

## Supplement Index

### ABANDONMENT

Specific actions, § 614

### ABBREVIATIONS

Medical records, abbreviations in, § 97A

### ABDOMINAL INJURIES

Generally, § 91F

### ABSOLUTE LIABILITY

Blood transfusion, § 890  
Food, liability for impure, § 909  
Landlord, § 853  
Motor vehicles, § 898  
Products liability, § 897

### ABSTENTION DOCTRINE

Jurisdiction of courts as affected by, § 6

### ABSTRACTS

Title abstracter or insurer, liability, § 615

### ABUSIVE LANGUAGE

Provocation in action for assault and battery, § 755

### ACCOUNTANT

Liability of, § 619  
Malpractice, § 79N  
Trade secrets of employer, divulging of, § 1003

### ACID BURN INJURIES

Generally, § 91H

### ADJACENT OR ABUTTING PROPERTY

Nuisance, joint driveway, § 681  
Spite fence, § 620

### ADMIRALTY

Enforcement of forum selection clause, § 10  
International Convention of Safety of Life at Sea, § 80A  
Jurisdiction, § 9  
Locating merchant marine seamen, § 64A  
Medical records of seamen, § 128A  
Navigable waters, what constitutes, § 12A  
Res ipsa loquitur, § 12C  
Torts, § 11  
Vessel, unseaworthiness of, § 12B

### ADMISSIONS

Silence, § 453  
Third party statements, § 454

### ADVERSE POSSESSION

Character and use of land, § 718  
Limitation of actions, § 717  
Natural boundaries, § 720  
Notice, § 718

### AGENCY

Authority of agent, § 726  
Burden of proving agency, § 725  
Proof of agency, § 724  
Ratification, § 729  
Third person, liability of agent to, § 728

### AGGRAVATION OF INJURIES

Generally, § 419

### AGRICULTURE

Farm vehicles, § 779A

**AIRBAGS**

- Generally, § 765A
- State law actions as preempted by National Traffic and Motor Vehicle Safety Act, § 898

**AIRPLANES**

- Evidence, § 732
- Negligence, § 730, 731

**AIR TRAFFIC CONTROLLER**

- Negligence of, § 731

**ALTERNATIVE DESIGN**

- Evidence, § 311A

**AMBULANCES**

- Railroad crossing accident, § 962

**AMUSEMENTS**

- Health club, negligence, § 734
- Racetrack, negligence, § 742
- Ski area, negligence, § 734
- Summer youth camp, negligence, § 744

**ANATOMICAL MODELS,  
DRAWINGS AND CHARTS**

- Diagrams, charts or models, § 228B, 405

**ANESTHESIOLOGISTS**

- Medical malpractice, § 889

**ANESTHETIST**

- Proof of negligence, § 103A

**ANIMALS**

- Cattle, § 749, 775
- Dogs, § 750, 751
- Highways and streets, animals in highway, § 775
- Horses, implied warranty as to horse training services, § 750
- Injury by domestic pet, § 749
- Negligence, § 749
- Nuisances, § 751
- Zoo, municipal liability for injuries by animals, § 749

**ANTITRUST**

- Generally, § 1002A

**APPEAL AND ERROR**

- Motion pictures, admission of as basis for appeal, § 85

**APPEARANCE OR DEMEANOR  
OF PERSON**

- Totally disabled plaintiff appearing at trial, § 83A

**ARBITRATION AWARD**

- Documentary evidence, § 213E

**ARREST**

- Impeachment of witness by proof of prior arrests, § 333

**ARTHRITIS**

- Malpractice in treating, damages, § 95C

**ARTISTIC PROPERTY**

- Unfair competition, § 1001

**ASBESTOS**

- Compromise or settlement, § 139
- Products liability, § 902A
- Wrongful death, handling of hazardous or toxic substances, § 107

**ASSAULT AND BATTERY**

- Generally, § 753
- Defense, § 755
- Evidence, § 754
- Excessive force, § 758
- Insanity as defense to charge of assault, § 755
- Sexual assault, § 757

**ASSEMBLED INDUSTRIAL  
PLANT DOCTRINE**

- Fixtures, machinery as, § 373

**ASSOCIATION OF TRIAL  
LAWYERS OF AMERICA  
(ATLA)**

- Products liability information exchange, § 79D

## INDEX

### **ASSUMPTION OF RISK**

- Generally, § 315
- Failure to use seatbelt, § 315

### **ATTITUDE OF ATTORNEY**

- Psychic injury, attitude toward, § 91B

### **ATTORNEYS**

- Appointment and recruitment, § 2A
- Attitude of attorneys toward psychic injury, § 91B
- Covenant restricting attorney from taking partner's clients on termination of partnership, § 1002
- In forma pauperis, § 2A
- Loyalty, duty of undivided loyalty to clients, § 3
- Malpractice. **Legal Malpractice** (this index)
- Third parties, liability to, § 624

### **ATTORNEY'S FEES**

- Billing the client, § 59B
- Common fund doctrine, § 623
- Compromise or settlement, § 135
- Damages, attorneys' fees as, § 28
- Interest, § 59A
- Punitive damages recoveries, § 623

### **ATTRACTIVE NUISANCE**

- Sandpit, § 761
- Washing machine, § 761

### **AUSCULTATION**

- Physical examination of plaintiff, § 32A

### **AUTHENTICATION OR VERIFICATION**

- X-rays, § 610

### **AUTOMOBILES**

- Motor Vehicles** (this index)

### **AVIATION ACCIDENT REPORTS**

- Records and reports, § 208A

### **BACK INJURIES**

- Generally, § 90A

### **BAGGAGE**

- Motor carriers, liability of, § 873

### **BAILMENT**

- Generally, § 626
- Personal property, nondelivery of, § 628

### **BEVERAGES**

- Products liability, § 913A

### **BIAS**

- Expert and opinion evidence, § 215B

### **BIRTH RECORDS**

- Hospital records, § 98B

### **BLADDER INJURIES**

- Generally, § 91C

### **BLASTING**

- Hotel property, § 631

### **BLOOD AND BLOOD TESTS**

- Strict liability doctrine, § 890
- Transfusion
  - Liability of hospital for, § 640
  - Negligent blood transfusion, damages, § 95D

### **BOTTLE EXPLOSIONS**

- Products liability, § 79E

### **BOTTLES**

- Explosion, res ipsa loquitur as applicable to, § 418

### **BREACH OF CONTRACT**

- Generally, 634A

### **BUSINESS OR OCCUPATION**

- Criminal acts of others, § 998

**BUSINESS OR OCCUPATION**

—Cont'd

- Damages, injury to credit or business reputation, § 36
- Falling objects, § 995
- Liability, § 990
- Self-service store, falling objects, § 995
- Slander or libel, business goods or service, § 985, 985A
- Third parties, acts of, § 998

**CAMPS**

- Negligence, summer youth camp, § 742

**CARBON MONOXIDE**

- Landlord and tenant, § 860A

**CARE EXERCISED**

- Proof of specific facts, § 323

**CARELESS DRIVING**

- Conviction for careless driving, admissibility of proof of, § 333, 334

**CARRIAGE OF GOODS**

- Generally, 873A

**CARRIERS**

- Baggage, liability of motor carriers, § 873

**CAT SCAN**

- Generally, § 213B

**CAUSATION**

- Death of person, § 494A
- Machine caused injury, products liability, § 117A
- Negligence, § 112
- Proximate Cause** (this index)

