

Index

ABORTION

Damages, 7:7

ABSENCE

Death, 1:3, 2:4, 4:2, 4:4, 6:1, 6:3, 6:13,
7:1, 7:2, 7:5, 8:2, 10:3, 10:5, 10:7,
10:16, 11:7, 11:11, 12:4, 13:14

ADMISSIONS

Statement, 13:10

ADULT CHILDREN

Wrongful death, 1:7, 4:8, 11:9

AFFECTION

Love and affection, 4:8, 11:13

AFFIRMATIVE DEFENSES

Burden of proof, 10:1
Comparative negligence, 10:11
Generally, 10:1

AGE

Wrongful death, 2:8, 2:13, 4:6, 6:3, 6:6,
7:2, 10:4, 11:2, 11:4

ALCOHOLIC BEVERAGES

Intoxicating beverages, 2:13

ANSWER

Generally, 10:1

APPORTIONMENT

Degree of fault, 6:9
Proximate cause, 6:9
State, 12:1
Wrongful death, 6:9, 10:11, 12:1

ARSON

Battery, 10:18

ASSAULT

Defenses, 10:18
Punitive damages, 11:16

ASSIGNMENT

Defenses, 12:2
Requirements, 12:2

ASSUMPTION OF RISK

Comparative negligence, 10:15

ATTORNEYS

Emotional distress, 11:15

BATTERY

Burglary, 10:18
Damages, 11:16
Mitigation of damages, 11:16
Punitive damages, 11:16

BURDEN OF PROOF

Generally, 10:1
Wrongful death, 10:1, 10:2

BURGLARY

Battery, 10:18

BUS

Emergency, 6:3
Products liability, 6:2
School bus, 4:9

CAPACITY

Generally, 10:1, 11:2

CARRIERS

Common carriers, 5:3

CAUSATION

Alcoholic beverages, 2:13, 6:16
Comparative fault, 6:10
Proof, 8:2
Proximate cause, 2:13, 6:9, 8:2

CHILDREN

Immunity, 10:28
Punitive damages, 2:6
Wrongful death, 1:6 to 2:6, 2:8, 4:2,
4:6, 4:8, 4:9, 5:4, 5:5, 6:7, 6:12,
7:2, 7:4, 7:10, 10:4, 10:28, 11:9,
12:2, 12:4, 12:8, 12:10, 12:11,
13:6

CLEAR AND CONVINCING EVIDENCE

Malice, 11:12
Punitive damages, 11:12

CLOTHING

Damages, 11:17

COLLATERAL SOURCE

Evidence, 13:8, 14:10
Insurance, 13:8, 14:10
Life insurance, 13:8
Personal injury, 13:8
Wrongful death, 13:8, 14:10

COMMON LAW

Generally, 8:1, 10:1, 13:1
Standard of care, 6:3, 6:14

COMPARATIVE FAULT

Comparative negligence, 10:11, 10:12

COMPARATIVE NEGLIGENCE

Affirmative defenses, 10:11
Apportionment of fault, 10:11
Assumption of risk, 10:15
Gross negligence, 10:11
Intentional conduct, 10:11
Last clear chance doctrine, 10:14
Standard of care, 10:15
Wrongful death, 10:11, 10:12, 10:14, 10:15

COMPENSATORY DAMAGES

Damages, 11:12

COMPLAINT

Generally, 10:1

CONSENT

Privacy, 2:12, 14:4

CONSIDERATION

Generally, 11:1

CONSORTIUM

Damages, 2:10, 4:7, 4:9, 5:4, 7:8, 8:7, 9:1, 9:3, 10:8, 10:21, 10:24, 10:26, 11:1, 11:7, 11:9, 11:13, 11:16, 12:4
Medical malpractice, 10:5
Punitive damages, 11:1, 11:16
Wrongful death, 2:10, 4:7 to 4:9, 5:4, 5:5, 7:8, 8:7, 9:1, 9:3, 10:5, 10:6, 10:8, 10:21, 10:24, 10:26, 11:1, 11:7, 11:9, 11:16, 12:4, 14:4

CONTRACTS

Agents, 10:19
Implied contracts, 10:19

CONTRIBUTORY NEGLIGENCE

Gross negligence, 10:11
Imputed, 10:12, 10:13, 10:20
Imputed negligence, 10:20

CONTROL

Joint enterprise, 6:8

DAMAGES

Abortion, 7:7
Adequacy. excessiveness or inadequacy,, 9:1
Battery, 11:16
Compensatory damages, 11:12
Consortium, 2:10, 4:7, 4:9, 5:4, 7:8, 8:7, 9:1, 9:3, 10:8, 10:21, 10:24,

