

Index

ABANDONMENT

Wrongful death or injuries,
abandoned children, § 3:56

ABUSE OF PROCESS

Generally, § 3:28

ACCIDENTS

Evidence, post-accident alterations,
§ 6:31

Motor vehicles. See index heading
MOTOR VEHICLES

ACTIONS AND PROCEEDINGS

Litigation time frames, § 1:46

Prospective client control, attorney
consideration, litigation tactics,
§ 1:13

Stay of proceedings to enforce judg-
ment pending appeal, § 10:5

ADMISSIBILITY OF EVIDENCE

See index heading EVIDENCE

ADMISSIONS

Request on authenticity and admis-
sibility of documents, pretrial
preparation, § 7:3

Timing, admitting liability or allega-
tion base for liability, § 4:11

ADVOCATE BRIEFS ON CURRENT ISSUES

Generally, § 12:1 et seq.

Collision vehicle photographs show-
ing low-force impact, admis-
sibility of, § 12:3

Medical expenses paid by collateral
sources or discounted, admis-
sibility of, § 12:4

Purpose and procedure, § 12:1
“Records review” medical
testimony, admissibility of,
§ 12:2

AFFIRMATIVE DEFENSES

Generally, § 4:13

ALCOHOL

Evidence, blood alcohol tests, § 6:3

ALLOCATION

Damages, injuries with different
causes, § 3:78

ALTERATIONS

Post-accident alterations, evidence,
§ 6:31

ANCIENT AND HISTORICAL MATTERS

Evidence, history of claims by
plaintiff, § 6:30

ANCILLARY MATTERS

Personal injuries, responsibility,
§ 1:51

ANSWER OR PLEA

Amendment to focus issues for trial,
§ 7:2

APPEAL AND ERROR

Appellate deadlines

Final judgments, appeals from,
§ 9:18

Interlocutory orders, appeals from,
§ 9:19

Court trial versus jury, § 9:16

Deadlines

Appellate deadlines, above

Seeking relief from judgments,
§ 9:20

Discovery motions, § 9:13

Dismissal motion, ruling and review
standards, § 9:5

Exclusion of evidence as cumulative,
§ 9:12

Finding of fact versus general
verdict, § 9:15

General verdict versus finding of fact,
§ 9:15

Harmless error, § 9:14

APPEAL AND ERROR—Cont'd

- Instructions, tendered instructions,
§ 9:10
- Judgments and decrees
 - Deadlines, seeking relief from
judgments, § 9:20
 - Evidence motion, ruling and
review standards, § 9:8
 - Pleadings motion, ruling and
review standards, § 9:6
- New trial motion, ruling and review
standards, § 9:9
- Pending appeals, stay of proceedings
to enforce judgment pending
appeal, § 10:5
- Preserving error, § 9:1 et seq.
- Relevant evidence, § 9:11
- Relief from judgment, motion for,
§ 9:9
- Seeking relief from judgments,
deadlines, § 9:20
- Standards
 - Appellate court review, § 9:5 et
seq.
 - Trial court ruling, § 9:5 et seq.
- Stay of proceedings to enforce judg-
ment pending appeal, § 10:5
- Summary judgment motion, ruling
and review standards, § 9:7
- Tendered instructions, § 9:10

APPORTIONMENT

- Damages, injuries with different
causes, § 3:78

ASSAULT AND BATTERY

- Generally, § 3:18

ASSUMPTION OF RISK

- Negligence defense, § 3:10

ATTORNEYS

- Accepting case, deadline approach-
ing, § 1:16
- Accepting related employment, effect
of declining employment, § 1:65
- Ancillary matters, billing, § 1:51
- Anticipated expenses, § 1:47
- Authority to settle, § 1:42
- Billing
 - Ancillary matters, § 1:51

ATTORNEYS—Cont'd

- Billing—Cont'd
 - Frequency and detail, § 1:43
 - Non-legal service billing, § 1:45
- Case intake considerations, § 1:1 et
seq.
- Case reporting procedure, § 1:44
- Clarity in declining employment,
§ 1:61
- Collectibility of judgment, § 1:17
- Conduct, preserving error, § 9:4
- Conflict of interest. See index head-
ing CONFLICT OF INTEREST
- Contingent fees. See index heading
CONTINGENT FEES
- Counterclaim defense, handling,
§ 1:50
- Deadline approaching, accepting
case, § 1:16
- Declining employment, § 1:61 et seq.
- Defense of counterclaim, handling,
§ 1:50
- Delay dispute resolution, client goal,
§ 1:12
- Delegation of work within firm,
§ 1:41
- Detail of billing, § 1:43
- Dispute resolution delay, client goal,
§ 1:12
- Duties
 - Approaching statutes of limitation
and other time limits, warn-
ing, § 1:63
 - File materials, termination of
employment, § 1:72
 - Reasons for declining employ-
ment, giving, § 1:62
- Employment
 - Generally, § 1:21 et seq.
 - Declining employment, § 1:61 et
seq.
 - Delegating work within firm,
§ 1:41
 - Nonlegal personnel, billing, § 1:45
 - Termination of employment,
§ 1:71 et seq.
- Expenses, anticipated, § 1:47
- Expertise, § 1:1

INDEX

ATTORNEYS—Cont'd

- Fees. See index heading ATTORNEY'S FEES
- File materials, termination of employment, § 1:72
- Frequency of billing, § 1:43
- Hidden agenda, prospective client, § 1:11
- Judgment collectibility, § 1:17
- Limitations, right to withdraw from representation, § 1:73
- Litigation tactics, client determination, § 1:13
- Litigation time frames, § 1:46
- Merit of claim, § 1:15
- Multiple plaintiff cases, settlement, handling, § 1:49
- Nonlegal personnel, billing, § 1:45
- Obligations, retainer obligations, termination of employment, § 1:71
- Reasons for declining employment, duty to give, § 1:62
- Referring prospective clients to another attorney, § 1:64
- Reporting procedure, § 1:44
- Retainer obligations, termination of employment, § 1:71
- Right to withdraw from representation, limitations, § 1:73
- Service billing, § 1:45
- Settlement
 - Authority, § 1:42
 - Multiple plaintiff cases, handling, § 1:49
- Specialization, § 1:22
- Statistical information, § 1:23
- Subrogation liens, effect on intake decision, § 1:48
- Substance of claim, § 1:15
- Taking cases, considerations, § 1:1 et seq.
- Termination of employment, § 1:71 et seq.
- Time
 - Litigation time frames, § 1:46
 - Taking case, § 1:2
- Value of case, § 1:3
- Work delegation within firm, § 1:41

ATTORNEYS' FEES

- Children and minors, injuries, damages, § 3:54
- Client obligations, termination of employment, § 1:71
- Contingent fees. See index heading CONTINGENT FEES
- Subrogation lien, effect on intake decision, § 1:48
- Wrongful death damages, § 3:46

ATTRACTIVE NUISANCE

- Premises liability, § 3:15

AUTHENTICATION OR AUTHENTICITY

- Documents, request for admissions or stipulations, pretrial preparation, § 7:3

AUTHORITY OR AUTHORIZATION

- Attorney settlement authority, § 1:42

AUTOMOBILE ACCIDENTS

- Defendants, depositions, insert, § 5:26
- Photographs showing low-force impact, admissibility of, § 12:3
- Plaintiffs, depositions, insert, § 5:23
- Sample interrogatory questions and document requests
 - Corporate defendants, § 5:14
 - Individual defendants, § 5:13
 - Plaintiffs, § 5:12