**CEILING DEFECTS**

- Leaks, § 862

**CERTIFICATES**

- Death, certification of, § 111A

**CHAIN OF CUSTODY**

- Generally, § 203

**CHALLENGING JURORS**

- Plaintiff strategy in selecting or rejecting jurors, § 159

**CHANCE FACTOR**

- Personal injuries, future injuries, § 95B

**CHARACTER OR REPUTATION**

- Generally, § 483
- Assault and battery action, evidence of reputation for violent behavior in, § 754
- Community, neighborhood, or place of employment, evidence of reputation in, § 485
- Damages for injury to credit or business reputation, § 36
- Medical expert, § 483

**CHARTS**

- Diagrams, Charts or Models** (this index)

**CHECKLIST OR FORMS**

- Hypothetical questions, form and length, § 223
- Legal theories of liability, § 58A

**CHIROPRACTOR**

- Expert and opinion evidence, § 217, 221

**CIVIL CONSPIRACY**

- Generally, 640A

**CIVIL RIGHTS**

- Offenses, § 640B
- Section 1983 liability, § 882A

**COLLATERAL SOURCE RULE**

- Diminished wages during period of disability, § 381
- Liability insurance, § 396

**COMMON FUND DOCTRINE**

- Generally, § 623

## INDEX

### COMMUNITY

Reputation in neighborhood or community, § 485

### COMPARATIVE NEGLIGENCE

Defense to products liability action, § 332A

### COMPENSATION

Expert and opinion evidence, fees of experts as admissible, § 254

Projected increases, admissibility in death action of, § 495

### COMPROMISE OR SETTLEMENT

Generally, § 135

Asbestos related defendants, § 139

Attorney's fees, § 135

Invalid, § 139A

Pretrial settlement, § 135

Release, § 139

When to institute negotiations, § 137

### COMPUTER GENERATED MODELS

Admissibility, § 406

### COMPUTER GENERATED VIDEO

Generally, § 229B

### CONCEPTION LIABILITY

Wrongful life, § 896A

### CONSENT

Jurisdiction, § 4, 8

### CONSORTIUM

Children's rights, loss of parental society, § 329.1, 329A

Claims for loss of, rules of procedure applicable to, § 95A

Definition, § 329

Husband's rights, § 328

### CONSORTIUM—Cont'd

Negligence action, loss of consortium as charge in, § 304

Parent's rights, § 329B

Wife's rights, § 329

### CONSPIRACY

Evidence, § 329C

### CONTRIBUTORY NEGLIGENCE

Generally, § 332.1

### COPYRIGHT

Preemption, § 672

### CORPORATE OFFICERS AND DIRECTORS

Fiduciary duty, § 642

Meetings as evidence, § 338

### CORPSE

Emotional distress for mishandling of corpse, § 567

### COST OR EXPENSE

Damages, § 28

Repair cost, evidence of, § 423

### COUNSEL

Attorneys (this index)

### COURTROOM

Presence of plaintiff during trial, § 202B

### COVENANTS

Generally, § 697

Neighborhood, changed conditions of, § 697

Restricting attorney from taking partner's client on termination of partnership, § 1002

### CRASHWORTHINESS

Motor vehicles, § 810A

**CREDIT**

Damages for injury to credit or business reputation, § 36

**CRIMINAL ACTS**

Business or occupation, criminal acts of others, § 998  
 Landlord's liability, § 864A

**CROSS-EXAMINATION**

Generally, § 231  
 Attitude and technique, § 238  
 Examining doctor, § 255A  
 Limit, attempt to, § 240  
 Reconstructing accident, expert witness in, § 62  
 Right to, § 232, 240

**CRUISE CONTROL**

Generally, § 772B

**CUSTOMER LIST**

Trade secret, customer list as, § 1003

**DAMAGES**

Generally, § 1004A  
 Aggravation of injuries, § 419  
 Arthritis, malpractice in treating, § 95C  
 Attorney's fees, § 28  
 Blood transfusion, negligence, § 95D  
 Business reputation, § 36  
 Certainty of amount, § 27  
 Compensatory damages, generally, § 28  
 Costs, § 28  
 Credit or business reputation, § 36  
 Economic loss doctrine, § 36A  
 Eggshell theory, § 32  
 Emotional distress, 33A  
 Evidence, generally, § 345  
 Loss of chance, § 88A  
 Medical malpractice, treating arthritis, § 95C

**DAMAGES—Cont'd**

Medical monitoring expenses, § 34  
 Mental anguish, punitive or exemplary damages, § 566  
 Mental suffering, 33A  
 Negligent blood transfusion, § 95D  
 Nominal damages, generally, § 30  
 Property damages, generally, § 45  
 Stigma damages, § 46  
**Summation** (this index)  
 Wrongful life and conception, § 896A

**DANGEROUS INSTRUMENTALITY DOCTRINE**

Motor vehicles, § 780A

**DEATH OF PERSON**

Causation, § 492, 494A  
 Certification of death, § 111A  
 Common disaster cases, § 113  
 Economic statistics, showing damages in death actions, § 114A  
 Emotional distress for mishandling of corpse, § 567  
 Obituary notice, libel in publication of, § 981

**DEFINITIONS**

Auscultation, § 32A  
 Consortium, § 329  
 Palpation, § 32A  
 Percussion, § 32A

**DEMONSTRATIONS AND EXPERIMENTS**

Computer generated video, § 229B  
 Motion pictures, § 229A

**DEPRIVATION OF RIGHTS**

Generally, 641A

## INDEX

### **DESCRIPTION OR**

#### **IDENTIFICATION**

- Evidence at prior trial, identity of parties, § 605
- Eyewitness identification, § 251A

### **DIAGRAMS, CHARTS OR MODELS**

- Admissibility of models into evidence, § 77A, 406
- Computer generated models, § 406
- Medical and anatomical, § 228B, 405
- Skeletal models, § 228A
- Summary of testimony, § 206

### **DIMENSIONS, SIZE, WEIGHT**

- Evidence, § 429

### **DISABILITY AND IMPAIRMENT**

- Generally, § 512

### **DISCLOSURE**

- Broker's duty, § 635A
- Expert testimony, disclosure duty of physician to be established by, § 895
- Medical information, liability for disclosing, § 874
- Pretrial conference, extent of disclosure, § 143
- Real Estate Consumer's Agency and Disclosure Act (RECAD), § 635A

### **DISCOVERY VIOLATIONS**

- Sanctions, 119A

### **DISCRIMINATION**

- Employment, § 362A
- Section 1983 liability, § 882A

### **DISTANCE**

- Evidence of distance within which object can be stopped, § 354

### **DOCUMENTARY EVIDENCE**

- Generally, § 203
- Arbitration award, § 213E
- Electrocardiogram, § 213
- Injury reports, § 206A
- Spoilation, § 203A

