# **Supplement Index**

## **ADOPTION**

Medical malpractice, wrongful adoption, § 12:16.10

### **AIDS**

Legal protection for intentionally caused emotional harm, § 1:43.10

Negligent invasions of emotional interests, AIDS-related emotional distress, § 2:38.10

# AMERICANS WITH DISABILITIES ACT

Compatibility with social security payments under SSDI, § **4:10.10** 

Relationship to SSDI, § 4:10.20

# ASSAULT AND BATTERY

Elder abuse, § 5:12.20 Warsaw Convention, § 5:12.10

### **ATTORNEYS' FEES**

Intentional infliction of emotional distress, § 22:13.10

### AVIATION

See index topic Warsaw Convention (this index)

### **BASE RATES**

Medical and psychiatric principles and authorities, § 19:16.50

# **BEHAVIORAL CHANGES**

Forensic neuropsychiatric significance, § 20:19.21

# **BIOMARKER EXPLOSION**

Traumatic brain injuries, § 20:19.90

### BORDERLINE PERSONALITY

Comorbidity, § 20:67.20 Personality disorders, § 20:54.30

## **BRAIN ABNORMALITIES**

Comorbidity, § 20:25.50
Disability and permanency, § 20:17, 20:17.50
Electrical traumatic injury,

§ 20:19.80

Imaging, new clinical uses, § 20:8.50, 20:19.70

National Geographic article recommendation, § 20:8.25

Objective markers, search for: Tau, § 20:8.75

Palliative care and pain management at end of life, § 20:28.50

Personality disorders, § 20:54.10 White matter abnormalities, § 20:54.20

### CALIFORNIA LAW

Misdiagnosis claims, § 2:20
Negligent invasions of emotional interests
general discussion, § 2:16-2:21
direct victims, § 2:16.10
medical malpractice statutory
limits, § 2:21.10
misdiagnosis claims, § 2:20

# CAUSATION

Absence of causation, defense of.
See index topic Pre-existing
Conditions (This Index)
avoidable consequences; duty to
mitigate, § 18:9.10

### CAUSATION—Cont'd

Absence of causation, defense of.

See index topic Pre-existing

Conditions (This Index)

—Cont'd

Daubert, admissibility under, § 18:12.10

increased risk and cause, § 18:10.20

substantial factor, § 18:10.10 sudden onset rule, § 18:10.30

Chronic pain, neuronal factors in understanding, § 20:43.50

Differential diagnosis of traumatic brain injury and post-concussion syndromes, § 20:15-20:16.30

Mental and psychological disorders relevant to litigation, § 20:83

Neurochemical and neuroanatomical causal connection markers, § 20:76.10

### **CHEMICALS**

Sensitivity to chemicals, multiple chemical sensitivity syndrome, § 20:86

# CHRONIC FATIGUE SYNDROME

Mental and psychological disorders relevant to litigation, § 20:33

# CHRONIC PAIN

Neuronal factors in understanding causes and treatment, § 20:43.50

# **CLERGY**

Actions against clergy, First Amendment issues, § 12:35

## CLINICAL TREATMENT NEEDS

Post-traumatic stress, § 20:7.50

# COMMERCIAL AND CONTRACTUAL TORTS

Deceptive Trade Practices Act, § 8:15.10

## **COMORBIDITY**

Mental and psychological disorders relevant to litigation, § 20:7.20, 20:85

## COMPARATIVE NEGLIGENCE

Hedonic damages, § 14:7.10

# COMPROMISE AND SETTLEMENT

New York law, bad faith refusal to settle, § 1:44.10

# CONCURRENT ACTS OR MATTERS

Defense of absence of causation, concurrent causes, § 18:12.3, 18:12.40

### **CONSORTIUM**

General discussion, § 6:32.10

### **DAMAGES**

Emotional distress, § 4:24 Housing discrimination, § 4:24 Taxation of awards, § 22:24

# DAUBERT STANDARDS

Causation, defense of absence of, admissibility under Daubert, § 18:12.10

Trial strategy, admissibility under Daubert, § 23:43, 23:44

### **DEATH**

See index topic Fetal Death (this INDEX)