DAMAGES—Cont'd

10:26, 11:1, 11:7, 11:9, 11:13, 11:16, 12:4
Emotional distress, 11:15
Enjoyment of life, 11:15
Family relationship, 10:20
Funeral expenses, 2:6, 4:7, 11:1, 11:10 to 12:10
Future earnings, 11:6
Generally, 8:1, 11:1, 11:2
Inadequacy. excessiveness or inadequacy,, 6:5, 9:3, 12:10
Inflation, 11:2
Insurance, 6:5, 11:6
Interest, 11:12, 12:10
Joint tortfeasors, 6:9
Loss of enjoyment of life, 11:15
Malicious prosecution, 8:1, 9:1, 11:14
Medical malpractice, 6:13 to 11:15
Mitigation, 11:1, 11:16
Mitigation of damages, 11:1, 11:16
Pain and suffering, 6:11, 6:13, 11:2, 11:14, 11:15
Personal injuries, 8:1
Personal injury, 1:1, 2:2, 6:13, 6:14, 8:2, 9:1, 11:9, 11:14
Privacy, 10:24
Property damage, 8:5
Punitive damages, 2:2, 2:3, 2:6, 6:5, 10:16, 10:25, 11:1, 11:12, 11:16
Special damages, 12:4
Wrongful death, 1:3, 1:4, 2:1, 2:6, 2:8, 2:10, 4:2, 4:7, 4:9, 5:4, 6:1, 6:5, 6:6, 6:9, 6:11, 6:13, 6:14, 6:16, 7:5 to 7:8, 8:1, 8:2, 8:5, 8:7, 9:1, 9:3, 9:5, 10:4, 10:8, 10:12, 10:16, 10:17, 10:20, 10:21, 10:24 to 10:26, 11:1, 11:2, 11:4, 11:6 to 11:12, 11:14 to 11:18, 12:1, 12:4, 12:5, 12:10, 13:2, 13:3, 13:5, 13:6, 14:8

DEATH

Emotional distress, 11:15
Privacy, 2:12, 10:24, 14:4
Suicide, 6:3, 6:15, 14:8, 14:9
Time of death, 11:2, 11:3, 11:15, 12:6, 12:14, 13:2, 13:8
Wrongful death, 1:3, 1:4, 1:6 to 1:8, 2:1, 2:5 to 2:11, 2:13, 3:2, 3:3, 3:5, 4:1 to 4:12, 5:1 to 5:7, 6:1 to 6:17, 7:1 to 7:11, 8:1 to 8:7, 8:9, 9:1, 9:3, 9:5, 10:1, 10:2, 10:4 to 10:8, 10:11, 10:12, 10:14 to 10:28, 11:1, 11:2, 11:4, 11:6 to 11:12, 11:14 to 11:18, 12:1 to 12:15, 13:1 to 13:12, 14:1, 14:4, 14:8, 14:10

INDEX

DEFENSE OF ANOTHER

Battery, **10:18**

DEFENSE OF PROPERTY

Battery, **10:18**

DEFENSES

Affirmative defenses, **10:1, 10:11, 10:23**
Assault and battery, **10:18**
Assignment, **12:2**
Generally, **8:1, 10:1, 13:1**
Malicious prosecution, **8:1, 10:3**
Res judicata, **10:23**
Survival, **8:1, 10:1, 10:3 to 10:5, 10:7, 10:8, 10:11, 10:12, 10:14, 10:22, 10:27**

DEFINITIONS

Medical malpractice, **6:14**
Proximate cause, **14:6**
Substantial, **6:14**

DELAY

Medical malpractice, **6:14, 10:5**

DENIALS

Generally, **10:1**

DESTRUCTION OF EVIDENCE

Spoliation of evidence, **13:13**

DEVELOPMENT

Children, **1:2, 1:5 to 1:7**

DIVORCE

Abandonment, **12:2**
Wrongful death, **12:2, 12:13**

DUE PROCESS

Punitive damages, **11:12**

DUTY OF CARE

Standard of care, **6:3**

EARNINGS

Future earnings, **11:6**
Wrongful death, **11:2, 11:4, 11:6**

ECONOMIC LOSS

Wrongful death, **11:6**

ELEMENTS

Generally, **10:1, 11:2, 13:1**
Intent, **10:1**
Malice, **10:1, 11:12**

EMERGENCY

Medical malpractice, **6:3**
Standard of care, **6:3**

EMOTIONAL DISTRESS

Medical malpractice, **11:15**

EMPLOYERS

Defenses, **10:24**

ENJOYMENT OF LIFE

Pain and suffering, **11:15**

EVIDENCE

Admissions, **13:10**
Burden of proof, **10:1, 10:2**
Causation, **6:9**
Clear and convincing evidence, **11:12**
Collateral sources, **3:4, 13:8**
Direct evidence, **13:2**
Federal rules of evidence, **1:8, 3:4, 13:8**
Hearsay, **13:9, 13:10**
Life expectancy tables, **11:5, 13:3**
Malpractice, **6:3, 6:14, 10:5, 11:15**
Punitive damages, **11:12, 11:16**
Spoliation of evidence, **13:13**