### **DOGS**

- Generally, § 750
- Nuisances, § 751

### **DRUGS AND MEDICINES**

- Learned intermediary doctrine, § 79C, 905
- Physician's Desk Reference as evidence, § 401, 878
- Product liability cases involving drug reactions, § 79C

### **EARNINGS OR PROFITS**

- Actual loss, § 473
- Bicyclist, future earning capacity, loss of, § 355
- Certainty of amount, § 37
- Economic statistics as evidence in wrongful death action, § 114A
- Future earning capacity, loss of, § 355
- Future lost profits, § 37, 473
- Income tax, compensatory damages for personal injuries, not subject to, § 355
- Infant, earning capacity as measure of damages for death of, § 511
- Lost profits in products liability cases, § 38A
- New business, § 37, 473
- Products Liability, § 38A
- Temporary total disability compensation, § 37
- Uniform Trade Secrets Act, actual loss, § 473

### **EASEMENTS**

- Generally, § 811

**EASEMENTS—Cont'd**

- Abandonment of easement, § 816
- Condemnation of, § 646
- Express grant, § 812
- Implication, easement by, § 813
- Interference, § 815
- Prescription, easement by, § 814
- Temporary easements, expert testimony as to impact of, § 815.50
- Termination of easement, § 816

**ECONOMIC EXTORTION**

- Generally, 642A

**ECONOMIC LOSS DOCTRINE**

- Damages, § 36A

**ECONOMIC STATISTICS**

- Death actions, showing damages in, § 114A

**EJECTMENT ACTION**

- Generally, § 643

**ELECTRICAL INJURIES**

- Generally, § 91G

**ELECTROCARDIOGRAM**

- Documentary evidence and exhibits, § 213

**ELECTROENCEPHALOGRAM**

- Limitations on use as diagnostic aid, § 85A
- Proof, § 213A

**ELECTRONICALLY STORED INFORMATION (ESI)**

- Generally, § 213D

**ELEVATORS**

- Commercial building, § 818

**EMINENT DOMAIN**

- Generally, § 646
- Noise problems, § 646
- Wetlands, § 646

**EMOTIONAL DISTRESS**

- Damages, 33A

**EMOTIONAL FACTORS**

- Mental Anguish** (this index)

**EMPLOYMENT**

- Discrimination, § 362A
- Libel, privilege of employer as to, § 982
- Negligent hiring, § 647F
- Negligent retention, § 647F
- Railroad worker, injury to, § 922A
- Reputation in place of employment, evidence of, § 485
- Work, labor and services, evaluation of loss of services, § 114A
- Wrongful termination, § 647

**EMPLOYMENT CONTRACT**

- Employee handbook, § 647
- Independent contractor, § 647

**EMPLOYMENT**

**DISCRIMINATION**

- Generally, 647A et seq.
- Age, 647B et seq.
- Disability, 647C et seq.
- Gender, 647D et seq.
- Race, 647E et seq.

**ENJOYMENT**

- Loss of enjoyment of life, § 33, 94C, 569
- Nuisance, loss of enjoyment of property, § 681
- Pain and suffering, loss of enjoyment of life, § 33, 569

**EQUIPMENT OR MACHINERY**

- Bulldozer, cost of repair, § 48
- Computer generated video, § 229B
- Motion picture, showing operation of machine by, § 229A

## INDEX

### ESCALATOR

Products liability, § **79M, 826**

### EVIDENCE

Alternative design, § **311A**  
Arbitration award, § **213E**  
Best and secondary, § **120A**  
Care exercised, § **323**  
Conspiracy, § **329C**  
Discovery of injury or claim,  
§ **351A**  
Drugs and medicines, Physician's  
Desk Reference as evidence,  
§ **401, 878**  
Fabrication or suppression of evi-  
dence, § **366**  
Failure to prosecute, § **367A**  
Former testimony, § **123A**  
Historical facts, § **383**  
Hostile work environment, § **384A**  
Judicial immunity, § **393A**  
Meetings of corporations, § **338**  
Narrative form of testimony,  
§ **193A**  
Punitive damages, § **344A**  
Retaliation, § **425A**  
Size, weight, dimensions, § **429**  
Status as user, § **434A**  
Warning statements, § **447**

### EXAMINATION OR INSPECTION

Physical examination, determining  
extent of injuries of plaintiff,  
§ **32A**  
Witnesses, investigatory  
guidelines prior to interview-  
ing of, § **64**

### EXCESSIVE FORCE

Generally, **649A**

### EXHIBITS

Advisability of use, § **204**

### EXPERT AND OPINION

#### EVIDENCE

Admissibility, § **215**  
Basis of opinion, § **215A**  
Bias, § **215B**  
Chiropractor, § **217, 221**  
Conclusiveness, § **214**  
Cross-examination, expert witness  
in reconstructing accident,  
§ **62**  
Disclosure duty of physician to be  
established by, § **895**  
Emotional distress claims, § **566**  
Fees of experts as admissible,  
§ **254**  
Forensic toxicologist, § **220A**  
Insurance coverage as subject of  
cross-examination, § **255**  
Judicial notice, § **547**  
Loss of earning ability, § **37**  
Medical expert, direct examination  
on standard of care, § **878B**  
Medical probability, § **217**  
Mental condition, § **91B**  
Models constructed by experts,  
§ **77A**  
Psychologist, § **105A, 217**  
Qualification of examiner of  
questioned documents,  
§ **216B**  
Qualifications, § **216**  
Redirect examination of expert  
witness, § **267**  
Salary increases, evidence of  
projected, § **495**  
Securing the expert, § **216A**  
Speed of vehicles, § **599**  
Standard of care, direct examina-  
tion of medical expert on,  
§ **878B**  
Symptoms, § **438**  
Temporary easements, testimony  
as to impact of, § **815.50**  
Urological injury, § **91C**  
When required, § **214A**

**EXPLOSIVES**

Bulk supplier doctrine, § 650  
Hotel property, § 631

**FACTUAL STATEMENTS**

Slander or libel, § 982A

**FAILURE TO PROSECUTE**

Evidence, § 367A

**FALLS**

Parking lots, § 683  
Photographs or pictures, slip and fall accident, § 85

**FALSE IMPRISONMENT**

Generally, § 652

**FEDERAL PREEMPTION**

Generally, § 765C, 903A

**FELA**

Railroad liability, § 14A  
Release of claim, § 13

**FENCES**

Adjoining landowners, spite fence, § 620

**FIDUCIARY RELATIONSHIP**

Attorney-client relationship, § 2  
Corporate officers and directors, fiduciary duty, § 642