AUTOMOBILES AND HIGHWAY TRAFFIC

- Accidents. See index heading AUTOMOBILE ACCIDENTS
- Being transported without payment, defined, § 3:68
- Defendants, accidents, depositions, insert, § 5:26
- Defined, § 3:67
- Depositions, accidents
 - Defendants, insert, § 5:26
 - Plaintiffs, insert, § 5:23
- Guest statute, § 3:65 et seq.
- Hitchhikers, guest statutes, § 3:66

**AUTOMOBILES AND HIGHWAY
TRAFFIC—Cont'd**

- Plaintiffs, accidents, depositions,
insert, § 5:23
- Transportation, being transported
without payment, § 3:68
- Wanton or willful misconduct,
defined, § 3:69

**AVOIDABLE CONSEQUENCES
DOCTRINE**

- Negligence defense, § 3:8

BAD FAITH

- Defend, failure to, § 10:2
- Settlement, failure to, § 10:2

BANKRUPTCY

- Discharge, effect, § 10:6

BARS

- Dramshop liability, § 3:60

BELIEF

- Prospective client, attorney
consideration, § 1:14

BENEFICIARIES

- Wrongful death. See index heading
WRONGFUL DEATH

BENEFIT OR BENEFICIAL

- Contingent fees, § 1:32

BILLING

- Attorneys. See index heading
ATTORNEYS

BLOOD ALCOHOL TESTS

- Evidence, § 6:3

BREACH

- Non-compete agreements, § 3:64

CAUSE OF ACTION

- Defamation, elements, § 3:21

CHANGE OF JUDGE

- Generally, § 4:3

CHANGE OF VENUE

- Generally, § 4:3

CHILDREN AND MINORS

- Abandoned children, § 3:56
- Attorney fees, damages, § 3:54

CHILDREN AND MINORS—Cont'd

- Companionship loss, damages,
§ 3:53

Damages

- Generally, § 3:51 et seq.
- Attorney fees, § 3:54
- Companionship loss, § 3:53
- Estate administration, § 3:54
- Loss of companionship, § 3:53
- Loss of love, § 3:53
- Loss of services, § 3:52
- Death benefits, division, § 3:55
- Definition, § 3:48
- Estate administration, damages,
§ 3:54
- Injuries, generally, § 3:47 et seq.
- Loss of companionship, damages,
§ 3:53
- Loss of love, damages, § 3:53
- Loss of services, damages, § 3:52
- Negligence, altered standards of care,
§ 3:4
- Parental damages, non-fatal injuries
to child, § 3:57
- Standing, § 3:49
- Wrongful death. See index heading
WRONGFUL DEATH

CHIROPRACTORS

- Depositions, § 5:30

CLAIMS

- Attorney consideration, merit of pro-
spective client claim, § 1:15
- Available claims, pre-suit issues,
§ 2:5
- Death, plaintiff dying of unrelated
cause, Indiana survival statute:
IC 34-9-3-1, § 3:80
- Elements, § 3:1 et seq.
- Evidence. See index heading EVI-
DENCE
- Filing location, pre-suit issues, § 2:6
- History, claims by plaintiff, evidence,
§ 6:30
- Pre-suit issues. See index heading
PRE-SUIT ISSUES
- Prospective client claim, merit,
attorney consideration, § 1:15
- Small claims award, evidence, § 6:5

INDEX

CLAIMS—Cont'd

Survival, plaintiff dying of unrelated cause, Indiana survival statute: IC 34-9-3-1, § 3:80

CLASS ACTIONS OR PROCEEDINGS

Unincorporated associations, suits against by members, § 3:59

CLIENTS

Attorney fee obligations, termination of employment, § 1:71

Conflicts of interest, §§ 1:5, 1:6

Costs, obligations, termination of employment, § 1:71

Dispute resolution delay, client goal, § 1:12

Employment of attorneys by client, § 1:21 *et seq.*

Former clients, conflicts of interest, § 1:6

Hidden agenda, prospective client, § 1:11

Litigation tactics, client determination, § 1:13

Prospective clients

Hidden agenda, § 1:11

Not believable, § 1:14

Referring to another attorney, § 1:64

Represented already, attorney consideration, § 1:18

Referring prospective clients to another attorney, § 1:64

Represented already, attorney consideration, § 1:18

COLLATERAL SOURCE

Evidence. See index heading EVIDENCE

COLLECTION

Bankruptcy discharge, effect, § 10:6

Judgment collectibility, § 1:17

COMPANIONSHIP

Children and minors, injuries, loss of companionship, § 3:53

COMPARATIVE FAULT

Generally, § 3:12

COMPARATIVE FAULT—Cont'd

Medical malpractice, § 11:28

COMPARATIVE NEGLIGENCE

Generally, § 3:12

Medical malpractice, § 11:28

Wrongful death, beneficiary, defense, § 3:39

COMPETITION

Unfair competition, § 3:63

COMPLAINTS

Amendment, focus issues for trial, § 7:2

COMPROMISE AND SETTLEMENT

Attorneys. See index heading ATTORNEYS

Bad faith failure to settle, § 10:2

Mechanics of settlement, § 10:1

Multiple plaintiff cases, attorney handling, § 1:49

Prejudgment interest, §§ 10:3, 10:4

Wrongful death, decedent settling during lifetime, defense, § 3:37

CONCEALMENT

Prospective client, attorney consideration, hidden agenda, § 1:11

CONCEPTION

Preconception torts, medical malpractice, § 11:27

Wrongful conception torts, medical malpractice, § 11:27

CONCLUSIVE OR CONCLUSIVENESS

Evidence, expert opinion, § 6:20

CONDUCT OF TRIAL

Attorneys, preserving error, § 9:4

CONFLICT, INCONSISTENCY, OR REPUGNANCY

Insurance carrier and insured, § 4:7

CONFLICT OF INTEREST

Generally, § 1:4 *et seq.*

Clients, § 1:5

Former clients, § 1:6

CONFLICT OF INTEREST

—**Cont'd**

- Liability insurers, § 1:8
- Multiple representation in same litigation, § 1:7
- Philosophical conflicts, § 1:10
- Public servants, § 1:9

CONSENT OR APPROVAL

- Informed consent, medical malpractice, § 11:24

CONSORTIUM AND LOSS OF CONSORTIUM

- Divorce, evidence, § 6:26
- Interrogatory questions and documents request samples, § 5:3

CONSTRUCTIVE FRAUD

- Generally, § 3:24

CONTESTED OR DISPUTED MATTERS

- Delay, prospective client goal, attorney consideration, § 1:12

CONTINGENT FEES

- Generally, § 1:31 et seq.
- Agreement construction, court award of fees, § 1:38
- Calculation, costs advanced, § 1:37
- Construction of agreement, court award of fees, § 1:38
- Court award of fees, agreement construction, § 1:38
- Defined, § 1:31
- Discharge of attorney before resolution, § 1:35
- Expenses, § 1:36
- Fee splitting, § 1:39
- Pros and cons, § 1:32
- Reasonable contingent fee, § 1:33
- Referral fees, § 1:39
- Renegotiating fee agreements, § 1:37
- Written contract, § 1:34

CONTRACTS

- Breach of contract, non-compete agreements, § 3:64
- Construction of fee contract, court award of fees, § 1:38
- Non-compete agreements, § 3:64