Instantaneous, § 6:26

# DECEPTION AND SELF-DECEPTION

Generally, § 21:14

Index-2

### INDEX

# DECEPTIVE TRADE PRACTICES ACT

Commercial and contractual torts, § 8:15.10

# DEFENDING

# PSYCHOLOGICAL INJURY CLAIM

Trial strategy

Daubert, admissibility of psychiatric testimony under, § 23:43

excessive awards, challenge to, § 23:28.10

privileged communications, § 23:28.20

### **DEFENSES**

Absence of causation. See index topic Pre-existing Conditions (This Index)

apportionment, indivisible injuries and pre-existing conditions, § 18:12.20

concurrent causes, § 18:12.3, 18:12.40

Daubert, admissibility under, § 18:12.10

increased risk of harm, § 18:12.50

Fraud on the court, defenses to claims of, § 20:43.20

Immunities, § 18:29 Laches, § 18:4.10

# **DEPRESSION**

Elders, § 21:7

## DIAGNOSTIC TOOLS

Medical and psychiatric principles and authorities, § 19:19

### **DIFFUSION TENSOR IMAGING**

Medical and psychiatric principles and authorities, § 19:19

# DISABILITY AND PERMANENCY

Brain trauma and other central nervous system disorders,

# DISABILITY AND PERMANENCY—Cont'd

§ 20:17, 20:17.50

### DISCRIMINATION

See index topic Housing
DISCRIMINATION (THIS INDEX)
State antidiscrimination laws,
§ 4:8.10

### DSM-5

Intent of writers, § 19:15.70 Radical transformation, § 19:15.30

#### **DSM-IV-TR**

Intent of writers, § 19:15.70

# ECOLOGICAL VALIDITY

Medical and psychiatric principles and authorities, working definitions, § 19:2.10

### **ELDERS**

Assault and battery, § 5:12.20 Depression, § 21:7 Traumatic brain injury, § 20:19.10

### **ELECTRICITY**

Traumatic brain injuries, § 20:19.80

# EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT, EMTALA

Housing discrimination, § 4:26

### **EXPERTS**

See index topic Daubert Standard (This Index)

Helping expert bushwacked by opposing counsel, § 19:21.22

Importance of continuing to gather information, § 21:21.1

Rules of engagement, § 19:21.1 Severity, role of in proving, § 18:14.30

# FEDERAL CIVIL RIGHTS ACTS

Punitive damages, § 4:3.10

Section 1981

punitive damages, § 4:16.10

Section 1983

Prison Litigation Reform Act, § 4:18.10

Title IX, housing discrimination, § 4:27

Title VII of Civil Rights Act of 1964 and 1991 Civil Rights Act

damages under Title VII and CRA of 1991

EEOC policy guide on nonpecuniary losses, § 4:5

punitive damages, § 4:3.10

# FEDERAL TORT STATUTORY ACTIONS

Death of fetus, § 3:23

Jones Act and maritime claims non-pecuniary losses, § 3:6.20 wrongful death and survival, § 3:6.10

Warsaw Convention, § 3:22

### **FETAL DEATH**

Wrongful death acts, § 6:24.10

### FIRST AMENDMENT

Clergy, actions against, First Amendment issues, § 12:35

### **FRAUD**

Defenses to claims of fraud on the court, § 20:43.20

### **GOOD FAITH**

New York law, bad faith refusal to settle, § 1:44.10

## **HEARING LOSS**

Link to dementia, § 21:2.90

### **HEDONIC DAMAGES**

Comparative negligence, § 14:7.10

## HIPPOCAMPUS MARKERS

Post-traumatic stress, § 20:7.40

# HOUSING DISCRIMINATION

Emergency Medical Treatment and Active Labor Act, EMTALA, § 4:26

Emotional distress damages, § **4:24** 

Other federal laws, Title IX, § 4:27

### **INCOME TAXES**

Trial strategy, income tax consequences, § 22:26

### **INDIGNITIES**

Legal protection for intentionally caused emotional harm, § 1:43.20

## INFORMED CONSENT

Medical malpractice, § 12:2.10

# INSTANTANEOUS DEATH

Survival acts, § 6:26

## INSTRUCTIONS TO JURY

Trial strategy, plaintiff's proposed jury instruction, § 22:27

Wrongful death damages, other, **App. A-10** 

## **INSULTS**

Legal protection for intentionally caused emotional harm, § 1:43.20

# INTEGRATION OF LEGAL AND PSYCHIATRIC CONCEPTS

Cautions and caveats, § 21:2.50, 21:11.10

Cross examination of defense experts, § 21:12'

