Officers and employees, indemnity and indemnification, § 10.8 Civil rights violations, § 10.49 Pain and suffering, damages, § 10.57 Parole and probation, mental disabilities, medical care and treatment, § 10.29 Parties, pleadings, § 10.7 Personal property, §§ 10.3, 10.30 Pleadings, § 10.50 Parties, § 10.7 Port authorities, § 10.12 Products liability, § 10.2 Property damage, § 10.57 Punitive damages, §§ 10.2, 10.57 Real estate, §§ 10.3, 10.44 Recreational Use of Land and Water Act, §§ 10.25, 10.55 Sidewalks, § 10.3 Streets and alleys, § 10.3

Superseding causes, third parties, \$ 10.51 Survival actions, damages, limits, §\$ 10.58, 10.59

CLAIMS AGAINST COMMONWEALTH—Continued

Third parties,

Crimes and offenses, generally, ante

Joint and several liability, § 10.51

Transportation authorities, § 10.10

Turnpike commission, privileges and immunities, §§ 10.1, 10.2

Vaccines, § 10.3

Venue, §§ 10.3, 10.6

Volunteers, personal liability, § 10.8

Wildlife, § 10.47

Willful or wanton misconduct, Mental Health Procedures Act, § 10.29

Workers compensation,

Defenses, § 10.54

Privileges and immunities, § 10.25

Mental disabilities, medical care and treatment, patient assault of employee, § 10.29

Wrongful death, damages, § 14.7

Limits, §§ 10.58, 10.59

CLASS INTENDED TO BE PROTECTED

Contracts, negligence, § 1.6

Negligence,

Contracts, § 1.6

Statutes, § 1.5

Statutes, negligence, § 1.5

CLASS PERSON

Behavioral advocacy, § 26.3

CLIMAX

Closing argument, § 25.15

CLOSING ARGUMENTS

Generally, § 25.1 et seq.

Analogizing, § 25.8

Battle plan, § 25.3

Exploiting weaknesses, § 25.11

Beginning of the end, § 25.5

Essential elements, § 25.2

Evidence, § 25.7

Exploiting strengths and weaknesses, § 25.11

Forthright statements, § 25.9

Intensity, § 25.14

Knockout blow, § 25.15

Passion, § 25.10

Quoting the opponents opening speech, § 25.6

Rebuttal, § 25.14

Rhetoric, § 25.13

The ending of the end, § 25.12

CLOTHING

Correctional institutions, duty, § 1.9

COHABITATION

Consortium, loss of, § 12.30

Wrongful death, standing, § 14.4

COLLATERAL ESTOPPEL

Attorneys, malpractice, ineffective assistance of counsel, § 6.2

COLLATERAL NEGLIGENCE

Independent contractors, peculiar risk of harm, vicarious liability, § 4.10

COLLATERAL SOURCE BENEFITS

See, also, Insurance, generally, this index Generally, § 12.25 Claims against Commonwealth, damages, § 10.57 Compensation and salaries, evidence, § 12.25 Disability compensation, evidence, § 12.25 Evidence, § 12.25 Governmental immunity, § 10.64 Gifts, evidence, § 12.25

Governmental immunity, §§ 10.61, 10.64, 12.25

Capped liability, §§ 10.62, 12.25

Health Care Services Malpractice Act, § 7.38

Motor Vehicle Insurance, this index

Social security, § 12.25

Governmental immunity, § 10.64 Unemployment compensation, § 12.25

Workers compensation, § 12.25

Governmental immunity, § 10.64

COLLEGES AND UNIVERSITIES

Claims against Commonwealth, § 10.15 Community colleges, governmental immunity, waiver, § 10.21 Privileges and immunities, § 10.1 Claims against Commonwealth, § 10.15 Community colleges, governmental immunity, waiver, § 10.21

COMBATIVENESS

Witnesses, § 21.2

COMMENCEMENT OF ACTIONS

Joinder of parties, limitation of actions, $\S 17.2$ Limitation of actions, $\S 17.2$

COMMON CARRIERS

Duty, § 1.8

COMMON LAW

Assumption of risk, § 16.1
Contribution, § 18.19
Intentional tort negligently allowed, § 18.14
Contributory negligence, § 15.1
Delay damages, § 13.11
Joint tortfeasors, § 18.10
Negligence, § 1.1 et seq.
Officers and employees, privileges and immunities, personal liability, § 10.56
Releases, aggravation of existing injuries, medical care and treatment, malpractice, § 18.13
Wrongful death, § 14.1

COMMON LAW MARRIAGE

Consortium, loss of, §§ 12.30, 14.4 Wrongful death, standing, § 14.4

COMMONWEALTH ACT

Privileges and immunities, § 10.2 Retroactivity, §§ 10.4, 10.24

COMMUNICABLE DISEASES

Medical care and treatment, malpractice, third party injuries, § 7.6

COMMUNITY COLLEGES

Governmental immunity, waiver, § 10.21

COMPARATIVE CONTRIBUTION

Strict liability defendant, negligent defendant, § 18.17

COMPARATIVE NEGLIGENCE

Generally, §§ 15.1 et seq., 18.12

Abnormally dangerous activities, § 1.27

Affirmative defenses, § 15.5

Aggravation of Existing Injuries, this index

Allocations, this index

Appeal and review, fault percentages, § 15.7

Associations and societies, imputed negligence, § 15.14

Assumption of Risk, this index

Attorneys, malpractice, § 6.24

Burden of proof, § 15.5

Children and Minors, this index

Collateral source benefits, governmental immunity, verdicts, §§ 10.64, 12.25

Compromise and settlement, multiple defendants, § 15.3

Consortium, loss of, §§ 12.32, 15.13

Contribution, this index

Cross claims, multiple defendants, § 15.3

Damages,

Aggravation of Existing Injuries, this index

Allocations, this index

Compromise and settlement, § 12.34

Delay damages, § 13.10

Default judgments, § 15.8

Delay damages, § 13.10

Discovered peril, § 15.10

Dismissal and nonsuit, some of multiple defendants, § 15.3

Pro rata releases, § 15.3

Duty of care, plaintiff, § 15.4

Economic losses, §§ 15.2, 15.8

Emergencies, rescuers, § 15.9

Evidence, § 15.5

Fault percentages. Allocations, this index

Governmental immunity, collateral source benefits, verdicts, §§ 10.64, 12.25

Griffin releases, multiple defendants, \$ 18.7

Imputed negligence, § 15.14

Children and minors, § 15.12

Instructions to Jury, this index

Joinder of parties, § 15.3

Aggravation of existing injuries, medical care and treatment, malpractice, § 18.13

Survival actions, § 14.16

Joint and several liability, § 15.2

Joint ventures, imputed negligence, § 15.14

Judgments and decrees, default judgments, § 15.8

Labor and employment, § 15.4

Vicarious liability, imputed negligence, § 15.14

Last clear chance, § 15.10

Legal cause, § 15.5

Per se, § 15.4

Malpractice,

Attorneys, § 6.24

Medical care and treatment,

Aggravation of existing injuries, first tortfeasor liability, §§ 12.28, 18.13

Patient conduct, § 7.24

Matter of law, § 15.7

Medical care and treatment, malpractice,

Aggravation of existing injuries, first tortfeasor liability, §§ 12.28, 18.13

Patient conduct, § 7.24

```
COMPARATIVE NEGLIGENCE—Continued
Motor vehicles.
   Imputed negligence, passengers, § 15.14
   Seat belts, § 15.11
Multiple defendants,
   Apportionment of damages, §§ 15.2, 15.3
   Griffin releases, § 18.7
New trial, dismissal and nonsuit, some of multiple defendants, § 15.3
Obvious danger, § 15.4
Partnerships, imputed negligence, § 15.14
Per se, §§ 1.22, 15.4
   Children and minors, §§ 1.23, 15.12
Presumptions, this index
Pro rata releases, multiple defendants, griffin releases, § 18.7
Products liability, § 9.62
   Defects, strict liability, § 1.27
   Legal cause, § 9.64
   Strict liability, §§ 15.8, 18.17
      Defects, § 1.27
      Defenses, § 9.62
         Defects, § 1.27
      Negligent defendant and strictly liable defendant, § 18.17
   Warnings, § 9.43
Releases, this index
Rescuers, § 15.9
Retroactivity, § 15.1
Seat belts, motor vehicles, § 15.11
Skiing, assumption of risk, § 16.2
Spouses, imputed negligence, § 15.14
Statutory text, § 15.2
Strict liability,
   Products liability, § 18.17
      Ante
   Releases, some of multiple defendants, pro rata releases, griffin releases, § 18.7
Subsequent injuries, medical malpractice, first tortfeasor liability, §§ 12.28, 18.13
Survival actions, §§ 14.9, 14.16
Third parties, fault percentage, relative to defendants and to plaintiff, § 15.3
Trespass, children and minors, § 15.12
Vicarious liability, imputed negligence, § 15.14
Warranties, breach, personal injuries, § 9.54
Willful or wanton misconduct, §§ 1.19, 15.7, 15.8
Wrongful death, §§ 14.9, 14.16
COMPASSION
Behavioral advocacy, § 26.6
COMPENSATION AND SALARIES
Accident and health insurance, earnings capacity, damages, § 12.8
Attorneys, malpractice, damages, loss of earnings, criminal law and procedure, § 6.7
Burden of proof. Evidence, generally, post
Capacity, damages,
   Burden of proof. Evidence, generally, post
   Defined, § 12.5
   Evidence, generally, post
   Fringe benefits, § 12.8
   Future capacity, § 12.7
   Loss of earnings, distinguished, § 12.5
   Past capacity, § 12.6
   Productivity or promotion increases, § 12.10
      Survival actions, § 14.11
```

```
COMPENSATION AND SALARIES—Continued
Capacity—Continued
   Retirement and pensions, §§ 12.8, 12.12
      Survival actions, § 14.11
   Survival Actions, this index
Children and Minors, this index
Claims against Commonwealth, damages, loss of earnings or capacity, § 10.57
Collateral source benefits, evidence, § 12.25
Damages,
   Burden of proof. Evidence, generally, post
   Capacity, generally, ante
   Evidence, generally, post
   Expert witnesses, future loss of earnings and capacity, § 12.7
      Survival actions, § 14.11
   Instructions to jury, future loss of earnings and capacity, § 12.7
   Loss of earnings, generally, post
   Personal maintenance deduction, lost future earnings, survival actions, § 14.12
   Survival Actions, this index
   Taxes and taxation, § 12.13
Economic losses. Damages, generally, ante
Evidence, damages, capacity,
   Future capacity, § 12.7
      Survival actions, § 14.11
   Past capacity, § 12.6
Expert witnesses, damages, future loss of earnings and capacity, § 12.7
   Survival actions, § 14.11
Fringe benefits,
   Damages, § 12.8
   Lost future earnings, survival actions, § 14.11
Future earnings,
   Theory of the case, § 20.6
Future earnings, damages,
   Apportionment of Damages, generally, this index
   Loss of capacity, retirement and pensions, §§ 12.8, 12.12
   Loss of earnings, § 12.7
      Income taxes, § 12.13
      Personal maintenance deduction, survival actions, § 14.12
      Present value, §§ 12.9, 14.11
      Productivity or promotion increases, § 12.10
         Survival actions, § 14.11
   Survival Actions, this index
Inflation, presumptions, future earnings, damages, loss of earnings, present value, §§ 12.9,
      14.11
Life insurance, earnings capacity, damages, § 12.8
Loss of earnings, damages,
   Attorneys, malpractice, criminal law and procedure, § 6.7
   Burden of proof,
      Future earnings, § 12.7
      Past earnings, § 12.6
   Capacity, distinguished, § 12.5
   Claims against Commonwealth, § 10.57
Defined, § 12.5
   Evidence,
      Future earnings, § 12.7
          Survival actions, § 14.11
      Past earnings, § 12.6
   Future earnings, ante
   Past earnings, § 12.6
      Survival actions, § 14.10
   Personal maintenance deduction, future earnings, survival actions, § 14.12
```

COMPENSATION AND SALARIES—Continued Loss of earnings-Continued Political subdivisions, § 10.61 Present value, future earnings, §§ 12.9, 14.11 Profits, distinguished, § 12.11 Setoff and counterclaim, personal maintenance deduction, survival actions, § 14.12 Wrongful conception, medical malpractice, § 7.25 Medical care and treatment, malpractice, wrongful conception, damages, loss of earnings, Past earnings, damages, loss of earnings, § 12.6 Political subdivisions, damages, loss of earnings, § 10.61 Present value, future earnings, damages, loss of earnings, § 12.9 Presumptions, inflation, future earnings, damages, loss of earnings, present value, § 12.9 Profits, distinguished, damages, loss of earnings, § 12.11 Retirement and pensions, damages, lost capacity, §§ 12.8, 12.12 Setoff and counterclaim, future loss of earnings and capacity, personal maintenance deduction, survival actions, § 14.12 Social Security, generally, this index Survival Actions, this index Taxes and taxation, damages, § 12.13 Unemployment compensation, evidence, collateral source benefits, § 12.25 Vacation pay, capacity, damages, § 12.8 Workers Compensation, generally, this index Wrongful conception, damages, loss of earnings, medical malpractice, § 7.25 COMPETITION Trial advocacy, § 19.2 **COMPLAINTS** Wrongful death, § 14.3 Amendments, § 14.4 **COMPONENTS** Products liability, Assemblers, § 9.12 Malfunction, circumstantial evidence, manufacturers and manufacturing, strict liability, § 9.33 Sellers, Assemblers, § 9.12 Suppliers, § 9.13 Strict liability, § 9.46 Statutes of repose, real estate, improvements, defenses, § 9.73 Suppliers, § 9.13 Strict liability, § 9.46 Statutes of repose, real estate, improvements, products liability, defenses, § 9.73 **COMPREHENSION** Witnesses, Direct examination, § 23.6 COMPROMISE AND SETTLEMENT Apportionment of damages, Contribution, generally, post Releases, this index Survival actions, wrongful death, § 14.18 Court approval, § 14.17 Attorneys, malpractice, Client dissatisfaction with settlement, § 6.19 Communication of offers, § 6.18 Children and minors, wrongful death, § 14.3

COMPROMISE AND SETTLEMENT—Continued Claims against Commonwealth, damages, Delay, § 10.65 Limits, § 10.58 Comparative negligence, multiple defendants, § 15.3 Consent, attorneys, malpractice, § 6.19 Consortium, loss of, §§ 12.30, 12.32 Contracts. Releases, generally, this index Contribution, §§ 18.19, 18.20 Privileges and immunities, §§ 18.1, 18.2 Pro rata releases, § 18.5 Pro tanto releases, § 18.4 Pro tanto releases, § 18.18 Privileges and immunities, § 18.4 Damages, Delay, generally, post Excessive verdicts, § 12.35 Inadequate verdicts, § 12.34 Delay, damages, §§ 13.1, 13.7 Claims against Commonwealth and political subdivisions, § 10.65 Insurance, § 13.8 Indemnity and indemnification, releases, § 18.18 Insurance, delay damages, § 13.8 Joint and several liability. Contribution, generally, ante Judgments and decrees, satisfaction of judgments, multiple defendants, § 18.9 Mary Carter releases, some of multiple defendants, § 18.6 Admissibility of evidence, § 18.18 Mental disabilities, wrongful death, § 14.3 Multiple defendants, Comparative negligence, § 15.3 Contribution, generally, ante Releases, this index Satisfaction of judgments, § 18.9 Partial settlement. Multiple defendants, generally, ante Political subdivisions, delay damages, § 10.65 Privileges and immunities. Contribution, generally, ante Public policy, contribution, § 18.19 Releases, generally, this index Request for admission, § 27.2 Satisfaction of judgments, multiple defendants, § 18.9 Subsequent injuries, medical care and treatment, malpractice, §§ 12.28, 18.13 Survival actions, court approval, § 14.17 Wrongful Death, this index CONCENTRATION Witness preparation, § 21.6 CONCEPTION Wrongful conception, medical malpractice, § 7.25 CONCESSIONS Generosity, Behavioral advocacy, § 26.5 Witnesses, § 21.2

CONCURRENT CAUSATION

Generally, § 2.3

Apportionment of Damages, generally, this index

Burden of proof, § 2.4

Apportionment of damages, § 18.12

CONCURRENT CAUSATION—Continued

Joint and several liability, § 2.3

Apportionment of damages, distinguished, §§ 18.10, 18.11 Negligence, foreseeability, standard of care, § 1.17

CONFESSIONS

Cross-examination, § 24.1

CONFIDENCE

Witness preparation, § 21.7

CONFIDENTIAL OR PRIVILEGED INFORMATION

Attorneys, malpractice,

Criminal law and procedure, affirmative defenses, § 6.6 Fiduciary relationship, § 6.16

Blood transfusions, malpractice, § 7.48

Medical care and treatment, Peer Review Protection Act, § 7.40

Peer Review Protection Act, medical care and treatment, § 7.40

CONFLICT OF INTEREST

Adverse or Pecuniary Interest, generally, this index

CONFRONTATION OF WITNESSES

Cross-examination, § 24.6

CONSENT

Assumption of risk, § 16.1

Compromise and settlement, attorneys, malpractice, § 6.19

Informed Consent, generally, this index

Licensees, landowners, § 5.9

Medical care and treatment. Informed Consent, generally, this index

CONSEQUENTIAL DAMAGES

Warranties, breach, personal injuries, § 9.54

CONSIDERATION

Leases, repairs and maintenance, § 5.18

CONSOLIDATION OF ACTIONS

Wrongful death, prior actions, § 14.6

CONSORTIUM, LOSS OF

Children and minors, § 12.31

Civil rights violations, § 12.32

Claims against Commonwealth, damages, §§ 10.57, 14.7

Limits, §§ 10.58, 12.30

Wrongful death, § 10.59 Wrongful death, §§ 10.59, 14.7

Common law marriage, §§ 12.30, 14.4

Comparative negligence, §§ 12.32, 15.13 Compromise and settlement, §§ 12.30, 12.32

Death,

Termination of damages, § 12.32

Wrongful death, § 14.7

Defamation, § 12.32

Defenses, § 12.32

Comparative negligence, \$ 15.13

Delay damages, §§ 12.32, 13.5

Derivative claim, § 12.32

Comparative negligence, § 15.13

Emotional distress, § 12.32

Evidence, § 12.32

False arrest, § 12.32

CONSORTIUM, LOSS OF—Continued

False imprisonment, § 12.32 Future damages, § 12.32 Insurance, damages limits, § 12.32 Invasion of privacy, § 12.32 Libel and slander, § 12.32 Limitation of actions, § 12.32

Limits,

Claims against Commonwealth, §§ 10.58, 12.30

Wrongful death, § 10.59

Insurance, § 12.32

Political subdivisions, damages, § 10.61

Spouses, § 12.30

Subrogation, § 12.32

Termination of damages, § 12.32

Verdicts, § 12.32

Witnesses, § 12.32

Wrongful death, § 14.7

Claims against Commonwealth, § 10.59

CONSPIRACY

Preemption, products liability, defenses, § 9.71 Products liability, preemption, defenses, § 9.71

CONSTITUTIONAL LAW

Cruel and unusual punishment, punitive damages, § 12.21

Delay, damages, §§ 13.2, 13.4

Due Process, generally, this index

Equal Protection, generally, this index

Governmental immunity, § 10.66

Problem solving,

Courtroom advocacy, § 19.2

Punitive damages, § 12.21

Repose, statute of, real estate, improvements, § 17.11

Sovereign immunity, § 10.66

CONSTRUCTION

Contracts,

Indemnity and indemnification, § 18.21

Third parties, duty, injuries, § 1.6

Highways and roads, signs and signals, municipal corporations, § 10.39

Indemnity and indemnification, contracts, § 18.21

Repose, statute of, § 17.11

Products liability, defenses, § 9.73

Signs and signals, highways and roads, municipal corporations, § 10.39

CONSTRUCTIVE FAULT

Indemnity and indemnification, § 5.13

CONSTRUCTIVE NOTICE

Claims against Commonwealth, § 10.5

Dangerous conditions,

Adjoining landowners, § 5.16

Invitees, duty, landowners, § 5.8

Sidewalks, § 5.13

Signs and signals, municipal corporations, § 10.39

Streets and alleys, §§ 10.3, 10.38

Governmental immunity, public utilities, § 10.45

Highways and roads, dangerous conditions, municipal corporations, § 10.38

CONSTRUCTIVE NOTICE—Continued

Municipal corporations,

Claims, § 10.5

Streets and alleys, § 10.3

Dangerous conditions,

Signs and signals, § 10.39

Streets and alleys, §§ 10.3, 10.38

Signs and signals, dangerous conditions, municipal corporations, § 10.39

CONTINUANCES

Delay damages, plaintiff delays, § 13.7

CONTINUING CARE DOCTRINE

Limitation of actions, medical care and treatment, discovery rule, diligence, § 17.5

Mental disabilities, § 17.8

Misrepresentation, § 17.6

Medical care and treatment. Limitation of actions, generally, ante

CONTRACEPTIVES

Intrauterine devices, products liability, warnings, § 9.47

Wrongful conception, medical malpractice, § 7.25

CONTRACTORS

Independent Contractors, generally, this index

CONTRACTS

Assumption of risk, § 16.8

Attorneys, malpractice,

Criminal law and procedure, § 6.2

Limitation of actions, pleadings, § 17.2

Breach,

Damages,

Punitive damages, § 12.22

Warranties, personal injuries, § 9.54

Warranties, this index

Buildings, class intended to be protected, negligence, § 1.6

Construction, indemnity and indemnification, § 18.21

Damages, delay damages, common law, § 13.11

Delay, damages, § 13.5

Dredging, implicit duty, § 1.6

Duty, §§ 1.2, 1.6

Engineers and engineering, performance, water supply, third parties, injuries, § 1.6

Government Contracts, generally, this index

Highways and Roads, this index

Implicit duty, dredging, § 1.6

Indemnity and indemnification, § 18.21

Interference, punitive damages, § 12.22

Landlord and tenant. Leases, generally, this index

Limitation of actions, § 17.1

Pleadings, § 17.2

Medical care and treatment, malpractice, § 7.21

Negligence,

Duty, §§ 1.2, 1.6

Per se, § 1.22

Performance, water supply, engineers and engineering, third parties, injuries, § 1.6

Pleadings, limitation of actions, § 17.2

Privity, generally, this index

Products liability,

Government contracts, defenses, § 9.74

Warranties, preemption, defenses, § 9.71

Punitive damages, § 12.22

CONTRACTS—Continued

Releases, generally, this index

Safety precautions, negligence in addressing, § 4.6

Sales of goods, limitation of actions, § 17.1

Streets and alleys, municipal corporations, § 10.38

Third parties, duty, injuries, § 1.6

Warranties, generally, this index

Water supply, performance, engineers and engineering, third parties, injuries, § 1.6

CONTRIBUTION

Generally, §§ 18.1, 18.10, 18.19

Aggravation of existing injuries, medical malpractice, §§ 12.28, 18.13

Claims against Commonwealth, pro tanto releases, cross claims, § 18.4

Common law, § 18.19

Intentional tort negligently allowed, § 18.14

Comparative contribution, strict liability defendant, negligent defendant, § 18.17

Comparative negligence, § 15.3

Governmental immunity, collateral source benefits, § 10.64

Multiple defendants, § 15.3

Strict liability, § 18.17 Compromise and Settlement, this index

Delay damages, § 13.5

Governmental immunity.

Comparative negligence, collateral source benefits, § 10.64

Pro tanto releases, cross claims, § 18.4

Intentional tort negligently allowed, § 18.14

Joinder of parties, §§ 18.19, 18.20

Joint and several liability, §§ 18.10, 18.19

Limitation of actions, § 18.20

Medical malpractice, aggravation of existing injuries, §§ 12.28, 18.13

Pro rata releases, cross claims, §§ 18.18, 18.19

Pro tanto releases, cross claims, §§ 18.4, 18.18

Products liability, strict liability, § 18.17

Public policy, compromise and settlement, § 18.19

Releases, cross claims,

Pro rata releases, §§ 18.18, 18.19

Pro tanto releases, §§ 18.4, 18.18

Severance of actions, joinder of parties, § 18.20

Strict liability, §§ 18.17, 18.19

Subsequent injuries, medical malpractice cause, §§ 12.28, 18.13

CONTRIBUTORY NEGLIGENCE

Comparative Negligence, generally, this index

Defined, § 15.1

CONTROL

Master-servant relationship, elements, § 3.3

CONVERSATIONAL TALK

Opening statements, § 22.3

CORPORATIONS

Borrowed servants, parent and subsidiary, § 3.16

Hospitals,

Informed consent, § 8.11

Malpractice, § 7.31

Labor and employment, borrowed servants, parent and subsidiary, § 3.16

Parent and subsidiary, borrowed servants, § 3.16

CORRECTIONAL INSTITUTIONS

Emotional distress, negligent infliction, tuberculosis, future injury or complications feared,

CORRECTIONAL INSTITUTIONS—Continued

Governmental immunity, real estate, § 10.33

Limitation of actions, § 17.1

Relationship between parties, duty, § 1.9

Tuberculosis, future injury or complications feared, emotional distress, negligent infliction, § 11.6

COSMOS

Knowledge,

Witness preparation, § 21.7

COSTS

Claims against Commonwealth, § 10.60

COUNSELING

Trial advocacy, § 19.6

COUNTERCLAIMS

Setoff and Counterclaim, generally, this index

COUNTIES

Governmental Immunity, generally, this index

COURTESY

Behavioral advocacy, § 26.3

CRANES

Products liability, malfunction,

Circumstantial evidence, manufacturers and manufacturing, strict liability, \S 9.33 Remedial measures, evidence, \S 9.40

CREATIVITY

Trial advocacy, § 19.2

CREDENTIALS

Witnesses,

Direct examination, § 23.4

CREDIBILITY

Closing arguments, § 25.2

CREDIBILITY OF WITNESSES

Generally, § 21.3

Direct examination, § 23.1

Mary Carter releases, § 18.6

Admissibility of evidence, § 18.18

Problem solving,

Courtroom advocacy, § 19.2

CREDITS

Setoff and Counterclaim, generally, this index

CRIMES AND OFFENSES

Arson, generally, this index

Assault and Battery, generally, this index

Chemical self defense sprays, products liability, superseding causes, § 2.9

Civil rights violations, indemnity and indemnification, officers and employees, § 10.49

Claims against Commonwealth, this index

Foreseeability, third parties, § 5.17

Superseding causes, § 2.9

Governmental immunity, § 10.26

Real estate, § 10.33

Indemnity and indemnification, civil rights violations, officers and employees, \S 10.49 Intervening causes, legal cause, third parties, \S 2.8

CRIMES AND OFFENSES—Continued

Invitees, duty, landowners, third parties, § 5.17

Labor and Employment, this index

Landlord and tenant, third parties, § 5.19

Legal cause,

Governmental immunity, correctional institutions, § 10.33

Intervening causes, third parties, § 2.8

Master-servant relationship, negligent hiring, § 3.12

Negligent hiring, § 3.12

Products liability,

Strict liability, third parties, defenses, § 9.68

Superseding causes, chemical self defense sprays, § 2.9

Real estate, governmental immunity, § 10.33

Respondeat superior,

Negligent hiring, § 3.12

Scope of employment, § 3.7

Strict liability, products liability, third parties, defenses, § 9.68

Superseding causes, third parties, § 5.17

Foreseeability, § 2.9

Third parties,

Claims against Commonwealth, § 10.44

Foreseeability, § 5.17

Superseding causes, § 2.9

Governmental immunity, real estate, § 10.33

Intervening causes, legal cause, § 2.8

Invitees, duty, landowners, § 5.17

Landlord and tenant, § 5.19

Legal cause, intervening causes, § 2.8

Products liability, strict liability, defenses, § 9.68

Superseding causes, § 5.17

Foreseeability, § 2.9

CRIMINAL LAW AND PROCEDURE

Attorneys, this index

Guilty verdicts, suicide, attorneys, legal cause, § 2.5

Mitigation of damages, punitive damages, instructions to jury, § 12.24

CROSS CLAIMS

Comparative negligence, multiple defendants, § 15.3

Contribution, generally, this index

CROSS-EXAMINATION

Generally, § 24.1 et seq.

Adverse party, § 24.8

Alternatives, § 24.7

Classic cross-examination, § 24.10

Control mechanisms, § 24.4

Control of action, § 24.3

Effective use of available ammunition, § 24.5

Limiting the areas, § 24.6

Opening statements, § 22.1

Preparation of witnesses, § 21.1

Question mark, § 24.2

Romantic cross-examination, § 24.10

Trial advocacy, § 19.6

Unique approaches, § 24.9

Witness preparation, §§ 21.6, 21.8

CROWING

Behavioral advocacy, § 26.5

CRUEL AND UNUSUAL PUNISHMENT

Punitive damages, § 12.21

CUSTOMS AND USAGES

Defenses, products liability, § 9.75

Evidence, § 9.28

Incomplete products, § 9.25

Misuse of product, § 9.65

Evidence, products liability, § 9.28

Strict liability, design, manufacturers and manufacturing, § 9.39

Foreseeability, products liability,

Manufacturers and manufacturing, negligence, design, § 9.34

Misuse of product, § 9.65

Negligence, standard of care, § 1.20

Evidence, products liability, § 9.28

Products liability,

Defenses, generally, ante

Design, manufacturers and manufacturing,

Negligence, foreseeability, § 9.34

Strict liability, § 9.39

Evidence, § 9.28

Strict liability, design, manufacturers and manufacturing, § 9.39

Foreseeability,

Manufacturers and manufacturing, negligence, design, § 9.34

Misuse of product, defenses, § 9.65

Misuse of product, defenses, § 9.65

Standard of care, negligence, evidence, § 9.28

Strict liability,

Defenses, § 9.75

Evidence, design, manufacturers and manufacturing, § 9.39

Warnings, § 9.43

Standard of care, negligence, § 1.20

Evidence, products liability, § 9.28

CYNICISM

Trial advocacy, § 19.3

DAIRIES AND DAIRY PRODUCTS

Statutes, class intended to be protected, negligence, § 1.5

Generally, § 12.1 et seq.