CONTRACTS—Cont'd

- Tortious interference, § 3:61
- Written contingent fee contracts, § 1:34

CONTRIBUTORY NEGLIGENCE

- Generally, § 3:7
- Medical malpractice, § 11:28
- Wrongful death, defenses, § 3:38

CONTROL

- Litigation tactics, prospective client control, attorney consideration, § 1:13

CONVERSION

- Generally, § 3:30

CORPORATIONS

- Sample interrogatory questions and document requests
- Generally, § 5:11
- Motor vehicle accidents, § 5:14
- Premises liability, § 5:6

COSTS OR EXPENSES

- Anticipated attorney expenses, § 1:47
- Client obligations, termination of employment, § 1:71
- Contingent fee cases, § 1:36
- Medical expenses paid by collateral sources or discounted, admissibility of, § 12:4
- Wrongful death damages, § 3:46

COUNTERCLAIM, RECOUPMENT, AND SETOFF

- Defense, attorney handling, § 1:50
- Potential counterclaims, existence, § 4:8

COUNTY

- Proper venue, § 4:11

COURTS

- Appellate court review, standards, § 9:5 et seq.
- Awarding fees, contingent fee agreement construction, § 1:39
- Conduct, preserving error, § 9:4
- Failure to rule on pending motions, effect, § 9:17

INDEX

COURTS—Cont'd

Proceedings following receipt of
medical review panel opinion,
medical malpractice, § 11:16

Standards

Appellate court review, § 9:5 et
seq.

Trial court ruling, § 9:5 et seq.

Trials

Court trial versus jury, § 9:16

Ruling, standards, § 9:5 et seq.

COVERAGE

Claims covered, § 4:7

Insurance coverage, § 4:6

CRIMINAL LAW

Malicious prosecution, § 3:27

CROSS ACTIONS OR CLAIMS

Generally, § 4:9

DAMAGES

Generally, § 3:75 et seq.

Allocation, injuries with different
causes, § 3:78

Children and minors. See index head-
ing CHILDREN AND MINORS

Economic loss rule, § 3:77

Enjoyment of life, loss, § 3:75

Hedonic damages. See index heading
HEDONIC DAMAGES

Impact rule and emotional distress,
§ 3:76

Injuries with different causes, alloca-
tion, § 3:78

Loss of enjoyment of life, § 3:75

Punitive damages, § 3:79

Wrongful death. See index heading
WRONGFUL DEATH

DATE

See index heading TIME OR DATE

DEAD MAN'S ACT

Evidence, § 6:28

DEADLINES

Appeal and error. See index heading
APPEAL AND ERROR

DEADLINES—Cont'd

Approaching deadline, accepting
case, attorney consideration,
§ 1:16

Pre-suit issues, § 2:1

DEATH AND DEATH ACTIONS

Wrongful Death. See index heading
WRONGFUL DEATH

DECEDENT'S ESTATES

Administration cost, wrongful death
damages, § 3:46

DECLINING EMPLOYMENT

Generally, § 1:61 et seq.

DEFAMATION

Generally, § 3:20 et seq.

Defenses, § 3:22

Defined, § 3:20

Elements of cause of action, § 3:21

Mitigating factors, § 3:22

DEFENSES

Affirmative defenses, § 4:13

Bad faith, failure to defend, § 10:2

Counterclaim defense, attorney
handling, § 1:50

Defamation, § 3:22

Elements, § 3:1 et seq.

Negligence. See index heading
NEGLIGENCE

Wrongful death. See index heading
WRONGFUL DEATH

DEFENSIVE COLLATERAL ESTOPPEL

Evidence, judgments in related case
with different parties, § 6:8

DEFINITIONS

Being transported without payment,
§ 3:68

Contingent fees, § 1:31

Defamation, § 3:20

Motor vehicles, § 3:67

Related litigation involving a differ-
ent party, § 6:10

Wanton or willful misconduct, § 3:69

DEGREE OR STANDARD OF CARE

Altered standards of care, negligence, § 3:4
 Medical malpractice, action element, § 11:21
 Negligence, §§ 3:3, 3:4
 Premises liability, § 3:14

DELAYS

Prospective client goal, attorney consideration, § 1:12

DELEGATION OF POWERS OR DUTIES

Attorneys, work within firm, § 1:41

DEMAND

Jury demand, § 4:12

DEMONSTRATIVE EXHIBITS

Exchange, pretrial preparation, § 7:7

DEPOSITIONS AND DISCOVERY

Generally, § 5:1 et seq.
 Admissibility in lieu of live testimony, stipulation, pretrial preparation, § 7:5
 Appeal and review, motion for discovery, § 9:13
 Checklists, § 5:21 et seq.
 Chiropractors, § 5:30
 Defendants
 Generally, § 5:24
 Motor vehicle accident insert, § 5:26
 Products liability insert, § 5:25
 Document requests, § 5:1 et seq.
 Economists, § 5:32
 Experts, technical experts, § 5:34
 IME physician, § 5:31
 Investigating officers, § 5:28
 Lists, checklists, § 5:21 et seq.
 Motions, § 9:13
 Motor vehicle accident insert. See index heading MOTOR VEHICLES
 Physicians. See index heading PHYSICIANS, SURGEONS, AND OTHER HEALERS
 Plaintiffs
 Generally, § 5:21

DEPOSITIONS AND DISCOVERY —Cont'd

Plaintiffs—Cont'd
 Motor vehicle accident insert, § 5:23
 Products liability insert, § 5:22
 Products liability insert. See index heading PRODUCTS LIABILITY
 Rehabilitation, vocational rehabilitation, § 5:33
 Technical experts, § 5:34
 Treating physician, § 5:29
 Vocational rehabilitation, § 5:33

DESCRIPTION OR IDENTIFICATION

Potential non-parties, identification and naming, § 4:10

DETAILS

Attorney billing, § 1:43

DIRECTIONS

See index heading INSTRUCTIONS OR DIRECTIONS

DISCHARGE

Bankruptcy discharge, effect, § 10:6

DISCHARGE OF ATTORNEY

Contingent fee contracts, § 1:35

DISCOUNTS

Medical expenses paid by collateral sources or discounted, admissibility of, § 12:4

DISCOVERY

See index heading DEPOSITIONS AND DISCOVERY

DISMISSAL

Motion to dismiss, § 9:5

DISPUTE RESOLUTION

Delay, prospective client goal, attorney consideration, § 1:12

DIVORCE AND SEPARATION

Loss of consortium, § 6:26

DOCTRINES

Attractive nuisance doctrine, premises liability, § 3:15

INDEX

DOCTRINES—Cont'd

Loss of chance doctrine, medical malpractice, § 11:25

DOCUMENTS OR INSTRUMENTS

Sample requests, § 5:1 et seq.