FAMILY

Battery, **10:18**
Cause, **1:4, 6:13, 10:18, 10:20**
Guardian, **9:5**
Insurance, **14:5**
Medical malpractice, **6:13**
Services, **1:4**

FAULT

Comparative negligence, **10:11 to 10:13**

FEDERAL COURTS

Jurisdiction, **3:3**

FETUS

Abortion, **7:7**
Loss of, **7:7**

FORCE

Assault and battery, **10:18**
Battery, **10:18**

FORESEEABILITY

Duty, **6:3**
Emergency situation, **6:3**
Medical malpractice, **6:3**
Suicide, **6:3**

FUNERAL EXPENSES

Wrongful death, **2:6, 4:7, 11:1, 11:10, 11:11, 12:7, 12:10, 13:7**

FUTURE EARNINGS

Wrongful death, **11:6**

GROSS NEGLIGENCE

Comparative negligence, **10:11**
Contributory negligence, **10:11**
Punitive damages, **2:6, 6:5, 11:12**

GUIDANCE

Wrongful death, 6:6, 10:18, 11:9

HEALTH

Insurance, 14:11

Wrongful death, 6:3, 7:11, 11:2, 11:4, 14:8

IMPUTED NEGLIGENCE

Family relationship, 10:20

INFLATION

Damages, 11:2

INJURIES

Personal injuries, 2:9, 4:11, 8:1, 8:3, 8:6, 9:4, 10:7

INSURANCE

Collateral sources, 13:8

Damages, 6:5, 11:6

Health, 14:11

Judgment, 8:8, 13:8

Negligence, 6:5, 13:8

Premiums, 13:8

Punitive damages, 6:5

Statutes, 7:9, 14:5, 14:10, 14:11

Subrogation, 13:8, 14:10

INTENT

Generally, 10:1

INTENTIONAL CONDUCT

Apportionment of fault, 10:11

INTEREST

Punitive damages, 11:12

Wrongful death, 6:8, 11:12, 12:10, 12:11, 12:14

INTOXICATING BEVERAGES

Wrongful death, 2:13

JOINT TORTFEASORS

Damages, 6:9

JUDGMENT

Insurance, 8:8, 13:8

JURISDICTION

Federal courts, 3:3

Generally, 10:1, 11:2

LAST CLEAR CHANCE

Comparative negligence, 10:11, 10:14

Helpless plaintiff, 10:14

LIFE EXPECTANCY

Damages, 11:2, 11:3, 11:5, 13:3

Tables, 11:3, 11:5, 13:3

LIFE EXPECTANCY TABLES

Wrongful death, 13:3

LIFE INSURANCE

Collateral sources, 13:8

LOSS OF ENJOYMENT OF LIFE

Damages, 11:15

LOVE AND AFFECTION

Spouse, 11:13

MALICE

Clear and convincing evidence, 11:12

Generally, 10:1

Punitive damages, 10:25, 11:12

MALICIOUS PROSECUTION

Damages, 8:1, 9:1, 11:14

Defenses, 8:1, 10:3

Elements, 2:11, 11:14

Generally, 8:1

Property, 2:11, 8:1

MALPRACTICE

Evidence, 6:3, 6:14, 10:5, 11:15

Medical malpractice, 6:3, 6:13, 6:14, 10:5, 11:15

Standard of care, 6:3, 6:14

Statute of limitations, 6:14, 10:5

MEDICAL EXPENSES

Damages, 1:4

MEDICAL MALPRACTICE

Conduct, 6:3, 6:14, 10:5

Consortium, 10:5

Damages, 6:13 to 11:15

Defenses, 10:5

Elements, 6:3

Emergency, 6:3

Emotional distress, 11:15

Expert testimony, 11:15

Foreseeability, 6:3

Negligence, 6:3, 6:13

Opinion, 6:13, 6:14

Pain and suffering, 6:13, 11:15

Personal injury, 6:13, 6:14, 10:5

Standard of care, 6:3, 6:14

Statute of limitations, 6:14, 10:5

Substantial factor, 6:14

Suicide, 6:3

Wrongful death, 6:3, 6:13, 6:14, 10:5, 11:15

MENTAL DISTRESS