Actions and proceedings,

Theory of the case, § 20.1

Additur, § 12.34

Adequacy, § 12.34

Admiralty and maritime law, delay damages, § 13.6

Aggravation of Existing Injuries, this index

Allocations. Apportionment of Damages, generally, this index Appeal and Review, this index

Apportionment of Damages, generally, this index

Arbitration and award, delay damages, §§ 13.1, 13.5

Armed forces, delay damages, § 13.8

Athletics,

Head injuries, § 20.5

Attorneys, this index

Bankruptcy, indigent persons, delay damages, § 13.8

Burden of proof, § 12.1

Compensation and Salaries, this index

Medical care and treatment, past expenses and expenditures, § 12.2

Pain and suffering, survival actions, § 14.14

```
DAMAGES—Continued
Burden of proof—Continued
   Susceptibility to injury, § 12.26
   Wrongful death, § 14.7
Capped liability,
   Claims against Commonwealth, this index
   Governmental Immunity, this index
Children and Minors, this index
Civil rights, violations, delay, federal law, § 13.6
Claims against Commonwealth, this index
Collateral Source Benefits, generally, this index
Common law, delay damages, § 13.11
Compensation and Salaries, this index
Compromise and Settlement, this index
Consortium, Loss of, generally, this index
Constitutional law.
   Delay damages, §§ 13.2, 13.4
   Governmental immunity, § 10.66
Continuances, plaintiff delays, § 13.7
Contracts,
   Delay damages, § 13.5
      Common law, § 13.11
   Punitive damages, § 12.22
Contribution, generally, this index
Cross-examination, § 24.3
Death, this index
Debtors and creditors, survival actions, § 14.10
Defamation, delay damages, § 13.5
Defenses, delay damages, § 13.7
Delay, this index
Delay damages, § 13.5
Discovery, delay damages, § 13.7
Diseases, susceptibility to injury, § 12.26
Disfigurement, §§ 12.14, 12.18
Distributions,
   Apportionment of Damages, generally, this index
   Survival actions, § 14.18
   Wrongful death, § 14.18
Diversity of citizenship, federal jurisdiction, delay damages, §§ 13.2, 13.6
Duplicate recovery, wrongful death,
   Prior actions, § 14.6
   Survival actions, § 14.9
Eggshell skull, susceptibility to injury, § 12.26
Emotional distress, delay damages, § 13.5
Evidence, § 12.1
   Compensation and Salaries, this index
   Expert Witnesses, this index
   Medical care and treatment, past expenses and expenditures, § 12.2
   Pain and suffering, § 12.15
   Punitive damages, § 12.24
   Wrongful death, § 14.7
      Remarriage, § 14.8
Excessive verdicts, § 12.35
Expert Witnesses, this index
Federal Employers Liability Act, delay damages, § 13.6
Federal Tort Claims Act, delay damages, § 13.6
Fiduciaries, breach of duty, delay damages, common law, § 13.11
Findings of fact and conclusions of law, remittitur, § 12.35
Governmental Immunity, this index
Handicapped persons, neurologically impaired persons, pain and suffering, § 12.17
```

DAMAGES—Continued Health Care Services Malpractice Act, § 7.38 Hearings, delay damages, § 13.1 Indigent persons, § 13.8 Humiliation, pain and suffering, § 12.14 Impending injury, pain and suffering, § 12.16 Incidental expenses, § 12.4 Income taxes, § 12.13 Indemnity and Indemnification, generally, this index Indigent persons, delay damages, § 13.8 Inflation, presumptions, present value, § 12.9 Instructions to Jury, this index Insurance, delay damages, Avoidance of damages, § 13.8 Claims against insurers, § 13.5 Interest. Delay, generally, this index Labor and employment, Diminishing lifestyle, § 20.4 Legal cause, Attorneys, malpractice, instructions of client, civil cases, § 6.15 Preexisting physical conditions, § 2.6 Libel and slander, delay damages, § 13.5 Life Expectancy, this index Limits, claims against Commonwealth, § 10.58 Constitutional law, § 10.66 Liquidated damages, delay damages, common law, § 13.11 Loss of earnings, generally. Compensation and Salaries, this index Malicious prosecution, delay damages, § 13.5 Medical Care and Treatment, this index Military forces, delay damages, § 13.8 Mitigation, § 12.29 Municipal corporations, § 10.2 Negligence, nominal damages, § 1.1 Neurologically impaired persons, pain and suffering, \S 12.17 New Trial, this index Nominal damages, negligence, § 1.1 Objections and exceptions, arbitration and award, delay damages, § 13.1 Opening statements, § 22.9 Pain and Suffering, generally, this index Payment, indemnity and indemnification, § 18.21 Pleasures of Life, this index Preexisting Physical Conditions, this index Present value. Future earnings, §§ 12.9, 14.11 Medical care and treatment, future expenses and expenditures, § 12.3 Presumptions, Inflation, present value, § 12.9 Wrongful death, § 14.7 Punitive Damages, generally, this index Remittitur, § 12.35 Setoff and Counterclaim, generally, this index Social Security, this index Sovereign immunity. Claims against Commonwealth, this index Statutes, Claims against Commonwealth, this index Governmental Immunity, this index Nominal damages, negligence, § 1.1 Subrogation, generally, this index Subsequent Injuries, this index Survival Actions, this index

DAMAGES—Continued Susceptibility to injury. Preexisting Physical Conditions, this index Taxes and taxation, income taxes, § 12.13 Third parties, delay damages, diversity of citizenship, federal jurisdiction, § 13.6 Trial briefs, § 27.3 Tuberculosis, susceptibility to injury, § 12.26 Unconscious persons, pain and suffering, § 12.17 Vacating or setting aside, § 12.34 Vital statistics. Life Expectancy, generally, this index Warranties, breach, personal injuries, § 9.54 Witnesses, survival actions, compensation and salaries, lost future earnings, § 14.11 Wrongful conception, medical malpractice, § 7.25 Wrongful death, § 20.6 **DAMS AND RESERVOIRS** Floods, concurrent causation, § 2.3 Strict liability, abnormally dangerous activities, standard of care, negligence, § 1.27 **DANGEROUS ACTIVITIES** Abnormally dangerous activities, standard of care, negligence, § 1.27 **DANGEROUS CONDITIONS** Adjoining Landowners, this index Assumption of Risk, generally, this index Burden of proof, Constructive notice, streets and alleys, § 10.38 Sidewalks, § 5.13 Warnings, independent contractors, § 5.10 Cigarette lighters, products liability, § 9.27 Constructive Notice, this index Hospitals, obvious danger, assumption of risk, § 16.3 Invitees, landowners, § 5.8 Knowledge, post Hospitals, duty, obvious danger, assumption of risk, § 16.3 Ice and Snow, generally, this index Independent contractors, Off premises, § 4.8 Warnings, negligent failure to warn, § 5.10 Invitees, duty, landowners, § 5.8 Knowledge, Adjoining landowners, § 5.16 Assumption of risk, Absence of duty, § 16.3 Conscious choice to encounter danger, § 16.4 Duty, Assumption of risk, absence of duty, § 16.3 Invitees, landowners, § 5.8 Remedial measures, § 1.14 Scope, § 1.3 Relationship between parties, § 1.7 Obvious Danger, generally, this index Sidewalks, § 5.13 Special knowledge, standard of care, negligence, § 1.25 Landlord and tenant, repairs and maintenance, § 5.18 Obvious Danger, generally, this index Privileges and immunities, gratuitous use of land, Recreational Use of Land and Water Act, § 5.15 Claims against Commonwealth, §§ 10.25, 10.55

Products Liability, this index

DANGEROUS CONDITIONS—Continued

Recreational Use of Land and Water Act, privileges and immunities, gratuitous use of land, § 5.15

Claims against Commonwealth, §§ 10.25, 10.55

Remedial Measures, generally, this index

Risk outside land, adjoining landowners, § 5.16

Governmental immunity, § 10.37

Sidewalks,

Adjoining landowners, § 5.13

Landlord and tenant, § 5.18

Signs and signals, municipal corporations, § 10.39

Stairs, generally, this index

Standard of care, negligence, § 1.17

Special knowledge, § 1.25

Streets and alleys, constructive notice, § 10.38

Adjoining landowners, highways and roads, § 5.6

Constant trespass, limited area, § 5.5

Warnings, this index

DATA PROCESSING

National practitioner data bank, medical care and treatment, § 7.39

Consortium, loss of, termination of damages, § 12.32

Claims against Commonwealth, limits, wrongful death, §§ 10.58, 10.59

Consortium, loss of, termination of damages, § 12.32

Vital statistics. Life Expectancy, generally, this index

Duty, scope, § 1.3

Relationship between parties, § 1.7

Negligence, duty, scope, § 1.3

Relationship between parties, § 1.7 Vital statistics. Life Expectancy, generally, this index

Wrongful Death, generally, this index

DEBRIS

Highways and roads, dangerous activities or conditions, claims against Commonwealth, § 10.42

DEBTORS AND CREDITORS

Damages,

Survival actions, §§ 14.10, 14.18

Wrongful death, § 14.18

Survival actions, damages, §§ 14.10, 14.18

Compromise and settlement, court approval, § 14.17

Wrongful death, damages, § 14.18

DECENCY

Behavioral advocacy, § 26.5

DECEPTIVE PRACTICES

Trial advocacy, § 19.5

DECIBELS

Opening statements, § 22.3

DEFAMATION

Consortium, loss of, § 12.32

Delay, damages, § 13.5

Limitation of actions, § 17.1

Punitive damages, § 12.22

DEFAULT JUDGMENTS

Comparative negligence, § 15.8

DEFECTS

Products Liability, this index

DEFENSES

Affirmative Defenses, generally, this index

Alterations by user, products liability, §§ 9.1, 9.4, 9.67

Safety devices, §§ 9.36, 9.67

Assumption of Risk, generally, this index

Attorneys, this index

Claims against Commonwealth, this index

Comparative Negligence, generally, this index

Consortium, loss of, § 12.32

Crimes and offenses, third parties, products liability, \S 9.68

Customs and Usages, this index

Delay, damages, § 13.7

Dual capacity doctrine, products liability, privileges and immunities, labor and employment, § 9.76

Empty chair defense, pro rata releases, § 18.8

Government contracts, products liability, § 9.74

Inherently dangerous products, products liability, § 9.69

Labor and employment, privileges and immunities, dual capacity doctrine, products liability, § 9.76

Legal cause, products liability, § 9.64

Alterations by user, generally, ante

Assumption of risk, § 9.63

Misuse of product, § 9.65

Limitation of Actions, generally, this index

Medical Care and Treatment, this index

Municipal Corporations, this index

Negligence, this index

Political Subdivisions, this index

Preemption, products liability, § 9.71

Privileges and Immunities, this index

Pro rata releases, empty chair defense, § 18.8

Products liability,

Alterations by user, generally, ante

Assumption of risk, § 9.63

Comparative Negligence, this index

Crimes and offenses, third parties, § 9.68

Customs and usages, § 9.28

Defenses, § 9.75

Incomplete products, § 9.25

Defects, strict liability, § 1.27

Dual capacity doctrine, privileges and immunities, labor and employment, § 9.76

Government contracts, § 9.74

Government standards, § 9.75

Industry standards, § 9.75

Inherently dangerous products, § 9.69

Intended use, § 9.66

Labor and employment, privileges and immunities, dual capacity doctrine, § 9.76

Legal cause, generally, ante

Misuse of product, § 9.65

Preemption, § 9.71

Privileges and immunities, labor and employment, dual capacity doctrine, § 9.76

Sophisticated users, § 9.70

State of Art, this index

Statutes of repose, § 9.73

```
DEFENSES—Continued
Products liability—Continued
   Strict liability, generally, post
   Superseding causes, § 9.64
   Third parties, crimes and offenses, § 9.68
   Workers compensation, privileges and immunities, dual capacity doctrine, § 9.76
Releases, pro rata releases, empty chair defense, § 18.8
Sophisticated users, products liability, § 9.70
Strict liability, products liability,
   Comparative negligence, §§ 9.62, 15.8
      Defects, § 1.27
   Customs and usages, § 9.28
      Incomplete products, § 9.25
   Defects, § 1.27
   Third parties, crimes and offenses, § 9.68
Survival actions, § 14.16
Third parties, crimes and offenses, products liability, § 9.68
Waiver, this index
Warranties, breach, personal injuries, § 9.54
Wrongful death, § 14.16
DEFINITIONS
Trial advocacy, § 19.5
DELAY
Damages, § 13.1 et seq.
   Admiralty and maritime law, § 13.6
   Appeal and review, pendency of appeal, § 13.9
   Arbitration and award, §§ 13.1, 13.5
   Armed forces, § 13.8
  Attorneys, malpractice, § 13.5
   Avoidance, § 13.7
   Civil rights, violations, federal law, § 13.6
   Claims against Commonwealth, § 10.65
      Limits, § 10.58
   Common law, § 13.11
   Comparative negligence, § 13.10
   Compromise and settlement, §§ 13.1, 13.7
      Insurance, § 13.8
   Consortium, loss of, §§ 12.32, 13.5
   Constitutional law, §§ 13.2, 13.4
   Continuances, plaintiff delays, § 13.7
   Contracts, § 13.5
      Common law, § 13.11
   Contribution, § 13.5
   Defamation, § 13.5
  Defenses, § 13.7
Discovery, § 13.7
  Diversity of citizenship, federal jurisdiction, §§ 13.2, 13.6
  Emotional distress, § 13.5
  Federal Employers Liability Act, § 13.6
  Federal Tort Claims Act, § 13.6
  Hearings, § 13.1
      Indigent persons, § 13.8
  Indemnity and indemnification, § 13.5
  Indigent persons, § 13.8
  Insurance,
      Avoidance of damages, § 13.8
      Claims against insurers, § 13.5
  Joint and several liability, § 13.10
```

DELAY—Continued Damages—Continued Libel and slander, § 13.5 Malicious prosecution, § 13.5 Military forces, § 13.8 Multiple parties, § 13.10 Nature, § 13.2 Objections and exceptions, arbitration and award, § 13.1 Plaintiff delays, § 13.7 Constitutional law, § 13.4 Political subdivisions, § 10.65 Punitive damages, § 13.5 Purpose, § 13.2 Rates and charges, § 13.1 Releases, waiver, § 18.18 Retroactivity of amendments, § 13.3 Scope of rule, § 13.2 Third parties, diversity of citizenship, federal jurisdiction, § 13.6 Waiver, releases, § 18.18

DELIBERATION

Assumption of risk, § 16.6

DEMEANOR

Behavioral advocacy, § 26.4

DEMONSTRATIONS

Trial advocacy, § 19.4

DEMONSTRATIVE EVIDENCE

Trial briefs, § 27.3

DEPORTATION

Guilty pleas, attorneys, malpractice, § 6.3

DEPOSITIONS

Expert witnesses, Preparation, § 21.9 Witnesses,

Preliminary considerations, § 21.5

DESCENT AND DISTRIBUTION

Survival Actions, generally, this index Wrongful death, damages, § 14.18

Products Liability, this index

Opening statements, § 22.4

DETRIMENTAL RELIANCE

Assumption of duty, § 1.16

DIAGRAMS

Opening statements, § 22.10

DILIGENCE

Fraud, limitation of actions, § 17.6 Limitation of actions, Discovery rule, § 17.5Misrepresentation, § 17.6 Fraud, § 17.6 Trial advocacy, § 19.5

DISABILITY COMPENSATION

Collateral source benefits, evidence, § 12.25

DISCIPLINE

Adjuncts to advocacy, § 27.2

DISCLOSURES

Attorneys, adverse or pecuniary interests, malpractice, § 6.16 Informed Consent, generally, this index

DISCOVERED PERIL

Comparative negligence, § 15.10

DISCOVERY

Actions and proceedings, Theory of the case, § 20.1 Adjuncts to advocacy, § 27.1 et seq. Delay, damages, § 13.7 Highways and roads, safety studies, § 10.42 Motor vehicles collisions, § 10.42 Safety studies, highways and roads, § 10.42 Trial advocacy, § 19.6

DISCOVERY RULE

Limitation of actions, §§ 17.3, 17.4
Death claims, § 17.10
Diligence, § 17.5
Misrepresentation, § 17.6
Errors and mistakes, diligence, § 17.5
Misrepresentations, § 17.6
Mental disabilities, § 17.8
Property damage, § 17.4
Survival actions, § 17.10
Wrongful death, § 17.10
Medical Care and Treatment, this index

DISFASES

Asbestos, generally, this index Cancer, generally, this index Cure,

Malpractice, § 20.3

Damages, susceptibility to injury, §§ 2.6, 12.26

Discovery rule, limitation of actions, § 17.3

Misrepresentations, § 17.6 Limitation of actions, § 17.9

Discovery rule, § 17.3

Fraudulent concealment and misrepresentation, § 17.6

Malpractice,

Consent to operation, § 20.3

Susceptibility to injury, damages, §§ 2.6, 12.26

Tuberculosis, generally, this index

DISFIGUREMENT

Damages, §§ 12.14, 12.18

DISMISSAL AND NONSUIT

Comparative negligence, multiple defendants, § 15.3 Federal jurisdiction, limitation of actions, § 17.1 Limitation of actions, federal jurisdiction, § 17.1 Multiple defendants, § 18.9 Comparative negligence, § 15.3

Pro rata releases, § 15.3

DISMISSAL AND NONSUIT—Continued

Vicarious liability, tortfeasor, § 18.9

DISTRIBUTIONS

Damages, this index

DIVERSITY OF CITIZENSHIP

Federal jurisdiction,
Delay, damages, §§ 13.2, 13.6
Releases, § 18.18

DIVING

Products liability, warnings, strict liability, § 9.43

DOCUMENTS

Adjuncts to advocacy, § 27.1 et seq. Witnesses,
Direct examination, § 23.12

DOGS

Assumption of risk, children and minors, § 16.6

DOLLAR-FOR-DOLLAR RELEASES

Some of multiple defendants, §§ 18.2, 18.4

DOORS

Revolving doors, storekeepers, control of third parties, children and minors, injuries to patrons, § 1.13

DRAINAGE

Highways and roads, dangerous activities or conditions, claims against Commonwealth, § 10.42

DRAMA

Witnesses,

Direct examination, § 23.12

DRAMATIC INTENSITY

Cross-examination, § 24.1

DREDGING

Contracts, implicit duty, § 1.6

DRIVEWAYS

Design, legal cause, §§ 2.5, 5.12

DRIVING WHILE INTOXICATED

Assumption of risk, passengers, § 16.5 Governmental immunity, § 10.33 Opening statements, § 22.8 Superseding causes, claims against Commonwealth, § 10.51

DRUGS AND MEDICINE

Claims against Commonwealth, § 10.3
Expert witnesses, products liability, warnings, § 9.47
Franchises, respondeat superior, § 3.5
Governmental immunity, § 10.3
Informed consent, §§ 8.6, 8.7
Joint and several liability, § 18.15
Learned intermediaries, products liability, strict liability, warnings, § 9.47
Limitation of actions, discovery rule, diligence, § 17.5
Master-servant relationship, § 3.5
Pharmacists and pharmacies, malpractice, § 7.49

DRUGS AND MEDICINE—Continued

Products liability, strict liability, § 9.47

Warnings, §§ 9.43, 9.47

Punitive damages, products liability, § 12.22

Sovereign immunity, § 10.3

Unavoidably unsafe products, products liability, strict liability, § 9.47

Warnings, products liability, strict liability, §§ 9.43, 9.47

DUAL CAPACITY DOCTRINE

Labor and employment, privileges and immunities, products liability, defenses, § 9.76

DUE PROCESS

Damages,

Delay, § 13.4

Punitive damages, § 12.21

Delay, damages, § 13.4

Punitive damages, § 12.21

DUTY

Generally, §§ 1.2, 1.7, 1.15

Actions and proceedings, prerequisites, common law, § 1.1

Assumption of duty, § 1.16

Assumption of risk, § 16.2

Children and Minors, this index

Class intended to be protected, statutes, § 1.5

Common carriers, § 1.8

Contracts, §§ 1.2, 1.6

Dairies and dairy products, statutes, class intended to be protected, § 1.5

Dangerous Conditions, this index

Extraordinary nexus, legal cause, § 2.7

Fires and fire protection, statutes, § 1.5

Highways and Roads, this index

Implicit duty, contracts, dredging, § 1.6

Landowners, this index

Legal cause, extraordinary nexus, § 2.7

Machinery and equipment, occupational safety and health, statutes, class intended to be protected, § 1.5

Milk and milk products, statutes, class intended to be protected, § 1.5

Moral distinguished from legal, § 1.3

Occupational safety and health, statutes, class intended to be protected, § 1.5

Pipes and Pipelines, this index

Public policy, § 1.4

Race discrimination, statutes, class intended to be protected, § 1.5

Relationship between Parties, this index

Repairs and maintenance, highways and roads, sovereign immunity, waiver, statutes, § 1.5

Scope of duty, § 1.3

Sovereign immunity, waiver, highways and roads, statutes, § 1.5

Special relationship. Relationship between Parties, generally, this index

Statutes, §§ 1.2, 1.5

Third Parties, this index

DUTY OF CARE

Comparative negligence, plaintiff, § 15.4

DYNAMIC INDIVIDUALS

Witnesses,

Direct examination, § 23.11

DYNAMITE

Warnings, negligence, products liability, § 9.42

EASEMENTS

Highways and roads, dangerous activities or conditions, claims against Commonwealth, § 10.42

ECONOMIC LOSSES

Comparative negligence, §§ 15.2, 15.8 Compensation and Salaries, this index Strict liability, § 9.57

EDUCATION

Expert witnesses, Direct examination, § 23.4 Witnesses.

Direct examination, § 23.4

EGGSHELL SKULL

Damages, susceptibility to injury, § 12.26

ELECTRICITY

Assumption of risk, poles and wires, § 16.5

Cords, products liability, malfunction, circumstantial evidence, manufacturers, § 9.33

Extraordinary nexus, superseding causes, third parties, § 2.8

Independent contractors,

Invitees, landowners, duty, § 5.8

Peculiar risk of harm, vicarious liability, § 4.10

Negligence, standard of care, special knowledge, § 1.25

Peculiar risk of harm, independent contractors, vicarious liability, § 4.10

Poles and Wires, generally, this index

Products liability, strict liability, § 9.21

Cords, malfunction, circumstantial evidence, manufacturers and manufacturing, § 9.33 Warnings, § 9.43

Sophisticated users, § 9.70

Special knowledge,

Invitees, landowners, duty, § 5.8

Standard of care, § 1.25

Strict liability,

Abnormally dangerous activities, standard of care, negligence, § 1.27

Products liability, generally, ante

Superseding causes, extraordinary nexus, third parties, § 2.8

Warnings, products liability, § 9.43

Sophisticated users, § 9.70

Assumption of risk, obvious danger, § 16.3

Common carriers, duty, § 1.8

Duty,

Common carriers, § 1.8

Insurance, inspections and inspectors, third parties, injuries, § 1.6 Insurance, inspections and inspectors, third parties, duty, injuries, § 1.6

Negligence,

Common carriers, duty, § 1.8

Duty,

Common carriers, § 1.8

Insurance, inspections and inspectors, third parties, injuries, § 1.6

Insurance, inspections and inspectors, duty, third parties, injuries, § 1.6

Obvious danger, assumption of risk, § 16.3

Third parties, duty, injuries, § 1.6

EMBARRASSMENT

Behavioral advocacy, § 26.6

Witness preparation, § 21.6

EMERGENCIES Generally, § 1.26 Ambulances, generally, this index Assumption of risk, § 16.6 Burden of proof, negligence, standard of care, § 1.26 Comparative negligence, rescuers, § 15.9 Hospitals, malpractice, § 7.33 Informed consent, § 8.5 Medical care and treatment, Ambulances, generally, this index Informed consent, § 8.5 Malpractice, Emergency Medical Services Act, § 7.27 Hospitals, § 7.33 Rescuers, comparative negligence, § 15.9 Standard of care, negligence, § 1.26 **EMERGENCY MEDICAL SERVICES ACT** Generally, § 7.27 **EMOTIONAL DISTRESS** Absence of traumatic injury, § 11.5 Future injury or complications feared, § 11.6 Asbestos, negligent infliction, bystanders, § 11.4 Bystanders, §§ 11.3, 11.4 Traumatic injury to plaintiff, § 11.5 Zone of danger, generally, post Consortium, loss of, intentional infliction, § 12.32 Damages, generally, this index Delay, damages, § 13.5 Environmental protection, negligent infliction, § 11.4 Future injury or complications feared, § 11.6 Heart valve implants, Products liability, absence of injury, § 9.72 Zone of danger, future injury or complications feared, § 11.6 Intentional infliction, § 11.7 Consortium, loss of, § 12.32 Negligence distinguished, § 11.2 Medical care and treatment, Heart valve implants, zone of danger, future injury or complications feared, § 11.6 Malpractice, negligent infliction, psychiatrists and psychologists, § 11.4 Negligence. Elements of recovery, § 11.4 Evolution of law, § 11.3 Intentional, distinguished, § 11.2 Physical injury, § 11.5 Pain and suffering, distinguished, § 11.1 Punitive damages, § 12.21 Traumatic injury, § 11.5 Future injury or complications feared, § 11.6 Witnesses, §§ 11.3, 11.4 Traumatic injury to plaintiff, § 11.5 Zone of danger, §§ 11.3, 11.4 Heart valve implants, future injury or complications feared, § 11.6 Traumatic injury to plaintiff, § 11.5 Punitive damages, § 12.21

EMPHASIS

Witnesses,

Direct examination, § 23.12

Preparation, § 21.8

EMPTY CHAIR DEFENSE

Pro rata releases, § 18.8

ENGINEERS AND ENGINEERING

Contracts, performance, water supply, third parties, injuries, § 1.6

ENHANCED INJURY

Limitation of actions, discovery rule, diligence, § 17.5

Motor vehicles, collisions, joint and several liability, products liability, negligent driving, § 18.17

Products liability, design, § 9.37

ENTERPRISE LIABILITY

Products liability, multiple suppliers, § 9.61

ENTHUSIASM

Closing arguments, § 25.5

ENTRY OF JUDGMENT

Damages, attorneys, malpractice, civil cases, § 6.27

ENVIRONMENTAL PROTECTION

Emotional distress, negligent infliction, § 11.4

EQUAL PROTECTION

Delay, damages, § 13.4

Governmental immunity, § 10.66

EQUIPMENT AND MACHINERY

Machinery and Equipment, generally, this index

EQUITABLE ESTOPPEL

Estoppel, generally, this index

ERRORS AND MISTAKES

Attorneys, malpractice, § 6.23

Burden of proof, mutual mistake of fact, releases, general releases, § 18.3

Discovery rule, limitation of actions, diligence, § 17.5

Misrepresentations, § 17.6

Limitation of actions, discovery rule, diligence, § 17.5

Misrepresentations, § 17.6

Medical care and treatment, malpractice, § 7.20

Mutual mistake of fact, burden of proof, releases, general releases, \S 18.3

Releases, general releases, § 18.3

Witness preparation, §§ 21.11, 21.12

ESCALATORS

Common carriers, duty, § 1.8

Negligence, common carriers, duty, § 1.8

ESTATE TAXES

Survival actions, damages, § 14.18

ESTOPPEL

Agents and agency, apparent authority, § 3.18

Fraud, limitation of actions, § 17.6

Death claims, § 17.10

Limitation of actions, fraud, § 17.6

Death claims, § 17.10

Warranties, fraud, limitation of actions, § 17.4

ETHICS

Trial advocacy, § 19.5

EVIDENCE

Accident and health insurance, collateral source benefits, § 12.25

Attorneys, malpractice, ineffective assistance of counsel, § 6.2

Circumstantial evidence, products liability, manufacturers and manufacturing, strict liability, § 9.32

Malfunction, § 9.33

Closing arguments, § 25.7

Collateral source benefits, § 12.25

Governmental immunity, § 10.64

Comparative negligence, § 15.5

Compensation and salaries, collateral source benefits, § 12.25

Customs and usages, products liability, § 9.28

Damages, this index

Disability compensation, collateral source benefits, § 12.25

Gifts, collateral source benefits, § 12.25

Informed consent, § 8.12

Mary Carter releases, multiple defendants, §§ 18.6, 18.18

Master-servant relationship, § 3.13

Medical care and treatment, damages, past expenses and expenditures, § 12.2

Motor vehicles, customs and usages, products liability, § 9.28

Net worth, punitive damages, § 12.24

Pain and suffering, § 12.15

Preparation of witnesses, § 21.1

Problem solving,

Courtroom advocacy, § 19.2

Products Liability, this index

Punitive damages, § 12.24

Releases, § 18.18

Remarriage, wrongful death, damages, § 14.8

Remedial measures, products liability, § 9.40

Social security, collateral source benefits, § 12.25

Survival actions, damages, compensation and salaries, § 14.11

Trial briefs, § 27.3

Unemployment compensation, collateral source benefits, § 12.25

Vital statistics. Life Expectancy, generally, this index

Wealth, punitive damages, § 12.24

Witnesses, generally, this index

Workers compensation, collateral source benefits, § 12.25

Wrongful death, damages, § 14.7

EXAMINATION OF WITNESSES

Actions and proceedings,

Theory of the case, § 20.1

Direct examination, § 23.1 et seq.