DRAMSHOP ACT

Liability, § 3:60

DRUNKEN PERSONS

Dramshop Law liability, § 3:60
Negligence, altered standards of care, § 3:4

ECONOMIC LOSS RULE

Damages, § 3:77

ECONOMISTS

Depositions, § 5:32

ELECTION OF REMEDIES

Evidence, judgments in related case with different parties, § 6:11

ELEMENTS

Claims and defenses, § 3:1 et seq.
Defamation, § 3:21
Defenses, § 3:1 et seq.
Medical malpractice actions, §§ 11:21, 11:22
Wrongful death. See index heading WRONGFUL DEATH

EMOTIONAL DISTRESS

Impact rule, damages, § 3:76
Intentional infliction, § 3:19

EMPLOYMENT

Attorneys at law. See index heading ATTORNEYS
Experts, finding and types of experts, §§ 8:1, 8:2

ENHANCED INJURIES

Evidence, causes of first impact, § 6:21

ENJOYMENT OF LIFE

Loss, damages, § 3:75

ERRORS

Admission of evidence, preserving error, § 9:1

ERRORS—Cont'd

Conduct of counsel or court, preserving error, § 9:4
Counsel conduct, preserving error, § 9:4
Court conduct, preserving error, § 9:4
Exclusion of evidence, preserving error, § 9:1
Harmless error, motions, § 9:14
Instructions, preserving error, § 9:3
Preserving error, § 9:1 et seq.
Sufficiency of evidence, preserving error, § 9:2

ESTATES

Decedents' estates, administration cost, wrongful death damages, § 3:46

ESTOPPEL AND WAIVER

Avoiding personal jurisdiction waiver, § 4:5

EVIDENCE

Generally, § 6:1 et seq.
Admissibility of evidence
Generally, § 6:1 et seq.
Depositions, admissibility in lieu of live testimony, stipulation, pretrial preparation, § 7:5
Documents, request for admissions or stipulations, pretrial preparation, § 7:3
Partial settlements, collateral source rule and statute, § 6:24
Photographs showing low-force impact, § 12:3
Preserving error, § 9:1
"Records review" medical testimony, admissibility of, § 12:2
Alterations, post-accident alterations, § 6:31
Basis, expert testimony based on controversial science, § 6:15
Blood alcohol tests, § 6:3
Cause of first impact, enhanced injuries cases, § 6:21
Certainty, degree, expert testimony, § 6:19

EVIDENCE—Cont'd

Claims

Claims by plaintiff, history,
§§ 6:30, 6:31

Small claims award, § 6:5

Collateral estoppel. Judgment in
related case with different parties,
below

Collateral source rule and statute
Generally, § 6:23

Admissibility, partial settlements,
§ 6:24

Conclusiveness, expert opinion,
§ 6:20

Controversial science, expert
testimony based on, § 6:15

Criminal conviction or plea, related
conviction or plea, § 6:4

Dead Man's Act, § 6:28

Defendants

Financial condition, § 6:27

Liability insurance, § 6:22

Defensive collateral estoppel, judgment
in related case with different parties,
§ 6:8

Degree of certainty, expert testimony,
§ 6:19

Demonstrative evidence, exchange,
pretrial preparation, § 7:7

Divorce, loss of consortium, § 6:26

Election of remedies, judgment in
related case with different parties,
§ 6:11

Enhanced injuries cases, cause of first
impact, § 6:21

Error, preserving error, § 9:1 et seq.

Exclusion

Motion, exclusion as cumulative,
§ 9:12

Preserving error, § 9:1

Expert testimony. See index heading
EXPERT AND OPINION EVIDENCE

Factual basis for expert opinions,
§ 6:17

Financial condition, plaintiff and/or
defendant, § 6:27

Foundation

Collateral estoppel admissibility,
judgment in related case with
different parties, § 6:7

EVIDENCE—Cont'd

Foundation—Cont'd

Expert testimony, § 6:14

Res judicata, admissibility, judgment
in related case with different parties,
§ 6:7

Hedonic damages, expert testimony,
§ 6:16

History, claims by plaintiff, §§ 6:30,
6:31

Insurance, liability insurance of
defendant, § 6:22

Issue preclusion, judgment in related
case with different parties, § 6:7

Judgment in related action with different
parties, § 6:7

Judgment in related case, § 6:6

Judgment in related case with different
parties

Generally, § 6:7 et seq.

Collateral estoppel

Admissibility, foundation necessity,
§ 6:7

Defensive collateral estoppel,
§ 6:8

Offensive collateral estoppel,
§ 6:9

Election of remedies, § 6:11

Issue preclusion, admissibility,
foundation necessity, § 6:7

Judicial estoppel, § 6:11

Proof of prior judgments, § 6:12

Related litigation involving different
party, defined, § 6:10

Res judicata, admissibility, foundation
necessity, § 6:7

Judgment on the evidence, motion,
§ 9:8

Judicial estoppel, judgment in related
case with different parties,
§ 6:11

Liability insurance of defendant,
§ 6:22

Loss of consortium, divorce, § 6:26

Low-force impact, admissibility of
photographs showing, § 12:3

Marital privilege, § 6:25

Medical history of plaintiff, § 6:32

Medical reports and records, § 6:2

INDEX

EVIDENCE—Cont'd

Motorcycle helmet use, § 6:29

Opinions

Conclusiveness of expert opinion,
§ 6:20

Factual basis for expert opinion,
§ 6:17

Police reports, opinions in, § 6:1

Ultimate issues, expert opinion on,
§ 6:18

Photographs showing low-force
impact, admissibility of, § 12:3

Plaintiffs, financial condition, § 6:27

Police reports, opinions in, § 6:1

Post-accident alterations, § 6:31

Preserving error, § 9:1 et seq.

Prior judgments, proof, judgment in
related case with different par-
ties, § 6:12

Records, medical records, § 6:2

Related criminal or traffic conviction
or plea, § 6:4

Remarriage on wrongful death,
§ 6:26

Reports

Medical reports, § 6:2

Opinions in police reports, § 6:1

Res judicata, judgment in related case
with different parties, § 6:7

Rules, collateral source rule and stat-
ute, §§ 6:23, 6:24

Seatbelt use, § 6:29

Small claims award, § 6:5

Spoilation of evidence, § 3:82

Statutes, collateral source rule and
statute, §§ 6:23, 6:24

Sufficiency, preserving error, § 9:2

Traffic conviction or plea, related
conviction or plea, § 6:4

Ultimate issues, expert opinions,
§ 6:18

Use of seat belts, § 6:29

EXCERPT EXHIBITS

Exchange, pretrial preparation, § 7:7

EXCLUSION OF EVIDENCE

See index heading EVIDENCE

EXCULPATORY CLAUSES

Negligence defense, § 3:11

EXHIBITS

Pretrial preparation. See index head-
ing PRETRIAL PREPARATION

EXPENSES

See index heading COSTS AND EXPEN-
SES

EXPERIMENTS OR TESTS

Evidence, blood alcohol tests, § 6:3

Medical testing, scheduling, pretrial
preparation, § 7:6

EXPERT AND OPINION

EVIDENCE

Generally, § 6:13 et seq.

Basis, testimony based on controver-
sial science, § 6:15

Conclusiveness of expert's opinion,
§ 6:20

Controversial science, testimony
basis, § 6:15

Degree of certainty, § 6:19

Factual basis for expert opinion,
§ 6:17

Foundation, § 6:14

Hedonic damages, § 6:16

Police reports, opinions in, § 6:1

Testimony based on controversial
science, § 6:15

Ultimate issue, expert witnesses,
§ 6:18

Ultimate issues, expert opinion on,
§ 6:18

EXPERTS

Ability to take case, § 1:1

Depositions, technical experts, § 5:34

Finding experts, § 8:1

Negligence, altered standards of care,
§ 3:4

Scheduling, pretrial preparation,
§ 7:6

Types of experts, § 8:2

EYE WITNESSES

Depositions, § 5:27

FAIR AND FAIRNESS

Competition, § 3:63

FALSE ARREST

Generally, § 3:26

FALSE IMPRISONMENT

Generally, § 3:26

FAULT

Comparative fault, §§ 3:12, 11:28

FEDERAL COURT

Removal of causes to, § 4:4

FEE SPLITTING

Contingent fees, § 1:39

FILE MATERIALS

Attorneys, duties, termination of employment, § 1:72

FILING

Claims filing location, pre-suit issues, § 2:6

FINANCES AND FUNDS

Evidence, § 6:27

FIREMAN'S RULE

Immunity, § 3:71

FORMATION

Medical review panel, medical malpractice, § 11:13

FORMER CLIENTS

Conflicts of interest, § 1:6

FOUNDATION

Evidence. See index heading EVIDENCE

FRAUD AND DECEIT

Generally, § 3:23 et seq.