Cross examination of plaintiff experts, § 21:11, 21:11.20

Index-4

# INTEGRATION OF LEGAL AND PSYCHIATRIC CONCEPTS

—Cont'd

Ethical dilemmas for counsel and behavioral experts, § 21:8

Resilience or nonresilience, § 21:10

Social security disability, § 21:5

Substantial factor test, § 21:9, 21:9.50

Synthesis of neuropsychiatry and the law, § 21:6, 21:6.50

Video games, agression, and violent crimes, § 21:2.70

### **INVALIDISM**

Noncompliance with treatment, § 20:43.52

## INVASION OF PRIVACY

Damages in privacy actions, generally, § 7:10

### JONES ACT

Non-pecuniary losses, § 3:6.20 Wrongful death and survival, § 3:6.10

### LABOR AND EMPLOYMENT

Negligent retention in workplace, § 1:17.10

# LEGAL PROTECTION FOR INTENTIONALLY CAUSED EMOTIONAL HARM

AIDS, fear of, § 1:43.10

Insults, indignities, and publication, § 1:43.20

Modern sampling of relevant decisions

authoritative positions occupied by defendants, § 1:21.20

powerful positions occupied by defendants, § 1:21.10

sexual and indecent proposals and non-workplace harassment, § 1:18

# LEGAL PROTECTION FOR INTENTIONALLY CAUSED EMOTIONAL HARM

—Cont'd

Sexual and indecent proposals and non-workplace harassment, § 1:18

## LOCALIAZATION

History of localization dogma, § 21:18

### LOST CHANCE THEORY

Medical malpractice, § 12:16.20

# **MALINGERING**

Organic basis, § 20:43.51

## MEDICAL AND PSYCHIATRIC PRINCIPLES AND AUTHORITIES

Authoritative texts, § 19:20

Base rates, critical importance of, § 19:16.50

Collaboration, § 19:21.2, 19:21.21

Diagnostic tools, § 19:19

Diffusion tensor imaging, § 19:22

Diffusion Tensor Imaging, § 19:19

Ecological validity, working definitions, § 19:2.10

Future role of psychiatrists and neuropsychiatrists in litigation, § 19:16.52

Helping expert bushwacked by opposing counsel, § 19:21.22

Liens and billing, § 19:21.21

Molecular objectification of neuropsychiatric disorders, § 19:16.51

Newer diagnostic tools, § 19:19

Polarization of case, § 19:21.23

Rules of engagement for expert witnesses, § 19:21.1

Statistics, limitations of traditional, § 19:20.50

Working definitions, § 19:2.10

# MEDICAL CARE OR TREATMENT

Emergency Medical Treatment and Active Labor Act, EMTALA, housing discrimination, § 4:26 Malpractice. See index topic MEDICAL MALPRACTICE (THIS INDEX)

# MEDICAL MALPRACTICE

Informed consent, § 12:2.10 Lost chance theory, § 12:16.20 Statutory limits, § 12:2.20 Wrongful adoption, § 12:16.10

### **MEMORY**

Post-traumatic stress, recovered memories, § 20:7.10

# MENTAL AND PSYCHOLOGICAL DISORDERS

See index topic Neuropsychiatric Disorders (Proposed) (This

Post-traumatic stress, recovered memories, § 20:7.10

# MENTAL AND PSYCHOLOGICAL DISORDERS RELEVANT TO LITIGATION

Brain trauma and other central nervous system disorders disability and permanency, § 20:17

Comorbidity, § 20:7.20, 20:31.10, 20:67.10, 20:84, 20:84.50, 20:85

Depression treatments, § 20:76.30
Fraud on the court, defenses to claims of, § 20:43.20
Personality disorders (AXIS II)

causation, § 20:83

Self-deception, neuroanatomy of, § 20:30.10

# MENTAL AND PSYCHOLOGICAL DISORDERS RELEVANT TO LITIGATION—Cont'd

Sexual abuse of children, § 20:42.10

Somatization, conversion, "hysteria" and malingering comorbidity, § 20:31.10 history of somatoform disorders, § 20:21 permanency, § 20:31.10 psychogenic nonepileptic seizures, § 20:43.10 somatization disorder, § 20:25, 20:26