EXAMPLES

Trial advocacy, § 19.4

EXCAVATION

Adjoining landowners, § 5.16

Peculiar risk of harm, independent contractors, vicarious liability, § 4.10

EXCITEMENT

Closing arguments, § 25.10

EXCITING TALK

Opening statements, § 22.4

EXECUTORS AND ADMINISTRATORS

Contributory negligence, attorneys, malpractice, § 6.24

EXECUTORS AND ADMINISTRATORS—Continued

Expenses and expenditures, wrongful death, damages, §§ 14.2, 14.7

Parties, wrongful death, § 14.2

EXHAUSTION OF REMEDIES

Attorneys, malpractice, criminal law and procedure, civil cases, distinguished, § 6.1

EXHIBITIONS

Behavioral advocacy, § 26.6

EXHIBITS

Adjuncts to advocacy, § 27.4

Opening statements, § 22.10

Witnesses,

Direct examination, § 23.12

EXHILARATION

Cross-examination, § 24.1

Witnesses,

Direct examination, § 23.13

EXPENSES AND EXPENDITURES

Burials, wrongful death, damages, §§ 14.2, 14.7

Funerals, wrongful death, damages, §§ 14.2, 14.7

Medical Care and Treatment, this index

Probate proceedings, wrongful death, damages, §§ 14.2, 14.7

EXPERIENCE

Witness preparation, § 21.6

EXPERT WITNESSES

Aggravation of preexisting conditions, damages, § 12.26

Compensation and salaries, damages, future loss of earnings and capacity, § 12.7

Survival actions, § 14.11

Damages,

Aggravation of preexisting conditions, § 12.26

Compensation and salaries, future loss of earnings and capacity, § 12.7

Present value, §§ 12.9, 14.11

Survival actions, § 14.11

Life expectancy, § 12.20

Medical care and treatment, past expenses and expenditures, $\S~12.2$

Pain and suffering, § 12.15

Subsequent injuries, § 12.27

Survival actions, compensation and salaries, lost future earnings, § 14.11

Susceptibility to injury, § 12.26

Direct examination, § 23.4

Drugs and medicine, products liability, warnings, § 9.47

Informed consent, § 8.12

Legal cause,

Aggravation of preexisting conditions, § 12.26

Medical malpractice, § 7.18

Products liability, dangerous conditions, warnings, § 9.45

Subsequent injuries, damages, § 12.27

Susceptibility to injury, § 12.26

Warnings, products liability, dangerous conditions, § 9.45

Life expectancy, damages, § 12.20

Malpractice cases, § 20.3

Medical care and treatment,

Damages, past expenses and expenditures, § 12.2

Malpractice, legal cause, § 7.18

Opening statements, § 22.1

Preparation, § 21.9

EXPERT WITNESSES—Continued

Products liability,

Cross-examination, § 24.9

Dangerous conditions, warnings, legal cause, § 9.45

Malfunction, circumstantial evidence, manufacturers and manufacturing, strict liability,

Subsequent injuries, damages, § 12.27

Survival actions, damages, compensation and salaries, lost future earnings, § 14.11

Susceptibility to injury, damages, § 12.26

Warnings, products liability, dangerous conditions, legal cause, § 9.45

EXPLOSIVES

Abnormally dangerous activities,

Indemnity and indemnification, contracts, § 18.21

Standard of care, negligence, § 1.27

Assumption of risk, obvious danger, §§ 16.2, 16.3

Batteries, jumper cables, warnings, strict liability, products liability, § 9.43

Boilers, products liability, § 9.24

Components suppliers, strict liability, § 9.46

Gas and oil. Oil and Gas, this index

Indemnity and indemnification, contracts, § 18.21

Independent contractors, vicarious liability,

Peculiar risk of harm, oil and gas, § 4.10

Public places, § 4.12

Intervening causes, § 2.8

Legal cause, intervening causes, § 2.8

Obvious danger, assumption of risk, §§ 16.2, 16.3

Oil and Gas, this index

Peculiar risk of harm, independent contractors, oil and gas, vicarious liability, § 4.10

Public places, independent contractors, vicarious liability, § 4.12

Standard of care, negligence, § 1.17

Abnormally dangerous activities, § 1.27

Superseding causes, § 2.5

Warnings, negligence, products liability, § 9.42

EXTENSION OF TIME

Limitation of Actions, this index

EXTRAORDINARY NEXUS

Legal cause, § 2.7

Governmental immunity, real estate, § 10.34

Superseding causes, third parties, § 2.8

Superseding causes, third parties, legal cause, § 2.8

FAINTING SPELLS

Legal cause, acts of God, § 2.3

FALSE ARREST

Consortium, loss of, § 12.32

Punitive damages, § 12.22

FALSE IMPRISONMENT

Claims against Commonwealth, officers and employees, personal liability, $\S~10.8$

Consortium, loss of, § 12.32

FAMILY USE DOCTRINE

Motor vehicles, presumptions, vicarious liability, § 3.4

FATAL ACCIDENTS ACT

Wrongful death, § 14.1

FEAR AND INTIMIDATION

Duty, scope, § 1.3

FEAR AND INTIMIDATION—Continued

Witness preparation, § 21.8

FEDERAL EMPLOYERS LIABILITY ACT

Delay, damages, § 13.6 Seamen.

Damages, § 20.2

FEDERAL JURISDICTION

Dismissal and nonsuit, limitation of actions, § 17.1 Diversity of citizenship, delay, damages, §§ 13.2, 13.6

FEDERAL TORT CLAIMS ACT

Delay, damages, § 13.6

FENCING

Cross-examination,

Unique approaches, § 24.9

FERVENCY

Closing arguments, § 25.5

FETUSES

Wrongful death, § 14.5

FIDUCIARIES

Attorneys, malpractice, § 6.16

Breach of duty, delay damages, common law, § 13.11

FINANCIAL INSTITUTIONS

Fraud, punitive damages, respondeat superior, § 12.23

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Remittitur, damages, § 12.35

FINGER-POINTING

Opening statements, § 22.13

FIREFIGHTERS AND FIRE DEPARTMENTS

Assumption of risk, § 16.9

Licensees, duty, landowners, § 5.9

FIRES AND FIRE PROTECTION

Aerosol cans, products liability, warnings, § 9.43

Duty, statutes, § 1.5 Governmental immunity, waiver, volunteer fire companies, § 10.18

Landlord and tenant, repairs and maintenance, § 5.18

Leases, waiver, negligence per se, § 1.22

Products liability, warnings, § 9.43

Smoke alarms, products liability, warnings, § 9.43

Statutes, duty, § 1.5

Volunteer fire companies, governmental immunity, waiver, § 10.18

FIREWORKS

Assumption of risk, obvious danger, §§ 16.2, 16.3

Foreseeability, children and minors, products liability, manufacturers and manufacturing, negligence, design, § 9.34

Obvious danger, assumption of risk, §§ 16.2, 16.3

FIXTURES

Products liability, § 9.24

Repose, statute of, § 17.11

FLOODS AND FLOODING

Concurrent causation, § 2.3

FOOD

Correctional institutions, duty, § 1.9 Pleasures of life, pain and suffering, § 12.19

FOOTBALL HELMET

Defective equipment, Damages, § 20.5

FORCE

Master-servant relationship, scope of employment, § 3.7

FOREIGN STATES

Borrowing statute, limitation of actions, § 17.1 Limitation of actions, borrowing statute, § 17.1 Wrongful death, standing, § 14.4

FORENSIC FOREPLAY

Witnesses,

Direct examination, § 23.4

FORESEEABILITY

Alterations by user, products liability, Defenses, § 9.67 Safety devices, § 9.36 Arson, legal cause, § 2.6

Causation, §§ 2.5, 2.6

Crimes and offenses, § 5.17

Superseding causes, § 2.9

Dangerous conditions,

Constructive notice, landowners, invitees, § 5.8

Landowners, invitees, § 5.8

Duty, scope, § 1.3

Dynamite, products liability, warnings, negligence, § 9.42

Extent of harm, legal cause, § 2.5

Fireworks, children and minors, products liability, manufacturers and manufacturing, negligence, design, § 9.34

Highways and roads, municipal corporations, § 10.38

Independent contractors, peculiar risk of harm, vicarious liability, § 4.10

Intent, superseding causes, § 2.9

Intervening causes, extraordinary nexus, legal cause, § 2.8

Legal cause, §§ 2.5, 2.6

Extraordinary nexus, intervening causes, § 2.8

Products liability,

Alterations by user, generally, ante

Manner in which harm occurred, § 2.6

Manner in which harm occurs,

Legal cause, §§ 2.5, 2.6

Standard of care, § 1.17

Manufacturers and manufacturing, products liability, design,

Negligence, § 9.34

Strict liability, § 9.35

Mental disabilities, medical care and treatment, malpractice, §§ 7.41, 7.42

Misuse of product, products liability, § 9.65

Peculiar risk of harm, independent contractors, vicarious liability, \S 4.10

Prior episodes, crimes and offenses, § 5.17

Superseding causes, § 2.9

Products liability,

Alterations by user, generally, ante

Dynamite, warnings, negligence, § 9.42

Legal cause, manner in which harm occurred, § 2.6

FORESEEABILITY—Continued Products liability—Continued Manufacturers and manufacturing, design, Negligence, § 9.34 Strict liability, § 9.35 Misuse of product, § 9.65 Safety devices, alterations by user, § 9.36 Warnings, Negligence, § 9.42 Strict liability, § 9.43 Safety devices, products liability, alterations by user, § 9.36 Standard of care, negligence, § 1.17 Regulations, § 1.21 Superseding causes, Crimes and offenses, § 2.9 Extraordinary nexus, legal cause, § 2.8 Warnings, products liability, Negligence, § 9.42 Strict liability, § 9.43 **FORKLIFTS** Products liability, design, alternative feasibility, § 9.38 State of art, products liability, defects, § 9.28 **FORMALITIES** Opening statements, § 22.6 **FRANCHISES** Agents and agency, apparent authority, reliance, § 3.18 Independent contractors, vicarious liability, public franchises, § 4.15 Master-servant relationship, § 3.5 **FRAUD** Agents and agency, vicarious liability, § 3.8 Attorneys, adverse or pecuniary interests, malpractice, § 6.16 Business dealings with clients, § 6.17 Burden of proof, Limitation of actions, § 17.6 Releases, general releases, § 18.3 Civil rights violations, indemnity and indemnification, officers and employees, § 10.49 Damages, delay damages, common law, § 13.11 Delay damages, common law, § 13.11 Estoppel, limitation of actions, § 17.6 Death claims, § 17.10 Governmental immunity, § 10.26 Indemnity and indemnification, civil rights violations, officers and employees, § 10.49 Intent, limitation of actions, diligence, § 17.6 Investigations and investigators, limitation of actions, diligence, § 17.6 Limitation of actions, Diligence, § 17.6 Warranties, breach, discovery rule, § 17.4 Preemption, products liability, defenses, § 9.71 Products liability, Preemption, defenses, § 9.71 Strict liability, personal injuries, § 9.58 Property damage, sales, § 9.58 Punitive damages, § 12.22 Respondent superior, § 12.23 Releases, general releases, § 18.3 Respondent superior, § 3.8

Sales, § 9.58

FRAUD—Continued

Trial advocacy, § 19.5

Vicarious liability, agents and agency, § 3.8

FRIENDSHIPS

Trial advocacy, § 19.2

FRIGHT

Fear and Intimidation, generally, this index

FRINGE BENEFITS

Damages, § 12.8

Survival actions, lost future earnings, § 14.11

FUNERALS

Expenses and expenditures, wrongful death, damages, §§ 14.2, 14.7

FUTURE MEDICAL EXPENSES

Accidents,

Damages, § 20.4

GAS

Oil and Gas, generally, this index

GENEROSITY

Behavioral advocacy, § 26.5

GIFTS

Collateral source benefits, evidence, § 12.25

Personal maintenance deduction, survival actions, § 14.12

GIMMICKS

Closing arguments, § 25.5

GLOATING

Behavioral advocacy, § 26.5

GOOD SAMARITANS

Medical care and treatment, malpractice, privileges and immunities, § 7.26

GOVERNMENT CONTRACTS

Defenses,

Privileges and immunities, waiver, § 10.52

Products liability, § 9.74

Governmental immunity, waiver, § 10.23

Independent contractors, sovereign immunity, negligence, \S 10.2

Privileges and immunities,

Independent contractors, negligence, § 10.2

Waiver, § 10.23

Defenses, § 10.52

Products liability, defenses, § 9.74

GOVERNMENT STANDARDS

Products liability, defenses, § 9.75

GOVERNMENTAL IMMUNITY

Generally, §§ 10.1 et seq., 10.17 et seq.

Adjoining landowners, real estate, § 10.33

Access to adjoining land, § 10.37

Affirmative defenses, § 10.50

Ambulances, § 10.28

Volunteers, § 10.19

Answers, § 10.50

```
GOVERNMENTAL IMMUNITY—Continued
Capped liability,
   Collateral source benefits, §§ 10.62, 12.25
   Constitutional law, § 10.66
   Contribution, pro tanto releases, cross claims, § 18.4
Categorization of defendants, § 10.9
   Waiver of immunity, § 10.9
Cause of action, § 10.25
Civil rights, §§ 10.2, 10.49
Collateral source benefits, §§ 10.61, 10.64, 12.25
Capped liability, §§ 10.62, 12.25
Colleges and universities, community colleges, § 10.21
Community colleges, § 10.21
Conditions precedent, notices, §§ 10.3, 10.5
Contribution,
   Comparative negligence, collateral source benefits, § 10.64
   Pro tanto releases, cross claims, § 18.4
Crimes and offenses, § 10.26
Cross claims. Contribution, generally, ante
Damages, §§ 10.2, 10.3, 10.61 et seq.
   Capped liability, generally, ante Categories, § 10.61
   Collateral source benefits, §§ 10.61, 10.64, 12.25
   Capped liability, §§ 10.62, 12.25
Consortium, loss of, § 10.61
   Constitutional law, § 10.66
   Contribution, generally, ante
   Delay, § 10.65
   Insurance, setoff and counterclaim, §§ 10.61, 10.64, 12.25
      Capped liability, §§ 10.62, 12.25
   Limits, § 10.62
      Pain and suffering, §§ 10.61, 10.63
   Loss of earnings, § 10.61
   Medical care and treatment, § 10.61
   Pain and suffering, limits, §§ 10.61, 10.63
   Pro tanto releases, cross claims, contribution, § 18.4
   Property damage, § 10.61
   Punitive damages, § 10.61
      Officers and employees, indemnity and indemnification, § 12.21
   Setoff and counterclaim, collateral source benefits, §§ 10.61, 10.64, 12.25
       Capped liability, §§ 10.62, 12.25
   Subrogation, § 10.64
Defenses, § 10.2
Delay, damages, § 10.65
Drunk driving, § 10.33
Extraordinary nexus, legal cause, real estate, § 10.34
Fires and fire protection, volunteer fire companies, § 10.18
Fraud, § 10.26
Government contracts, § 10.23
Highways and roads, §§ 10.3, 10.38
   Adjoining landowners, real estate, § 10.33
   Contracts, duty, § 1.6
History, § 10.1
   Legislative, § 10.2
   Waiver of immunity, § 10.1
      Legislative, § 10.2
Indemnity and indemnification,
   Ice and snow, sidewalks, adjoining landowners, § 5.13
   Officers and employees, punitive damages, § 12.21
Independent contractors, real estate, § 10.33
```

```
GOVERNMENTAL IMMUNITY—Continued
Inspections and inspectors, § 10.2
Insurance, damages, setoff and counterclaim, §§ 10.61, 10.64, 12.25
   Capped liability, §§ 10.62, 12.25
Joint and several liability, § 10.51
Legal cause of action, § 10.25
   Extraordinary nexus, real estate, § 10.34
   Real estate, § 10.31
Lights and lighting, § 10.40
Limitation of actions, notice, § 10.5
Malice, § 10.26
Medical care and treatment, §§ 10.3, 10.29
Motor vehicles, § 10.27
   Emergency vehicles, § 10.28
   Insurance, setoff and counterclaim, collateral source benefits, §§ 10.61, 10.64, 12.25
       Capped liability, §§ 10.62, 12.25
   Operation, § 10.27
   Police, generally, post
   Waiver, § 10.27
Negligence, § 10.26
Notices, §§ 10.3, 10.5
Officers and employees,
   Indemnity and indemnification, punitive damages, § 12.21
   Personal liability, § 10.8
Pain and suffering, damages, limits, §§ 10.61, 10.63
Parking authorities, § 10.20
Parks and recreation, § 10.55
   Real estate, § 10.33
Parole and probation, medical care and treatment, § 10.29
Parties, pleadings, § 10.7
Personal property, §§ 10.3, 10.30
Pleadings, § 10.50
Police, § 10.48
   Motor vehicles,
       Emergency vehicles, § 10.28
       Pursuit of suspects, superseding causes, § 2.9
Presumptions, § 10.24
Pro tanto releases, contribution, cross claims, § 18.4
Products liability, § 10.2
Public utilities, §§ 10.22, 10.45
Punitive damages, §§ 10.2, 10.61
   Officers and employees, indemnity and indemnification, § 12.21
Real Estate, this index
Setoff and counterclaim, damages, collateral source benefits, §§ 10.61, 10.64, 12.25
   Capped liability, §§ 10.62, 12.25
Sidewalks, §§ 10.3, 10.40
Signs and Signals, this index
Social security, collateral source benefits, § 10.64
Streets and alleys. Highways and roads, generally, ante
Subrogation, damages, § 10.64
Superseding causes, § 10.33
   Third parties, § 10.51
Taxes and taxation, § 10.2
Third parties, joint and several liability, § 10.51
Trees, sidewalks, § 10.40
Trespass, § 10.31
Venue, §§ 10.3, 10.6
Volunteers,
   Ambulances, § 10.19
```

Fires and fire protection, § 10.18

GOVERNMENTAL IMMUNITY—Continued

Willful or wanton misconduct, § 10.26

Political Subdivision Tort Claims Act, § 1.19

GRACIOUS BEHAVIOR

Behavioral advocacy, § 26.3

GRAND SLAM

Cross-examination, § 24.9

GRIFFIN RELEASES

Some of multiple defendants, § 18.7

GROSS NEGLIGENCE

Generally, § 1.18

GUILTY PLEAS

Attorneys, malpractice, § 6.3

Collateral consequences, attorneys, malpractice, § 6.3

HABITABILITY

Landlord and tenant, repairs and maintenance, duty, § 5.18

HABITS

Life expectancy, survival actions, future earnings losses, § 14.13

HALO

Cross-examination, § 24.8

HANDICAPPED PERSONS

Fainting spells, legal cause, acts of God, § 2.3

Homesteads, improvements, damages, incidental expenses, § 12.4

Medical malpractice, wrongful life, § 7.25

Negligence,

Fainting spells, legal cause, acts of God, § 2.3

Standard of care, §§ 1.17, 1.24

Neurologically impaired persons, pain and suffering, § 12.17

Pain and suffering, neurologically impaired persons, § 12.17

Standard of care, negligence, §§ 1.17, 1.24

Wrongful life, medical malpractice, § 7.25

HAZARDOUS ACTIVITIES

Explosives, generally, this index

HAZARDOUS SUBSTANCES AND WASTE

Apportionment of damages, single defendant, negligence and nonnegligence, burden of proof, § 18.12

Asbestos, generally, this index

Burden of proof, apportionment of damages, single defendant, negligence and nonnegligence, § 18.12

Discovery rule, limitation of actions, § 17.3

Limitation of actions, exposure to disease, § 17.9

Discovery rule, § 17.3

Medical care and treatment,

Monitoring, damages, § 12.33

Radiation, informed consent, § 8.7

Medical monitoring, damages, § 12.33

Radiation, informed consent, medical care and treatment, § 8.7

Warnings, products liability, preemption, § 9.71

HEALTH CARE QUALITY IMPROVEMENT ACT

National practitioner data bank, § 7.39

HEALTH CARE SERVICES MALPRACTICE ACT

Generally, § 7.35 et seq.

Arbitration and award, § 7.37

Attorneys fees, § 7.38

Claims against Commonwealth, medical professional liability catastrophe loss fund, § 10.14

Collateral source benefits, § 7.38

Damages, § 7.38

Informed consent, § 8.4

Medical professional liability catastrophe loss fund, § 7.36

Claims against Commonwealth, § 10.14

Self-insurance, § 7.36

Substantive law, § 7.38

HEALTH MAINTENANCE ORGANIZATIONS

Malpractice, § 7.34

HEARINGS

Damages,

Delay damages, § 13.1

Indigent persons, § 13.8

Delay, damages, § 13.1

HEART VALVE IMPLANTS AND TRANSPLANTS

Defenses, products liability,

Absence of injury, § 9.72

Preemption, § 9.71

Emotional distress, future injury or complications feared, zone of danger, § 11.6

Preemption, products liability, § 9.71

Products liability, defenses,

Absence of injury, § 9.72

Preemption, § 9.71

HEATING CONTROLS

Products liability, malfunction, circumstantial evidence, manufacturers and manufacturing, strict liability, § 9.33

HELICOPTERS

Products liability,

Components, strict liability, § 9.46

Personal injuries, strict liability, fraud, sales promotions, § 9.58

Post-sale warnings, § 9.44

HIGHWAYS AND ROADS

Adjoining Landowners, this index

Claims against Commonwealth, this index

Contracts,

Ice and snow, duty, municipal corporations, §§ 1.6, 10.38

Products liability, government contracts, defenses, § 9.74

Design, legal cause, § 2.5

Discovery, safety studies, § 10.42

Duty,

Contracts, ice and snow, municipal corporations, §§ 1.6, 10.38

Oil and gas, pipes and pipelines, dangerous conditions, remedial measures, § 1.14

Statutes,

Governmental immunity, § 10.38

Sovereign immunity, waiver, § 1.5 Foreseeability, municipal corporations, § 10.38

Governmental Immunity, this index

Ice and snow, municipal corporations, contracts, duty, §§ 1.6, 10.38

Independent contractors, vicarious liability, § 4.12

Municipal corporations, § 10.43

Contracts, duty, §§ 1.6, 10.38

HIGHWAYS AND ROADS—Continued

Municipal corporations—Continued

Governmental Immunity, this index

Negligence, duty,

Contracts, ice and snow, municipal corporations, § 1.6

Statutes, sovereign immunity, waiver, § 1.5

Notice.

Claims against Commonwealth, potholes, § 10.42

Dangerous conditions, municipal corporations, § 10.38

Oil and gas, pipes and pipelines, dangerous conditions, remedial measures, duty, § 1.14 Pipes and pipelines, oil and gas, dangerous conditions, remedial measures, duty, § 1.14 Potholes, claims against Commonwealth, property damage, § 10.57

Privileges and immunities.

Governmental Immunity, this index

Repairs and maintenance, history, § 10.1

Sovereign immunity, waiver, negligence, § 1.5

Products liability, government contracts, defenses, § 9.74

Repairs and maintenance,

Governmental immunity, history, § 10.1

Privileges and immunities, history, § 10.1

Sovereign immunity, waiver, statutes, duty, § 1.5

Safety studies, discovery, § 10.42

Sovereign immunity, waiver, statutes, duty, § 1.5

Statutes, duty, sovereign immunity, waiver, § 1.5

Trees, governmental immunity, § 10.40

Trespass, adjoining landowners, dangerous activities or conditions, § 5.6

Vicarious liability, independent contractors, § 4.12

Wildlife, claims against Commonwealth, § 10.47

HIRING

Negligence, § 3.12

HISTORY

Governmental immunity, § 10.1

Legislation, § 10.2

Prior Episodes, generally, this index

Sovereign immunity, § 10.1

Legislative, § 10.2

HOME RUN

Cross-examination, § 24.9

HOMESTEADS

Improvements, handicapped persons, damages, incidental expenses, § 12.4 Insurance. Collateral Source Benefits, generally, this index

HONESTY

Behavioral advocacy, § 26.1

Witnesses, pitfalls, § 21.4

HOSPITALS

Agents and agency,

Apparent authority, reliance, § 3.18

Vicarious liability, generally, post

Captain of ship doctrine, operating rooms, malpractice, vicarious liability, § 7.8 Charitable organizations, privileges and immunities, malpractice, § 7.28 Corporate liability,

Informed consent, § 8.11

Malpractice, § 7.31

Dangerous conditions, duty, obvious danger, assumption of risk, § 16.3

Emergency room services, malpractice, § 7.33

Health Care Services Malpractice Act, generally, this index

HOSPITALS—Continued Informed consent, § 8.11 Joint and several liability, physicians and surgeons, § 18.15 Malpractice, Charitable organizations, privileges and immunities, § 7.28 Corporate liability, § 7.31 Emergency room services, § 7.33 Health Care Services Malpractice Act, generally, this index Joint and several liability, physicians and surgeons, § 18.15 Master-servant relationship, Apparent authority, § 3.5 Vicarious liability, generally, post Nurses and nursing, generally, post Privileges and immunities, charitable organizations, § 7.28 Releases, vicarious liability, §§ 18.15, 18.18 Residents, generally, post Respondeat superior, generally, post Vicarious liability, generally, post Master-servant relationship. Respondeat superior, post Mental disabilities, privileges and immunities, § 7.45 Nurses and nursing, malpractice, Privileges and immunities, § 7.27 Vicarious liability, generally, post Operating rooms, malpractice, vicarious liability, captain of ship doctrine, § 7.8 Physicians and surgeons, joint and several liability, § 18.15 Vicarious liability, generally, post Privileges and immunities, Charitable organizations, malpractice, § 7.28 Mental disabilities, § 7.45 Transfusions and transplants, § 7.48 Products liability, §§ 7.32, 9.15 Releases, respondeat superior, §§ 18.15, 18.18 Residents, malpractice, Standard of care, § 7.5 Vicarious liability, generally, post Respondeat superior, master-servant relationship, malpractice, § 7.29 See, also, Vicarious liability, generally, post Apparent authority, § 3.5 Interns, § 3.3 Releases, §§ 18.15, 18.18 Vicarious liability, malpractice, § 7.9 Corporate liability distinguished, § 7.31 Operating rooms, captain of ship doctrine, § 7.8 Ostensible agency, § 7.30 Releases, §§ 18.15, 18.18 Respondeat superior, generally, ante **HOSTILE WITNESSES** Cross-examination, § 24.8 HOSTILITY Behavioral advocacy, § 26.6 Trial advocacy, § 19.3 **HOTELS AND MOTELS** Alcoholics and intoxicated persons, duty to guests, scope, § 1.3 Franchises, respondent superior, § 3.5

Crimes and offenses, third parties, claims against Commonwealth, § 10.44

HOUSING AUTHORITIES

Claims against Commonwealth, § 10.13

HUMILIATION

Behavioral advocacy, § 26.6 Witness preparation, § 21.6

HYPNOSIS

Witness preparation, § 21.8

HYPOCRITICAL BEHAVIOR

Behavioral advocacy, § 26.1

HYPOTHETICAL QUESTIONS

Expert witnesses, Preparation, § 21.9 Witness preparation, § 21.6

ICE AND SNOW

Assumption of risk, duty, § 16.2

Burden of proof, sidewalks, dangerous conditions, hills and ridges doctrine, § 5.14

Duty, assumption of risk, § 16.2

Governmental immunity, defects in real estate, § 10.34

Highways and roads, municipal corporations, contracts, duty, § 1.6

Hills and ridges doctrine, dangerous conditions, sidewalks, § 5.14

Indemnity and indemnification, municipal corporations, sidewalks, adjoining landowners, 8 5 13

Inspections and inspectors, invitees, duty, landowners, § 5.8

Invitees, duty, landowners, § 5.8

Municipal corporations, sidewalks, adjoining landowners, § 5.13

Obvious danger, landowners, duty, § 5.1

Invitees, § 5.8

Licensees, § 5.9

Assumption of risk, § 16.2

Parking Lots, this index

Sidewalks,

Duty, obvious danger, assumption of risk, § 16.3

This index

Skiing, comparative negligence, assumption of risk, § 16.2

Streets and alleys, constructive notice, § 10.38

Traffic rules and regulations, negligence, per se, $\S~1.22$

IDENTITY AND IDENTIFICATION

Concurrent causation, burden of proof, § 2.4

Enterprise liability, products liability, multiple suppliers, § 9.61

Market share liability, products liability, multiple suppliers, § 9.60

Products liability, multiple suppliers,

Alternative defendants, § 9.59

Enterprise liability, § 9.61

Market share liability, § 9.60

IDIOSYNCRASIES

Witnesses,

Direct examination, § 23.11

IMAGINATION

Trial advocacy, § 19.2

IMPEACHMENT OF WITNESSES

Cross-examination, § 24.1

IMPLICIT DUTY

Contracts, dredging, § 1.6

IMPRISONMENT

Limitation of actions, § 17.1

IMPROVEMENTS

Real estate, repose, statute of, § 17.11 Products liability, defenses, § 9.73

Indemnity and indemnification, § 5.13

INCOME TAXES

Damages, § 12.13

Wrongful death, evidence, dependency deductions, § 14.7

Dependency deductions, wrongful death, evidence, damages, § 14.7

Returns, survival actions, damages, evidence, lost future earnings, § 14.11

Witness preparation, § 21.7

INDEMNITY AND INDEMNIFICATION

Generally, § 18.21

Abnormally dangerous activities, contracts, § 18.21

Adjoining landowners, sidewalks, municipal corporations, § 18.21

Ice and snow, § 5.13

Civil rights violations, officers and employees, § 10.49

Compromise and settlement, releases, § 18.18

Construction contracts, § 18.21

Constructive fault, § 5.13

Contracts, § 18.21

Delay damages, § 13.5

Explosives, abnormally dangerous activities, contracts, § 18.21

Imputed fault, § 5.13

Joint and several liability, § 18.21

Medical professional liability catastrophe loss fund, § 7.36

Municipal corporations,

Governmental immunity, officers and employees, punitive damages, § 12.21

Ice and snow, sidewalks, adjoining landowners, § 5.13

Sidewalks, adjoining landowners, § 18.21

Ice and snow, § 5.13

Officers and Employees, this index

Products liability, § 18.21

Public policy, contracts, § 18.21

Punitive damages, respondeat superior, § 12.23

Releases, § 18.18

Wrongful discharge, general releases, § 18.3

Respondent superior, § 18.21

Punitive damages, § 12.23

Sidewalks, municipal corporations, adjoining landowners, § 18.21

Ice and snow, § 5.13

Vicarious liability, § 18.21

Wrongful discharge, releases, general releases, § 18.3

INDEPENDENT CONTRACTORS

Generally, § 4.1 et seq. Burden of proof, dangerous conditions, warnings, § 5.10

Contracts, safety precautions, negligence in addressing, § 4.6

Dangerous conditions,

Off premises, § 4.8

Warnings, § 5.10

Directions by employer, § 4.3

Electricity, peculiar risk of harm, § 4.10

Employees of contractors, peculiar risk of harm, § 4.10

Employer directions, § 4.3

Excavation, peculiar risk of harm, § 4.10

Expectation of performance by employer of contractor, § 4.14

Foreseeability, peculiar risk of harm, § 4.10

INDEPENDENT CONTRACTORS—Continued

Franchises, public franchises, vicarious liability, § 4.15

Governmental immunity, real estate, § 10.33

Inherently dangerous work, § 4.11

Inspection of work, § 4.5

Invitees, § 5.8

Landlord and tenant, repairs and maintenance, §§ 4.13, 5.18

Licenses and permits, public places, § 4.12

Manner of performance, § 4.2

Motor carriers, vicarious liability, § 4.15

Negligence, sovereign immunity, § 10.2

Oil and gas, peculiar risk of harm, § 4.10

Peculiar risk of harm, § 4.10

Physicians and surgeons, hospitals, apparent authority, § 3.18

Public franchises, vicarious liability, § 4.15

Public utilities, vicarious liability, § 4.15

Repairs and maintenance, landlord and tenant, §§ 4.13, 5.18

Retention of control, § 4.7

Scaffolds, peculiar risk of harm, § 4.10

Selection, § 4.4

Servants distinguished, § 4.2

Sovereign immunity, negligence, § 10.2

Subsequent contractors, invitees, § 5.8

Third parties,

Dangers off premises, § 4.8

Land open to public, § 4.9

Public places, § 4.12

Vicarious liability, landlord and tenant, repairs and maintenance, §§ 4.13, 5.18

Warnings, dangerous conditions, negligent failure to warn, § 5.10

INDIGENT PERSONS

Attorneys, malpractice, criminal law and procedure, privileges and immunities, § 6.5 Bankruptcy, generally, this index

Delay damages, § 13.8

INDIGNATION

Closing arguments,

Rebuttal, § 25.14

INDUSTRY STANDARDS

Products liability, defenses, § 9.75

INEFFECTIVE ASSISTANCE OF COUNSEL

Malpractice, evidence, § 6.2

INFLATION

Presumptions, damages, present value, survival actions, § 14.11

INFORMED CONSENT

Generally, § 8.1 et seq.