Actual fraud, § 3:23

Constructive fraud, § 3:24

Pleading requirements, § 3:25

FREQUENCY

Attorney billing, § 1:43

GOOD FAITH

Defend, failure to defend, § 10:2

Settlement, failure to settle, § 10:2

GOOD SAMARITAN DOCTRINE

Immunity, § 3:73

Medical malpractice, § 11:29

GOVERNMENTAL IMMUNITY

Generally, § 3:70

GUEST STATUTE

Hitchhiker, § 3:66

HARMLESS ERROR

Motions, § 9:14

HEDONIC DAMAGES

Evidence, expert testimony, § 6:16

Wrongful death, § 3:44

HELMETS

Motorcycle helmet use, evidence, § 6:29

HIDDEN AGENDA

Prospective client, attorney consideration, § 1:11

HISTORY

Evidence, claims by plaintiff, § 6:29

HITCHHIKERS

Guest statute, § 3:66

HOSPITALS

Medical malpractice, § 11:23

IDENTIFICATION

Potential non-parties, identification and naming, § 4:10

IME PHYSICIAN

Depositions, § 5:31

IMMUNITIES

See index heading PRIVILEGES AND IMMUNITIES

IMPACT RULE

Emotional distress, damages, § 3:76

IMPUTED NEGLIGENCE OR LIABILITY

Generally, § 3:58

INCOMPETENT OR INSANE PERSONS

Negligence, altered standards of care, § 3:4

INDEX

INCURRED RISK

Negligence defense, § 3:10

INDIANA MEDICAL

MALPRACTICE ACT

Generally, § 11:1 et seq.

INDIANA SURVIVAL STATUTE

Claims survival, plaintiff dying of
unrelated cause : IC 34-9-3-1,
§ 3:80

INFORMATION

Attorneys, statistical information,
§ 1:23

INFORMED CONSENT

Medical malpractice, § 11:24

INJURIES

Damages allocation, different causes,
§ 3:78

Evidence, enhanced injuries cases,
cause of first impact, § 6:21

INSTRUCTIONS OR DIRECTIONS

Preserving error, § 9:3

Tendered instructions, motions,
§ 9:10

INSURANCE

Carrier and insured conflict, § 4:7

Claims covered, § 4:7

Conflict between carrier and insured,
§ 4:7

Coverage, §§ 4:6, 4:7

Duty to defend, § 4:7

Evidence, liability insurance of
defendant, § 6:22

Insured and carrier conflict, § 4:7

Liability insurance. See index head-
ing LIABILITY INSURANCE

Pre-suit issues, insurance coverage,
§ 2:4

INTAKE

Generally, § 1:1 et seq.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Generally, § 3:19

INTEREST AND USURY

Prejudgment, §§ 10:3, 10:4

INTERFERENCE WITH RIGHTS AND PROPRIETARY INTEREST

Contracts, tortious interference with,
§ 3:61

INTERROGATORIES

Document requests, § 5:1 et seq.

Sample questions, § 5:1 et seq.

Supplemental interrogatories, pretrial
preparation, § 7:4

INTOXICATED PERSONS

Dramshop Law liability, § 3:60

Evidence, blood alcohol tests, § 6:3

Negligence, altered standards of care,
§ 3:4

INVESTIGATING OFFICERS

Depositions, § 5:28

ISSUES

Pre-suit issues, see index heading
PRE-SUIT ISSUES

Substantive issues, medical malprac-
tice actions, § 11:21 et seq.

JOINT OR SEVERAL PARTIES

Potential non-parties, identification
and naming, § 4:10

Premises liability, sample interroga-
tory questions and document
requests, §§ 5:4-5:8

Pre-suit issues, § 2:2

Sample interrogatory questions and
document requests, § 5:9

Corporations, §§ 5:6, 5:11

Individuals, §§ 5:6, 5:10

Motor vehicle accidents, § 5:12

Premises liability, §§ 5:4, 5:7

Settlement of multiple plaintiff cases,
attorney handling, § 1:49

Standing

Children and minors, wrongful
death claims, § 3:49

Wrongful death claims, §§ 3:32,
3:49

JUDGES

Change of judge, § 4:3

JUDGMENT ON PLEADINGS

Motions, § 9:6

JUDGMENTS AND DECREES

Appeal and error. See index heading
APPEAL AND ERROR

Bankruptcy discharge, effect, § 10:6

Collectibility of judgment, § 1:17

Evidence. See index heading EVIDENCE

Stay of proceedings to enforce judgment pending appeal, § 10:5

JUDICIAL ESTOPPEL

Evidence, judgments in related case with different parties, § 6:11

JURISDICTION

Court jurisdiction, invoking during medical review panel process medical malpractice, § 11:15

Personal jurisdiction, § 4:5

JURY AND JURY TRIAL

Court trial versus jury, § 9:16

Demand for jury, § 4:12

LACHES OR DELAY

Prospective client goal, attorney consideration, § 1:12

LANDLORD AND TENANT

Premises liability, § 3:17

LAST CLEAR CHANCE

Negligence defense, § 3:9

LIABILITY INSURANCE

Conflicts of interest, § 1:8

Evidence, insurance of defendant, § 6:22

LIBEL AND SLANDER

See index heading DEFAMATION

LIENS AND ENCUMBRANCES

Subrogation, effect on intake decision, § 1:48

LIMITATION OF ACTIONS

Attorneys, duty to warn, § 1:63

Medical malpractice, § 11:12

Wrongful death, § 3:40

LIMITATION OF ACTIONS

—Cont'd

Wrongful death, time limitations defense, § 3:40

LIMITATIONS OR RESTRICTIONS

Attorneys, right to withdraw from representation, § 1:73

LITIGATION TACTICS

Prospective client control, attorney consideration, § 1:13

LITIGATION TIME FRAMES

Generally, § 1:46

LOCATION OR PLACE

Claims filing location, pre-suit issues, § 2:6

LOSS OF CHANCE DOCTRINE

Medical malpractice, § 11:25

LOSS OF CONSORTIUM

See index heading CONSORTIUM AND LOSS OF CONSORTIUM

LOST EARNINGS

Wrongful death, decedent, damages, § 3:42

LOUNGES

Dramshop liability, § 3:60

LOVE AND AFFECTION

Children and minors, injuries, loss, damages, § 3:53

LOW-FORCE IMPACT

Collision vehicle photographs showing low-force impact, admissibility of, § 12:3

MALICIOUS PROSECUTION

Generally, § 3:27

MALPRACTICE BY MEDICAL PROFESSION

Generally, § 11:1 et seq.