**FINDINGS OF FACT**

Generally, § 393

**FIRE ESCAPES**

Landlord, duty of, § 857

**FIREMAN**

Liability of landowner, § 863

**FIREMAN'S RULE**

Generally, § 863

**FOOD, DRUG, AND COSMETIC ACT**

Medical Device Amendments as preempting state law, § 903

**FORECLOSURE**

Generally, 656A

**FOREIGN DEFENDANT**

Jurisdiction, § 6A

**FORENSIC TOXICOLOGIST**

Expert and opinion evidence, § 220A

**FORUM SELECTION CLAUSES**

Generally, § 6B

**FRAUD**

Parol evidence, § 524  
Pleadings, § 521

**FRINGE BENEFITS**

Loss of earnings, evaluation of, § 114A  
Truckdrivers, § 41

**GARAGES**

Liability, § 657

**GENETICALLY MODIFIED FOOD**

Generally, § 913A

**GEOGRAPHIC CONSIDERATIONS**

Selection of remedy, jurisdiction, and forum, § 7

**GOLF COURSES**

Equitable estoppel, § 648  
Notice or knowledge, § 394

**GOODS**

Carriage of, 873A

**GOOD WILL**

Replevin of, § 695

**GOVERNMENT**

Blasting operations, liability for, § 631

**HABIT**

Proof of specific facts, § 380

## INDEX

### **HANDWRITING**

- Comparison, § 220B
- Medical records, § 525
- Nonexpert opinions, § 527

### **HAZARDOUS OR TOXIC SUBSTANCES**

- Medical expenses, exposure to hazardous substances or pollution, § 557
- Punitive or exemplary damages, § 31, 107

### **HEAD INJURIES**

- Generally, § 91A

### **HEADLIGHTS**

- Defects, liability for, § 898

### **HEALTH CLUB**

- Negligence, § 734

### **HEALTH MAINTENANCE ORGANIZATION**

- Liability of, § 874

### **HEARSAY EXCEPTION**

- Generally, § 462

### **HEART INJURIES**

- Generally, § 24A

### **HEART SURGERY**

- Malpractice, § 893

### **HEAT AND HEATING DEVICES**

- Landlord, duty of, § 858

### **HEPATITIS**

- Hospital, liability of, § 640

### **HIGHWAYS AND STREETS**

- Condition of highway, § 774A
- Defects, § 833, 836
- Design of highway, § 774A
- Entering highway, § 800A
- Other vehicles, § 779A
- Pedestrians, injury to, § 828
- Photographs or pictures, § 85, 207, 408

### **HIGHWAYS AND STREETS**

#### **—Cont'd**

- Private driveways, § 831
- Signs
  - Stop sign, condition of highway, § 774A
  - Washout sign, condition of highway, § 774A
- Snowmobiles, § 765, 779A
- Snow or ice, § 841
- Stop sign, condition of highway, § 774A
- Streetlights, condition of highway, § 774A
- Washout sign, condition of highway, § 774A

### **HISTORICAL FACTS**

- Evidence, § 383

### **HORSES**

- Implied warranty as to horse training services, § 750

### **HOSPITAL NEGLIGENCE**

- Products liability, § 79F, 79G

### **HOSPITAL RECORDS**

- Generally, § 384
- Admission into evidence, § 98A
- Birth records, § 98B
- Business entries as evidence, § 463
- Obtaining information, § 98C

### **HOSPITALS**

- Photographs or pictures of room, § 85, 207, 408, 576

### **HOSTILE WORK**

#### **ENVIRONMENT**

- Evidence, § 384A

### **HOTELS, MOTELS, AND INNS**

- Blasting, hotel property, § 631, 650
- Injuries to guests, generally, § 850A

**HOTELS, MOTELS, AND INNS**

—Cont'd

Innkeeper's liability for gas leaks, suffocation, § 851

**HOUSING DISCRIMINATION**

Generally, 660A

**HYPOTHETICAL QUESTIONS**

Generally, § 222

Form and length, § 223

**IMMUNITY**

Qualified immunity, 588A

**IMPLIED WARRANTY**

Horse training services, § 750

**IMPUTED NEGLIGENCE**

Driver's negligence to owner-passenger, § 777

**INCOME TAX**

Compensatory damages for personal injuries, not subject, § 355

Loss of profits, evidence of, § 473

**INCONSISTENCIES**

Exploiting, § 246

Exploiting under federal rules, § 246A

**INFLECTION OF EMOTIONAL DISTRESS**

Generally, § 566, 567

Medical malpractice cases, § 91B

**IN FORMA PAUPERIS**

Attorneys, § 2A

**INFORMED CONSENT**

Surgical procedure, undertaking, § 895

**INFRINGEMENT**

Patents, § 1005

**INJURY REPORTS**

Documentary evidence, § 206A

**INSTRUCTIONS TO JURY**

Generally, § 293

Function and duty of court, § 295

Medical condition, § 561

Missing witnesses, § 300

Review of challenges, § 297A

Spoilation of evidence, § 293

**INSURANCE**

Basis for witness' bias, § 244

Liability insurance, § 396

**INTERFERENCE**

Business relations, § 665

Easements, § 815

**INTERNET SERVICE PROVIDER**

Defamation liability, § 983

Hearsay exception, § 462

**INTERSPOUSAL TORT IMMUNITY**

Wrongful death action, § 661.1

**INVALID SETTLEMENT**

Generally, § 139A

**JOINT VENTURES**

Generally, § 668, 669

**JUDICIAL IMMUNITY**

Evidence, § 393A

**JUDICIAL NOTICE**

Expert testimony, § 547

**JUDICIAL PROCEEDINGS**

Libel and slander, privilege of official reports as to, § 982

**JURISDICTION**

Generally, § 4

Admiralty, § 9

Foreign defendant, § 6A

Substantial act, § 634A

Workmen's compensation, § 8

**JURY**

Bias or prejudice, § 164

## INDEX

### **JURY—Cont'd**

- Correctional officer, bias or prejudice, § **164**
- Employer-employee relationship, § **170**
- Friendship or social relationship, § **166**
- Geographic considerations in selection of forum, § **7**
- Interest in outcome of the case, § **169**
- Models taken to jury room, § **77A**
- Offer of proof, § **202A**
- Peremptory challenge, § **157**

### **KEYS**

- Ignition key left in car, liability of owner, § **780**

### **KNEE INJURIES**

- Generally, § **91D**

### **LABELS**

- Products liability, § **899B**

### **LANDLORD AND TENANT**

- Generally, § **853**
- Carbon monoxide, § **860A**
- Fire escapes, § **857**
- Heating supply or system, § **858**
- Mitigation of damages, § **25**
- Plumbing appliance defects, § **861**
- Premises security, landlord's liability, § **853, 864A**
- Safe and sanitary conditions, § **853**
- Strict liability, § **853**
- Third party, criminal conduct of, § **853**

### **LAWYERS**

- Attorneys** (this index)

### **LEADING QUESTIONS**

- Generally, § **194**

### **LEARNED INTERMEDIARY DOCTRINE**

- Generally, § **79C, 905, 908, 909**

### **LEARNED TREATISES**

- Videotapes as, § **408**

### **LEGAL MALPRACTICE**

- Generally, § **625**
- Qualification of expert, § **216C**
- Statute of limitations, § **625A**

### **LIGHTS AND LIGHTING**

- Motor vehicles, headlights, liability for defects, § **898**
- Streetlights, condition of highway, § **774A**

### **LIQUIDATED DAMAGES**

- Unliquidated damages, § **26**

### **LITERARY PROPERTY**

- Unfair competition, § **1001**

### **LOCALITY**

- Physicians and surgeons, § **255B, 256A**
- Unfamiliarity with medical practice in plaintiff's locality, § **256A**