Blood transfusions, §§ 8.6, 8.7

Credentials of surgeons, § 8.9

Drugs and medicine, §§ 8.6, 8.7

Emergencies, § 8.5

Evidence, § 8.12

Expert witnesses, § 8.12

Health Care Services Malpractice Act, § 8.4

Hospitals, § 8.11

Laboratory tests, § 8.10

Limitation of actions, discovery rule, § 17.4

Nonsurgical procedures, § 8.6

Prudent patient standard, § 8.2

INFORMED CONSENT—Continued

Radiation, § 8.7 Referrals, § 8.3 Techniques of surgery, § 8.8

INGENUITY

Trial advocacy, §§ 19.2, 19.5

INHERENTLY DANGEROUS PRODUCTS

Products liability, defenses, § 9.69

INHERENTLY DANGEROUS WORK

Independent contractors, § 4.11

INHERITANCE TAXES

Survival actions, damages, § 14.18 Compromise and settlement, court approval, § 14.17

INJUNCTIONS

Attorneys, adverse or pecuniary interests, § 6.16

INJURIES

Fear, duty, scope, § 1.3
Negligence, actions and proceedings, prerequisites, common law, § 1.1
Physical injuries, duty, scope, § 1.3
Third parties, duty,
Contracts, § 1.6
Scope, § 1.3

INSECTICIDES

Products liability, preemption, § 9.71

INSPECTIONS AND INSPECTORS

Assumption of duty, § 1.16
Construction, contracts, third parties, injuries, duty, § 1.6
Dangerous conditions, adjoining landowners, § 5.16
Duty, latent defects, landowners,
Invitees, § 5.8
Licensees, § 5.9
Governmental immunity, § 10.2
Independent contractors, vicarious liability, § 4.5
Insurance, elevators, third parties, injuries, duty, § 1.6
Invitees, duty, landowners, latent defects, § 5.8

Licensees, duty, landowners, latent defects, \$~5.9 Sovereign immunity, \$~10.2

Workers compensation, assumption of duty, § 1.16

INSPIRATION

Closing argument, § 25.15

INSTRUCTIONS TO JURY

Cause in fact, § 2.2 Comparative negligence, § 15.3 Burden of proof, § 15.5 Presumptions, due care, § 15.6 Damages, § 12.1

Damages, § 12.1
Compensation and salaries, future loss of earnings and capacity, § 12.7
Duplicate recovery, wrongful death, survival actions, § 14.9
Medical care and treatment, incidental expenses, § 12.4
Taxes and taxation, income taxes, § 12.13
Extraordinary nexus, § 2.7

Foreseeability, alterations by user, products liability, defenses, \S 9.67 Incidental expenses, medical care and treatment, damages, \S 12.4

```
INSTRUCTIONS TO JURY—Continued
Intended use, products liability, § 9.66
Legal cause,
   Extraordinary nexus, § 2.7
   Superseding causes, § 2.8
Medical care and treatment,
   Damages, incidental expenses, § 12.4
   Malpractice, national practitioner data bank, § 7.39
Misuse of product, products liability, § 9.65
Mitigation of damages, § 12.29
   Punitive damages, § 12.24
Pain and suffering, pleasures of life, § 12.19
Pleasures of life, pain and suffering, § 12.19
Products liability,
   Alterations by user, foreseeability, § 9.67
   Dangerous conditions, § 9.26
      Role of court, § 9.27
   Intended use, § 9.66
   Misuse of product, § 9.65
Punitive damages, § 12.22
Superseding causes, legal cause, § 2.8
Wrongful death, damages, duplicate recovery, survival actions, § 14.9
INSURANCE
Accident and Health Insurance, generally, this index
Cross-examination, § 24.3
Damages,
   Delay,
      Avoidance of damages, § 13.8
      Claims against insurers, § 13.5
   Earnings capacity, § 12.8
   Governmental immunity, collateral source benefits, §§ 10.61, 10.64, 12.25
      Capped liability, §§ 10.62, 12.25
   Punitive damages, § 12.21
      Respondeat superior, § 12.23
Delay, damages,
   Avoidance of damages, § 13.8
   Claims against insurers, § 13.5
Earnings capacity, damages, § 12.8
Governmental immunity, damages, collateral source benefits, §§ 10.61, 10.64, 12.25
   Capped liability, §§ 10.62, 12.25
Health Care Services Malpractice Act, generally, this index
Inspections and inspectors, elevators, third parties, injuries, duty, § 1.6
Life Insurance, generally, this index
Medical Care and Treatment, this index
Motor Vehicle Insurance, generally, this index
Products liability, successor corporations, sellers, evidence, § 9.16
Punitive damages, § 12.21
   Respondeat superior, § 12.23
Releases, general releases, §§ 18.3, 18.18
Respondeat superior, punitive damages, §§ 12.21, 12.23
Self insurance, motor vehicles,
   Governmental immunity, setoff and counterclaim, damages, § 10.62
   Releases, general releases, § 18.3
Subrogation, generally, this index
INTELLIGENCE
Witnesses.
```

Direct examination, § 23.13

INTENT

Assumption of risk, products liability, defects, strict liability, § 9.63 Emotional Distress, this index
Foreseeability, superseding causes, § 2.9
Fraud, limitation of actions, diligence, § 17.6
Respondeat superior, scope of employment, § 3.7
Superseding causes, foreseeability, § 2.9
Willful or wanton misconduct, § 1.19

INTEREST

Damages, generally. Delay, this index Rates and charges, delay damages, § 13.1

INTERESTING QUESTIONS

Direct examination, § 23.3

INTERESTING STATEMENTS

Opening statements, § 22.4

INTERPRETATION

Witness preparation, § 21.6

INTERROGATION

Witness preparation, § 21.6

INTERROGATORIES

Adjuncts to advocacy, § 27.1 et seq.

INTERVENING CAUSE

Legal cause, § 2.8

Superseding Cause, generally, this index

INTERVIEWS

Trial advocacy, § 19.6

INTESTACY

Wrongful death, damages, distributions, § 14.18

INTIMACY

Trial advocacy, § 19.2

INTRAOCULAR LENS IMPLANTS

Products liability, preemption, § 9.71

INTRAUTERINE DEVICES

Products liability, warnings, § 9.47

INVASION OF PRIVACY

Consortium, loss of, § 12.32 Emotional distress, intentional infliction, § 11.7 Limitation of actions, § 17.1 Witness preparation, § 21.8

INVESTIGATIONS AND INVESTIGATORS

Dangerous conditions, duty, § 1.14 Limitation of actions, discovery rule, diligence, § 17.5 Fraudulent concealment and misrepresentation, § 17.6 Trial advocacy, § 19.6

INVESTMENT SECURITIES

Warranties, § 9.51

INVESTMENTS

Personal maintenance deduction, survival actions, § 14.12 Survival actions, damages, lost future earnings, § 14.11

INVITEES Crimes and offenses, third parties, duty, landowners, § 5.17 Defined, landowners, duty, § 5.2 Duty, landowners, §§ 5.1, 5.8 Ice and snow, sidewalks, dangerous conditions, hills and ridges doctrine, § 5.14 Motor vehicles, duty, landowners, § 5.17 Third parties, crimes and offenses, duty, landowners, § 5.17 **JOINDER OF PARTIES** Aggravation of existing injuries, medical care and treatment, malpractice, § 18.13 Attorneys, malpractice, Additional defendants, failure to join, § 6.21 Third party claims, § 6.10 Comparative negligence, § 15.3 Survival actions, § 14.16 Concurrent causation, § 2.3 Contribution, §§ 18.19, 18.20 Joint and several liability, Alternative defendants, products liability, § 9.59 Primary and secondary liability, § 18.16 Legal cause, concurrent causation, § 2.3 Limitation of actions, § 17.2 Medical care and treatment, malpractice, aggravation of existing injuries, § 18.13 Products liability, alternative defendants, § 9.59 Survival actions, comparative negligence, § 14.16 JOINT AND SEVERAL LIABILITY Generally, § 18.10 Agents and agency, § 18.15 Aggravation of existing injuries, medical care and treatment, malpractice, §§ 12.28, 18.13 Allocations, this index Apportionment of damages, distinguished, §§ 18.10, 18.11 Comparative negligence, § 15.2 Compromise and Settlement, this index Concurrent causation, § 2.3 Contribution, §§ 18.10, 18.19 Delay damages, § 13.10 Drugs and medicine, § 18.15 Hospitals, physicians and surgeons, § 18.15 Indemnity and indemnification, § 18.21 Intentional tort negligently allowed, § 18.14 Joinder of parties, Alternative defendants, products liability, § 9.59 Primary and secondary liability, § 18.16 Medical malpractice, aggravation of existing injuries, §§ 12.28, 18.13 Motor vehicles, products liability, negligent driving, §§ 18.11, 18.17 Physicians and surgeons, hospitals, § 18.15 Primary and secondary liability, § 18.16 Products liability, Components, strict liability, § 9.46 Joinder of parties, alternative defendants, § 9.59 Motor vehicles, negligent driving, §§ 18.11, 18.17 Releases, primary and secondary liability, § 18.16 Strict liability, § 18.17 Components, § 9.46 Releases, this index Strict liability, products liability, § 18.17

Subsequent injuries, medical care and treatment, malpractice, §§ 12.28, 18.13

Components, § 9.46

Waiver, releases, § 18.18

JOINT SERVANTS

Master-servant relationship, § 3.17

JOINT TORTFEASOR

Defined, § 18.10

JOINT VENTURES

Comparative negligence, imputed negligence, § 15.14

JONES ACT

Damages, inflation, presumptions, present value, § 12.9 Merchant seamen, Damages, § 20.2

JOY RIDING

Superseding causes, foreseeability, § 2.9

JUDGMENTS AND DECREES

Assumption of risk, summary judgments, § 16.5 Comparative negligence, default judgments, § 15.8 Default judgments, comparative negligence, § 15.8 Multiple defendants, satisfaction of judgments, § 18.9 Satisfaction of judgments, multiple defendants, § 18.9 Summary judgments, assumption of risk, § 16.5 Trial advocacy, § 19.2

JUMPER CABLES

Batteries, explosives, warnings, strict liability, products liability, § 9.43

JURISDICTION

Federal Jurisdiction, generally, this index Limitation of actions, waiver, § 17.2 Repose, statute of, § 17.11

JURY

Instructions to Jury, generally, this index Trial advocacy, § 19.1 et seq.

JUSTICE

Trial advocacy, § 19.2

KAMIKAZE STYLE

Cross-examination, § 24.9

KNOWLEDGE

Assumption of risk,

Absence of duty, § 16.3

Conscious choice to encounter danger, § 16.4

Obvious Danger, this index

Presumptions, § 16.5

Reasonable person standard, § 16.5

Dangerous Conditions, this index

Discovery rule, limitation of actions, § 17.3

Diligence, § 17.5

Duty, negligence, scope, § 1.3

Relationship between parties, § 1.7

Foreseeability, duty, scope, § 1.3

Ice and snow, sidewalks, dangerous conditions, hills and ridges doctrine, § 5.14

Labor and employment, retention, negligence, \S 3.12

Legal cause, products liability, warnings, § 2.5

Limitation of actions, discovery rule, § 17.3

Diligence, § 17.5

KNOWLEDGE—Continued

Negligence,

Duty, generally, ante

Labor and employment, retention, § 3.12

Standard of care, generally, post

Obvious Danger, generally, this index

Prior episodes, landowners, licensees, duty, § 5.9

Products liability, warnings, legal cause, § 2.5

Relationship between parties, duty, § 1.7

Sidewalks, dangerous conditions, § 5.13

Special Knowledge, generally, this index

Standard of care, negligence,

Past conduct of defendant, § 1.21

Special knowledge, § 1.25

Trespass, landowners, duty, § 5.1

Warnings, products liability, legal cause, § 2.5

Willful or wanton misconduct, § 1.19

Witness preparation, § 21.7

LABOR AND EMPLOYMENT

Assumption of risk, possible risks, § 16.6

Borrowed Servants, generally, this index

Comparative negligence, § 15.4

Vicarious liability, imputed negligence, § 15.14

Compensation and Salaries, generally, this index

Crimes and offenses,

Negligent hiring, § 3.12

Respondeat superior, scope of employment, § 3.7

Superseding causes, § 2.9

Delay, damages, federal Employers Liability Act, § 13.6

Dual capacity doctrine, privileges and immunities, products liability, defenses, § 9.76

Federal Employers Liability Act, delay, damages, § 13.6

Hiring, negligence, § 3.12

Knowledge, retention, negligence, § 3.12

Lifestyle,

Diminishing, damages, § 20.4

Master-Servant Relationship, generally, this index

Mental disabilities, legal cause, § 2.5

Multiple Employers, generally, this index

Privileges and immunities, generally. Workers Compensation, this index

Products liability, defenses, privileges and immunities, dual capacity doctrine, § 9.76

Respondeat Superior, generally, this index

Retention, negligence, § 3.12

Sexual harassment, emotional distress, intentional infliction, §§ 11.2, 11.7

Third parties, control of third parties, duty, respondeat superior, § 1.11

Vicarious liability. Respondeat Superior, generally, this index

Workers Compensation, generally, this index

LABORATORIES

Assumption of duty, § 1.16

Tests, informed consent, § 8.10

LADDERS

Climbing ladders,

Negligence, § 20.3

LAKES

Real estate, claims against Commonwealth, § 10.44

LANDLORD AND TENANT

Assumption of duty, security, § 1.16

LANDLORD AND TENANT—Continued

Crimes and offenses, third parties, § 5.19

Independent contractors, repairs and maintenance, vicarious liability, §§ 4.13, 5.18

Intervening causes, extraordinary nexus, legal cause, § 2.8

Leases, generally, this index

Repairs and maintenance, §§ 4.13, 5.18

Repose, statute of, § 17.11

Security, assumption of duty, §§ 1.16, 5.19

Third parties, crimes and offenses, § 5.19

Vicarious liability, repairs and maintenance, independent contractors, §§ 4.13, 5.18

Waiver, negligence, per se, § 1.22

LANDOWNERS

Generally, § 5.1 et seq.

Avoidable hazard, duty, § 5.1

Definitions, status of plaintiff, duty, § 5.2

Duty, § 5.1

Invitees, § 5.8

Licensees, § 5.9

Permissive users, control of third parties, § 1.13

Trespass, generally, this index

Invitees, generally, this index

Licensees, generally, this index

Machinery and equipment, permissive users, children and minors, duty, § 1.13

Obvious danger, duty, § 5.1

Invitees, § 5.8

Permissive users, control of third parties, duty, § 1.13

Status of plaintiff, duty, defined, §§ 5.1, 5.2

Trespass, generally, this index

LANGUAGE

Behavioral advocacy, § 26.2

Witness preparation, § 21.6

LAST CLEAR CHANCE

Comparative negligence, § 15.10

LAVIN METHOD

Cross-examination, § 24.9

LEADING QUESTIONS

Witnesses, § 23.9

LEARNED INTERMEDIARIES

Drugs and medicine, products liability, strict liability, warnings, § 9.47

LEASES

See, also, Landlord and Tenant, generally, this index

Machinery and equipment,

Products liability, § 9.8

Warranties, breach, personal injuries, § 9.51

Products liability, machinery and equipment, § 9.8

Repairs and maintenance, § 5.18

Waiver, negligence, per se, § 1.22

Warranties, breach, personal injuries, § 9.51

LECTURING

Opening statements, § 22.4

LEGAL AUTHORITIES

Trial briefs, § 27.3

LEGAL CAUSE Generally, § 2.1 et seq. Adjoining landowners, highways and roads, driveways, design, § 5.12 Aggravation of preexisting conditions, expert witnesses, § 12.26 Assumption of risk, products liability, defects, strict liability, § 9.63 Attorneys, this index Burden of proof, Concurrent causation, § 2.4 Medical Care and Treatment, this index Substantial factor, § 2.2 Cause in fact, distinguished, § 2.2 Claims against Commonwealth, personal property, § 10.30 Comparative negligence, § 15.5 Per se, § 15.4 Concurrent Causation, generally, this index Criminal law and procedure. Attorneys, malpractice, § 6.4 Guilty verdicts, suicide, attorneys, § 2.5 Damages, expert witnesses. Aggravation of preexisting conditions, § 12.26 Subsequent injuries, § 12.27 Defenses, this index Discovery rule, limitation of actions, § 17.3 Expert Witnesses, this index Extraordinary nexus, § 2.7 Superseding causes, third parties, § 2.8 Foreseeability, this index Governmental immunity, real estate, § 10.31 Guilty verdicts, suicide, attorneys, § 2.5 Highways and roads, adjoining landowners, driveways, design, § 5.12 Intervening cause, § 2.8 Joinder of parties, concurrent causation, § 2.3 Labor and employment, mental disabilities, § 2.5 Limitation of actions, discovery rule, § 17.3 Malpractice, § 6.25 Attorneys, this index Medical Care and Treatment, this index Medical Care and Treatment, this index Mental disabilities, labor and employment, § 2.5 Multiple causes. Concurrent Causation, generally, this index Negligence, Actions and proceedings, prerequisites, common law, § 1.1 Assumption of duty, § 1.16 Malpractice, generally, ante Medical Care and Treatment, this index Per se, § 1.22 Nexus between negligence and injuries, § 2.1 Extraordinary nexus, § 2.7 Public policy, § 2.5 Nexus between real estate and injuries, governmental immunity, real estate, § 10.34 Personal property, claims against Commonwealth, § 10.30 Products liability, § 9.4 Assumption of risk, § 9.63 Concurrent causation, burden of proof, § 2.4 Defenses, this index Foreseeability, manner in which harm occurred, § 2.6 Motor vehicles, nexus between negligence and injuries, § 2.1 Superseding causes, § 2.8 Crimes and offenses, § 2.9

Public policy, § 2.5

LEGAL CAUSE—Continued

Real estate, governmental immunity, § 10.31 Sidewalks, dangerous conditions, § 5.13 Signs and signals, municipal corporations, § 10.39 Subsequent injuries, damages, expert witnesses, § 12.27 Substantial factor, §§ 2.2, 2.3, 2.5 Suicide,

Attorneys, malpractice, guilty verdicts, § 2.5 Guilty verdicts, attorneys, § 2.5 Superseding Cause, generally, this index Third parties, concurrent causation, § 2.3 Time, lapse, § 2.5 Wrongful death, newborns, § 14.5

LEGAL DUTY

Duty, generally, this index

LEGAL JARGON

Opening statements, § 22.6

LIBEL AND SLANDER

Defamation, generally, this index

LICENSEES

Defined, duty, landowners, §§ 5.2, 5.9 Duty, landowners, §§ 5.1, 5.9

LICENSES AND PERMITS

Defined, landowners, duty, § 5.2
Health care providers, revocation or suspension, insurance, § 7.36
Independent contractors, public places, vicarious liability, § 4.12
Landowners, duty, § 5.1
Defined, § 5.2

LIFE

Wrongful life, medical malpractice, § 7.25

LIFE EXPECTANCY

Damages, § 12.20

Loss of pleasures of life, pain and suffering, § 12.19 Survival actions, future earnings losses, § 14.13

LIFE INSURANCE

Earnings capacity, damages, § 12.8 Governmental immunity, collateral source benefits, damages, §§ 10.61, 10.64, 12.25 Capped liability, §§ 10.62, 12.25

LIFELESS PRESENTATIONS

Closing arguments, § 25.10

LIFESTYLE

Survival actions, future earnings losses, life expectancy, § 14.13

LIGHTS AND LIGHTING

Crimes and offenses, third parties, superseding causes, § 2.9 Motor vehicles, preemption, products liability, § 9.71 Municipal corporations, § 10.40 Parking facilities, governmental immunity, § 10.40 Sidewalks, governmental immunity, § 10.40

LIMITATION OF ACTIONS

Generally, § 17.1 et seq. Acquired immune deficiency syndrome (AIDS), exposure to disease, § 17.9 Affirmative defenses, § 17.2

LIMITATION OF ACTIONS—Continued Apparent improvement, discovery rule, diligence, § 17.5 Asbestos, this index Attorneys, malpractice, discovery rule, § 17.4 Borrowing statute, foreign states, § 17.1 Burden of proof, § 17.2 Fraudulent concealment and misrepresentation, § 17.6 Cancer, discovery rule, diligence, § 17.5 Children and minors, §§ 17.1, 17.7 Claims against Commonwealth, § 17.1 Notice, § 10.5 Parties, pleadings, § 10.7 Commencement of actions, § 17.2 Consortium, loss of, § 12.32 Continuing Care Doctrine, generally, this index Contracts, § 17.1 Contribution, § 18.20 Correctional institutions, § 17.1 Defamation, § 17.1 Diligence, discovery rule, § 17.5 Fraudulent concealment and misrepresentation, § 17.6 Discovery Rule, this index Diseases, this index Drugs and medicine, discovery rule, diligence, § 17.5 Enhanced injury, discovery rule, diligence, § 17.5 Equitable estoppel, warranties, fraud, § 17.4 Errors and mistakes, discovery rule, diligence, § 17.5 Extension of time, Children and minors, § 17.7 Death claims, § 17.10 Discovery rule, § 17.3 Fraudulent concealment and misrepresentation, § 17.6 Federal jurisdiction, transfers of actions, § 17.1 Foreign states, § 17.1 Fraud, Diligence, § 17.6 Warranties, breach, discovery rule, § 17.4 Hazardous substances and waste, discovery rule, § 17.3 Imprisonment, § 17.1 Informed consent, discovery rule, § 17.4 Invasion of privacy, § 17.1 Investigations and investigators, discovery rule, diligence, § 17.5 Fraudulent concealment and misrepresentation, § 17.6 Joinder of parties, § 17.2 Knowledge, discovery rule, § 17.3 Diligence, § 17.5 Legal cause, discovery rule, § 17.3 Libel and slander, § 17.1 Malpractice. Attorneys, this index Mental disabilities, §§ 1.24, 17.1, 17.8 Minors Tolling Act, § 17.7 Misrepresentation, diligence, discovery rule, § 17.6 Municipal corporations, § 17.1 Notice, § 10.5 Parties, pleadings, claims against Commonwealth, § 10.7 Physical and mental examinations, discovery rule, diligence, § 17.5 Pleadings, § 17.2 Parties, claims against Commonwealth, § 10.7 Products liability, § 9.49 Absence of injury, § 9.72

LIMITATION OF ACTIONS—Continued

Property damage, discovery rule, § 17.4

Public policy, § 17.1

Medical care and treatment, discovery rule, diligence, § 17.5

Real estate, repose, statute of, § 17.11

Repressed memory, § 17.8

Sales of goods, § 17.1

Service of process, commencement of actions, § 17.2

Sexual abuse, § 17.8

Strict liability, pleadings, § 17.2

Subsequent injuries, discovery rule, diligence, § 17.5

Survival actions, § 17.10

Discovery rule, §§ 17.4, 17.10

Fraudulent concealment and misrepresentation, § 17.10

Toxic substances, discovery rule, § 17.3

Transfers of actions, § 17.1

Waiver, jurisdiction, § 17.2

Warranties, this index

Wrongful death, § 17.10

Amendments, complaints, § 14.4

Discovery rule, §§ 17.4, 17.10

Fraudulent concealment and misrepresentation, §§ 17.6, 17.10

LIQUIDATED DAMAGES

Delay damages, common law, § 13.11

LIQUOR CONTROL BOARD

Claims against Commonwealth, § 10.16

LITANIES

Opening statements, § 22.11

LITTER

Invitees, obvious danger, § 5.8

LOCALITY RULE

Standard of care, malpractice,

Attorneys, civil cases, § 6.13

Medical care and treatment, § 7.2

LOCKS

Landlord and tenant, third parties, crimes and offenses, \S 5.19

LOGIC

Actions and proceedings,

Theory of the case, § 20.1

Closing arguments, § 25.2

LORD CAMPBELL'S ACT

Wrongful death, § 14.1

LOSS OF CONSORTIUM

Consortium, Loss of, generally, this index

LOSS OF EARNINGS

Compensation and Salaries, this index

LUNCHES

Master-servant relationship, scope of employment, § 3.6

MACHINERY AND EQUIPMENT

Borrowed servants, machinery supplied with operator, § 3.15

MACHINERY AND EQUIPMENT—Continued

Duty,

Landowners, permissive users, children and minors, § 1.13

Occupational safety and health, statutes, class intended to be protected, § 1.5

Landowners, permissive users, children and minors, duty, § 1.13

Leases

Products liability, § 9.8

Warranties, breach, personal injuries, § 9.51

Occupational safety and health, statutes, class intended to be protected, duty, § 1.5

Products liability, § 9.24

Leases, § 9.8

MAGNUSON MOSS WARRANTY ACT

Generally, § 9.54

Disclaimers, § 9.55

Civil rights violations, indemnity and indemnification, officers and employees, § 10.49 Governmental immunity, § 10.26

Indemnity and indemnification, civil rights violations, officers and employees, § 10.49

MALICIOUS PROSECUTION

Delay, damages, § 13.5

Punitive damages, § 12.22

MALPRACTICE

Accuracy.