Emotional distress, 11:15

MINORS

Children, 6:7

MITIGATION

Battery, 11:16

INDEX

MITIGATION—Cont'd

- Damages, **11:1, 11:16**
- Punitive damages, **11:1, 11:16**

NAME

- Privacy, **2:12**

NEGLIGENCE

- Apportionment of fault, **10:11**
- Assumption of risk, **10:15**
- Carriers, **5:3**
- Comparative negligence, **10:11 to 10:15**
- Contributory negligence, **10:11 to 10:15, 10:20**
- Defined, **11:12**
- Foreseeability, **6:3, 6:10**
- Generally, **11:2**
- Gross negligence, **2:6, 6:5, 7:6, 10:11, 11:12**
- Imputed negligence, **6:8, 10:20**
- Insurance, **6:5, 13:8**
- Land, **6:3, 6:5**
- Products liability, **6:2**
- Proximate cause, **2:13, 6:6, 6:9**
- Standard of care, **6:3, 10:15**

OPPORTUNITY

- Divorce, **12:2**

PAIN AND SUFFERING

- Damages, **6:11, 6:13, 11:2, 11:14, 11:15**
- Emotional distress, **11:15**
- Enjoyment of life, **11:15**
- Measure of damages, **11:2**
- Medical malpractice, **6:13, 11:15**

PARTIES

- Defendants, **2:6, 11:2, 13:8**
- Generally, **10:1, 11:2**
- Plaintiffs, **8:8, 10:1, 13:8**

PASSENGERS

- Joint enterprise, **6:8**

PERSONAL INJURIES

- Damages, **8:1**

POLICE

- Spouse, **7:10**

PREJUDICE

- Insurance, **8:8**

PREMIUMS

- Insurance, **13:8**

PRESENT VALUE

- Wrongful death, **11:2**

PRESUMPTIONS

- Death, **13:14**

PRISONERS

- Civil rights, **8:3**

PRIVACY

- Consent, **2:12, 14:4**
- Damages, **10:24**
- Defenses, **10:24**
- Name, **2:12**

PRIVATE RIGHT OF ACTION

- Violation of statute, **6:6**

PROCESS

- Generally, **10:1**

PRODUCTS LIABILITY

- Negligence, **6:2**
- Strict liability, **6:2**

PROVOCATION

- Battery, **11:16**

PROXIMATE CAUSE

- Alcoholic beverages, **2:13**
- Cause in fact, **8:2**
- Damages, **6:6, 6:9, 8:2**
- Natural and probable consequences, **6:9**
- Negligence, **2:13, 6:6, 6:9**

PUNITIVE DAMAGES

- Amount, **2:6, 11:1, 11:12, 11:16**
- Assault, **11:16**
- Battery, **11:16**
- Children, **2:6**
- Clear and convincing evidence, **11:12**
- Compensatory damages, **11:12**
- Evidence, **11:12, 11:16**
- Generally, **11:1**
- Gross negligence, **2:6, 6:5, 11:12**
- Insurance, **6:5**
- Malice, **10:25, 11:12**
- Mitigation of damages, **11:1, 11:16**
- Purposes, **11:12**
- Recklessness, **11:12**
- Spouse, **2:6, 11:16**
- Wanton conduct, **10:16**
- Wrongful death, **2:6, 6:5, 10:16, 10:25, 11:1, 11:12, 11:16**

RECKLESS DISREGARD

- Recklessness, **11:12**

RECKLESSNESS

- Punitive damages, **11:12**

RELEASE

- Fraud, **10:22**

REMARRIAGE

- Wrongful death, **10:21, 11:16**

RES JUDICATA

Defenses, **10:23**

SAFETY

Punitive damages, **11:12**

SALES

Intoxicating beverages, **2:13**

SERVICES

Consortium, loss of, **11:1**

Wrongful death, **1:4, 1:7, 2:10, 4:9, 5:4, 7:11, 10:4, 10:26, 11:1, 11:6 to 11:8**