Action elements, §§ 11:21, 11:22

Bringing action, procedures, § 11:11 et seq.

Chances, loss of chance doctrine, § 11:25

INDEX

MALPRACTICE BY MEDICAL PROFESSION—Cont'd

- Comparative fault, § 11:28
- Consent, informed consent, § 11:24
- Contributory negligence, § 11:28
- Court proceedings following receipt of medical review panel opinion, § 11:16
- Doctrines, loss of chance doctrine, § 11:25
- Elements of action, §§ 11:21, 11:22
- Entities entitled to coverage under Act, § 11:2
- Fault, comparative fault, § 11:28
- Formation of medical review panel, § 11:13
- Good Samaritan statute, § 11:29
- Hospital liability, § 11:23
- Indiana Medical Malpractice Act, generally, § 11:1 et seq.
- Informed consent, § 11:24
- Invoking jurisdiction of court during process, § 11:15
- Issues, substantive issues, § 11:21 et seq.
- Jurisdiction of court, invoking during medical review panel process, § 11:15
- Limitation of actions, § 11:12
- Loss of chance doctrine, § 11:25
- Medical Malpractice Act, § 11:1 et seq.
- Medical review panel
 - Generally, § 11:13 et seq.
 - Court proceedings following panel opinion receipt, § 11:16
 - Formation, § 11:13
 - Invoking jurisdiction of court during panel process, § 11:15
 - Jurisdiction of court, invoking during panel process, § 11:15
 - Panel opinion, court proceedings following opinion receipt, § 11:16
 - Panel process, §§ 11:14, 11:15
- Opinion, medical review panel, court proceedings following receipt, § 11:16
- Panel process, §§ 11:14, 11:15

MALPRACTICE BY MEDICAL PROFESSION—Cont'd

- Persons entitled to coverage under Act, § 11:2
- Preconception torts, § 11:27
- Procedures for bringing action, § 11:11 et seq.
- Process, medical review panel process, §§ 11:14, 11:15
- Product liability actions, § 11:26
- Purpose of Medical Malpractice Act, § 11:1
- Res ipsa loquitur, action element, § 11:22
- Scope of Act, § 11:3
- Standard of care, action element, § 11:21
- Statute of limitations, § 11:12
- Substantive issues, § 11:21 et seq.
- Wrongful conception torts, § 11:27
- Wrongful life torts, § 11:27

MARITAL PRIVILEGE

- Evidence, § 6:25

MARRIAGE

- Loss of consortium. See index heading CONSORTIUM AND LOSS OF CONSORTIUM
- Wrongful death, evidence, remarriage, § 6:26

MEDICAL CARE OR TREATMENT

- Evidence, medical reports and records, § 6:2
- Scheduling medical testing, pretrial preparation, § 7:6

MEDICAL HISTORY OF PLAINTIFF

- Generally, § 6:32

MEDICAL MALPRACTICE ACT

- Generally, § 11:1 et seq.

MEDICAL REPORTS AND RECORDS

- Generally, § 6:2

MEDICAL TESTING

- Scheduling, pretrial preparation, § 7:6

MEMBERS

Personal injuries, suits against
members of unincorporated
associations, § 3:59

**MENTAL CAPACITY OR
CONDITION**

Health services providers, immuni-
ties, § 3:74

**MENTAL HEALTH SERVICES
PROVIDERS**

Immunities, § 3:74

MERIT OR MERITS

Prospective client claim, attorney
consideration, § 1:15

MINORS

See index heading CHILDREN AND
MINORS

MISAPPROPRIATION

Trade secrets, § 3:62

MISTAKE OR ERROR

Admission of evidence, preserving
error, § 9:1
Conduct of counsel or court, preserv-
ing error, § 9:4
Counsel conduct, preserving error,
§ 9:4
Court conduct, preserving error, § 9:4
Exclusion of evidence, preserving
error, § 9:1
Harmless error, § 9:14
Instructions to jury, preserving error,
§ 9:3
Preserving error, § 9:1 et seq.
Sufficiency of evidence, preserving
error, § 9:2

MITIGATING FACTORS

Defamation, § 3:22

MOTIONS

Discovery motions, § 9:13
Dismissal, motion to dismiss, § 9:5
Exclusion of evidence as cumulative,
§ 9:12
Failure to rule on pending motions,
effect, § 9:17
Harmless error, § 9:14

MOTIONS—Cont'd

Instructions, tendered instructions,
§ 9:10
Judgment on the evidence, § 9:8
Judgment on the pleadings, § 9:6
New trial, § 9:9
Pending motions, failure to rule,
effect, § 9:17
Relevant evidence, § 9:11
Relief from judgment, § 9:9
Summary judgment, § 9:7
Tendered instructions, § 9:10
Trial court failure to rule on pending
motions, effect, § 9:17

MOTOR VEHICLES

See index heading AUTOMOBILES AND
HIGHWAY TRAFFIC

MOTORCYCLE HELMETS

Use, evidence, § 6:29

MULTIPLE PLAINTIFF CASES

Settlement, § 1:49

MULTIPLE REPRESENTATION

Conflicts of interest, § 1:7

NAME

Potential non-parties, identification
and naming, § 4:10

NEGLIGENCE

Generally, § 3:1 et seq.
Altered standards of care, § 3:4
Assumed risk defense, § 3:10
Avoidable consequences rule
defense, § 3:8
Children, altered standards of care,
§ 3:4
Comparative Fault Act, § 3:12
Contributory negligence. See index
heading CONTRIBUTORY
NEGLIGENCE
Defenses
Assumed risk, § 3:10
Avoidable consequences rule,
§ 3:8
Exculpatory clause, § 3:11
Incurred risk, § 3:10
Last clear chance, § 3:9
Duty, § 3:2

INDEX

NEGLIGENCE—Cont'd

- Exculpatory clause defense, § 3:11
- Experts, altered standards of care, § 3:4
- Imputed negligence, § 3:58
- Incompetents, altered standards of care, § 3:4
- Incurred risk defense, § 3:10
- Infants, altered standards of care, § 3:4
- Intoxicated persons, altered standards of care, § 3:4
- Last clear chance defense, § 3:9
- Minors, altered standards of care, § 3:4
- Products Liability Act, § 3:13
- Proximate causation, § 3:6
- Res ipsa loquitur, § 3:5
- Standard of care, § 3:3
- Unincorporated associations, suits against, § 3:59
- Vicarious liability, § 3:58

NEW TRIAL

- Motions, § 9:9

NON-COMPETITION AGREEMENTS

- Breach, § 3:64

NONLEGAL PERSONNEL

- Attorneys, billing for, § 1:45

NONPARTIES

- Potential non-parties, identification and naming, § 4:10

NUISANCES

- Attractive nuisance doctrine, premises liability, § 3:15

OFF PREMISES LIABILITY

- Premises liability, § 3:16

OFFENSIVE COLLATERAL ESTOPPEL

- Evidence, judgments in related case with different parties, § 6:9

OPINION EVIDENCE

- See index heading EXPERT AND OPINION EVIDENCE

OPINION OR BELIEF

- Evidence. See index heading EVIDENCE
- Medical review panel, court proceedings following receipt, medical malpractice, § 11:16
- Prospective client, attorney consideration, § 1:14

PARENTAL IMMUNITY

- Generally, § 3:72

PARTIES

- Claims by plaintiff, history, evidence, § 6:29
- Evidence, liability insurance of defendant, § 6:22
- Financial condition, evidence, § 6:27
- Identification and naming of potential non-parties, § 4:10