Opening statements, § 22.5

Attorneys, this index

Closing arguments,

Evidence, § 25.7

Rhetoric, § 25.13

Damages, preexisting physical conditions, aggravation, medical care and treatment, §§ 12.28, 18.13

Demonstrative evidence,

Opening statements, § 22.10

Diseases,

Cure, § 20.3

Medical Care and Treatment, this index

Opening statements, § 22.2

Keeping options open, § 22.7

Pharmacists and pharmacies, § 7.49

Trial briefs,

Adjuncts to advocacy, § 27.4

MANUFACTURERS AND MANUFACTURING

Negligence,

Occupational safety and health, statutes, class intended to be protected, § 1.5

Products liability, § 9.31

Occupational safety and health, statutes, class intended to be protected, negligence, § 1.5

Products Liability, this index

Strict liability, products liability, § 9.32

MAPS AND PLATS

Claims against Commonwealth, personal property, § 10.30

MARKET SHARE LIABILITY

Products liability, multiple suppliers, § 9.60

MARKETS AND MARKETING

Fraud, strict liability, personal injuries, § 9.58

MARRIAGE

Consortium, Loss of, generally, this index Pleasures of life, pain and suffering, § 12.19 Remarriage, wrongful death, damages, § 14.8 Spouses, generally, this index Witnesses,

Direct examination, § 23.4

MARY CARTER RELEASES

Some of multiple defendants, § 18.6 Admissibility of evidence, § 18.18

MASTER-SERVANT RELATIONSHIP

Affirmative defenses, lack of authority, § 3.13 Agents and agency, distinguished, § 3.2 Apparent authority, § 3.18 Borrowed Servants, generally, this index Burden of proof, § 3.13 Circumstantial evidence, § 3.13 Consent, subagents, § 3.9 Control, elements, § 3.3 Corporations, parent and subsidiary, borrowed servants, § 3.16

Crimes and offenses,

Negligent hiring, § 3.12

Scope of employment, § 3.7

Defined, § 3.3

Direct liability, negligent hiring, distinguished, § 3.12

Elements, § 3.3

Evidence, § 3.13

Franchises, § 3.5

Joint servants, § 3.17

Machinery supplied with operator, borrowed servants, § 3.15

Motor vehicles, § 3.4

Negligent hiring, direct liability, distinguished, § 3.12

Pleadings, lack of authority, § 3.13

Privileges and immunities, § 3.10

Scope of employment, § 3.6

Crimes and offenses, § 3.7

Subagents, § 3.9

Subcontractors, borrowed servants, § 3.14

MEDICAL CARE AND TREATMENT

Accepted medical practice, defenses, malpractice, § 7.21

Alternate acceptable courses, § 7.22

Advice, limitation of actions, discovery rule, diligence, § 17.5

Fraudulent concealment and misrepresentation, § 17.6

Agents and agency,

Apparent authority, reliance, § 3.18

Vicarious liability, generally, post

Ambulances, generally, this index

Assumption of duty, malpractice, § 1.16

Battery. Informed Consent, generally, this index

Blood, generally, this index

Borrowed servants, § 3.14

Burden of proof. Malpractice, post

Children and minors, expenses and expenditures, damages, § 12.2

Claims against Commonwealth, §§ 10.3, 10.29, 10.57

Communicable diseases, malpractice, third party injuries, § 7.6

Comparative negligence, malpractice, patient conduct, § 7.24 Concurrent causation, malpractice, burden of proof, § 2.4

Confidential or privileged information, Peer Review Protection Act, § 7.40

```
MEDICAL CARE AND TREATMENT—Continued
Consent. Informed Consent, generally, this index
Continuing Care Doctrine, generally, this index
Contracts, malpractice, § 7.21
Correctional institutions, duty, § 1.9
Damages,
   Burden of proof, past expenses and expenditures, § 12.2
   Children and minors, § 12.2
   Claims against Commonwealth, §§ 10.3, 10.29, 10.57
   Evidence, past expenses and expenditures, § 12.2
   Expert witnesses, past expenses and expenditures, § 12.2
   Future expenses and expenditures, § 12.3
   Incidental expenses, § 12.4
   Malpractice. Aggravation of Existing Injuries, this index Monitoring, § 12.33
   Nursing homes, future expenses and expenditures, § 12.3
   Opening statements, § 22.9
   Past expenses and expenditures, § 12.2
   Present value, future expenses and expenditures, § 12.3
   Survival actions, § 14.10
   Wrongful death, §§ 14.2, 14.7
Defenses,
   Discovery rule. Limitation of actions, generally, post
   Informed consent, limitation of actions, discovery rule, § 17.4
   Limitation of actions, generally, post
   Malpractice,
      Accepted medical practice, § 7.21
          Alternate acceptable courses, § 7.22
      Comparative negligence, patient conduct, § 7.24
      Errors in judgment, § 7.20
      Limitation of actions, discovery rule, § 17.3
      Superseding cause, § 7.19
         Mental disabilities, § 7.41
Devices, products liability, preemption, § 9.71
Direct causation, malpractice, burden of proof, § 7.16
Discovery rule. Limitation of actions, generally, post
Drugs and Medicine, generally, this index
Emergencies, this index
Emergency Medical Services Act, § 7.27
Errors and mistakes, malpractice, § 7.20
Evidence, damages, past expenses and expenditures, § 12.2
Expenses and expenditures. Damages, generally, ante
Expert witnesses, malpractice,
   Comparative negligence, patient conduct, § 7.24
   Legal cause, § 7.18
   Res ipsa loquitur, § 7.23
Good Samaritans, privileges and immunities, malpractice, § 7.26
Governmental immunity, damages, §§ 10.3, 10.29, 10.61
Hazardous Substances and Waste, this index
Health maintenance organizations, malpractice, § 7.34
Heart Valve Implants and Transplants, generally, this index
Hospitals, generally, this index
Independent contractors, expectation of performance by employer of contractor, § 4.14
Informed Consent, generally, this index
Insurance.
   Accident and Health Insurance, generally, this index
   Malpractice,
      Employment by insurer, § 7.7
      Health Care Services Malpractice Act, generally, this index
Intraocular lens implants, products liability, preemption, § 9.71
```

```
MEDICAL CARE AND TREATMENT—Continued
Legal cause, malpractice, § 7.21
   Burden of proof, §§ 1.16, 7.15
      Concurrent causation, § 2.4
      Direct causation, § 7.16
      Expert witnesses, § 7.18
         Res ipsa loquitur, § 7.23
      Increased risk of harm, § 7.17
      Res ipsa loquitur, § 7.23
   Superseding cause,
      Defenses, § 7.19
      Mental disabilities, § 7.41
Limitation of actions,
   Children and minors, § 17.7
   Continuing Care Doctrine, generally, this index
   Discovery rule,
      Continuing Care Doctrine, generally, this index
      Informed consent, § 17.4
      Malpractice, § 17.3
         Diligence, § 17.5
            Continuing care doctrine, fraudulent concealment and misrepresentation,
                   § 17.6
   Mental disabilities, § 17.8
   Minors Tolling Act, § 17.7
Malpractice, §§ 7.1 et seq., 7.21
   Aggravation of Existing Injuries, this index
   Ambulances, privileges and immunities, § 7.27
   Assumption of duty, § 1.16
   Attorneys fees, Health Care Services Malpractice Act, § 7.38
   Blood, transfusions, § 7.48
   Burden of proof. Legal cause, generally, ante
   Claims against Commonwealth, Health Care Services Malpractice Act, medical profes-
         sional liability catastrophe loss fund, § 10.14
   Collateral source benefits, Health Care Services Malpractice Act, § 7.38
   Communicable diseases, third party injuries, § 7.6
   Comparative negligence, patient conduct, § 7.24
   Concurrent causation, burden of proof, § 2.4
  Consent. Informed Consent, generally, this index
  Contracts, § 7.21
   Covering physicians, vicarious liability, § 7.13
   Damages. Aggravation of Existing Injuries, this index
   Defenses, ante
   Emergencies, hospitals, § 7.33
   Emergency Medical Services Act, § 7.27
  Emotional distress, negligent infliction, psychiatrists and psychologists, § 11.4
  Errors and mistakes, § 7.20
  Expert witnesses,
      Comparative negligence, patient conduct, § 7.24
      Legal cause, § 7.18
         Res ipsa loquitur, § 7.23
  Health Care Quality Improvement Act, national practitioner data bank, § 7.39
  Health Care Services Malpractice Act, generally, this index
  Health maintenance organizations, § 7.34
  Hospitals, this index
  Increased risk of harm, legal cause, burden of proof, § 7.17
  Indemnity and indemnification, medical professional liability catastrophe loss fund,
         § 7.36
  Informed Consent, generally, this index
  Instructions to jury, national practitioner data bank, § 7.39
  Insurance. Health Care Services Malpractice Act, generally, this index
```

MEDICAL CARE AND TREATMENT—Continued Malpractice—Continued Legal cause, generally, ante Limitation of actions, ante Master-servant relationship, Hospitals, apparent authority, § 3.5 Interns, § 3.3 Medical professional liability catastrophe loss fund, § 7.36 Claims against Commonwealth, § 10.14 Mental Disabilities, this index Motor vehicles, third parties, § 7.6 National practitioner data bank, § 7.39 Nurses and nursing, privileges and immunities, § 7.27 Opening statements, § 22.2 Organ transplants, § 7.48 Paramedics, privileges and immunities, § 7.27 Partners, vicarious liability, § 7.14 Peer Review Protection Act, § 7.40 Pharmacists and pharmacies, § 7.49 Presumptions, § 7.21 Privileges and immunities, generally, post Psychiatrists and psychologists. Mental Disabilities, this index Referrals, Specialists, standard of care, § 7.4 Vicarious liability, § 7.12 Aggravation of existing injuries, §§ 18.3, 18.13 Physicians and surgeons, hospitals and pharmacists, agents and agency, §§ 18.15, 18.18 Res ipsa loquitur, § 7.23 Respondeat superior. Hospitals, this index Satisfaction of judgments, aggravation of existing injuries, §§ 12.28, 18.13 Standard of care, generally, post Superseding cause, defenses, § 7.19 Third parties, Employment by third parties, § 7.7 Injuries to third parties, § 7.6 Vicarious liability, generally, post Wrongful conception, birth or life, § 7.25 Mental Disabilities, this index Mitigation of damages, § 12.29 Monitoring, damages, § 12.33 Motor vehicles, malpractice, third parties, § 7.6 National practitioner data bank, § 7.39 Negligence. Malpractice, generally, ante Nurses and nursing, malpractice, privileges and immunities, § 7.27 Nursing homes, damages, future expenses and expenditures, § 12.3 Opening statements, § 22.2 Organ Transplants, generally, this index Paramedics, Assumption of duty, § 1.16 Malpractice, privileges and immunities, § 7.27 Peer Review Protection Act, § 7.40 Pharmacists and pharmacies, malpractice, § 7.49 Political subdivisions, damages, §§ 10.3, 10.29, 10.61 Presumptions, malpractice, § 7.21 Privileges and immunities, malpractice, § 7.27 Charitable organizations, hospitals, § 7.28 Good Samaritans, § 7.26

Mental Disabilities, this index

MEDICAL CARE AND TREATMENT—Continued Privileges and immunities—Continued Operation of vehicles, § 7.26 Products liability, §§ 7.32, 9.15 Preemption, § 9.71 Tissue implants, preemption, § 9.71 Psychiatrists and Psychologists, generally, this index Public policy, limitation of actions, discovery rule, diligence, § 17.5 Records, release, emotional distress, attorneys, reliance on advice, punitive damages, § 12.21 Referrals, Informed consent, § 8.3 Malpractice, Specialists, standard of care, § 7.4 Vicarious liability, § 7.12 Res ipsa loquitur, malpractice, § 7.23 Residents, standard of care, malpractice, § 7.5 Respondeat superior, generally. Hospitals, this index Specialists, standard of care, malpractice, § 7.3 Referrals, § 7.4 Standard of care, malpractice, § 7.1 et seq. Locality rule, § 7.2 Residents, § 7.5 Specialists, § 7.3 Referrals, § 7.4 Suicide, this index Superseding cause, malpractice, § 7.19 Mental disabilities, § 7.41 Survival actions, damages, § 14.10 Third parties, malpractice, § 7.6 Mental disabilities, §§ 7.41, 7.42 Tissue implants, products liability, preemption, § 9.71 Transportation, damages, incidental expenses, § 12.4 Vicarious liability, malpractice, § 7.9 Covering physicians, § 7.13 Health maintenance organizations, § 7.34 Hospitals, this index Joint vicarious liability, § 7.11 Operating rooms, captain of ship doctrine, § 7.8 Partners, § 7.14 Referrals, § 7.12 Respondeat superior, generally, ante Supervising physicians, § 7.10 Witnesses, Direct examination, § 23.12 MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND Generally, § 7.36 Claims against Commonwealth, § 10.14 **MEDICAL TRANSFUSIONS AND TRANSPLANTS ACT** Generally, § 7.48 MEDIOCRE SPEECH Opening statements, § 22.13 **MEMORIES** Trial advocacy, § 19.2

MENTAL DISABILITIES

Ambulances, privileges and immunities, § 7.45

MENTAL DISABILITIES—Continued Claims against Commonwealth, Mental Health Procedures Act, privileges and immunities, $\S~10.25$ Sovereign immunity, parole and probation, medical care and treatment, § 10.29 Commitments, Mental Health Procedures Act, § 7.44 Compromise and settlement, wrongful death, § 14.3 Court approval, § 14.17 Crimes and offenses, superseding causes, psychiatrists and psychologists, medical malpractice, §§ 2.9, 7.41, 7.42 Discovery rule, limitation of actions, § 17.8 Gross negligence, § 1.18 Labor and employment, legal cause, § 2.5 Limitation of actions, §§ 1.24, 17.1, 17.8 Malpractice. Medical care and treatment, post Medical care and treatment. Claims against Commonwealth, Mental Health Procedures Act, privileges and immunities, § 10.25 Commitments, Mental Health Procedures Act, § 7.44 Malpractice, § 7.41 Emotional distress, negligent infliction, § 11.4 Limitation of actions, § 17.8 Pleadings, Mental Health Procedures Act, § 7.47 Privileges and immunities, Mental Health and Mental Retardation Act, § 7.43 Mental Health Procedures Act, generally, post Suicide, this index Superseding cause, §§ 2.9, 7.41 Third party injuries, §§ 7.41, 7.42 Mental Health Procedures Act, generally, post Mental Health Procedures Act, privileges and immunities, § 7.44 Ambulances, § 7.45 Claims against Commonwealth, § 10.25 Hospitals, § 7.45 Pleadings, § 7.47 Scope of immunity, § 7.46 Negligence, Gross negligence, § 1.18 Standard of care, §§ 1.17, 1.24 Pleadings, medical care and treatment, malpractice, Mental Health Procedures Act, § 7.47 Privileges and immunities, medical care and treatment, Mental Health and Mental Retardation Act, § 7.43 Psychiatrists and Psychologists, generally, this index Repressed memory, limitation of actions, § 17.8 Standard of care, negligence, §§ 1.17, 1.24 Suicide, generally, this index Superseding cause, crimes and offenses, psychiatrists and psychologists, §§ 2.9, 7.41 Third party injuries, medical care and treatment, malpractice, §§ 7.41, 7.42 Mental Health Procedures Act, generally, ante Wrongful death, compromise and settlement, § 14.3 Court approval, § 14.17 MENTAL HEALTH AND MENTAL RETARDATION ACT Generally, § 7.43 **MENTAL HEALTH PROCEDURES ACT** Generally, § 7.44 Claims against Commonwealth, defenses, privileges and immunities, §§ 10.25, 10.54 Defenses, claims against Commonwealth, §§ 10.25, 10.54

Privileges and immunities, claims against Commonwealth, §§ 10.25, 10.54

MERCHANT SEAMEN

Jones Act,

Damages, § 20.2

MERCHANTABILITY

Warranties, breach, personal injuries, § 9.53

MERGER AND CONSOLIDATION

Products liability, sellers, successor corporations, § 9.16

Wrongful death, prior actions, § 14.6

METHOD OF OPERATION

Preparation of witnesses, § 21.1

MIDWIVES

Licenses and permits, revocation or suspension, insurance, § 7.36 Malpractice, Health Care Services Malpractice Act, generally, this index

MILITARY FORCES

Damages, delay, § 13.8

MILK AND MILK PRODUCTS

Statutes, class intended to be protected, negligence, § 1.5

MINORS TOLLING ACT

Generally, § 17.7

MISLEADING QUESTIONS

Cross-examination,

Witness preparation, § 21.8

MITIGATION OF DAMAGES

Generally, § 12.29

Criminal law and procedure, punitive damages, instructions to jury, § 12.24

Instructions to jury, § 12.29

Punitive damages, § 12.24

Provocation, § 12.29

Punitive damages,

Instructions to jury, § 12.24

Provocation, § 12.29

MONOTONES

Witnesses,

Direct examination, § 23.3

MONOTONY

Witnesses,

Direct examination, § 23.11

MORALITY

Behavioral advocacy, § 26.1

MOTIVATION

Closing argument, § 25.15

MOTOR CARRIERS

Independent contractors, vicarious liability, \S 4.15

MOTOR VEHICLE INSURANCE

Collateral source benefits, § 12.25

Governmental immunity, §§ 10.61, 10.64, 12.25

Capped liability, §§ 10.62, 12.25

Earning capacity, retirement and pensions, § 12.12

Governmental immunity, collateral source benefits, §§ 10.61, 10.64, 12.25

Capped liability, §§ 10.62, 12.25

MOTOR VEHICLE INSURANCE—Continued

Releases, underinsured motorists, general releases, §§ 18.3, 18.18

Underinsured motorists, general releases, §§ 18.3, 18.18

MOTOR VEHICLES

Accidents,

Opening statements, §§ 22.2, 22.4

Air bags, preemption, products liability, § 9.71

Alcoholics and intoxicated persons. Driving While Intoxicated, generally, this index

Ambulances, privileges and immunities, § 7.27

Operation of vehicle, § 7.26

Anti-lock brakes, preemption, products liability, § 9.71

Assumption of risk,

Passengers, driving while intoxicated, § 16.5

Races, express assumption of risk, § 16.8

Batteries, jumper cables, explosives, warnings, strict liability, products liability, § 9.43 Claims against Commonwealth,

Driving while intoxicated, superseding causes, § 10.51

Privileges and immunities, waiver, § 10.27

Collisions,

Alcoholics and intoxicated persons. Driving While Intoxicated, generally, this index Ambulances, privileges and immunities, § 7.27

Operation of vehicle, § 7.26

Apportionment of damages, products liability, negligent driving, §§ 18.11, 18.17

Assumption of risk, generally, ante

Claims against Commonwealth, generally, ante

Comparative negligence, generally, post

Crimes and offenses, superseding cause, § 2.9

Damages

Apportionment of damages, products liability, negligent driving, §§ 18.11, 18.17

Compromise and settlement, § 12.34

Discovery, § 10.42

Driveways, design, legal cause, § 2.5

Driving While Intoxicated, generally, this index

Enhanced injuries, joint and several liability, products liability, negligent driving, §§ 18.11, 18.17

Family use doctrine, presumptions, vicarious liability, § 3.4

Foreseeability, duty, scope, § 1.3

Governmental Immunity, this index

Joy riding, superseding causes, foreseeability, § 2.9

Legal cause, generally, post

Master-servant relationship, generally, post

Mechanics, negligence, standard of care, special knowledge, § 1.25

Medical care and treatment, malpractice, third party injuries, § 7.6

Multiple defendants, apportionment of damages, products liability, negligent driving, §§ 18.11, 18.17

Occupant Protection Act, seat belts, comparative negligence, § 15.11

Privileges and immunities, generally, post

Products liability, apportionment of damages, negligent driving, §§ 18.11, 18.17

Releases, underinsured motorists, general releases, §§ 18.3, 18.18

Respondeat superior. Master-servant relationship, generally, ante

Seat belts, comparative negligence, § 15.11

Standard of care, generally, post

Subsequent injuries, multiple defendants, apportionment of damages, products liability, negligent driving, §§ 18.11, 18.17

Superseding causes, generally, post

Vicarious liability, generally, post

Comparative negligence,

Imputed negligence, passengers, § 15.14

Medical care and treatment, malpractice, patient conduct, § 7.24

MOTOR VEHICLES—Continued

Comparative negligence—Continued Seat belts, § 15.11 Crimes and offenses, superseding cause, § 2.9 Customs and usages, products liability, evidence, § 9.28 Discovery, collisions, § 10.42 Driveways, design, legal cause, § 2.5 Driving While Intoxicated, generally, this index Duty, landowners, invitees, § 5.17 Emergencies, standard of care, negligence, § 1.26 Enhanced injuries, collisions, joint and several liability, products liability, negligent driving, §§ 18.11, 18.17 Evidence, customs and usages, products liability, § 9.28 Family use doctrine, presumptions, vicarious liability, § 3.4 Governmental Immunity, this index Insurance. Motor Vehicle Insurance, generally, this index Invitees, duty, landowners, § 5.17 Joint and several liability, products liability, negligent driving, §§ 18.11, 18.17 Joy riding, superseding causes, foreseeability, § 2.9 Jumper cables, batteries, explosives, warnings, strict liability, products liability, § 9.43 Legal cause, nexus between negligence and injuries, § 2.1 Public policy, § 2.5 Lights and lighting, preemption, products liability, § 9.71 Master-servant relationship, § 3.4 Scope of employment, § 3.6 Mechanics, negligence, standard of care, special knowledge, § 1.25 Medical care and treatment, malpractice, Comparative negligence, patient conduct, § 7.24 Third party injuries, § 7.6 Multiple defendants, apportionment of damages, products liability, negligent driving, §§ 18.11, 18.17 Negligence, Foreseeability, duty, scope, § 1.3 Standard of care, generally, post Occupant Protection Act, seat belts, comparative negligence, § 15.11 Passengers, duty, negligence of driver, § 3.4 Preemption, products liability, defenses, § 9.71 Presumptions, comparative negligence, imputed negligence, passengers, § 15.14 Privileges and immunities. Ambulances, § 7.27 Operation of vehicle, § 7.26 Claims against Commonwealth or political subdivisions, waiver, § 10.27 Products liability, Apportionment of damages, negligent driving, §§ 18.11, 18.17 Batteries, jumper cables, explosives, warnings, strict liability, § 9.43 Customs and usages, evidence, § 9.28 Design, crashworthiness, § 9.37 Enhanced injuries, collisions, negligent driving, §§ 18.11, 18.17 Legal cause, nexus between negligence and injuries, § 2.1 Lights and lighting, preemption, § 9.71 Malfunction, circumstantial evidence, manufacturers and manufacturing, strict liability, § 9.33 Negligent driving, multiple defendants, apportionment of damages, §§ 18.11, 18.17 Preemption, defenses, § 9.71 Races, express assumption of risk, § 16.8 Releases, collisions, underinsured motorists, general releases, §§ 18.3, 18.18 Respondeat superior. Master-servant relationship, generally, ante Seat belts, comparative negligence, § 15.11 Signs and Signals, generally, this index

MOTOR VEHICLES—Continued

Speed.

Opening statements, § 22.2

Standard of care, negligence, § 1.17

Emergencies, § 1.26

Per se negligence, traffic rules and regulations, § 1.22

Special knowledge, mechanics, § 1.25

Subsequent injuries, multiple defendants, apportionment of damages, products liability, negligent driving, §§ 18.11, 18.17

Superseding causes, § 2.8

Claims against Commonwealth, driving while intoxicated, § 10.51

Crimes and offenses, § 2.9

Theft, superseding causes, foreseeability, § 2.9

Third parties, medical care and treatment, malpractice, § 7.6

Traffic Rules and Regulations, generally, this index

Vicarious liability,

Presumptions, family use doctrine, § 3.4

Respondeat superior. Master-servant relationship, generally, ante

MULTIPLE DEFENDANTS

Allocations, generally, this index

Apportionment of Damages, this index

Asbestos, this index

Comparative negligence, fault percentage,

Defendants relative to each other, § 15.2

Defendants relative to plaintiff, § 15.3

Compromise and Settlement, this index

Contribution, generally, this index

Dismissal and Nonsuit, this index

Evidence, releases, Mary Carter releases, §§ 18.6, 18.18

Joint and Several Liability, generally, this index

Judgments and decrees, satisfaction of judgments, § 18.9

Releases, this index

Satisfaction of judgments, § 18.9

Subsequent Injuries, this index

MULTIPLE EMPLOYERS

Borrowed Servants, generally, this index

Joint servants, § 3.17

Privileges and immunities, workers compensation, § 3.10

MUNICIPAL CORPORATIONS

Attorneys fees, § 10.2

Claims,

Defenses, generally, post

Notice, this index

Constructive Notice, this index

Damages, generally. Governmental Immunity, this index

Defenses, §§ 10.2, 10.54

Governmental Immunity, generally, this index

Limited resources, § 10.53

Workers compensation, § 10.54

Governmental Immunity, generally, this index

Highways and roads, § 10.43

Indemnity and indemnification, sidewalks, adjoining landowners, § 18.21

Lights and lighting, § 10.40

Limitation of actions, § 17.1

Notice, this index

Privileges and immunities. Governmental Immunity, generally, this index

Property damage, § 10.61

MUNICIPAL CORPORATIONS—Continued

Punitive damages, § 10.61

Officers and employees, indemnity and indemnification, § 12.21

Subdivisions, assumption of duty, § 1.16

Utilities, governmental immunity, waiver, § 10.22

Venue, claims, §§ 10.3, 10.6

Water supply, contracts, performance, engineers and engineering, third parties, injuries, & 1.6

Workers compensation, defenses, § 10.54

MURDER

Mental disabilities, medical malpractice, § 7.42

MUTUAL MISTAKE OF FACT

Burden of proof, releases, general releases, § 18.3

NAMES

Witnesses,

Direct examination, § 23.4

NATIONAL GUARD

Claims against Commonwealth, § 10.3

NATIONAL PRACTITIONER DATA BANK

Medical care and treatment, § 7.39

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

Preemption, products liability, § 9.71

NATURAL AND PROBABLE CONSEQUENCES

Legal cause, § 2.5

NATURAL FORCES

Concurrent causation, § 2.3

Apportionment of damages, § 18.12

NEGLIGENCE

Generally, § 1.1 et seq.