### **LOSS OF CHANCE**

- Damages in medical malpractice action, § **88A**

### **LOSS OF CONSORTIUM**

- Consortium** (this index)

### **LOSS OF ENJOYMENT OF LIFE**

- Generally, § **33, 94C, 569**

### **LUNG INJURIES**

- Generally, § **91J**

### **MACHINE CAUSED INJURY**

- Products liability, § **117A**

### **MAILMAN**

- Liability of landowner, § **863**

**MALICIOUS PROSECUTION**

Generally, § 674

**MALINGERING**

Motor vehicle accident victim,  
§ 573

**MALPRACTICE**

Accountant malpractice, § 79N  
**Legal Malpractice** (this index)  
**Medical Malpractice** (this index)

**MANOMETER**

Gas leaks, test for, § 659

**MANUFACTURER**

Generally, § 40

**MARKET VALUE**

Price list and market reports as  
evidence, § 399

**MASTER AND SERVANT**

Generally, § 676

**MECHANICS**

Evidence of distance within which  
object can be stopped, § 354

**MEDICAL DEVICES**

Generally, § 903, 907A  
Products liability, § 79F

**MEDICAL EXPENSES**

Generally, § 556  
Attempted robbery, § 34  
Back pain, § 34  
Bicyclist, damages, § 34  
Deceased patient, § 497  
Hazardous substances or pollution,  
§ 557  
Medical monitoring expenses,  
damages, § 34

**MEDICAL INFORMATION**

Liability for disclosing, § 874  
Obtaining information, § 98C  
Photographs, § 207A

**MEDICAL MALPRACTICE**

Generally, § 874  
Anesthetics, § 889  
Arthritis, malpractice in treating,  
damages, § 95C  
Heart surgery, § 893  
Informed consent, § 895  
Liability to third party, § 881A  
Loss of chance, § 88A  
Proof, § 82A  
Psychotherapists, § 882  
Standard of health care, § 888  
Suicide of patient, § 880  
Surgical procedures, § 893

**MEDICAL MONITORIN**

Generally, 677A

**MEDICAL MONITORING  
EXPENSES**

Proof of, § 34

**MEDICAL RECORDS**

Abbreviations in, § 97A  
Handwriting, § 525  
Hearsay exception, statements  
made for medical diagnosis  
or treatment, § 96  
Seamen, records of, § 128A

**MEDICINE**

**Drugs and Medicines** (this index)

**MEETINGS OF  
CORPORATIONS**

Evidence, § 338

**MENTAL ANGUISH**

Expert and opinion evidence,  
emotional distress claims,  
§ 566  
Infliction of emotional distress,  
§ 561, 562, 566, 567  
Physical injury followed by psy-  
chic injuries, § 91B, 568

## INDEX

### **MENTAL CONDITION**

- Assault, insanity as defense to charge of, § **755**
- Physical injury followed by psychic injuries, § **91B**

### **MENTAL SUFFERING**

- Damages, § **33A**

### **METAL FAILURE**

- Products liability, § **79A**

### **MITIGATION OF DAMAGES**

- Landlord and tenant, § **25**
- Motorcycles, § **25**

### **MODELS**

- Diagrams, Charts or Models**  
(this index)

### **MODEL TRIAL REFERENCES**

- Generally, § **8A, 58B**

### **MONOPOLIES**

- Generally, § **679**

### **MORTALITY TABLES**

- Generally, § **407**

### **MOTION PICTURES**

- Injuries, proof of, § **229A**
- Video and Videotapes** (this index)

### **MOTORCYCLES**

- Instructions to jury, § **295**
- Mitigation of damages, § **25**
- Speed of vehicles, skid marks, § **602**

### **MOTOR VEHICLES**

- Admiralty law, § **9**
- Airbags, § **765A, 898**
- Animals in highway, § **775**
- Attractive nuisance, abandoned automobile as, § **761**
- Automobile accident cases, § **251**
- Bailment, liability in case of, § **628**
- Bicyclists, collisions, § **795**

### **MOTOR VEHICLES—Cont'd**

- Careless driving, admissibility of proof of conviction for careless driving, § **333, 334**
- Collisions
  - Between automobile and train, § **921, 960**
  - Between farm vehicle and truck, § **779A**
- Bicyclists, § **795**
- Vehicles traveling in different directions, § **800**
- Vehicles traveling in same direction, § **798**
- Condition, § **765A**
- Consortium, wife's rights, § **329**
- Crashworthiness, § **810A**
- Cruise control, § **772B**
- Dangerous instrumentality doctrine, § **780A**
- Driving while intoxicated, § **766**
- Emergency rule, § **773**
- Emergency vehicles, § **797**
- Farm vehicles, § **779A**
- Fleeing from police officer, § **772A**
- Forklifts, § **779A**
- Governmental immunity, § **779A**
- Guest or passenger, § **776**
- Headlights, liability for defects, § **898**
- Hit and run accidents, § **79Q, 790**
- Intersections, § **803**
- Key-in-ignition liability, § **780**
- Lessee, § **53**
- Negligent entrustment, § **385**
- Passenger or guest, § **776**
- Passing, § **799**
- Physical condition or capacity of driver, § **766**
- Products liability, hazardous automobile design, § **79J, 79K, 79L**
- Railroads crossings, collision between automobile and

**MOTOR VEHICLES—Cont'd**

- train, § 921, 960
- Range of vision rule, § 772
- Rescue doctrine, § 774
- Res ipsa loquitur, automobile collision, § 418
- Seatbelts, § 315, 332A, 765B
- Skidding and Skidmarks** (this index)
- Snowmobiles, § 765, 779A
- Snowplow, collision, vehicles traveling in different directions, § 800
- Speeding, § 772, 772A
- Sudden incapacitation defense, § 766
- Telephone, use by driver as negligence, § 798

**MUNICIPALITY**

- Estoppel, applicability of doctrine of, § 648
- Zoo animals, liability for injuries inflicted by, § 749

**NEGLIGENCE**

- Airplanes, § 730, 731
- Animals, § 749
- Blood transfusion, damages, § 95D
- Camps, summer youth camp, § 742
- Causation, § 112
- Comparative negligence, generally, § 332.1
- Contributory negligence, generally, § 332.1
- Driver's negligence to owner-passenger, imputed negligence, § 777
- Fleeing from police officer, § 772A
- Health club, § 734
- Premises liability
  - Generally, § 78A
  - Compared, § 688A

**NEGLIGENCE—Cont'd**

- Racetrack, § 742
- Ski area, § 734
- Speed of vehicles, § 772, 772A
- Summer youth camp, § 742

**NEGLIGENT ENTRUSTMENT**

- Generally, § 385

**NEIGHBORHOODS**

- Covenants, changed conditions of neighborhood, § 697
- Reputation in neighborhood or community, § 485

**NERVOUSNESS**

- Emotions or state of mind, § 361

**NEUROSIS**

- Physical injury followed by neurosis, § 91B

**NEWSPAPERS**

- Imputation of criminal liability, § 985A

**NOTARIZED DOCUMENT**

- Generally, § 680
- As public record, § 420

**NOTARY PUBLIC**

- Generally, § 680

**NOTICE OR KNOWLEDGE**

- Generally, § 394
- Adverse possession, § 718
- Golfers, § 394

**NUISANCE**

- Attractive Nuisance** (this index)
- Dogs, § 751
- Joint driveway, § 681
- Loss of enjoyment of property, § 681
- Tenant's standing to sue, § 681