“PASSING OFF”

- Generally, § 3:63

PERSONAL JURISDICTION

- Generally, § 4:5

PHILOSOPHY

- Conflicts of interest, § 1:10

PHOTOGRAPHS

- Collision vehicle photographs showing low-force impact, admissibility of, § 12:3

PHYSICIANS, SURGEONS, AND OTHER HEALERS

- Depositions
 - IME physicians, § 5:31
 - Treating physician, § 5:29
- IME physicians, depositions, § 5:31
- Malpractice. See index heading MALPRACTICE BY MEDICAL PROFESSION

PLACE OR LOCATION

- Claims filing location, pre-suit issues, § 2:6

PLEADING

- Fraud, § 3:25

POLICE

Evidence, opinions in police reports,
§ 6:1

POST-ACCIDENT ALTERATIONS

Evidence, § 6:31

POTENTIAL CLAIMANTS

Pre-suit issues, § 2:3

PRECONCEPTION TORTS

Medical malpractice, § 11:27

PREJUDGMENT INTEREST

Settlement, § 10:4

PREMISES LIABILITY

Generally, § 3:14 et seq.

Attractive nuisance doctrine, § 3:15

Corporate defendants, sample inter-
rogatory questions and docu-
ment requests, § 5:6

Individual defendants, sample inter-
rogatory questions and docu-
ment requests, § 5:5

Joint or several parties, sample inter-
rogatory questions and docu-
ment requests, §§ 5:4-5:8

Landlord and tenant, § 3:17

Off premises liability, § 3:16

Plaintiffs, sample interrogatory ques-
tions and document requests,
§ 5:4

Standard of care, § 3:14

PRESERVATION OF ERROR

Generally, § 9:1 et seq.

PRE-SUIT ISSUES

Generally, § 2:1 et seq.

Available claims, § 2:5

Claimants, potential, § 2:3

Deadlines, § 2:1

Defendants, identification of, § 2:2

Insurance coverage, § 2:4

Other potential claimants, § 2:3

Where to file, § 2:6

PRETRIAL PREPARATION

Generally, § 7:1 et seq.

Admissions request on authenticity
and admissibility of documents,
§ 7:3

PRETRIAL PREPARATION

—Cont'd

Amendment of answer or complaint
to focus issues for trial, § 7:2

Answer, amendment to focus issues
for trial, § 7:2

Complaint, amendment to focus
issues for trial, § 7:2

Demonstrative exhibits, exchange,
§ 7:7

Deposition admissibility in lieu of
live testimony, stipulation, § 7:5

Evidence summary, § 7:1

Excerpt exhibits, exchange, § 7:7

Exchange, demonstrative exhibits,
§ 7:7

Exhibits

Demonstrative exhibits, exchange,
§ 7:7

Production, § 7:4

Summary exhibits, exchange, § 7:7

Supplemental interrogatories, § 7:4

Experts, scheduling, § 7:6

Focusing issues for trial, complaint or
answer amendment, § 7:2

Issues summary, § 7:1

Medical testing, scheduling, § 7:6

Production on witnesses and exhibits,
§ 7:4

Stipulations

Deposition admissibility in lieu of
live testimony, § 7:5

Request on authenticity and admis-
sibility of documents, § 7:3

Summary exhibits, exchange, § 7:7

Summary of evidence and issues,
§ 7:1

Supplemental interrogatories, § 7:4

Witnesses, production, § 7:4

PRIOR ACTS AND MATTERS

Conflicts of interest, former clients,
§ 1:6

Evidence, prior judgments in related
case with different parties,
§ 6:12

PRIVILEGES AND IMMUNITIES

Generally, § 3:70 et seq.

Fireman's rule, § 3:71

INDEX

PRIVILEGES AND IMMUNITIES

—Cont'd

- Good samaritan rule, § 3:73
- Governmental immunity, § 3:70
- Marital, § 6:25
- Medical malpractice, good samaritan statute, § 11:29
- Mental health services providers, § 3:74
- Parental immunity, § 3:72
- Rights, existence, § 4:9

PROCEEDINGS

- Stay of proceedings to enforce judgment pending appeal, § 10:5

PROCESS AND SERVICE OF PROCESS AND PAPERS

- Generally, § 4:1
- Abuse of process, § 3:28
- Medical review panel process, medical malpractice, § 11:14

PRODUCTS LIABILITY

- Generally, § 3:13
- Defendants, depositions, insert, § 5:25
- Defendants, sample interrogatory questions and document requests, § 5:8
- Depositions
 - Defendants, insert, § 5:25
 - Plaintiffs, insert, § 5:22
- Medical malpractice, actions, § 11:26
- Plaintiffs, depositions, insert, § 5:22
- Sample interrogatory questions and document requests, §§ 5:7, 5:8

PROSECUTION

- Malicious prosecution, § 3:27

PROXIMATE CAUSE

- Negligence, § 3:6

PUBLIC OFFICERS AND EMPLOYEES

- Conflicts of interest, § 1:9

PUNITIVE DAMAGES

- Generally, § 3:79
- Wrongful death, § 3:45

QUESTIONS

- Sample interrogatory questions, § 5:1 et seq.

REAL AND DEMONSTRATIVE EVIDENCE

- Exchange, pretrial preparation, § 7:7

REASONABLENESS

- Contingent fees, § 1:33

REASONS OR REASONING

- Attorneys, declining to take employment, duties, § 1:62

RECORDS AND RECORDING

- Attorneys, duties, file materials, termination of employment, § 1:72
- Pre-suit issues, claims filing location, § 2:6

RECOVERY

- Subrogation lien, net recovery, effect, § 1:48
- Wrongful death, decedent recovering during lifetime, defense, § 3:37

REFERRALS

- Contingent fees, § 1:39

RELEASE OR DISCHARGE

- Bankruptcy discharge, effect, § 10:6

REMARRIAGE

- Wrongful death, § 6:26

REMOVAL OF CAUSES

- Federal court, removal to, § 4:4

REPORTS

- Attorneys, case reporting procedure, § 1:44
- Evidence. See index heading EVIDENCE

REPRESENTATION

- Attorney right to withdraw, limitations, § 1:73
- Prospective client represented already, attorney consideration, § 1:18

RES IPSA LOQUITUR

Medical malpractice, action element, § 11:22
Negligence, § 3:5

RESPONSIBILITY

Ancillary matters, § 1:51

RULES AND REGULATIONS

Evidence, collateral source rule and statute, §§ 6:23, 6:24

SALOONS

Dramshop liability, § 3:60

SAMPLES OR SPECIMENS

Interrogatory questions and document requests, § 5:1 et seq.

SEATBELTS

Use, evidence, § 6:29

SECRECY

Trade secrets, misappropriation, § 3:62

SERVICE BILLING

Attorneys, § 1:45

SERVICE OF PROCESS

See index heading PROCESS AND SERVICE OF PROCESS AND PAPERS

SERVICES

Children and minors, injuries, loss, damages, § 3:52

SETTLEMENT

See index heading COMPROMISE AND SETTLEMENT

SHERIFFS AND POLICE

Evidence, opinions in police reports, § 6:1

SMALL CLAIMS COURT

Evidence, award, § 6:5

SPECIALIZATION

Attorneys, § 1:22

SPOILIATION OF EVIDENCE

Generally, § 3:82

STANDARD OF CARE

See index heading DEGREE OR STANDARD OF CARE

STANDARDS

Appellate court review, § 9:5 et seq.
Trial court review, § 9:5 et seq.