Actions and proceedings, prerequisites, § 1.1

Active negligence, concurrent causation, § 2.3

Attorneys, this index

Breach of duty, actions and proceedings, prerequisites, common law, § 1.1

Burden of Proof, this index

Capacity, standard of care, § 1.17

Children and minors, § 1.23

Children and Minors, this index

Claims against Commonwealth, § 10.26

Common carriers, duty, § 1.8

Comparative Negligence, generally, this index

Concurrent Causation, generally, this index

Contracts, duty, §§ 1.2, 1.6

Contributory negligence. Comparative Negligence, generally, this index

Customs and usages, standard of care, § 1.20

Evidence, products liability, § 9.28

Damages, nominal damages, § 1.1

Defenses,

Assumption of Risk, generally, this index

Comparative Negligence, generally, this index

Design, products liability, § 9.34

Duty, generally, this index

Emergencies, generally, this index

Emotional Distress, this index

Foreseeability, duty, scope, § 1.3

```
NEGLIGENCE—Continued
Governmental immunity, § 10.26
Hiring, § 3.12
Injuries, actions and proceedings, prerequisites, common law, § 1.1
Intervening causes, legal cause, § 2.8
Knowledge, duty, scope, § 1.3
   Relationship between parties, § 1.7
Legal Cause, this index
Malpractice,
   Attorneys, this index
   Medical Care and Treatment, this index
Manufacturers and manufacturing,
   Occupational safety and health, statutes, class intended to be protected, § 1.5
   Products liability, § 9.31
Medical Care and Treatment, this index
Merchant seamen,
   Damages, § 20.2
Motor vehicles, foreseeability, duty, scope, § 1.3
Nominal damages, § 1.1
Occupational safety and health, statutes, class intended to be protected, $ 1.5
Passive negligence,
   Concurrent causation, § 2.3
   Superseding cause, § 2.8
Past conduct of defendant, standard of care, § 1.21
Per se,
   Attorneys, malpractice, professional responsibility, violation of rules, § 6.20
   Burden of proof, § 1.22
   Comparative negligence, § 15.4
   Contributory negligence, children and minors, § 1.23
   Duty, statutes, § 1.5
   Legal cause, § 1.22
   Standard of care, statutes and regulations, § 1.22
   Strict liability, distinguished, § 1.22
Presumptions, children and minors, § 15.12
Products Liability, this index
Race discrimination, statutes, class intended to be protected, § 1.5
Security, governmental immunity, real estate, § 10.34
Special knowledge, standard of care, § 1.25
Standard of Care, this index
Statutes, this index
Supervision, governmental immunity, real estate, § 10.34
Third parties, duty, injuries,
   Contracts, § 1.6
   Scope, § 1.3
Trial briefs.
   Adjuncts to advocacy, § 27.4
NERVOUSNESS
Witnesses,
   Preliminary considerations, § 21.5
NET WORTH
Evidence, punitive damages, § 12.24
NEUROLOGICALLY IMPAIRED PERSONS
Pain and suffering, § 12.17
NEW TRIAL
```

Comparative negligence, dismissal and nonsuit, some of multiple defendants, § 15.3

Damages,

Appeal and review, remittitur, § 12.35

NEW TRIAL—Continued Damages—Continued Inadequate verdicts, § 12.34 Punitive damages, instructions to jury, § 12.22 Remittitur, § 12.35 Dismissal and nonsuit, some of multiple defendants, comparative negligence, § 15.3 Punitive damages, instructions to jury, § 12.22 NOISE Witness preparation, § 21.6 **NOMINAL DAMAGES** Negligence, § 1.1 Claims against Commonwealth, §§ 10.3, 10.5 Potholes, § 10.42 Dangerous conditions, highways and roads, municipal corporations, § 10.38 Governmental immunity, public utilities, § 10.45 Highways and roads, Claims against Commonwealth, potholes, § 10.42 Dangerous conditions, municipal corporations, § 10.38 Knowledge, generally, this index Municipal corporations. Claims, §§ 10.3, 10.5 Highways and roads, dangerous conditions, § 10.38 Limitation of actions, § 17.1 Constructive Notice, this index Potholes, claims against Commonwealth, § 10.42 Wrongful death, § 14.3 **NURSES AND NURSING** Hospitals, this index Malpractice, Health Care Services Malpractice Act, generally, this index Privileges and immunities, § 7.27 Privileges and immunities, malpractice, § 7.27 Warranties, § 9.51 **NURSING HOMES** Damages, future expenses and expenditures, § 12.3 Malpractice, Health Care Services Malpractice Act, generally, this index **OBJECTIONS AND EXCEPTIONS** Delay, damages, arbitration and award, § 13.1 Request for admissions, § 27.2 Trial advocacy, § 19.2 **OBVIOUS DANGER** Air rifles, products liability, misuse of product, foreseeability, § 9.65 Assumption of risk, § 16.2 Absence of duty, § 16.3 Baseball, foul balls, invitees, duty, landowners, § 5.8 Comparative negligence, § 15.4 Assumption of risk, § 16.2 Duty, Assumption of risk, §§ 16.2, 16.3 Landowners, generally, post Scope, § 1.3 Warnings, generally, post

Explosives, assumption of risk, §§ 16.2, 16.3

Ice and Snow, this index

```
OBVIOUS DANGER—Continued
Invitees, landowners, § 5.8
Landlord and tenant, repairs and maintenance, § 5.18
Landowners,
  Duty,
      Invitees, § 5.8
      Licensees, § 5.9
      Scope, § 5.1
   Invitees, § 5.8
   Licensees, duty, § 5.9
Legal cause, products liability, § 2.5
Litter, invitees, § 5.8
Negligence, duty, scope, § 1.3
Products liability,
   Legal cause, § 2.5
   Misuse of product, foreseeability, § 9.65
   Safety devices, design defects, § 9.36
   Warnings,
      Negligence, § 9.42
      Strict liability, § 9.43
Repairs and maintenance, landlord and tenant, § 5.18
Warnings,
   Dangerous conditions, independent contractors, § 5.10
   Products liability, legal cause, § 2.5
OCCUPANT PROTECTION ACT
Seat belts, motor vehicles, comparative negligence, § 15.11
OCCUPATION
Expert witnesses,
   Direct examination, § 23.4
Witnesses,
   Direct examination, § 23.4
OCCUPATIONAL SAFETY AND HEALTH
Negligence, statutes, class intended to be protected, § 1.5
OFFICERS AND EMPLOYEES
Indemnity and indemnification, § 10.8
   Civil rights violations, § 10.49
   Governmental immunity, punitive damages, § 12.21
Privileges and immunities, personal liability, § 10.8
   Common law, § 10.56
   Indemnity and indemnification, generally, ante
Assumption of risk, knowledge, dangerous conditions, § 16.5
Construction, special knowledge, standard of care, negligence, § 1.25
Dangerous conditions, knowledge, assumption of risk, § 16.5
Explosives,
   Independent contractors, peculiar risk of harm, vicarious liability, § 4.10
   Pipes and pipelines,
      Dangerous conditions, remedial measures, duty, § 1.14
      Legal cause, time, lapse, § 2.5
Independent contractors, peculiar risk of harm, vicarious liability, § 4.10
Knowledge,
   Dangerous conditions, assumption of risk, § 16.5
   Special knowledge, construction, standard of care, negligence, § 1.25
   Special knowledge, construction, standard of care, § 1.25
   Standard of care, § 1.17
```

OIL AND GAS—Continued

Peculiar risk of harm, independent contractors, vicarious liability, § 4.10 Pipes and Pipelines, generally, this index Service stations, franchises, respondeat superior, § 3.5 Standard of care, negligence, § 1.17

OPENING STATEMENTS

Generally, § 22.1 et seq.
Accuracy, § 22.5
Arguments, § 22.2
Conclusion, § 22.13
Damages, § 22.9
Demonstrative evidence, § 22.10
Exhibits, § 22.10
Interesting statements, § 22.4
Keeping the options open, § 22.7
Legalese, § 22.6
Preparation, § 22.1
Removing the sting, § 22.8
Rhetoric, § 22.11
Shouting, § 22.3
Succinct statements, § 22.12

OPTIONS

Opening statements, Keeping options open, § 22.7

ORATORICAL ZEAL

Closing arguments, § 25.10

ORGAN TRANSPLANTS

Malpractice, § 7.48

Products liability, strict liability, §§ 9.15, 9.48

OUTRAGEOUS BEHAVIOR

Behavioral advocacy, § 26.1 et seq.

PAIN AND SUFFERING

Generally, § 12.14

Attorneys, malpractice, criminal law and procedure, § 6.7

Burden of proof, survival actions, § 14.14

Compromise and settlement, § 12.34

Disfigurement, §§ 12.14, 12.18

Emotional distress, distinguished, § 11.1

Evidence, § 12.15

Expert witnesses, § 12.15

Governmental immunity, damages, limits, §§ 10.61, 10.63

Handicapped persons, neurologically impaired persons, § 12.17

Humiliation, § 12.14

Impending injury, § 12.16

Instructions to jury, pleasures of life, § 12.19

Neurologically impaired persons, § 12.17

Pleasures of life, §§ 12.14, 12.19

Survival actions, §§ 14.10, 14.14

Unconscious persons, § 12.17

Witnesses,

Direct examination, § 23.12

Wrongful conception, medical malpractice, § 7.25

PAPERS

Adjuncts to advocacy, § 27.1 et seq.

PARAMEDICS

Assumption of duty, § 1.16 Privileges and immunities, § 7.27

PARENT AND CHILD

Children and Minors, generally, this index

PARKING AUTHORITIES

Governmental immunity, waiver, § 10.20

PARKING LOTS

Ice and snow, landowners, duty,
Assumption of risk, §§ 16.2, 16.3
Inspections and inspectors, invitees, § 5.8
Licensees, obvious danger, § 5.9
Assumption of risk, §§ 16.2, 16.3

PARKS AND RECREATION

Governmental immunity, real estate, §§ 10.33, 10.55 Repose, statute of, § 17.11

PAROLE AND PROBATION

Governmental immunity, medical care and treatment, § 10.29

PARTIES

Claims against Commonwealth, pleadings, § 10.7
Joinder of Parties, generally, this index
Limitation of actions,
Joinder of parties, § 17.2
Pleadings, claims against Commonwealth, § 10.7
Multiple Defendants, generally, this index
Pleadings,
Claims against Commonwealth, § 10.7
Joinder of parties, limitation of actions, § 17.2
Wrongful death, complaints, § 14.3
Wrongful death, §§ 14.2, 14.4
Complaints, § 14.3

PARTNERSHIPS

Comparative negligence, imputed negligence, § 15.14 Imputed negligence, comparative negligence, § 15.14 Medical care and treatment, malpractice, vicarious liability, § 7.14 Vicarious liability, medical care and treatment, malpractice, § 7.14

PASSION

Closing arguments, § 25.10

PASSIVE NEGLIGENCE

Concurrent causation, § 2.3 Superseding cause, § 2.8

PAST CONDUCT OF DEFENDANT

Standard of care, negligence, § 1.21

PATRONIZING

Behavioral advocacy, § 26.2

ΡΔΥ

Compensation and Salaries, generally, this index

PAYMENT

Damages, indemnity and indemnification, § 18.21

PEANUT BUTTER

Products liability, choking, warnings, § 9.43

PECULIAR RISK OF HARM

Independent contractors, vicarious liability, § 4.10

PEDESTRIANS

Emergencies, standard of care, negligence, § 1.26

PEER REVIEW PROTECTION ACT

Medical care and treatment, § 7.40

PER SE

Negligence, this index

PERIPHERY

Cross-examination,

Unique approaches, § 24.9

PERSEVERANCE

Trial advocacy, § 19.5

PERSONAL MAINTENANCE DEDUCTION

Survival actions, damages, lost future earnings, § 14.12

PERSONAL PROPERTY

Claims against Commonwealth, §§ 10.3, 10.30 Governmental immunity, §§ 10.3, 10.30

PERSUASION

Closing arguments, § 25.2 Duty, scope, § 1.3 Negligence, duty, scope, § 1.3 Opening statements, § 22.2 Trial advocacy, § 19.5

PESTICIDES

Products liability, preemption, § 9.71

PHARMACISTS AND PHARMACIES

Joint and several liability, physicians and surgeons, § 18.15 Malpractice, § 7.49 Physicians and surgeons, joint and several liability, § 18.15 Products liability, strict liability, warnings, § 9.47

PHOTOGRAPHS AND PICTURES

Adjuncts to advocacy, \S 27.2 Invasion of privacy, emotional distress, intentional infliction, \S 11.7 Witnesses,

Direct examination, § 23.12 Preparation, § 21.6

PHYSICAL AND MENTAL EXAMINATIONS

Discovery rule, diligence, limitation of actions, § 17.5 Fraudulent concealment and misrepresentation, § 17.6 Laboratories, informed consent, § 8.10

PHYSICIANS AND SURGEONS

See, also, Medical Care and Treatment, generally, this index Drugs and medicine,

Joint and several liability, pharmacists and pharmacies, § 18.15 Products liability, strict liability, warnings, § 9.47 Hospitals, joint and several liability, § 18.15

PHYSICIANS AND SURGEONS—Continued

Joint and several liability,

Aggravation of Existing Injuries, this index

Drugs and medicine, § 18.15

Hospitals, § 18.15

Licenses and permits, revocation or suspension, insurance, § 7.36

Malpractice, generally. Medical Care and Treatment, this index

Products liability, § 7.32

Drugs and medicine, strict liability, warnings, § 9.47

Referrals, malpractice,

Specialists, standard of care, § 7.4

Vicarious liability, § 7.12

Residents, generally. Hospitals, this index

Specialists, standard of care, malpractice, § 7.3

Referrals, § 7.4

Standard of care, generally. Medical Care and Treatment, this index

Warranties, § 9.51

PIPES AND PIPELINES

Abnormally dangerous activities, standard of care, negligence, § 1.27

Dangerous conditions, remedial measures, duty, § 1.14

Duty,

Dangerous conditions, remedial measures, § 1.14

Foreseeability, scope, § 1.3

Explosives,

Dangerous conditions, remedial measures, duty, § 1.14

Legal cause, time, lapse, § 2.5

Foreseeability, negligence, duty, scope, § 1.3

Negligence,

Duty, generally, ante

Foreseeability, duty, scope, § 1.3

Special knowledge, negligence, standard of care, § 1.25

Standard of care, negligence, abnormally dangerous activities, § 1.27

PIZAZZ FACTOR

Cross-examination, § 24.8

PLEADINGS

Affirmative Defenses, generally, this index

Claims against Commonwealth, parties, § 10.7

Governmental immunity, § 10.50

Limitation of actions, § 17.2

Master-servant relationship, lack of authority, § 3.13

Mental disabilities, medical care and treatment, malpractice, Mental Health Procedures

Act, § 7.47

Parties, this index

Privileges and immunities, § 10.50

Punitive damages, § 12.24

Repose, statute of, § 17.11

Sovereign immunity, § 10.50

PLEASURES OF LIFE

Damages, §§ 12.14, 12.19

Survival actions, §§ 14.10, 14.15

Wrongful death, § 14.7

PODIATRISTS

Malpractice, Health Care Services Malpractice Act, generally, this index

POLES AND WIRES

Assumption of risk, electricity, § 16.5

Intervening causes, § 2.8

POLES AND WIRES—Continued

Legal cause, intervening causes, § 2.8

Products liability, § 9.24

Superseding causes, extraordinary nexus, third parties, § 2.8

POLICE

Assault and battery, claims against Commonwealth, officers and employees, personal liability, \S 10.8

False imprisonment, claims against Commonwealth, officers and employees, personal liability, § 10.8

Governmental Immunity, this index

Licensees, duty, landowners, § 5.9

Privileges and immunities. Governmental Immunity, this index

Pursuit of suspects, superseding causes, § 2.9

POLITENESS

Behavioral advocacy, § 26.3

POLITICAL KNOWLEDGE

Witness preparation, § 21.7

POLITICAL SUBDIVISION TORT CLAIMS ACT

Governmental Immunity, generally, this index Highways and roads, § 10.38 Retroactivity, §§ 10.4, 10.24

POLITICAL SUBDIVISIONS

Damages, generally. Governmental Immunity, this index Defenses,

Limited resources, § 10.53

Workers compensation, § 10.54

Governmental Immunity, generally, this index

Punitive damages, § 10.61

Workers compensation, defenses, § 10.54

POMPOSITY OF LANGUAGE

Opening statements, § 22.6

POMPOUS ATTITUDE

Behavioral advocacy, § 26.2

POOR PERSONS

Indigent Persons, generally, this index

POPULARITY

Trial advocacy, § 19.3

PORT AUTHORITIES

Claims against Commonwealth, § 10.12

POTHOLES

Claims against Commonwealth, § 10.42 Property damage, § 10.57

PRAGMATISM

Trial advocacy, § 19.5

PRECAUTIONS

Closing arguments,

Rebuttal, § 25.14

PREEMPTION

Brands, marks and labels, hazardous substances and waste, products liability, warnings, § 9.71

PREEMPTION—Continued

Hazardous substances and waste, brands, marks and labels, products liability, warnings, \S 9.71

Motor vehicles, products liability, defenses, § 9.71

Products liability, defenses, § 9.71

PREEXISTING PHYSICAL CONDITIONS

Aggravation of Existing Injuries, generally, this index

Apportionment of damages, § 18.12

Concurrent causation, § 2.3

Damages,

Aggravation of Existing Injuries, this index

Apportionment of damages, § 18.12

Subsequent injuries, § 12.27

Medical care and treatment, malpractice, §§ 12.28, 18.13

Legal cause, damages, § 2.6

Sidewalks, ice and snow, § 5.14

PREGNANCY

Abortion, wrongful conception, medical malpractice, § 7.25

Contraceptives, generally, this index

Emotional distress, fetal injury feared, § 11.2

Wrongful conception, medical malpractice, § 7.25

Wrongful death, fetuses, § 14.5

PREJUDGMENT INTEREST

Delay, generally, this index

PREMATURITY

Damages, attorneys, malpractice, civil cases, § 6.27

PREPARATION

Cross-examination, § 24.1

PRESENT VALUE

Damages,

Lost future earnings, § 12.9

Survival actions, § 14.11

Medical care and treatment, future expenses and expenditures, § 12.3

PRESUMPTIONS

Assumption of risk,

Children and minors, § 16.10

Knowledge, § 16.5

Attorneys, undue influence, § 6.17

Children and minors,

Assumption of risk, § 16.10

Damages, wrongful death, § 14.7

Negligence, § 15.12

Comparative negligence, § 15.4

Children and minors, § 15.12

Due care, § 15.6

Motor vehicles, imputed negligence, passengers, § 15.14

Compensation and salaries, inflation, future earnings, damages, loss of earnings, present value, §§ 12.9, 14.11

Damages,

Inflation, present value, § 12.9

Wrongful death, § 14.7

Emotional distress, § 11.2

Family use doctrine, vicarious liability, motor vehicles, § 3.4

Governmental immunity, § 10.24

PRESUMPTIONS—Continued

Inflation, damages, present value, § 12.9

Survival actions, § 14.11

Licensees, duty, landowners, § 5.9

Medical care and treatment, malpractice, § 7.21

Motor vehicles,

Comparative negligence, imputed negligence, passengers, § 15.14

Vicarious liability, § 3.4

Negligence, children and minors, § 15.12

Present value, inflation, damages, survival actions, § 14.11

Sovereign immunity, § 10.24

Standard of care, children and minors, § 1.23

Undue influence, attorneys, § 6.17

Vicarious liability, motor vehicles, § 3.4

Wrongful death, damages, § 14.7

PRETENTIOUSNESS

Witness preparation, § 21.6

PRETRIAL EXAMINATION

Preparation of witnesses, § 21.1

PRIGGISH BEHAVIOR

Behavioral advocacy, § 26.2

PRIOR EPISODES

Assault and battery, police, duty, § 10.48

Foreseeability, crimes and offenses, § 5.17

Superseding causes, § 2.9

Landowners, licensees, duty, knowledge of defects, § 5.9

Police, duty, assault and battery, § 10.48

Products liability, evidence, design, § 9.41

PRISONERS

Correctional Institutions, generally, this index

PRIVACY

Witness preparation, § 21.6

PRIVILEGES AND IMMUNITIES

Affirmative defenses, § 10.50

Ambulances, this index

Answers, § 10.50

Attorneys, malpractice, indigent persons, criminal law and procedure, \S 6.5

Charitable organizations, hospitals, malpractice, § 7.28

Civil Rights, this index

Colleges and Universities, this index

Compromise and Settlement, this index

Contribution. Compromise and Settlement, this index

Counties. Governmental Immunity, generally, this index

Dangerous conditions, gratuitous use of land, Recreational Use of Land and Water Act, \S 5.15

Claims against Commonwealth, §§ 10.25, 10.55

Defenses,

Affirmative defenses, governmental immunity, § 10.50

Claims against Commonwealth, generally, this index

Governmental Immunity, generally, this index

Labor and employment, dual capacity doctrine, products liability, § 9.76

Municipal corporations. Governmental Immunity, generally, this index

Sovereign immunity. Claims against Commonwealth, generally, this index

Dual capacity doctrine, labor and employment, products liability, defenses, § 9.76

Good Samaritans, medical care and treatment, malpractice, § 7.26

PRIVILEGES AND IMMUNITIES—Continued

Government contracts,

Governmental immunity, waiver, § 10.23

Independent contractors, negligence, § 10.2

Governmental Immunity, generally, this index

Highways and Roads, this index

Hospitals, charitable organizations, malpractice, § 7.28

Labor and employment. Workers Compensation, this index

Master-servant relationship, § 3.10

Medical Care and Treatment, this index

Mental Disabilities, this index

Mental Health Procedures Act, claims against Commonwealth, § 10.25

Municipal corporations. Governmental Immunity, generally, this index

Nurses and nursing, § 7.27

Officers and Employees, this index

Paramedics, § 7.27

Pleadings, § 10.50

Police, pursuit of suspects, superseding causes, § 2.9

Political subdivisions. Governmental Immunity, generally, this index

Products liability, defenses, labor and employment, dual capacity doctrine, § 9.76

Recreational Use of Land and Water Act, dangerous conditions, gratuitous use of land, § 5.15

Claims against Commonwealth, §§ 10.25, 10.55

Respondeat superior, § 3.10

Sovereign Immunity, generally, this index

Swimming pools, governmental immunity, § 10.34

Transfusions and transplants, § 7.48

Vicarious liability, § 3.10

Waiver,

Claims against Commonwealth, generally, this index

Governmental Immunity, generally, this index

Willful or wanton misconduct, Political Subdivision Tort Claims Act, § 1.19

Workers Compensation, this index

PRIVITY

Fraud, sales, products liability, § 9.58

Products liability, §§ 9.1, 9.2

Fraud, sales, § 9.58

Releases, general releases, § 18.3

Warranties, § 9.50

PRO BONO CAUSES

Trial advocacy, § 19.3

PRO RATA RELEASES

Releases, this index

PRO TANTO RELEASES

Some of multiple defendants, §§ 18.2, 18.4, 18.18

Indemnity and indemnification, § 18.18

PROBATE PROCEEDINGS

Expenses and expenditures, wrongful death, damages, §§ 14.2, 14.7

PROBLEM SOLVING

Trial advocacy, § 19.2

PRODUCTIVITY

Compensation and salaries, damages, lost future earnings, § 12.10

Damages, lost future earnings, survival actions, § 14.11

PRODUCTS LIABILITY Aerosol cans, fires and fire protection, warnings, § 9.43 Agents and agency, sellers, § 9.10 Alcoholic Beverages, this index Allergies, warnings, § 9.43 Alterations by user. Defenses, this index Assemblers, sellers, § 9.12 Incomplete products, § 9.25 Assumption of risk, defects, strict liability, §§ 1.27, 9.63 Safety devices, design defects, § 9.36 Auctions and auctioneers, sellers, § 9.11 Balance risk and utility. Risk outweighs utility, generally, post Boilers, § 9.24 Components suppliers, strict liability, § 9.46 Books, § 9.21 Buildings, § 9.24 Burden of Proof, this index Chain of custody facts, Adjuncts to advocacy, § 27.2 Changes. Alterations by user, generally, ante Children and Minors, this index Cigarette Lighters, this index Cigarettes, this index Circumstantial evidence, manufacturers and manufacturing, strict liability, § 9.32 Malfunction, § 9.33 Comparative Negligence, this index Components, this index Concurrent causation, burden of proof, § 2.4 Conspiracy, preemption, defenses, § 9.71 Consumer expectations, defects, § 9.29 Contracts, warranties, preemption, defenses, § 9.71 Contribution, strict liability, § 18.17 Contributory negligence. Comparative Negligence, this index Cranes, malfunction, Circumstantial evidence, manufacturers and manufacturing, strict liability, § 9.33 Remedial measures, evidence, § 9.40 Crashworthiness, design, § 9.37 Crimes and offenses, Superseding causes, § 2.9 Third parties, strict liability, defenses, § 9.68 Cross-examination, § 24.9 Customs and Usages, this index Dangerous conditions, §§ 9.1, 9.26 Balance risk and utility, Negligence, § 9.34 Strict liability, § 9.30 Role of court, § 9.27 Warnings, negligence, § 9.42 Defects, Balance risk and utility, Negligence, § 9.34 Strict liability, § 9.30 Consumer expectations, § 9.29 Design, generally, post State of art, § 9.28 Strict liability, § 9.1 Assumption of risk, § 1.27 Design, § 9.35 Elements of claim, § 9.4 State of art, § 9.28

```
PRODUCTS LIABILITY—Continued
Defects—Continued
   Warnings, strict liability, § 9.43
Defenses, this index
Design,
   Alternative feasibility, § 9.38
   Crashworthiness, § 9.37
   Enhanced injury, § 9.37
   Evidence, prior incidents, § 9.41
   Negligence, § 9.34
   Prior incidents, evidence, § 9.41
   Purchaser specifications, third party injuries, § 9.17
   Safety devices, § 9.36
   Second impact, § 9.37
   Strict liability, § 9.35
      Alternative feasibility, § 9.38
      Enhanced injury, § 9.37
      Safety devices, § 9.36
Diving, warnings, strict liability, § 9.43
Drugs and medicine,
   Strict liability, § 9.47
   Warnings, strict liability, §§ 9.43, 9.47
Dual capacity doctrine, labor and employment, privileges and immunities, defenses, § 9.76
Dynamite, warnings, negligence, § 9.42
Economic losses, strict liability, § 9.57
Electricity, § 9.21
   Cord, malfunction, circumstantial evidence, manufacturers and manufacturing, strict
          liability, § 9.33
   This index
   Warnings, § 9.43
Elements of claim, § 9.4
Enhanced injury, design, § 9.37
Enterprise liability, multiple suppliers, § 9.61
Evidence,
   Circumstantial evidence, manufacturers and manufacturing, strict liability, § 9.32
      Malfunction, § 9.33
   Customs and usages, § 9.28
   Government standards, defenses, § 9.75
   Industry standards, defenses, § 9.75
   Insurance, successor corporations, sellers, § 9.16
   Manufacturers and manufacturing, strict liability, § 9.32
      Circumstantial evidence, malfunction, § 9.33
   Prior incidents, design, § 9.41
   Remedial measures, § 9.40
Expert witnesses,
   Drugs and medicine, warnings, § 9.47
   Malfunction, circumstantial evidence, manufacturers and manufacturing, strict liability,
   Warnings, dangerous conditions, legal cause, § 9.45
Fires and fire protection, warnings, § 9.43
Fixtures, § 9.24
Foreseeability, this index
Fraud,
   Preemption, defenses, § 9.71
   Strict liability, personal injuries, § 9.58
Government contracts, defenses, § 9.74
Government standards, defenses, § 9.75
Governmental immunity, § 10.2
Heart valve implants,
   Defenses, absence of injury, § 9.72
```

```
PRODUCTS LIABILITY—Continued
Heart valve implants—Continued
   Preemption, § 9.71
Heating controls, malfunction, circumstantial evidence, manufacturers and manufacturing,
      strict liability, § 9.33
Hospitals, §§ 7.32, 9.15
Identity and Identification, this index
Indemnity and indemnification, § 18.21
Industry standards, defenses, § 9.75
Inherently dangerous products, defenses, § 9.69
Instructions to Jury, this index
Insurance, successor corporations, sellers, evidence, § 9.16
Intraocular lens implants, preemption, § 9.71
Joinder of parties, alternative defendants, § 9.59
Joint and several liability.
   Components, strict liability, § 9.46
   Joinder of parties, alternative defendants, § 9.59
   Motor vehicles, negligent driving, §§ 18.11, 18.17
Labor and employment, dual capacity doctrine, privileges and immunities, defenses, § 9.76
Leases, sellers, § 9.8
Legal Cause, this index
Limitation of actions, § 9.49
   Absence of injury, § 9.72
Machinery and equipment, § 9.24
   Leases, § 9.8
Malfunction, strict liability,
   Circumstantial evidence, manufacturers and manufacturing, § 9.33
   Economic losses, § 9.57
Manufacturers and manufacturing,
   Evidence, strict liability, § 9.32
   Negligence, § 9.31
      Design, § 9.34
   Strict liability, § 9.32
Market share liability, multiple suppliers, § 9.60
Medical care and treatment, §§ 7.32, 9.15
Merger and consolidation, sellers, successor corporations, § 9.16
Misuse of product, defenses, § 9.65
Modifications. Alterations by user, generally, ante
Motor Vehicles, this index
Multiple suppliers. Identity and Identification, this index
Negligence,
   Compliance with industry or government standards, defenses, § 9.75
   Contribution, strictly liable defendant, § 18.17
   Design, § 9.34
   Manufacturers and manufacturing, § 9.31
   Repairs and maintenance, § 9.23
   Role of court, § 9.27
   Sophisticated users, defenses, § 9.70
   Standing, § 9.20
   Strictly liable defendant, comparative contribution, § 18.17
   Warnings, dangerous conditions, § 9.42
Obvious Danger, this index
Occasional suppliers, § 9.7
Peanut butter, choking, warnings, § 9.43
Physicians and surgeons, §§ 7.32, 9.15
Poles and wires, § 9.24
Prima facie case, § 9.4
Prior episodes, evidence, design, § 9.41
Privileges and immunities,
   Defenses, dual capacity doctrine, labor and employment, § 9.76
```

```
PRODUCTS LIABILITY—Continued
Privileges and immunities—Continued
   Sovereign immunity, § 10.2
Privity, §§ 9.1, 9.2
Pro rata releases, § 18.17
Public policy, strict liability, § 9.3
Puffing, strict liability, personal injuries, § 9.58 Punitive damages, § 12.22
   Evidence, compliance with industry or government standards, defenses, § 9.75
Purchaser specifications, sellers, third party injuries, § 9.17
Releases, strict liability, pro rata releases, § 18.17
Repairs and maintenance, § 9.23
   Sellers, § 9.14
Repose, statute of, § 17.11
Risk outweighs utility, defects,
   Negligence, § 9.34
   Strict liability, § 9.30
      Warnings, § 9.43
Safety devices, design defects, § 9.36
Second impact, design, § 9.37
Secured transactions, sellers, § 9.9
Sellers,
   Agents and agency, § 9.10
   Assemblers, § 9.12
      Incomplete products, § 9.25
   Auctions and auctioneers, § 9.11
   Components, suppliers, § 9.13
      Strict liability, § 9.46
   Defined, § 9.6
   Elements of claim, § 9.4
   Lessors, § 9.8
   Medical care and treatment, §§ 7.32, 9.15
   Occasional suppliers, § 9.7
   Purchaser specifications, third party injuries, § 9.17
   Repairs and maintenance, § 9.14
   Secured transactions, § 9.9
   Successor corporations, § 9.16
   Trademarks and trade names, § 9.18
Services, § 9.21
Smoke alarms, warnings, § 9.43
Sophisticated users, defenses, § 9.70
Sovereign immunity, § 10.2
Standing,
   Negligence, § 9.20
   Strict liability, § 9.19
State of Art, this index
Statutes of repose, defenses, § 9.73
Strict liability,
   Absolute liability distinguished, § 9.5
   Assumption of risk, defects, § 1.27
   Comparative Negligence, this index
   Compliance with industry or government standards, defenses, § 9.75
   Contribution, § 18.17
   Crimes and offenses, third parties, defenses, § 9.68
   Customs and usages,
      Defenses, § 9.75
      Design, manufacturers and manufacturing, § 9.39
   Defects, ante
  Defenses, this index
   Design, ante
```

PRODUCTS LIABILITY—Continued

Strict liability—Continued

Enhanced injury, design, § 9.37

Fraud, personal injuries, § 9.58

Government contracts, defenses, § 9.74

Government standards, defenses, § 9.75

Industry standards, defenses, § 9.75

Medical care and treatment, §§ 7.32, 9.15

Pro rata releases, § 18.17

Public policy, § 9.3

Punitive damages, § 12.22

Releases, pro rata releases, § 18.17

Repairs and maintenance, § 9.23

Standing, § 9.19

Warnings, dangerous conditions, § 9.43

Successor corporations, sellers, § 9.16

Superseding Causes, this index

Technological processes, § 9.21

Third Parties, this index

Tissue implants, preemption, § 9.71

Trademarks and trade names, sellers, § 9.18

Trial briefs,

Adjuncts to advocacy, § 27.4

Unavoidably unsafe products, drugs and medicine, strict liability, § 9.47

Used products, § 9.22

Warnings, this index

Warranties, generally, this index

Weapons, misuse, legal cause, § 2.5

PROFESSIONAL RESPONSIBILITY

Attorneys, malpractice, violation of rules, § 6.20

PROFITS

Compensation and salaries, distinguished, damages, § 12.11

Lost profits, damages, compensation and salaries, distinguished, § 12.11

PROPERTY DAMAGE

Claims against Commonwealth, § 10.57

Limitation of actions, discovery rule, § 17.4

Municipal corporations, § 10.61

Political subdivisions, § 10.61

PROPORTIONALITY

Master-servant relationship, scope of employment, crimes and offenses, § 3.7

PROVOCATION

Mitigation of damages, § 12.29

PROXIMATE CAUSE

Legal Cause, generally, this index

PRUDENCE

Closing argument, § 25.15

PSYCHIATRISTS AND PSYCHOLOGISTS

Emotional distress, negligent infliction, § 11.4

Malpractice, generally. Mental Disabilities, this index

Superseding causes, crimes and offenses, § 2.9

PUBLIC POLICY

Attorneys, malpractice, criminal law and procedure, § 6.2

Causation, § 2.5

Chemicals, brands, marks and labels, products liability, preemption, § 9.71

PUBLIC POLICY—Continued

Civil rights, violations, general releases, § 18.3

Compromise and settlement, contribution, § 18.19

Contribution, compromise and settlement, § 18.19

Duty, § 1.4

Indemnity and indemnification, contracts, § 18.21

Legal cause, § 2.5

Limitation of actions, § 17.1

Medical care and treatment, discovery rule, diligence, § 17.5

Medical care and treatment, limitation of actions, discovery rule, diligence, § 17.5

Obvious danger, invitees, § 5.8

Privileges and immunities, attorneys, malpractice, indigent persons, criminal law and procedure, § 6.5

Respondent superior, § 3.1

Strict liability, products liability, § 9.3

Comparative negligence, § 9.62

PUBLIC TRANSPORTATION

Crimes and offenses, third parties, claims against Commonwealth, § 10.44

PUBLIC UTILITIES

Governmental immunity, waiver, §§ 10.22, 10.45

Independent contractors, vicarious liability, § 4.15

PUDDLED WATER

Storekeepers,

Assumption of risk, conscious choice to encounter danger, § 16.4

Duty, obvious danger, assumption of risk, § 16.3

PUFFING

Products liability, strict liability, personal injuries, § 9.58

PUNITIVE DAMAGES

Generally, § 12.21 et seq.