20:26 treatability, § 20:31.10

Substance abuse non analgesic "street drugs," § 20:80

## **MISDIAGNOSIS**

Negligent invasions of emotional interests
California law, § 2:20

### **MITIGATION**

Absence of causation, defense of, duty to mitigate, avoidable consequences, **§ 18:9.10** 

# MOLECULAR OBJECTIFICATION

Neuropsychiatric disorders, § 19:16.51

## MOOD DISORDERS

Treatment by altering brain structure and function, § 20:76.20

# MULTIPLE CHEMICAL SENSITIVITY SYNDROME

Neuropsychiatric disorders, § 20:86

# NEGLIGENT INVASIONS OF EMOTIONAL INTERESTS

AIDS, fear of, § 2:38.10

### INDEX

# NEGLIGENT INVASIONS OF EMOTIONAL INTERESTS

-Cont'd

State summaries
AIDS, fear of, § 2:38.10
California law
direct victims, § 2:16.10

New York law

AIDS, fear of, § 2:38.10

# NEGLIGENT RETENTION IN WORKPLACE

General discussion, § 1:17.10

# NEUROBIOLOGICAL RESEARCH

Emerging, § 20:7.40.1

# NEUROPSYCHIATRIC DISORDERS

Generally, § 20:82 Comorbidity, § 20:84 Molecular objectification, § 19:16.51

Multiple chemical sensitivity syndrome, § 20:86 Sick building syndrome, § 20:87

Subjective belief, influence of, § 20:84.50

### **NEW YORK LAW**

AIDS, fear of, § 2:38.10 Bad faith refusal to settle, § 1:44.10

Negligent invasions of emotional interests

AIDS, fear of, § 2:38.10 Police conduct, § 1:52.10

Toxic exposure, fear from, § 1:51.10

# NON ANALGESIC "STREET DRUGS"

Mental and psychological disorders relevant to litigation, § 20:80

# OBSESSIVE COMPULSIVE DISORDER

Post-traumatic stress, § 20:7.30

## **PAIN**

End of life, pain management, § 20:28.50

Understanding pain disorders, § 20:27.10

### PAIN AND SUFFERING

Pre-impact pain and suffering, § 13:7.10

### PALLIATIVE CARE

End of life, § 20:28.50

### PATIENT PRIVILEGE

Psychotherapists, practice pointers for plaintiff's counsel, § 22:28

## PERSONALITY DISORDERS

Generally, § 20:44.40 Borderline personality, § 20:54.30 Brain abnormalities, § 20:54.10

# POLICE

Conduct, New York law, § 1:52.10

## POST-TRAUMATIC STRESS

Clinical treatment needs, § 20:7.50

Complex complicating comorbidities, § 20:7.20

Distinguishing acute stress disorder, § 20:7.51

DSM disorder, post-traumatic stress as, § 20:7.53

Hippocampus markers, § 20:7.40 Interaction with mild traumatic brain injury, § 20:7.52

Obsessive compulsive disorder as complication, § 20:7.30

Recovered memories, § 20:7.10

# PRACTICE POINTERS FOR PLAINTIFF'S COUNSEL

Intentional infliction of emotional distress, attorneys' fees, § 22:13.10

# PRACTICE POINTERS FOR PLAINTIFF'S COUNSEL

-Cont'd

Jury instruction, plaintiff's proposed, § 22:27

Trial strategy

income tax consequences, § 22:26

medical and psychiatric examinations, § 22:25 psychotherapist-patient privilege, § 22:28

taxation of awards, § 22:24

### PRE-EXISTING CONDITIONS

Defense of absence of causation general discussion, § 18:12.30 apportionment, indivisible injuries and pre-existing conditions, § 18:12.20

Severity proof, aggravation of pre-existing conditions, § 18:14.40

# PRE-IMPACT PAIN AND SUFFERING

General discussion, § 13:7.10

# PREMISES LIABILITY

Negligent infliction of emotional distress, § 11:11.10

# PRISON LITIGATION REFORM ACT

Civil Rights Act, Section 1983, § 4:18.10

## PRIVILEGES AND IMMUNITY

Preemption of tort actions under Federal Labor Laws, § 18:29

### PROFESSIONAL LIABILITY

Clergy, actions against, First Amendment issues, § 12:35

# PSYCHIATRISTS AND COUNSELORS

Daubert standard, admissibility of testimony under, § 23:43, 23:44

# PSYCHIATRISTS AND COUNSELORS—Cont'd

Medical and psychiatric examinations, § 22:28
Suicide, § 12:27.10

# PSYCHOGENIC NONEPILEPTIC SEIZURES

Somatization, conversion, "hysteria" and malingering, mental and psychological disorders relevant to litigation, § 20:43.10