**OBITUARY NOTICE**

- Libel in publication of, § 981

INDEX

**OBJECTIONS AND EXCEPTIONS**

Offer of proof upon objection to testimony of witness, § 202A

**OFFER OF PROOF**

Direct examination, § 202A

**OPENING ADDRESS**

Admissions, § 182  
Defendant's opening, § 185, 188A

**OPERATION OF MACHINE**

Computer generated video, § 229B  
Motion picture, showing by, § 229A

**OPINION EVIDENCE**

**Expert and Opinion Evidence**  
(this index)

**OPTOMETRIST**

Liability, § 882

**ORDINARY OR REASONABLE CARE**

Generally, § 69

**PAIN AND SUFFERING**

Credibility of claim of, § 94, 95, 569  
Future pain and suffering, § 574  
Loss of enjoyment of life, § 33, 569  
Medical history, evaluation or description of pain in, § 96  
Motor vehicle accident victim, § 33, 569  
Objective signs of pain, lack of, § 94B  
Phantom pain, § 8  
Pre-impact fright, § 498  
Proof, § 94A

**PALPATION**

Physical examination of plaintiff, § 32A

**PARENTAL OBLIGATIONS**

Generally, § 682

**PARKING LOTS**

Assaults, § 683  
Falls, § 683

**PAROL EVIDENCE**

Fraud, § 524  
Partially integrated contracts, § 312  
Real property, extrinsic parol evidence, § 589

**PARTNERSHIPS**

Generally, § 684  
Dissolution, § 685

**PATENTS**

Infringement of patent, § 1005

**PATHOLOGIST**

Qualification for board certification, § 699A

**PATTERN JURY INSTRUCTIONS**

Generally, § 298

**PEDESTRIANS**

Policeman, traffic officers, or workman in road, § 790

**PEDIATRICIAN**

Qualification for board certification, § 699B

**PERCUSSION**

Physical examination of plaintiff, § 32A

**PERSONAL CONSUMPTION**

Loss of earnings, deduction from, § 114A

**PERSONAL INJURIES**

As to specific injuries, see lines throughout this index  
Abdominal injuries, § 91F  
Acid burn injuries, § 91H

**PERSONAL INJURIES—Cont'd**

- Aggravation by physician, § 419
- Back injuries, § 90A
- Bladder injuries, § 91C
- Chance factor in future injuries, § 95B
- Economic damages, § 32
- “Eggshell” theory, § 32, 310
- Electrical injuries, § 91G
- Head injuries, § 91A
- Heart injuries, § 24A
- Knee injuries, § 91D
- Life expectancy tables, § 32
- Lung injuries, § 91J
- Neurosis, physical injury followed by, § 91B
- Personality changes, § 93A
- Physical examination, determining extent of injuries of plaintiff, § 32A
- Pleura injuries, § 91J
- Psychic injuries, physical injury followed by, § 91B
- Trauma, general aspects of, § 91I
- Urological injuries, § 91C
- Whiplash injuries, § 90B

**PERSONALITY CHANGES**

- Personal injuries, § 93A

**PET**

- Emotional distress from death of pet, § 567
- Property damages, generally, § 47

**PHANTOM PAIN**

- Generally, § 8

**PHOTOGRAPHS OR PICTURES**

- Generally, § 207
- Admissibility, § 207
- Highways and streets, § 85, 207, 408
- Hospital room, § 85, 207, 408, 576
- Medical photographs, § 207A
- Slip and fall accident, § 85

**PHYSICAL EXAMINATION**

- Injuries of plaintiff, determining extent of, § 32A

**PHYSICIANS AND SURGEONS**

- Agreement not to compete, enforceability of, § 1002
- Continuance or condition of fact, § 331
- Cross-examination of examining doctor, § 255A
- Informed consent, § 895
- Liability to third party, § 881A
- Locality, § 255B, 256A
- Medical devices, § 903
- Medical expert using locality rule in cross-examining in malpractice action, § 255B
- Medical reports, § 460
- Pathologist, qualification for board certification, § 699A
- Pediatrician, qualification for board certification, § 699B
- Personal injuries, aggravation by physician, § 419
- Plastic surgeon, qualification for board-certification, § 402B
- Privilege, physician-patient, § 221A
- Wrongful life and conception liability, § 896A

**PHYSICIAN'S DESK**

**REFERENCE**

- Hearsay nature, § 401, 878

**PLASTIC SURGEON**

- Qualification for board-certification, § 402B

**PLAYGROUND ACCIDENTS**

- Products liability, § 79P

**PLEADINGS**

- Fraud, § 521

**PLEURA INJURIES**

- Generally, § 91J

## INDEX

### **PLUMBING APPLIANCES**

Landlord, liability of, § **861**

### **POLICE**

Liability of landowner, § **863**

Motor vehicles, injury to persons  
in road, § **790**

Records, § **209**

### **POLLUTION**

Stream, pollution of, § **688**

### **PORTS**

Symposium on hazards in ports  
and waterways, § **9**

### **PREEMPTION**

Generally, § **765C, 903A, 914A**

### **PRE-EXISTING CONDITION**

Impairment, partial disability, § **88**

Liability, § **87**

Physician's negligence, aggravation  
of original injury by,  
§ **419**

### **PREMISES LIABILITY**

Generally, § **78A, 689**

Agrarian rule, § **689**

Negligence compared, § **688A**

### **PREMISES SECURITY**

Landlord's liability, § **853, 864A**

### **PREPARATION FOR TRIAL**

Generally, § **115**

### **PREPARING MEDICAL PROOF**

Generally, § **91E**

### **PRESENCE OR ABSENCE**

Jury, offer of proof in presence of

Generally, § **202A**

Plaintiff's presence in  
courtroom during trial,  
§ **202B**

Totally disabled plaintiff appearing  
at trial, § **83A**

### **PRESS CONFERENCE**

District attorney's defamatory  
statements, liability for, § **982**

### **PRESUMPTIONS AND BURDEN OF PROOF**

Agency, § **725**

Marriage as presumed from  
cohabitation, § **400**

### **PRETRIAL CONFERENCE**

Generally, § **140**

Disclosure, extent of, § **143**

Mass liability case, trial management  
plan, § **141**

### **PRIOR ACTIONS**

Evidence at prior trial, § **604, 605**

### **PRISONS AND PRISONERS**

Injury to prisoner, § **667**

Jury, correctional officer, bias or  
prejudice, § **164**

### **PRIVACY**

Medical treatment, refusal of,  
§ **691**

Right of, § **691**

Sexual harassment as invasion of,  
§ **691**

Surveillance as invasion of, § **691**

### **PRIVILEGE OR IMMUNITY**

Absolute privilege, § **982**

Defamation, § **982, 983, 985,  
985A**

Psychologist, reporting privilege,  
§ **982**

### **PRODUCTS LIABILITY**

Asbestos, § **902A**

Association of Trial Lawyers of  
America (ATLA) information  
exchange, § **79D**