Abuse of process, § 12.22

Appeal and review, § 12.24

Asbestos, products liability, § 12.22

Assault and battery, § 12.22

Attorneys, this index

Bifurcation of actions, § 12.24

Burden of proof, § 12.24

Claims against Commonwealth, § 10.57

Sovereign immunity, § 10.2

Constitutional law, § 12.21

Contracts, interference, § 12.22

Cruel and unusual punishment, § 12.21

Customs and usages, products liability, § 9.28

Defamation, § 12.22

Delay, damages, § 13.5

Drugs and medicine, products liability, § 12.22

Due process, § 12.21

Evidence, § 12.24

False arrest, § 12.22

Fraud, § 12.22

Respondeat superior, § 12.23

Governmental immunity, §§ 10.2, 10.61

Health Care Services Malpractice Act, substantive law, § 7.38

Indemnity and indemnification, § 12.23

Instructions to jury, § 12.24

Insurance, § 12.21

Libel and slander, § 12.22

PUNITIVE DAMAGES—Continued

Malicious prosecution, § 12.22

Medical care and treatment, malpractice, Health Care Services Malpractice Act, substantive law, § 7.38

Mitigation of damages,

Instructions to jury, § 12.24

Provocation, § 12.29

Municipal corporations, § 10.2

Officers and employees, indemnity and indemnification, § 12.21

Net worth, evidence, § 12.24

Pleadings, § 12.24

Political subdivisions, § 10.61

Products liability,

Customs and usages, § 9.28

Strict liability, § 12.22

Provocation, mitigation of damages, § 12.29

Recklessness, § 12.21

Sovereign immunity, § 10.2

Strict liability, products liability, § 12.22

Survival actions, §§ 14.7, 14.10

Vicarious Liability, this index

Wealth, evidence, § 12.24

Willful or wanton misconduct, § 12.21

Wrongful death, § 14.7

QUADRIPLEGICS

Opening statements, § 22.2

QUESTIONS

Behavioral advocacy, § 26.1 et seq.

QUESTIONS OF LAW

Legal cause, extraordinary nexus, § 2.7

RACE DISCRIMINATION

Duty, statutes, class intended to be protected, § 1.5 Statutes, negligence, class intended to be protected, § 1.5

RACQUETBALL

Assumption of risk, express assumption of risk, § 16.8

RADIATION

Informed consent, § 8.7

RAILROADS

Crossings, permissive crossings, § 5.7

RAPE

Buildings, contracts, class intended to be protected, negligence, § 1.6

RATES AND CHARGES

Delay, damages, § 13.1

REAL ESTATE

Attorneys, malpractice, expert witnesses, standard of care, \S 6.26

Claims against Commonwealth, §§ 10.3, 10.44

Highways and Roads, this index

Construction, generally, this index

Crimes and offenses, governmental immunity, § 10.33

Defined, governmental immunity, § 10.35

Governmental immunity, §§ 10.3, 10.31 et seq.

Correctional institutions, § 10.33

REAL ESTATE—Continued

Governmental immunity—Continued

Crimes and offenses, § 10.33

Defects in property, § 10.34

Access to adjoining land, § 10.37

Distinguished from negligent use, §§ 10.32, 10.33

Definitions, § 10.35

Possession of agency, § 10.36

Ice and snow, defects in property, § 10.34

Legal cause, § 10.31

Possession of agency, § 10.36

Swimming pools, defects in property, § 10.34

Highways and Roads, generally, this index

Improvements, repose, statute of, § 17.11

Products liability, defenses, § 9.73

Lakes, claims against Commonwealth, § 10.44

Legal cause, governmental immunity, § 10.31

Repairs and maintenance,

Arson, foreseeability, superseding causes, § 2.9

Governmental immunity, § 10.33

Repose, statute of, § 17.11

Improvements, products liability, defenses, § 9.73

REASONABLE PERSON STANDARD

Assumption of risk, § 16.5

REASONABLENESS

Standard of care, negligence, § 1.17

REBATES

Mary Carter releases, some of multiple defendants, § 18.6 Evidence, admissibility, § 18.18

RECAPITULATION

Closing arguments, § 25.4

RECKLESS DISREGARD OF CONSEQUENCES

Gross negligence, § 1.18

Willful or wanton misconduct, § 1.19

RECORDS

Medical care and treatment, release, emotional distress, attorneys, reliance on advice, punitive damages, § 12.21

RECREATION

Personal maintenance deduction, survival actions, § 14.12

RECREATIONAL USE OF LAND AND WATER ACT

Claims against Commonwealth, §§ 10.25, 10.55

Dangerous conditions, privileges and immunities, gratuitous use of land, \S 5.15

Claims against Commonwealth, §§ 10.25, 10.55

REDIRECT EXAMINATION

Witness preparation, § 21.6

REFERRALS

Medical Care and Treatment, this index

REFRESHING MEMORY

Direct examination, § 23.1

REGULATIONS Knowledge, standard of care, negligence, § 1.21 Standard of care, Knowledge, negligence, § 1.21 Negligence, § 1.17 Negligence per se, § 1.22 Trial advocacy, § 19.5 **RELATIONSHIP BETWEEN PARTIES** Arrest, duty, § 1.9 Attorney-client relationship, malpractice, §§ 6.9, 6.10 Fiduciaries, § 6.16 Correctional institutions, duty, § 1.9 Customers, warnings, responde at superior, discharged employees, $\S 1.11$ Duty, § 1.7 Correctional institutions, § 1.9 Police, § 10.48 Scope, § 1.3 Indemnity and indemnification, § 18.21 Master-Servant Relationship, generally, this index Police, duty, § 10.48 **RELEASES** See, also, Compromise and Settlement, generally, this index Generally, §§ 18.2, 18.3, 18.18 Admissions, § 18.18 Agents and agency, vicarious liability, §§ 18.15, 18.18 Aggravation of existing injuries, medical care and treatment, malpractice, §§ 12.28, 18.3, 18.13 Apportionment of damages. Some of multiple defendants, generally, post Attorneys, malpractice, § 6.19 Burden of proof, Fraud, general releases, § 18.3 Mutual mistake of fact, general releases, § 18.3 Civil rights violations, general releases, public policy, § 18.3 Comparative negligence. Some of multiple defendants, post Contribution, cross claims, § 18.18 Pro rata releases, §§ 18.5, 18.18 Pro tanto releases, §§ 18.4, 18.18 Delay damages, waiver, § 18.18 Diversity of citizenship, federal jurisdiction, § 18.18 Dollar-for-dollar releases, some of multiple defendants, §§ 18.2, 18.4 Empty chair defense, pro rata releases, § 18.8 Errors and mistakes, general releases, § 18.3 Evidence, multiple defendants, § 18.18 Mary Carter releases, §§ 18.6, 18.18 Express assumption of risk, § 16.8 Federal jurisdiction, diversity of citizenship, § 18.18 Fraud, general releases, § 18.3 Griffin releases, some of multiple defendants, § 18.7 Hospitals, physicians and surgeons, agents and agency, §§ 18.15, 18.18 Indemnity and indemnification, cross claims, § 18.18 Insurance, general releases, §§ 18.3, 18.18 Joint and several liability, Some of multiple defendants, generally, post Waiver, § 18.18

Mary Carter releases, some of multiple defendants, § 18.6

Aggravation of existing injuries, §§ 12.28, 18.3, 18.13

Admissibility of evidence, § 18.18 Medical care and treatment, malpractice,

RELEASES—Continued Medical care and treatment—Continued Hospitals, physicians and surgeons, agents and agency, §§ 18.15, 18.18 Motor vehicle insurance, underinsured motorists, general releases, §§ 18.3, 18.18 Motor vehicles, collisions, underinsured motorists, general releases, §§ 18.3, 18.18 Multiple defendants. Some of multiple defendants, generally, post Mutual mistake of fact, general releases, § 18.3 Pharmacists and pharmacies, physicians and surgeons, agents and agency, § 18.15 Primary and secondary liability, joint and several liability, § 18.16 Privity, general releases, § 18.3 Pro rata releases, some of multiple defendants, §§ 18.2, 18.5, 18.10, 18.18 Contribution, cross claims, §§ 18.18, 18.19 Empty chair defense, § 18.8 Griffin releases, § 18.7 Pro tanto releases, distinguished, § 18.4 Strict liability, § 18.17 Trial participation, §§ 18.8, 18.18 Griffin releases, § 18.7 Verdicts, this index Pro tanto releases, some of multiple defendants, §§ 18.2, 18.4, 18.18 Indemnity and indemnification, § 18.18 Some of multiple defendants, § 18.18 Aggravation of existing injuries, medical malpractice, §§ 12.28, 18.3, 18.13 Comparative negligence, § 15.3 Pro rata releases, § 18.8 Griffin releases, § 18.7 Dollar-for-dollar releases, §§ 18.2, 18.4 General releases, §§ 18.2, 18.3 Griffin releases, § 18.7 Mary Carter releases, § 18.6 Admissibility of evidence, § 18.18 Medical malpractice, aggravation of existing injuries, §§ 12.28, 18.13 Primary and secondary liability, § 18.16 Pro rata releases, generally, ante Pro tanto releases, §§ 18.2, 18.4, 18.18 Strict liability, § 18.17 Strict liability, some of multiple defendants, § 18.17 Subrogation, general releases, § 18.3 Subsequent injuries, General releases, § 18.3 Medical care and treatment, malpractice, §§ 12.28, 18.3, 18.13 Trial participation, some of multiple defendants released, § 18.18 Pro rata releases, § 18.8 Griffin releases, § 18.7 Underinsured motorists, motor vehicle insurance, general releases, § 18.3 Verdicts, this index Vicarious liability, agents and agency, §§ 18.15, 18.18 Waiver, § 18.18 Wrongful discharge, general releases, § 18.3 RELEVANCY Trial advocacy, § 19.5 RELIANCE Agents and agency, apparent authority, § 3.18 Attorneys, malpractice, § 6.10 Detrimental Reliance, generally, this index Fraud, sales, products liability, § 9.58 Security, landlord and tenant, third parties, crimes and offenses, § 5.19

REMARRIAGE

Wrongful death, damages, § 14.8

REMEDIAL MEASURES

Duty, § 1.14

Landlord and tenant, repairs and maintenance, § 5.18

Evidence, products liability, § 9.40

Landlord and tenant, repairs and maintenance, duty, § 5.18

Products liability,

Evidence, § 9.40

Landlord and tenant, repairs and maintenance, duty, § 5.18

REMITTITUR

Damages, § 12.35

REMOVAL OF ACTIONS

Transfer of Actions, generally, this index

REPAIRS AND MAINTENANCE

Crimes and offenses, third parties, vacant buildings, § 5.17

Highways and roads, sovereign immunity, waiver, statutes, duty, § 1.5

Landlord and tenant, §§ 4.13, 5.18

Negligence, § 9.23

Products liability,

Negligence, § 9.23

Sellers, § 9.14

Sidewalks,

Dangerous conditions, § 5.13

Landlord and tenant, § 5.18

Vacant buildings, crimes and offenses, third parties, § 5.17

REPETITION

Witness preparation, § 21.6

REPOSE, STATUTE OF

Products liability, defenses, § 9.73

Real estate, improvements, § 17.11

REPRESSED MEMORY

Limitation of actions, § 17.8

REPUTATION

Injuries, fraud, sales, § 9.58

REQUEST FOR ADMISSIONS

Adjuncts to advocacy, \S 27.1 et seq.

Plaintiffs request,

Form, Appendix Exhibits A, B, & C

RES IPSA LOQUITUR

Medical care and treatment, malpractice, § 7.23

RES JUDICATA

Wrongful death, prior actions, § 14.6

RESCUERS

Assumption of risk, § 16.9

Comparative negligence, § 15.9

RESEARCH

Trial advocacy, §§ 19.5, 19.6

RESENTMENT

Behavioral advocacy, § 26.6

RESERVOIRS

Dams and Reservoirs, generally, this index

RESIDENTS

Medical care and treatment, standard of care, malpractice, § 7.5

RESPECT

Behavioral advocacy, § 26.3 Closing argument, § 25.1

RESPONDEAT SUPERIOR

Generally, § 3.1 et seq.

Apparent authority, master-servant relationship, § 3.18

Borrowed Servants, generally, this index

Burden of proof, master-servant relationship, § 3.13

Corporations, parent and subsidiary, borrowed servants, § 3.16

Crimes and offenses, scope of employment, § 3.7

Duty, § 1.11

Evidence, master-servant relationship, § 3.13

Franchises, master-servant relationship, § 3.5

Fraud, § 3.8

Hiring, § 3.12

Hospitals, malpractice, § 7.29

Indemnity and indemnification, § 18.21

Punitive damages, § 12.23

Insurance, punitive damages, §§ 12.21, 12.23

Intent, scope of employment, § 3.7

Joint servants, master-servant relationship, § 3.17

Machinery supplied with operator, master-servant relationship, borrowed servants, § 3.15

Master-Servant Relationship, generally, this index

Medical care and treatment. Hospitals, this index

Motor vehicles, master-servant relationship, § 3.4

Privileges and immunities, § 3.10

Public policy, § 3.1

Punitive damages, § 12.23

Insurance, §§ 12.21, 12.23

Relationship. Master-Servant Relationship, generally, this index

Scope of employment, § 3.6

Crimes and offenses, § 3.7

Intent, § 3.7

Servant liability, § 3.11

Warnings, customers, discharged employees, § 1.11

RESTAURANTS

Invitees, assault and battery, third parties, § 5.17

RETIREMENT AND PENSIONS

Damages, lost earnings capacity, §§ 12.8, 12.12

Survival actions, § 14.11

Earnings capacity, damages, §§ 12.8, 12.12

Survival actions, § 14.11

Survival actions, damages, lost future earnings, § 14.11

RETROACTIVITY

Commonwealth Act, §§ 10.4, 10.24

Comparative Negligence Act, § 15.1

Delay, damages, § 13.3

Minors Tolling Act, § 17.7

Political Subdivision Tort Claims Act, §§ 10.4, 10.24

REVOLVING DOORS

Storekeepers, control of third parties, children and minors, injuries to patrons, § 1.13

RHETORIC

Closing arguments, § 25.13 Opening statements, § 22.11

RIDICULE

Trial advocacy, § 19.3

RISK OF HARM

Assumption of duty, § 1.16 Products Liability, this index Standard of care, negligence, § 1.17

ROLLER COASTERS

Assumption of risk, inherent risks, § 16.7

SAFETY PRECAUTIONS

Contracts, negligence in addressing, § 4.6

SAFETY STUDIES

Highways and roads, discovery, § 10.42

SALARIES

Compensation and Salaries, generally, this index

SALES OF GOODS

Warranties, generally, this index

SALESPERSONS

Invitees, § 5.8

SARCASM

Behavioral advocacy, § 26.3

SATISFACTION OF JUDGMENTS

Aggravation of existing injuries, medical care and treatment, malpractice, \$ 18.13 Multiple defendants, \$ 18.9

SCAFFOLDS

Independent contractors, peculiar risk of harm, vicarious liability, § 4.10

SCANDALS

Behavioral advocacy, § 26.1 et seq.

SCHOOLS AND SCHOOL DISTRICTS

Governmental Immunity, generally, this index

SCOPE OF EMPLOYMENT

Defined, § 3.6

SCRUPLES

Behavioral advocacy, § 26.1 Trial advocacy, § 19.3

SEAMEN

Negligence,

Damages, § 20.2

SEAT BELTS

Comparative negligence, \S 15.11

SECOND INJURY RULE

Subsequent Injuries, generally, this index

SECURED TRANSACTIONS

Products liability, sellers, § 9.9

SECURITIES

Attorneys, malpractice, contributory negligence, § 6.24 Brokers, negligence per se, § 1.22 Contributory negligence, attorneys, malpractice, § 6.24

SECURITY

Assumption of duty, § 1.16 Governmental immunity, real estate, § 10.34 Reliance, landlord and tenant, third parties, crimes and offenses, § 5.19

SELF DESTRUCTION

Cross-examination, § 24.10

SELF INSURANCE

Motor vehicles.

General releases, § 18.3

Governmental immunity, setoff and counterclaim, damages, § 10.62 Releases, general releases, § 18.3

SELF-INTEREST

Behavioral advocacy, § 26.1 et seq.

SELF-SERVING ACTIVITY

Trial advocacy, § 19.3

SENSITIVITY

Closing argument, § 25.1

SENTIMENT

Trial advocacy, § 19.2

SEPARATION OF SPOUSES

Wrongful death,

Damages, § 14.7

Standing, § 14.4

SERVICE OF PROCESS

Limitation of actions, commencement of actions, § 17.2

SETOFF AND COUNTERCLAIM

Collateral Source Benefits, generally, this index

Compensation and salaries, future loss of earnings and capacity, § 12.7

Personal maintenance deduction, survival actions, § 14.12

Future loss of earnings and capacity, § 12.7

Homesteads, improvements, incidental expenses, § 12.4

Income taxes, § 12.13

Insurance. Collateral Source Benefits, generally, this index

Mitigation of damages, § 12.29

SETTLEABLE CASE

Request for admission, § 27.2

SEVERANCE OF ACTIONS

Contribution, joinder of parties, § 18.20

SEXUAL ABUSE

Limitation of actions, § 17.8

SEXUAL ASSAULT

Buildings, contracts, class intended to be protected, negligence, § 1.6

SEXUAL HARASSMENT

Emotional distress, intentional infliction, §§ 11.2, 11.7

SHARES AND SHAREHOLDERS

Options, earnings capacity, § 12.8

SHOCK

Cross-examination, § 24.8

SHOPPING CENTERS

Invitees, assault and battery, third parties, § 5.17

SHOUTING

Closing arguments, § 25.10

SIDEWALKS

Adjoining landowners,

Dangerous conditions, § 5.13

Indemnity and indemnification, municipal corporations, § 18.21

Claims against Commonwealth, § 10.3

Dangerous conditions,

Adjoining landowners, § 5.13

Ice and snow, generally, post

Lights and lighting, governmental immunity, § 10.40

Municipal corporations, § 10.41

Lights and lighting, governmental immunity, § 10.40

Governmental immunity, § 10.3

Lights and lighting, § 10.40

Ice and snow, dangerous conditions,

Adjoining landowners, § 5.13

Hills and ridges doctrine, § 5.14

Municipal corporations, § 10.41

Landlord and tenant, repairs and maintenance, § 5.18

Lights and lighting, governmental immunity, $\$ 10.40

Municipal corporations, dangerous conditions, § 10.41

Ice and snow, § 10.41

Lights and lighting, governmental immunity, § 10.40

Repairs and maintenance, landlord and tenant, § 5.18

Trees, governmental immunity, § 10.40

SIGNS AND SIGNALS

Governmental immunity, § 10.39

Real estate, § 10.33

SIMPLIFICATION

Closing arguments, § 25.4

Opening statements, § 22.4

SINISTER BEHAVIOR

Behavioral advocacy, § 26.1

SKATING RINKS

Assumption of risk,

Conscious choice to encounter danger, § 16.4

Inherent risks, § 16.7

SKIING

Assumption of risk,

Comparative negligence, § 16.2

Express assumption of risk, § 16.8

Summary judgments, § 16.5

Comparative negligence, assumption of risk, § 16.2

SKULDUGGERY

Trial advocacy, § 19.5

SMOKE ALARMS

Products liability, warnings, § 9.43

SMOKING

Preemption, products liability, defenses, § 9.71

SNOW AND ICE

Ice and Snow, generally, this index

SOCIAL GUESTS

Licensees, duty, landowners, § 5.9

SOCIAL SECURITY

Collateral source benefits, § 12.25
Governmental immunity, § 10.64
Damages, lost earnings capacity, § 12.12
Fringe benefits, § 12.8
Survival actions, § 14.11
Fringe benefits, earnings capacity, § 12.8
Governmental immunity, collateral source benefits, § 10.64
Survival actions, damages, lost future earnings, § 14.11

SOCIAL UTILITY

Standard of care, negligence, § 1.17

SOPHISTICATED USERS

Products liability, defenses, § 9.70

SOVEREIGN IMMUNITY

Generally, § 10.1 et seq.
Affirmative defenses, § 10.50
Answers, § 10.50
Civil rights, § 10.49
Common carriers, duty, § 1.8
History, § 10.1
Legislative, § 10.2
Pleadings, § 10.50
Presumptions, § 10.24
Waiver. Claims against Commonwealth, generally, this index

Willful or wanton misconduct, Political Subdivision Tort Claims Act, § 1.19

SPECIAL KNOWLEDGE

Attorneys, malpractice, standard of care, civil cases, § 6.14
Malpractice. Standard of care, post
Medical care and treatment, malpractice, standard of care, § 7.3
Referrals, § 7.4
Standard of care, § 1.25
Malpractice,
Attorneys, civil cases, § 6.14
Medical care and treatment, § 7.3
Referrals, § 7.4

SPECIAL RELATIONSHIP

Relationship between Parties, generally, this index

SPECULATION

Damages, attorneys, malpractice, civil cases, § 6.27

SPEECHES

Behavioral advocacy, § 26.1 et seq.

SPEE

Traffic rules and regulations, emergencies, § 1.26

SPOUSES

See, also, Marriage, generally, this index Common Law Marriage, generally, this index Consortium, loss of, § 12.30 Remarriage, wrongful death, damages, § 14.8 Separation of Spouses, generally, this index Wrongful Death, this index

STAIRS

Landlord and tenant, repairs and maintenance, § 5.18 Prior episodes, landowners, licensees, duty, § 5.9 Repairs and maintenance, landlord and tenant, § 5.18

STANDARD OF CARE

Attorneys, this index Capacity, § 1.17 Children and minors, § 1.23 Children and minors, § 1.23 Emergencies, negligence, § 1.26 Locality rule, malpractice, Attorneys, civil cases, § 6.13 Medical care and treatment, § 7.2 Medical Care and Treatment, this index Motor Vehicles, this index Negligence, § 1.17 Abnormally dangerous activities, § 1.27 Attorneys, this index Customs and usages, § 1.20 Evidence, products liability, § 9.28 Emergencies, § 1.26 Gross negligence, § 1.18
Medical Care and Treatment, this index Past conduct of defendant, § 1.21 Per se, statutes, § 1.22 Regulations, knowledge, § 1.21 Residents, medical care and treatment, malpractice, § 7.5 Special Knowledge, this index

STANDING

Products liability, Negligence, § 9.20 Strict liability, § 9.19 Wrongful death, §§ 14.3, 14.4

Statutes, negligence per se, § 1.22

STATE OF ART

Products liability, defects, § 9.28 Design, alternative feasibility, § 9.38

STATISTICS

Vital statistics. Life Expectancy, generally, this index

STATUTE OF LIMITATIONS

Limitation of Actions, generally, this index

STATUTE OF REPOSE

Repose, Statute of, generally, this index

STATUTES

Class intended to be protected, negligence, § 1.5

STATUTES—Continued Commonwealth Act, §§ 10.4, 10.24 Comparative Negligence Act, § 15.1 Contribution among Joint Tortfeasors Act, § 18.1 Emergency Medical Services Act, § 7.27 Fatal Accidents Act, wrongful death, § 14.1 Federal Employers Liability Act, delay, damages, § 13.6 Federal Tort Claims Act, delay, damages, § 13.6 Fires and fire protection, duty, § 1.5 Gross negligence, § 1.18 Health Care Quality Improvement Act, national practitioner data bank, § 7.39 Health Care Services Malpractice Act, generally, this index Limitation of Actions, generally, this index Lord Campbell's Act, wrongful death, § 14.1 Magnuson Moss Warranty Act, generally, this index Mental Health and Mental Retardation Act, § 7.43 Mental Health Procedures Act, generally. Mental Disabilities, this index Minors Tolling Act, § 17.7 Negligence, Class intended to be protected, § 1.5 Damages, nominal damages, § 1.1 Duty, §§ 1.2, 1.5 Gross negligence, § 1.18 Nominal damages, § 1.1 Occupational safety and health, class intended to be protected, § 1.5 Race discrimination, class intended to be protected, § 1.5 Standard of care, § 1.17 Occupant Protection Act, § 15.11 Occupational safety and health, class intended to be protected, § 1.5 Peer Review Protection Act, medical care and treatment, confidential or privileged information, § 7.40 Political Subdivision Tort Claims Act, generally, this index Problem solving, Courtroom advocacy, § 19.2 Race discrimination, negligence, class intended to be protected, § 1.5 Recreational Use of Land and Water Act, generally, this index Retroactivity, generally, this index Standard of care, Negligence, § 1.17 Negligence per se, § 1.22 Trial advocacy, § 19.5 Violations, indemnity and indemnification, public policy, contracts, § 18.21 Willful or wanton misconduct, § 1.19 Products liability, warnings, § 9.47 **STILLBIRTH** Wrongful death, § 14.5 STILTED LANGUAGE Behavioral advocacy, § 26.2 STILTED VOCABULARY Witness preparation, § 21.6

STIPULATIONS
Generosity,

Behavioral advocacy, § 26.5

STOREKEEPERS

Assumption of risk, puddled water,

Conscious choice to encounter danger, § 16.4

Duty, obvious danger, § 16.3

Children and minors, control of third parties, revolving doors, injuries to patrons, § 1.13 Control of third parties, children and minors, injuries to patrons, § 1.13

Puddled water, assumption of risk,

Conscious choice to encounter danger, § 16.4

Duty, obvious danger, § 16.3

Revolving doors, control of third parties, children and minors, injuries to patrons, § 1.13

STREETS AND ALLEYS

Highways and Roads, generally, this index

STRENGTH

Closing arguments,

Exploiting, § 25.11

STRICT LIABILITY

Abnormally dangerous activities, standard of care, negligence, § 1.27

Allocations, responsibility, multiple defendants, § 18.17

Apportionment of damages, § 18.17

Multiple defendants, griffin releases, § 18.7

Comparative Negligence, this index

Contribution, §§ 18.17, 18.19

Crimes and offenses, third parties, products liability, defenses, § 9.68

Defenses, this index

Economic losses, § 9.57

Electricity, this index

Government contracts, products liability, defenses, § 9.74

Griffin releases, multiple defendants, § 18.7

Highways and roads, products liability, government contracts, defenses, § 9.74

Joint and several liability, products liability, § 18.17

Components, § 9.46

Limitation of actions, pleadings, § 17.2

Multiple defendants, griffin releases, § 18.7

Negligence per se distinguished, § 1.22

Products Liability, this index

Respondent superior, § 3.1

SUBCONTRACTORS

Borrowed servants, § 3.14

Master-servant relationship, borrowed servants, \S 3.14

SUBDIVISION ACT

Political Subdivision Tort Claims Act, generally, this index

SUBDIVISIONS

Assumption of duty, municipal corporations, § 1.16

SUBROGATION

Consortium, loss of, § 12.32

General releases, § 18.3

Health Care Services Malpractice Act, § 7.38

Political subdivisions, damages, § 10.64

Releases, general releases, § 18.3

SUBSEQUENT INJURIES

Apportionment of damages, multiple defendants, § 18.12

Medical malpractice, generally. Aggravation of Existing Injuries, this index

Motor vehicles, products liability, negligent driving, §§ 18.11, 18.17

SUBSEQUENT INJURIES—Continued

Damages, § 12.27

Apportionment of damages, generally, ante

Limitation of actions, discovery rule, diligence, § 17.5

Toxic exposure, § 17.9

Medical malpractice, generally. Aggravation of Existing Injuries, this index

Motor vehicles, multiple defendants, apportionment of damages, products liability, negligent driving, §§ 18.11, 18.17