STANDING

Wrongful death claims, §§ 3:32, 3:49

STATISTICS

Attorneys, information, § 1:23

STATUTES

Claims survival, plaintiff dying of unrelated cause, Indiana survival statute: IC 34-9-3-1, § 3:80
Dead Man's Act, evidence, § 6:28
Evidence, collateral source rule and statute, §§ 6:23, 6:24
Good samaritan statute, medical malpractice, § 11:29

STATUTES OF LIMITATION

Attorneys, duty to warn, § 1:63
Medical malpractice, § 11:12
Party dies, § 3:81

STAY

Judgment pending appeal, proceedings to enforce, § 10:5

STIPULATIONS

Pretrial preparation. See index heading PRETRIAL PREPARATION

SUBROGATION LIENS

Effect, net recovery and attorney fees, § 1:48
Settlement and Collection, § 10:7

SUBSTANCE

Prospective client claim, attorney consideration, § 1:15

SUBSTANTIVE OR PROCEDURAL

Medical malpractice actions, § 11:21 et seq.

SUMMARY EXHIBITS

Exchange, pretrial preparation, § 7:7

SUMMARY JUDGMENT

Motions, § 9:7

INDEX

SUPERSEDEAS OR STAY ON APPEAL

Proceedings to enforce judgment, appeal pending, § 10:5

SUPPLEMENT OR SUPPLEMENTAL MATTERS

Pretrial preparation, supplemental interrogatories, § 7:4

TAVERNS

Dramshop liability, § 3:60

TECHNICAL EXPERTS

Depositions, § 5:34

TENDERED INSTRUCTIONS

Motions, § 9:10

TERMINATION OF EMPLOYMENT

Generally, § 1:71 et seq.

TESTS

See index heading EXPERIMENTS OR TESTS

TIME OR DATE

Admitting liability or allegation base for liability, § 4:11

Approaching deadline, accepting case, attorney consideration, § 1:16

Attorneys, limitations, duty to warn, § 1:63

Litigation time frames, § 1:46

TORT ACTIONS

Assault and battery, § 3:18

Contracts, tortious interference, § 3:61

Preconception torts, medical malpractice, § 11:27

Wrongful conception torts, medical malpractice, § 11:27

TRADE SECRETS

Misappropriation, § 3:62

TRESPASSERS AND TRESPASSING

Generally, § 3:29

TRIAL

Court trial versus jury trial, § 9:16

Failure of trial court to rule on pending motions, effect, § 9:17

Pretrial preparation. See index heading PRETRIAL PREPARATION

ULTIMATE ISSUES

Evidence, expert testimony, § 6:18

UNFAIR COMPETITION

Generally, § 3:63

UNINCORPORATED ASSOCIATIONS

Suits against by members, § 3:59

VALUE AND VALUATION

Attorney time to take case, § 1:3

VENUE

Change of venue, § 4:3

Correct county, § 4:2

Propriety, § 4:2

VICARIOUS LIABILITY

Negligence, § 3:58

VOCATIONAL REHABILITATION

Depositions, § 5:33

WAIVER

Avoiding personal jurisdiction waiver, § 4:5

WANTON OR WILLFUL CONDUCT

Definition of wanton or willful misconduct, § 3:69

WITHDRAWAL

Attorney's right to withdraw from case, limitations, § 1:73

WITNESSES

Expert testimony. See index heading EXPERT AND OPINION EVIDENCE

Supplemental interrogatories and production, pretrial preparation, § 7:4

WORDS AND PHRASES

See index heading DEFINITIONS

WORK, LABOR, AND SERVICES

- Attorneys, delegating work within firm, § 1:41
- Attorneys, service billing, § 1:45
- Children and minors, injuries, loss, damages, § 3:52

WRITING

- Contingent fees, § 1:34

**WRONGFUL CONCEPTION
TORTS**

- Medical malpractice, § 11:27

WRONGFUL DEATH

- Generally, § 3:31 et seq.
- Abandoned children, § 3:56
- Abatement of action, death of beneficiaries, § 3:34
- Attorney fees, damages, children and minors, § 3:54
- Beneficiaries
 - Generally, § 3:33
 - Comparative fault by beneficiary, defense, § 3:39
 - Death of beneficiary, abatement of action, § 3:34
- Children and minors
 - Generally, § 3:47 et seq.
 - Abandoned children, § 3:56
 - Attorney fees, damages, § 3:54
 - Companionship loss, damages, § 3:53
- Damages
 - Generally, § 3:51 et seq.
 - Attorney fees, § 3:54
 - Estate administration, § 3:54
 - Loss of love and companionship, § 3:53
 - Loss of services, § 3:52
 - Love and companionship loss, § 3:53
 - Parental damages, non-fatal injuries to child, § 3:57
 - Services loss, § 3:52
 - Death benefits, division, § 3:55
 - Definition, § 3:48
 - Document request samples, § 5:2
 - Estate administration, damages, § 3:54

WRONGFUL DEATH—Cont'd

- Children and minors—Cont'd
 - Interrogatory questions request samples, § 5:2
 - Love loss, damages, § 3:53
 - Parental damages, non-fatal injuries to child, § 3:57
 - Services loss, damages, § 3:52
 - Standing, § 3:49
- Companionship loss, damages, children and minors, § 3:53
- Comparative fault by beneficiary, defense, § 3:39
- Contributory fault by decedent, defense, § 3:38
- Damages
 - Generally, § 3:41 et seq.
 - Attorney fees, § 3:46
 - Children and minors, above
 - Estate administration cost, § 3:46
 - Hedonic damages, § 3:44
 - Intangible elements, § 3:43
 - Lost earnings of decedent, § 3:42
 - Punitive damages, § 3:45
- Death benefits, division, children and minors, § 3:55
- Defenses
 - Generally, § 3:36 et seq.
 - Comparative fault by beneficiary, § 3:39
 - Contributory fault by decedent, § 3:38
 - Recovery by decedent during lifetime, § 3:37
 - Settlement by decedent during lifetime, § 3:37
 - Time limitations, § 3:40
- Document request samples, § 5:1
- Elements
 - Claim, § 3:31
 - Intangible elements of damage, § 3:43
- Estate administration, damages, children and minors, § 3:54
- Evidence, remarriage, § 6:26
- Hedonic damages, § 3:44
- Intangible elements, damages, §§ 3:43, 3:44

INDEX

WRONGFUL DEATH—Cont'd

- Interrogatory questions samples,
§ 5:1
- Lost earnings of decedent, damages,
§ 3:42
- Love loss, damages, children and
minors, § 3:53
- Minors, time to sue, § 3:50
- Parental damages, non-fatal injuries
to child, § 3:57
- Punitive damages, § 3:45
- Recovery by decedent during
lifetime, defense, § 3:37

WRONGFUL DEATH—Cont'd

- Services loss, damages, children and
minors, § 3:52
 - Settlement by decedent during
lifetime, defense, § 3:37
 - Standing
 - Generally, § 3:32
 - Children and minors, § 3:49
 - Time limitations, defense, § 3:40
 - Time to sue, §§ 3:35, 3:50
- ### **WRONGFUL LIFE, BIRTH, OR CONCEPTION**
- Medical malpractice, § 11:27