Beverages, § **913A**

Bottle explosions, § **79E**

Brake failure, § **583**

**PRODUCTS LIABILITY**

—Cont'd

- Cruise control, failure to warn, § 583
- Defects, § 898
- Design, § 899
- Drug reactions, § 79C
- Escalator, § 79M, 826
- Failure to warn, § 583, 897
- Hospital negligence, § 79F, 79G
- Labels, § 899B
- Learned intermediary doctrine, § 79C, 905, § 908, 909
- Lost profits, § 38A
- Machine caused injury, § 117A
- Medical devices, § 79F
- Metal failure, § 79A
- Motor vehicle design, § 79J, 79K, 79L
- Planning strategy, § 79B, 79E, 79G
- Playground accidents, § 79P
- Resources, § 79D
- Stove, § 583
- Strict liability, § 897
- Subsequent remedial measures, § 416
- Swimming pool accidents, § 79H, 79I
- Warnings (this index)
- Warranties, § 899A

**PROFITS**

- Earnings or Profits (this index)

**PROPERTY DAMAGES**

- Generally, § 45
- Strict liability, § 45A

**PROSTHETIC DEVICES**

- Admissible as evidence, § 213C

**PROXIMATE CAUSE**

- Generally, § 476
- Certainty of opinion, § 479
- Opinion testimony, § 481

**PROXIMATE CAUSE—Cont'd**

- Suicide as independent intervening cause, § 392

**PSYCHIC INJURIES**

- Generally, § 19B

**PSYCHOLOGIST**

- Expert and opinion evidence, § 217
- Expert witness, § 105A
- Reporting privilege, § 982

**PSYCHOTHERAPISTS**

- Malpractice, § 882

**PUBLIC FIGURES**

- Slander or libel, § 981A

**PULLMAN DOCTRINE**

- Abstention doctrine as, § 6

**PUNITIVE OR EXEMPLARY DAMAGES**

- Corporations, conduct, § 31
- Evidence, § 344A
- Factors for determining, § 31
- Hazardous or toxic substances, handling of, § 31, 107
- Mental anguish, § 566

**PUSHING VEHICLE**

- Collisions, § 807

**QUALIFIED IMMUNITY**

- Generally, 588A

**QUALIFYING BOARD**

- Pathologist, § 699A
- Pediatrician, § 699B
- Plastic surgeon, § 402B

**RACETRACK**

- Negligence, § 742

**RADIOLOGICAL IMAGES**

- Proof of personal injuries, § 85B

INDEX

**RAILROADS**

- Ambulance, right of way at crossings, § 962
- Crossings
  - Ambulance, right of way at crossings, § 962
  - Collision between automobile and train, § 921, 960
  - Ordinary care, § 953
  - Signs, § 959
- Employee, injury to, § 922A
- FELA, liability under, § 14A
- Proof of specific facts, § 421
- Speed of Train (this index)

**REAL ESTATE CONSUMER'S AGENCY AND DISCLOSURE ACT (RECAD)**

- Broker's duty, § 635

**REAL PROPERTY**

- Abstracts, title abstracter or insurer, liability, § 615
- Broker's duty, § 635A
- Extrinsic parol evidence, § 589
- Owner's testimony as to value, § 590
- Specific performance, real estate contract, § 704

**REBUTTAL**

- Generally, § 263, 270

**RECORDS AND REPORTS**

- Aviation accident reports, § 208A
- Corporate books and records, § 336
- Hearsay exception, § 462
- Market reports and price lists as evidence, § 399
- Medical reports, § 460, 462
- Police, § 209

**REDIRECT EXAMINATION**

- Expert witness, § 267

**REDUCTION TO PRESENT WORTH**

- Damages in death actions, § 495
- Loss of earnings, evaluation of, § 114A

**REFRESHING**

**RECOLLECTION OF MEMORY**

- Generally, § 403
- Preparation for trial including review of facts with witnesses, § 115

**RELEASE**

- Under FELA, § 13

**REPAIRS**

- Cost, evidence of, § 423

**REPLEVIN ACTION**

- Service of process, § 695
- Value of property, § 695

**REQUESTS TO CHARGE**

- Preparation and submission, § 115

**RESIDENCE OR DOMICILE**

- Proof of residence or domicile, § 6C

**RES IPSA LOQUITUR**

- Generally, § 418, 878A
- Admiralty, § 12C
- Automobile collision, § 418
- Physician or surgeon, liability of, § 893

**RETALIATION**

- Generally, 697A
- Evidence, § 425A

**RETRACTION**

- Slander or libel as effected by retraction, § 989

**SAFE DEPOSIT BOXES**

- Specific actions, § 698

**SANCTIONS**

Discovery violations, **119A**

**SANDPIT**

Attractive nuisance, **§ 761**

**SCHOOLS**

Supervision of students, **§ 700**

**SEAMEN**

International Convention of Safety of Life at Sea, **§ 80A**

Locating merchant marine seamen, **§ 64A**

Medical records of, **§ 128A**

**SEATBELTS**

Generally, **§ 765B**

Assumption of risk, **§ 315**

Seatbelt defense, **§ 332A**

**SEWERS**

Nuisance, sewage disposal facilities, **§ 681**

Written instrument, ambiguity or uncertainty in, **§ 312**

**SEXUAL ASSAULT**

Assault and battery, **§ 757**

**SEXUAL HARASSMENT**

Privacy as invaded by, **§ 691**

**SHIPS**

Injury to passengers, **§ 702, 702A**

International Convention of Safety of Life at Sea, **§ 80A**

Medical personnel liability for injury to passengers, **§ 702A**

Seamen, maintenance and cure, **§ 701**

Unseaworthiness of vessel, **§ 12B**

**SIGNS OR SIGNALS**

Railroad crossing, **§ 959**

Stop sign, condition of highway, **§ 774A**

Washout sign, condition of highway, **§ 774A**

**SILENCE**

Admissions, **§ 453**

**SIZE, WEIGHT, DIMENSIONS**

Evidence, **§ 429**

**SKELETAL MODELS**

Diagrams, charts or models, **§ 228A**

**SKI AREA**

Negligence, **§ 734**

**SKIDDING AND SKIDMARKS**

Generally, **§ 768**

Analysis of, **§ 76A, 76B, 76C, 76D**

Proof of speed, **§ 76C, 76D**

Speed formula, **§ 76B**

**SLANDER OR LIBEL**

Business goods or service, **§ 985, 985A**

Factual statements, **§ 982A**

Imputation of criminal liability, **§ 985A**

Privilege or immunity, **§ 982, 983, 985**

Public figures, **§ 981A**

Report of judicial proceeding, **§ 982**

Retraction, effect of, **§ 989**

Small group theory, **§ 986**

Truth as defense, **§ 988**

**SNOWMOBILES**

Motor vehicles, considered as, **§ 765, 779A**

**SNOW OR ICE**

Highways and streets, **§ 841**

**SOCIAL SECURITY BENEFITS**

Damages, deductions from, **§ 381, 558**

**SOUND RECORDINGS**

Proof of specific facts, **§ 433**

## INDEX

### **SPECIFIC PERFORMANCE**

- Generally, § 704
- Real estate contract, § 704

### **SPEED OF TRAIN**

- Generally, § 964

### **SPEED OF VEHICLES**

- Expert and opinion evidence, § 599
- Fleeing from police officer, § 772A
- Negligence, speeding, § 772
- Skid marks, § 602