Multiple defendants, medical malpractice, generally. Aggravation of Existing Injuries, this index

Multiple defendants. Apportionment of damages, generally, ante Releases,

Aggravation of preexisting injuries, medical care and treatment, malpractice, §§ 18.3, 18.13

General releases, § 18.3

SUBSTANTIAL FACTOR

Legal cause, §§ 2.2, 2.3, 2.5

SUCCINCT STATEMENTS

Opening statements, § 22.12

SUDDEN EMERGENCY DOCTRINE

Emergencies, generally, this index

SUICIDE

Attorneys, malpractice, legal cause, § 6.4

Criminal law and procedure, guilty verdicts, attorneys, legal cause, § 2.5

Gross negligence, medical care and treatment, § 1.18

Guilty verdicts, attorneys, legal cause, § 2.5

Legal cause, attorneys, malpractice, guilty verdicts, § 2.5

Medical care and treatment,

Gross negligence, § 1.18

Pleadings, § 7.47

Privileges and immunities, Mental Health Procedures Act, § 7.46

Pleadings, § 7.47

Privileges and immunities, medical care and treatment, Mental Health Procedures Act, § 7.46

SUMMARY JUDGMENTS

Assumption of risk, § 16.5

Products liability, defects, strict liability, § 9.63

SUPERSEDING CAUSES

Active negligence, § 2.8

Claims against Commonwealth, third parties, § 10.51

Crimes and offenses, third parties, § 5.17

Legal cause, § 2.9

Explosives, § 2.5

Governmental immunity, § 10.33

Third parties, § 10.51

Legal cause, § 2.8

Foreseeability, extraordinary nexus, § 2.8

Products liability, § 9.64

Medical care and treatment, malpractice, § 7.19

Mental disabilities, § 7.41

Motor Vehicles, this index

Products liability,

Legal cause, §§ 2.8, 9.64

Crimes and offenses, § 2.9

Misuse of product, § 9.65

SUPERSEDING CAUSES—Continued

Third parties,

Crimes and offenses, § 5.17 Legal cause, § 2.9

Legal cause, § 2.8

Crimes and offenses, § 2.9

SUPERVISION

Governmental immunity, rel estate, § 10.34

SUPPORT DOCUMENTS

Witnesses,

Direct examination, § 23.12

SUPPORT OF PERSONS

Wrongful death,

Damages, § 14.7

Distributions, § 14.18

Standing, § 14.4

SURVIVAL ACTIONS

Generally, § 14.1

Assumption of risk, § 14.16

Burden of proof, pain and suffering, § 14.14

Children and minors, damages, lost future earnings, evidence, § 14.11

Claims against Commonwealth, damages, limits, §§ 10.58, 10.59

Comparative negligence, §§ 14.9, 14.16

Compensation and salaries, damages, future earnings losses, §§ 14.10, 14.11

Life expectancy, § 14.13

Personal maintenance deduction, § 14.12

Compromise and settlement, court approval, § 14.17

Damages, §§ 14.7, 14.10

Apportionment of Damages, this index

Children and minors, lost future earnings, evidence, § 14.11

Claims against Commonwealth, limits, §§ 10.58, 10.59

Compensation and salaries, generally, ante

Debtors and creditors, §§ 14.10, 14.18

Compromise and settlement, court approval, § 14.17

Duplicate recovery, wrongful death, § 14.9

Evidence, compensation and salaries, § 14.11

Expert witnesses, compensation and salaries, lost future earnings, § 14.11

Fringe benefits, lost future earnings, § 14.11

Future earnings losses. Compensation and salaries, generally, ante

Inflation, lost future earnings, § 14.11

Instructions to jury, duplicate recovery, wrongful death, § 14.9

Investments, lost future earnings, § 14.11

Medical care and treatment, expenses and expenditures, § 14.10

Pain and suffering, §§ 14.10, 14.14

Personal maintenance deduction, lost future earnings, § 14.12

Pleasures of life, §§ 14.10, 14.15

Present value, lost future earnings, § 14.11

Productivity, lost future earnings, § 14.11

Punitive damages, §§ 14.7, 14.10

Retirement and pensions, lost future earnings, § 14.11

Social security, lost future earnings, § 14.11

Witnesses, compensation and salaries, lost future earnings, § 14.11

Wrongful death, duplicate recovery, § 14.9

Debtors and creditors, damages, §§ 14.10, 14.18

Compromise and settlement, court approval, § 14.17

Defenses, § 14.16

Discovery rule, limitation of actions, § 17.4

SURVIVAL ACTIONS—Continued

Distributions, damages, § 14.18

Apportionment of Damages, this index

Duplicate recovery, wrongful death, § 14.9

Evidence.

Compensation and salaries, damages, § 14.11

Pain and suffering, § 14.14

Expert witnesses, damages, compensation and salaries, lost future earnings, § 14.11

Fringe benefits, lost future earnings, § 14.11

Inflation, damages, lost future earnings, § 14.11

Instructions to jury, damages, duplicate recovery, wrongful death, § 14.9

Investments, damages, lost future earnings, § 14.11

Joinder of parties, comparative negligence, § 14.16

Limitation of Actions, this index

Medical care and treatment, expenses and expenditures, damages, § 14.10

Pain and suffering, §§ 14.10, 14.14

Parties, § 14.9

Personal maintenance deduction, damages, lost future earnings, § 14.12

Pleasures of life, damages, §§ 14.10, 14.15

Present value, damages, lost future earnings, § 14.11

Productivity, damages, lost future earnings, § 14.11

Punitive damages, §§ 14.7, 14.10

Retirement and pensions, damages, lost future earnings, § 14.11

Social security, damages, lost future earnings, § 14.11

Witnesses, damages, compensation and salaries, lost future earnings, § 14.11

Wrongful death, damages, duplicate recovery, § 14.9

SUSCEPTIBILITY TO INJURY

Preexisting Physical Conditions, generally, this index

SWIMMING POOLS

Privileges and immunities,

Governmental immunity, § 10.34

Gratuitous use of land, Recreational Use of Land and Water Act, §§ 5.15, 10.55

SYNOPSIS OF THE CASE

Closing arguments, § 25.3

SYNTHESIZING

Closing arguments, § 25.4

TACTICAL CONSIDERATIONS

Cross-examination, § 24.8

TAXES AND TAXATION

Damages, income taxes, § 12.13

Wrongful death, evidence, § 14.7

Estate taxes, survival actions, damages, § 14.18

Governmental immunity, § 10.2

Income taxes, damages, § 12.13

Wrongful death, evidence, § 14.7

Inheritance taxes, survival actions, compromise and settlement, court approval, § 14.17

TEDIUM

Closing arguments, § 25.5

Witnesses,

Direct examination, § 23.3

TEN COMMANDMENTS

Cross-examination, § 24.3

TERROR

Cross-examination, § 24.8

THEATERS AND SHOWS Assumption of risk, inherent risks, darkness, § 16.7 Surging crowds, duty, landowners, § 5.17 Vandalism, duty, landowners, § 5.17 Motor vehicles, superseding causes, foreseeability, § 2.9 **THIRD PARTIES** Arson, this index Assault and Battery, this index Assumption of duty, § 1.16 Children and minors, control of third parties, duty, Landowners, machinery and equipment, permissive users, § 1.13 Parental control, § 1.12 Storekeepers, revolving doors, injuries to patrons, § 1.13 Comparative negligence, fault percentage, relative to defendants and to plaintiff, § 15.3 Concurrent causation, § 2.3 Contracts, duty, injuries, § 1.6 Control of third parties, duty, § 1.10 Children and minors, generally, ante Labor and employment, respondeat superior, § 1.11 Landowners and permissive users, §§ 1.13, 5.17 Parent and child, § 1.12 Respondeat superior, § 1.11 Crimes and offenses, Claims against Commonwealth, § 10.44 Invitees, duty, landowners, § 5.17 Products liability, defenses, § 9.68 Dangerous conditions, invitees, duty, landowners, § 5.8 Diversity of citizenship, federal jurisdiction, delay, damages, § 13.6 Duty, Assumption of duty, § 1.16 Children and minors, generally, ante Control of third parties, generally, ante Injuries by third parties. Control of third parties, generally, ante Injuries to third parties, Contracts, § 1.6 Scope of duty, § 1.3 Emergencies, standard of care, negligence, § 1.26 Emotional distress, intentional infliction, § 11.2 Independent Contractors, this index Injuries by third parties, Assumption of duty, § 1.16 Control of third parties, generally, ante Crimes and offenses, products liability, strict liability, defenses, § 9.68 Injuries to third parties, Duty, Contracts, § 1.6 Scope of duty, § 1.3 Products liability, purchaser specifications, § 9.17 Intervening causes, legal cause, § 2.8 Landlord and tenant, crimes and offenses, § 5.19 Landowners, permissive users, control of third parties, duty, § 1.13 Legal cause, Concurrent causation, § 2.3

Intervening causes, § 2.8

Contracts, duty, § 1.6

Negligence,

Medical care and treatment, malpractice, § 7.6

THIRD PARTIES—Continued

Negligence—Continued

Duty, generally, ante

Products liability,

Crimes and offenses, strict liability, defenses, § 9.68

Injuries to third parties, purchaser specifications, § 9.17

Misuse of product, § 9.65

Superseding causes, legal cause, § 2.8

Warnings, products liability, sophisticated users, defenses, § 9.70

TIME

Assumption of risk, deliberation, § 16.6

Delay, generally, this index

Extension of time, generally. Limitation of Actions, this index

Foreseeability, standard of care, negligence, § 1.17

Lapse, legal cause, § 2.5

Limitation of Actions, generally, this index

Passage of time,

Witness preparation, § 21.7

Repose, statute of, § 17.11

TIRESOME QUESTIONS

Witnesses,

Direct examination, § 23.3

TITLE TO PROPERTY

Streets and alleys, municipal corporations, § 10.38

TOXIC SUBSTANCES

Hazardous Substances and Waste, generally, this index

TRADEMARKS AND TRADE NAMES

Franchises, apparent authority, master-servant relationship, § 3.5 Products liability, sellers, § 9.18

TRAFFIC RULES AND REGULATIONS

Foreseeability, legal cause, § 2.5

Legal cause,

Foreseeability, § 2.5

Parking, § 2.5

Negligence per se, legal cause, § 1.22

Parking, legal cause, § 2.5

Signs and Signals, generally, this index

Speed, emergencies, § 1.26

TRANSFERS OF ACTIONS

Limitation of actions, § 17.1

Releases, federal jurisdiction, diversity of citizenship, § 18.18

TRANSIT AUTHORITIES

Claims against Commonwealth, motor vehicles, operation, § 10.27

Crimes and offenses, third parties, claims against Commonwealth, § 10.44

TRANSPORTATION

Damages, medical care and treatment, incidental expenses, § 12.4

TRANSPORTATION AUTHORITIES

Claims against Commonwealth, § 10.10

TREES

Highways and roads, governmental immunity, § 10.40

Sidewalks, governmental immunity, § 10.40

TRESPASS

Adjoining landowners,

Children and minors, § 5.4

Highways and roads, dangerous activities or conditions, § 5.6

Attractive nuisance, children and minors, landowners, duty, § 5.4

Children and minors,

Attractive nuisance, landowners, duty, § 5.4

Comparative negligence, § 15.12

Comparative negligence, children and minors, § 15.12

Consent, landowners, duty, § 5.2

Constant trespass, duty, landowners, limited area, dangerous activities or conditions, § 5.5

Dangerous activities or conditions,

Constant trespass, limited area, § 5.5

Highways and roads, adjoining landowners, § 5.6

Defined, duty, landowners, § 5.2

Duty, landowners, §§ 5.1, 5.3

Children and minors, attractive nuisance, § 5.4

Constant trespass, limited area, dangerous activities or conditions, § 5.5

Governmental immunity, § 10.31

Highways and roads, dangerous activities or conditions, adjoining landowners, § 5.6

Knowledge, landowners, duty, § 5.1

Landowners, duty, § 5.1

Willful or wanton misconduct, § 1.19

Landowners, duty, defined, § 5.3

TRIAL

Participation. Releases, this index

TRIAL ADVOCACY

Generally, § 19.1 et seq.

Clarifications, § 19.5

Definitions, § 19.5

Scope of the subject, § 19.4

TRIAL BRIEFS

Adjuncts to advocacy, § 27.3

TRIAL MEMORANDUM

Plaintiffs,

Form, Appendix Exhibits D & F

TRICKS

Cross-examination,

Witness preparation, § 21.8

TRUTH

Behavioral advocacy, § 26.7

Witnesses,

Preparation, § 21.6

Responsibility, § 21.2

TRUTHFULNESS

Trial advocacy, § 19.5

TUBAL LIGATION

Wrongful conception, medical malpractice, § 7.25

TUBERCULOSIS

Damages, susceptibility to injury, §§ 2.6, 12.26

Future injury or complications feared, correctional institutions, emotional distress, negligent infliction, § 11.6

TURNPIKE COMMISSION

Claims against Commonwealth, privileges and immunities, §§ 10.1, 10.2, 10.11

ULTRAHAZARDOUS ACTIVITIES

Standard of care, negligence, § 1.27

UNCONSCIOUS PERSONS

Pain and suffering, § 12.17

UNDERINSURED MOTORISTS

Motor vehicle insurance, general releases, §§ 18.3, 18.18

UNDERSTANDING

Witness preparation, § 21.6

UNDUE INFLUENCE

Attorneys, presumptions, § 6.17

UNEMPLOYMENT COMPENSATION

Collateral source benefits, § 12.25

UTILITIES

Governmental immunity, waiver, § 10.22

VACANT BUILDINGS

Crimes and offenses, third parties, § 5.17

VACATING OR SETTING ASIDE

Damages, § 12.34

VACATION PAY

Earnings capacity, damages, § 12.8

VACCINES

Drugs and Medicine, generally, this index

VANDALISM

Theaters, duty, landowners, § 5.17

VASECTOMY

Wrongful conception, medical malpractice, § 7.25

VENUE

Sovereign immunity, claims against Commonwealth, §§ 10.3, 10.6

VERDICTS

Apportionment of Damages, generally, this index

Asbestos, multiple defendants, allocation of responsibility, § 15.3

Pro rata releases, § 18.8

Bankruptcy, multiple defendants, allocation of responsibility, § 15.3

Pro rata releases, § 18.8

Comparative negligence, multiple defendants, allocation of responsibility, § 15.3

Pro rata releases, § 18.8

Vicarious liability, pro rata shares, § 18.15

Compromise and settlement, satisfaction of judgments, § 18.9

Consortium, loss of, § 12.32

Contributory negligence, governmental immunity, collateral source benefits, § 10.64 Dismissal and nonsuit, multiple defendants,

Comparative negligence, § 15.3

Pro rata releases, § 18.8

Pro rata releases, some of multiple defendants, §§ 18.4, 18.5

Allocation of responsibility, § 18.8

Griffin releases, § 18.7

VERDICTS—Continued

Releases, some of multiple defendants,

Mary Carter releases, §§ 18.6, 18.18

Pro rata releases, generally, ante

Satisfaction of judgments, compromise and settlement, § 18.9

VIABILITY

Wrongful death, fetuses, § 14.5

VICARIOUS LIABILITY

Agents and Agency, this index

Appeal and review, punitive damages, § 12.24

Comparative negligence, imputed negligence, § 15.14

Direct liability, negligent hiring, distinguished, § 3.12

Dismissal and nonsuit, tortfeasor, § 18.9

Fraud, agents and agency, § 3.8

Health maintenance organizations, malpractice, § 7.34

Highways and roads, independent contractors, § 4.12

Hospitals, this index

Indemnity and indemnification, § 18.21

Independent Contractors, generally, this index

Joint and several liability, agents and agency, § 18.15

Landlord and tenant, repairs and maintenance, independent contractors, §§ 4.13, 5.18

Medical Care and Treatment, this index

Motor vehicles, presumptions, family use doctrine, § 3.4

Partnerships, medical care and treatment, malpractice, § 7.14

Presumptions, motor vehicles, family use doctrine, § 3.4

Privileges and immunities, § 3.10

Punitive damages,

Appeal and review, § 12.24

Respondeat superior, § 12.23

Insurance, § 12.21

Releases, agents and agency, §§ 18.15, 18.18

Repairs and maintenance, landlord and tenant, independent contractors, §§ 4.13, 5.18

Respondeat Superior, generally, this index

Servant liability, § 3.11

VIDEOTAPES

Adjuncts to advocacy, § 27.2

VITAL STATISTICS

Damages, generally. Life Expectancy, this index

VOCABULARY

Behavioral advocacy, § 26.2

VOICE

Demeanor,

Behavioral advocacy, § 26.4

Opening statements, § 22.3

VOLUNTEERS

Ambulances, governmental immunity, waiver, § 10.19

Claims against Commonwealth, personal liability, § 10.8

Fires and fire protection, governmental immunity, waiver, § 10.18

Governmental immunity,

Ambulances, waiver, § 10.19

Waiver, fires and fire protection, § 10.18

WAGES

Compensation and Salaries, generally, this index

```
WAIVER
Assumption of Risk, generally, this index
Contracts,
   Governmental immunity, § 10.52
   Negligence, per se, § 1.22
Defenses,
   Governmental Immunity, generally, this index
   Real estate, improvements, statutes of repose, products liability, \S 9.73
   Sovereign immunity. Claims against Commonwealth, generally, this index
Delay damages, releases, § 18.18
Governmental Immunity, generally, this index
Joint and several liability, releases, § 18.18
Limitation of actions, jurisdiction, § 17.2
Releases, § 18.18
Sovereign immunity. Claims against Commonwealth, generally, this index
Statutes of repose, real estate, improvements, products liability, defenses, § 9.73
Alcoholic beverages, products liability, inherently dangerous products, strict liability,
      § 9.69
Assumption of risk, § 16.6
Children and minors,
   Assumption of risk, dogs, § 16.6
   Products liability, § 9.43
Customers, respondeat superior, discharged employees, § 1.11
Dangerous conditions,
   Independent contractors, negligent failure to warn, § 5.10
   Licensees, landowners, § 5.9
   Obvious danger,
      Independent contractors, § 5.10
      Products liability, legal cause, § 2.5
   Products liability, generally, post
   Recreational Use of Land and Water Act, § 5.15
Drugs and medicine, strict liability, § 9.47
Expert witnesses, drugs and medicine, products liability, § 9.47
Hazardous substances and waste, products liability, preemption, § 9.71
Highways and roads, signs and signals, municipal corporations, § 10.39
Independent contractors, dangerous conditions, negligent failure to warn, § 5.10
Licensees, landowners, § 5.9
Obvious danger,
   Dangerous conditions, independent contractors, § 5.10
   Products liability, legal cause, § 2.5
Presumptions, products liability, legal cause, § 9.45
Products liability,
   Alcoholic beverages, inherently dangerous products, strict liability, § 9.69
   Components, installation, strict liability, § 9.46
   Drugs and medicine, strict liability, § 9.47
   Expert witnesses, legal cause, § 9.45
   Hazardous substances and waste, preemption, § 9.71
   Inherently dangerous products, strict liability, § 9.69
   Legal cause, § 9.45
      Obvious danger, § 2.5
  Negligence, § 9.42
   Obvious danger, legal cause, § 2.5
  Post-sale warnings, § 9.44
  Presumptions, legal cause, § 9.45
  Sophisticated users, defenses, § 9.70
  Strict liability, § 9.43
      Alcoholic beverages, inherently dangerous products, § 9.69
```

Components, installation, § 9.46

WARNINGS—Continued Products liability—Continued Strict liability—Continued Drugs and medicine, § 9.47 Inherently dangerous products, § 9.69 Sophisticated users, products liability, defenses, § 9.70 Strict liability. Products liability, ante Third parties, products liability, sophisticated users, defenses, § 9.70 **WARRANTIES** Breach, Economic losses, § 9.57 Health care providers, § 9.51 Limitation of actions, generally, post Personal injuries, § 9.49 et seq. Assumption of risk, § 9.54 Attorneys fees, Magnuson Moss Warranty Act, § 9.54 Comparative negligence, § 9.54 Consequential damages, § 9.54 Damages, § 9.54 Defenses, § 9.54 Disclaimers, § 9.55 Express warranties, § 9.52 Implied warranties, § 9.53 Leases, § 9.51 Limitation of actions, §§ 9.49, 9.56 Limited warranties, Magnuson Moss Warranty Act, § 9.55 Magnuson Moss Warranty Act, § 9.54 Disclaimers, § 9.55 Merchantability, § 9.53 Privity, § 9.50 Scope of claims, § 9.51 Wrongful death, § 9.54 Choses in action, § 9.51 Habitability, landlord and tenant, repairs and maintenance, duty, § 5.18 Health Care Services Malpractice Act, substantive law, § 7.38 Investment securities, § 9.51 Limitation of actions, breach, § 17.1 Discovery rule, § 17.4 Personal injuries, §§ 9.49, 9.56 Pleadings, § 17.2 Merchantability, breach, personal injuries, § 9.53 Nurses and nursing, § 9.51 Physicians and surgeons, § 9.51 Preemption, products liability, defenses, § 9.71 Privity, § 9.50 Products liability, preemption, defenses, § 9.71 **WATER SUPPLY** Contracts, performance, engineers and engineering, third parties, injuries, § 1.6 Warranties, breach, personal injuries, § 9.53 **WEAKNESS** Closing arguments, Exploiting, § 25.11 Evidence, punitive damages, § 12.24

Indigent Persons, generally, this index

WEAPONS

Abnormally dangerous activities, standard of care, negligence, § 1.27

Cross-examination, § 24.4

Obvious danger, products liability, misuse of product, foreseeability, § 9.65

Products liability, misuse, legal cause, § 2.5

Standard of care, negligence, § 1.17

Abnormally dangerous activities, § 1.27

WEARING APPAREL

Demeanor,

Behavioral advocacy, § 26.4

WHISPERING

Adjuncts to advocacy, § 27.1 et seq.

WILDLIFE

Claims against Commonwealth, § 10.47

WILLFUL OR WANTON MISCONDUCT

Generally, § 1.19

Attorneys, malpractice, criminal law and procedure, § 6.2

Civil rights violations, indemnity and indemnification, officers and employees, \$ 10.49 Claims against Commonwealth,

Mental Health Procedures Act, § 10.29

Officers and employees, personal liability, § 10.8

Comparative negligence, §§ 1.19, 15.7, 15.8

Contributory negligence, § 1.19

Damages, delay damages, common law, § 13.11

Defined, landowners, duty, trespass, § 5.3

Emotional distress, intentional infliction, § 11.7

Governmental immunity, § 10.26

Political Subdivision Tort Claims Act, § 1.19

Gross negligence, § 1.18

Indemnity and indemnification, civil rights violations, officers and employees, § 10.49

Intent, § 1.19

Landowners, duty, defined, trespass, § 5.3

Officers and employees, personal liability, § 10.8

Privileges and immunities,

Governmental immunity, § 10.26

Sovereign immunity, Political Subdivision Tort Claims Act, § 1.19

Punitive damages, § 12.21

Sovereign immunity, Political Subdivision Tort Claims Act, § 1.19

Statutes, § 1.19

Trespass, landowners, duty, defined, § 5.3

WILLS

Wrongful death, damages, distributions, § 14.18

WITNESSES

Anxieties, § 21.5

Burden of winning the case, § 21.2

Consortium, loss of, § 12.32

Credibility of Witnesses, generally, this index

Cross-Examination, generally, this index

Damages, survival actions, compensation and salaries, lost future earnings, § 14.11

Direct examination, § 23.1 et seq.

Challenging your own witness, § 23.10

Comprehension, § 23.6

Exhibits, § 23.12

Keeping spotlight on witness, § 23.8

Leaping forward and backward in time, § 23.7

Maintaining interest, § 23.3

WITNESSES—Continued Direct examination—Continued Making a tiresome witness more interesting, § 23.11 Paying attention to the witness, § 23.5 Sixth sense, § 23.2 Warming up, § 23.4 Emotional distress, §§ 11.3, 11.4 Traumatic injury to plaintiff, § 11.5 Examination of witnesses, Preparation, § 21.6 Expert Witnesses, generally, this index Leading questions, § 23.9 Lies, § 21.4 Mary Carter releases, § 18.6 Admissibility of evidence, § 18.18 Mistakes, Preparation, § 21.11 Nonresponsibilities, § 21.2 Opening statements, § 22.1 Paying attention to the witness, § 23.5 Pitfalls, § 21.4 Preparation, Basic rules, § 21.6 Expert witnesses, § 21.9 Orientation regimen, § 21.12 Proof of the proposition, § 21.7 Specifics of the case, § 21.10 Preparation of witnesses, § 21.1 et seq. Responsibilities, § 21.2 Spontaneous testimony, § 21.4 **WORKERS COMPENSATION** Advertisements, assumption of duty, § 1.16 Assumption of duty, inspections and inspectors, § 1.16 Claims against Commonwealth, Defenses, § 10.54 Privileges and immunities, § 10.25 Mental disabilities, medical care and treatment, patient assault of employee, § 10.29 Collateral source benefits, § 12.25 Governmental immunity, § 10.64 Dual capacity doctrine, privileges and immunities, products liability, defenses, § 9.76 Governmental immunity, collateral source benefits, § 10.64 Inspections and inspectors, assumption of duty, § 1.16 Insurance, advertisements, assumption of duty, § 1.16 Municipal corporations, defenses, § 10.54 Political subdivisions, defenses, § 10.54 Privileges and immunities, Claims against Commonwealth, § 10.25 Multiple employers, § 3.10 Borrowed servants, § 3.14 Products liability, defenses, dual capacity doctrine, § 9.76 WRONGFUL BIRTH Medical malpractice, § 7.25 WRONGFUL CONCEPTION Medical malpractice, § 7.25 WRONGFUL DEATH Generally, § 14.1 et seq.

Abandonment of persons, damages, distributions, § 14.18

```
WRONGFUL DEATH—Continued
Assumption of risk, § 14.16
Attorneys, damages, distributions, § 14.18
Burden of proof, damages, § 14.7
Burials, expenses and expenditures, damages, §§ 14.2, 14.7
Children and Minors, this index
Claims against Commonwealth, damages, § 14.7
   Limits, §§ 10.58, 10.59
Cohabitation, standing, § 14.4
Common law, § 14.1
Common law marriage, standing, § 14.4
Comparative negligence, §§ 14.9, 14.16
Complaints, § 14.3
   Amendments, § 14.4
Compromise and settlement,
   Children and minors, § 14.3
   Court approval, § 14.17
   Mental disabilities, § 14.3
Consolidation of actions, prior actions, § 14.6
Consortium, loss of, § 14.7
   Claims against Commonwealth, § 10.59
Damages, §§ 14.2, 14.7, 20.6
   Apportionment of Damages, this index
   Attorneys, distributions, § 14.18
   Claims against Commonwealth, § 14.7
      Limits, §§ 10.58, 10.59
   Consortium, loss of, § 14.7
   Debtors and creditors, § 14.18
   Duplicate recovery,
      Prior actions, § 14.6
      Survival actions, § 14.9
   Evidence, § 14.7
      Remarriage, § 14.8
   Instructions to jury, duplicate recovery, survival actions, § 14.9
   Pleasures of life, § 14.7
   Presumptions, § 14.7
   Punitive damages, § 14.7
Debtors and creditors, damages, § 14.18
Defenses, § 14.16
Discovery rule, limitation of actions, § 17.4
Distributions, damages, § 14.18
   Apportionment of Damages, this index
Evidence, damages, § 14.7
   Remarriage, § 14.8
Executors and administrators,
   Expenses and expenditures, damages, §§ 14.2, 14.7
   Parties, § 14.2
Fatal Accidents Act, § 14.1
Fetuses, § 14.5
Foreign states, standing, § 14.4
Funerals, expenses and expenditures, damages, §§ 14.2, 14.7
Instructions to jury, damages, duplicate recovery, survival actions, § 14.9
Legal cause, newborns, § 14.5
Limitation of Actions, this index
Lord Campbell's Act, § 14.1
Medical care and treatment, expenses and expenditures, damages, §§ 14.2, 14.7
Mental disabilities, compromise and settlement, § 14.3
Merger and consolidation, prior actions, § 14.6
Notices, § 14.3
```

WRONGFUL DEATH—Continued Parties, §§ 14.2, 14.4 Complaints, § 14.3 Pleasures of life, damages, § 14.7 Presumptions, damages, § 14.7 Prior actions, § 14.6 Probate proceedings, expenses and expenditures, damages, §§ 14.2, 14.7 Punitive damages, § 14.7 Remarriage, damages, § 14.8 Res judicata, prior actions, § 14.6 Separation of spouses, Damages, § 14.7 Standing, § 14.4 Spouses, Consortium, loss of, § 14.7 Damages, Consortium, loss of, § 14.7 Remarriage, § 14.8 Parties, §§ 14.2, 14.4 Complaints, § 14.3 Standing, §§ 14.3, 14.4 Support of persons, Damages, § 14.7 Distributions, § 14.18 Standing, § 14.4 Survival actions, damages, duplicate recovery, § 14.9 Warranties, breach, § 9.54 WRONGFUL DISCHARGE Indemnity and indemnification, general releases, § 18.3 Releases, general releases, § 18.3 WRONGFUL LIFE Medical malpractice, § 7.25 **YARD** Repairs and maintenance, landlord and tenant, § 5.18 **ZONE OF DANGER** Emotional Distress, this index **ZONING AND PLANNING**

Signs and signals, obstruction, municipal corporations, duty, § 10.39 Subdivisions, municipal corporations, assumption of duty, § 1.16