## PSYCHOLOGICAL DISORDERS

See index topic Mental and Psychological Disorders (This Index)

### **PSYCHOTHERAPISTS**

Trial strategy, patient privilege, § 22:28

### PUBLICATION

Legal protection for intentionally caused emotional harm, § 1:43.20

### PUNITIVE DAMAGES

Civil Rights Act of 1964 and 1991, **§ 4:3.10** 

Civil Rights Act, Section 1981, § 4:16.10

Illustrations of punitive damage awards or rejections, § 15:5-15:8

Statutory limitations, § 15:2.10

### RESILIENCE

Functional resilience and return to work, § 21:17

New treatments, § 21:16

Recent research, § 21:15

## **SELF-DECEPTION**

Mental and psychological disorders relevant to litigation, § 20:30.10

### INDEX

### **SELF-DOUBT**

Importance of overcoming, § 21:22.1

### **SEVERITY**

Experts, role of in proving, § 18:14.30

Pre-existing condition, aggravation of, § 18:14.40

Sudden onset rule, proof of severity, § 18:14.20

Sufficiency of causation proof, § 18:14.10

### SEXUAL ABUSE OF CHILDREN

Mental and psychological disorders relevant to litigation, § 20:42.10

Other intentional torts, § 5:16

# SEXUAL AND INDECENT PROPOSALS

Legal protection for intentionally caused emotional harm, § 1:18

### SICK BUILDING SYNDROME

Neuropsychiatric disorders, § 20:87

# SOCIAL SECURITY DISABILITY

Integration of legal and psychiatric concepts, § 21:5

### STATUTES OF LIMITATIONS

Consent, § 18:4.20

Defense of laches, § 18:4.10

# SUBSTANCE ABUSE

Comorbidity, § 20:84.50

ECT and treatability from major depression, § 20:77

### SUBSTANTIAL FACTOR TEST

Integration of legal and psychiatric concepts, § 21:9, 21:9.50

### SUDDEN ONSET RULE

Causation, defense of absence of, § 18:10.30

Severity of emotional distress, § 18:14.20

### **SUICIDE**

Psychiatrists and counselors, § 12:27.10

## **SURVIVAL ACTS**

Instantaneous death, § 6:26

#### TAXATION

Trial strategy, taxation of awards, § 22:24

### TOXIC EXPOSURE

New York Law, fear from toxic exposure, § 1:51.10

# TRANSCRANIAL MAGNETIC STIMULATION

Treatment modalities, § 20:77.10

### **TREATIES**

See index topic Warsaw Convention (This Index)

## **TREATMENT**

Noncompliance, relationship with invalidism, § 20:43.52

Responsibility of patients, § 21:13 Transcranial Magnetic Stimulation, § 20:77.10

## TRIAL STRATEGY

Daubert, admissibility of psychiatric testimony under, § 23:43 standards of admissibility, § 23:44

Excessive award in psychological injury claim, challenge, § 23:28.10

Income tax consequences, § 22:26

Jury instruction, plaintiff's proposed, § 22:27

Medical and psychiatric examinations, § 22:25

## EMOTIONAL INJURIES LAW AND PRACTICE

# TRIAL STRATEGY—Cont'd

Psychotherapists, patient privilege, § 22:28

Taxation of awards, § 22:24

### **VIOLENCE**

Forensic neuropsychiatric significance, § 20:19.21

Video games, agression, and violent crimes, § 21:2.70

## WARSAW CONVENTION

Assault and battery, § 5:12.10 Federal Tort Claims Act, § 3:22

# WHITE MATTER ABNORMALITIES

Brain abnormalities, § 20:54.20

# WRONGFUL ADOPTION

Medical malpractice, § 12:16.10

# WRONGFUL DEATH ACTIONS

Fetus, death of, § **6:24.10** Instructions to jury, other wrong-

ful death damages, **App. A-10** 

Jones Act, § 3:6.10

Other wrongful death damage, § 6:24.20