SPOUSES

Wrongful death, **4:9, 11:7, 11:9, 12:10**

STANDARD OF CARE

Comparative negligence, **10:15**

Duty, **6:3**

Emergency, **6:3**

Medical malpractice, **6:3, 6:14**

STATUTE OF LIMITATIONS

Malpractice, **6:14, 10:5**

Medical malpractice, **6:14, 10:5**

Wrongful death, **6:14, 8:7, 10:5, 10:6**

STATUTES

Violation of, **6:4, 6:6, 7:6, 7:11, 9:5**

STRICT LIABILITY

Products liability, **6:2**

SUBROGATION

Collateral sources, **13:8**

Insurance, **13:8, 14:10**

SUBSEQUENT

Damages, **6:14, 10:21, 10:25**

SUBSTANTIAL FACTOR

Damages, **6:14**

Medical malpractice, **6:14**

SUBSTITUTE

Wrongful death, **5:7**

SUICIDE

Foreseeability, **6:3**

Medical malpractice, **6:3**

Prisoner, **6:15**

SUPPORT

Wrongful death, **6:14, 10:4, 11:11, 13:4**

SURVIVAL

Defenses, **8:1, 10:1, 10:3 to 10:5, 10:7, 10:8, 10:11, 10:12, 10:14, 10:22, 10:27**

Wrongful death, **1:4, 1:7, 2:1, 2:9 to 2:11, 2:13, 4:1, 4:3, 4:7, 4:9, 4:11,**

SURVIVAL—Cont'd

4:12, 5:1 to 5:7, 6:11, 6:13, 6:14, 7:8, 8:1 to 8:7, 8:9, 9:1, 9:3, 10:1, 10:4, 10:5, 10:7, 10:8, 10:11, 10:12, 10:14, 10:22, 10:27, 11:1, 11:2, 11:8, 11:14, 11:15, 11:18, 12:4, 12:5, 12:13, 13:5, 13:8

TIME

Statute of limitations, **6:14, 10:5**

TRESPASS

Adverse possession of property trespassed on. actual, illegal or adverse possession of property trespassed on., **10:18**

Defenses, **10:18**

Illegal possession of property trespassed on. actual, illegal or adverse possession of property trespassed on., **10:18**

Surface of earth, intrusions on, beneath or, **10:18**

UNBORN CHILD

Fetus, **6:11, 7:7**

VENUE

Generally, **10:1**

WAIVER

Spouse, **12:2, 12:10, 14:4**

WRONGFUL DEATH

Age, **2:8, 2:13, 4:6, 6:3, 6:6, 7:2, 10:4, 11:2, 11:4**

Apportionment of fault, **10:11**

Assumption of risk, **10:15**

Burden of proof, **10:1, 10:2**

Children, **1:6 to 2:6, 2:8, 4:2, 4:6, 4:8, 4:9, 5:4, 5:5, 6:7, 6:12, 7:2, 7:4, 7:10, 10:4, 10:28, 11:9, 12:2, 12:4, 12:8, 12:10, 12:11, 13:6**

Collateral sources, **13:8**

Comparative negligence, **10:11, 10:12, 10:14, 10:15**

Damages, **1:3, 1:4, 2:1, 2:6, 2:8, 2:10, 4:2, 4:7, 4:9, 5:4, 6:1, 6:5, 6:6, 6:9, 6:11, 6:13, 6:14, 6:16, 7:5 to 7:8, 8:1, 8:2, 8:5, 8:7, 9:1, 9:3, 9:5, 10:4, 10:8, 10:12, 10:16, 10:17, 10:20, 10:21, 10:24 to 10:26, 11:1, 11:2, 11:4, 11:6 to 11:12, 11:14 to 11:18, 12:1, 12:4, 12:5, 12:10, 13:2, 13:3, 13:5, 13:6, 14:8**

Divorce, **12:2, 12:13**

Dram shop act, **2:13**

Earnings, **11:2, 11:4, 11:6**

Economic loss, **11:6**

INDEX

WRONGFUL DEATH—Cont'd

Fetus, **6:11, 7:7, 10:7, 12:2, 13:2**
Funeral expenses, **2:6, 4:7, 11:1, 11:10, 11:11, 12:7, 12:10, 13:7**
Future earnings, **11:6**
Health, **6:3, 7:11, 11:2, 11:4, 14:8**
Income taxes, **11:17**
Interest, **6:8, 11:12, 12:10, 12:11, 12:14**
Intoxicating beverages, **2:13**
Life expectancy tables, **13:3**
Medical malpractice, **6:3, 6:13, 6:14, 10:5, 11:15**

WRONGFUL DEATH—Cont'd

Present value, **11:2**
Punitive damages, **2:6, 6:5, 10:16, 10:25, 11:1, 11:12, 11:16**
Services, **1:4, 1:7, 2:10, 4:9, 5:4, 7:11, 10:4, 10:26, 11:1, 11:6 to 11:8**
Spouses, **4:9, 11:7, 11:9, 12:10**
Statute of limitations, **6:14, 8:7, 10:5, 10:6**
Support, **6:14, 10:4, 11:11, 13:4**
Survival action, **1:7, 4:11 to 6:11, 8:6, 8:9, 10:8, 10:12, 10:14, 13:8**