### **SPOILIATION OF EVIDENCE**

- Documentary evidence, § 203A
- Jury instructions, § 293

### **SPORTS**

- Contact sports injuries, 790

### **STAIRS AND STEPS**

- Generally, § 865

### **STATISTICAL FACTS**

- Death actions, showing damages in, § 114A

### **STATUTE OF LIMITATIONS**

- Legal malpractice, § 625A

### **STEP-IN-THE-DARK RULE**

- Application of, § 866

### **STIGMA DAMAGES**

- Generally, § 46

### **STOP SIGN OR SIGNAL**

- Condition of highway, § 774A

### **STREAM**

- Pollution of stream, § 688

### **STREETLIGHTS**

- Condition of highway, § 774A

### **STRICT LIABILITY**

- Absolute Liability** (this index)
- Products liability, § 897
- Property damages, § 45A

### **SUBSEQUENT REMEDIAL MEASURES**

- Generally, § 416

### **SUCCESSOR LIABILITY**

- Generally, § 436A

### **SUFFERING**

- Pain and Suffering** (this index)

### **SUFFOCATION**

- Innkeeper's liability for gas leaks, § 851

### **SUICIDE**

- Intervening cause, suicide as independent intervening cause, § 392
- Liability for, generally, § 492
- Patient, allocation of fault, § 880

### **SUMMATION**

- Computation of monetary damages, § 280
- Inflammatory matter, avoiding, § 277
- Opening the summation, § 273
- Referring to damages awarded or former trial and in similar cases, or expected, § 278A, 278B, 278C
- Relating injuries to damages, § 278
- Scope, § 272A

### **SUMMER YOUTH CAMP**

- Negligence, § 742

### **SURGEONS**

- Physicians and Surgeons** (this index)

### **SURVEILLANCE**

- Privacy invasion, § 691

### **SURVIVING SPOUSE**

- Wrongful death, disclosing remarriage of surviving spouse, § 114B

**SWIMMING POOL ACCIDENTS**

Products liability, § 79H, 79I

**SYMPATHY**

Emotions or state of mind, § 361

**SYMPTOMS**

Evidence, generally, § 438

**TAX**

**Income Tax** (this index)

**TAXICABS**

Generally, § 872

**TELEPHONES**

Messages

Physician to nurse, § 441

Proof of specific facts, § 440, 441

Text messages, generally, § 205A

Use by driver of motor vehicle as negligence, § 798

**TEMPORARY TOTAL DISABILITY**

Generally, § 709

Earnings or profits, compensation, § 37

**TEST**

Foundation for test results established, § 372

Products, effect of regulations for testing of, § 79B

**TESTIMONY**

Former testimony, § 123A

Narrative form of, § 193A

**TEXT MESSAGES**

Generally, § 205A

**THIRD PERSONS**

Admissions, § 454

Affray, intervening to prevent, § 755

Agency, liability of agent to, § 728

Attorneys, liability to third parties, § 624

**THIRD PERSONS—Cont'd**

Business or occupation, acts of third parties, § 998

Landlord and tenant, criminal conduct of third party, § 853

Liability of medical practitioner, § 881A

**TITLE ABTRACTER OR INSURER**

Abstracts, liability, § 615

**TORTS**

Generally, § 11

**TOTAL DISABILITY**

Appearance of plaintiff during trial, § 83A

Temporary total disability, § 709

**TOWING OF VEHICLE**

Collisions, § 807

**TRANSFUSION**

Hospital, liability of, § 640

Negligent blood transfusion, damages, § 95D

**TRAUMA**

General aspects, 91I

**TRUCKS AND TRUCKDRIVERS**

Fringe benefits, § 41

**TYPEWRITER COMPARISON**

Generally, § 220C

**UNFAIR COMPETITION**

Customer list as trade secret, § 1003

Infringement of patent, § 1005

Literary or artistic property, § 1001

**UNIFORM TRADE SECRETS ACT**

Earnings or profits, actual loss, § 473

## INDEX

### **UROLOGICAL INJURIES**

Generally, § 91C

### **VACCINE INJURIES**

Generally, 536A, § 906A

### **VENUE**

Substantial act, § 634A

### **VERDICT**

Form, § 296A

### **VIDEO AND VIDEOTAPES**

Computer generated video,  
§ 229B

Highways and streets, § 85, 207,  
408

Hospital room, § 85, 207, 408, 576

Learned treatise status, § 408

Video animation evidence, § 408

### **VOIR DIRE**

Errors in conducting, § 154

Judge's role, § 156.50

Plaintiff strategy, § 159

### **WARNINGS**

Evidence, warning statements,  
§ 447

Learned intermediary doctrine in  
products liability, § 79C, 905

Licensee by licensor, § 434

Products liability, § 897, 899B

### **WARRANTIES**

Products liability, § 899A

### **WASHING MACHINE**

Attractive nuisance, § 761

### **WATERWAYS**

Symposium on hazards in ports  
and waterways, § 9

### **WEAPONS AND FIREARMS**

Hand gun manufacturers, liability,  
§ 712

### **WEIGHT, SIZE, DIMENSIONS**

Evidence, § 429

### **WETLANDS**

Eminent domain, § 646

### **WHIPLASH INJURIES**

Generally, § 90B

### **WITNESSES**

Basis for witness' bias, insurance,  
§ 244

Direct examination

Background of witness, § 189

Offer of proof, § 202A

Pattern of questions, § 220

**Expert and Opinion Evidence**  
(this index)

Eyewitness identification, § 251A

Former testimony, § 123A

Impeachment of witness by proof  
of prior arrests, § 333

Investigatory guidelines prior to  
interviewing witnesses, § 64

Narrative form of testimony,  
§ 193A

Offer of proof, § 202A

Redirect examination, § 232

Refreshing recollection of mem-  
ory, § 115

### **WORDS AND PHRASES**

**Definitions** (this index)

### **WORK, LABOR AND SERVICES**

Loss of services, evaluation of,  
§ 114A

### **WORKMAN**

Motor vehicles, injury to persons  
in road, § 790

### **WORKMEN'S COMPENSATION**

Jurisdiction, § 8

### **WRITTEN INSTRUMENT**

Ambiguity or uncertainty in, § 312

### **WRITTEN INTERROGATORIES**

Discovery proceedings, § 74

**WRONGFUL BIRTH**

Generally, § 896A

**WRONGFUL DEATH**

Generally, § 107

Disclosing remarriage of surviving spouse, § 114B

Hazardous or toxic substances, handling of, § 107

Interspousal tort immunity, § 661.1

**WRONGFUL DEATH—Cont'd**

Parental care, loss of, § 500

Spouses, § 661A

**X-RAYS**

Authentication or verification, § 610

**ZOO**

Municipal liability for injuries by animals, § 749