

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-concus-
sion syndromes, § 20:15-
20:16.30
- Mental and psychological
disorders relevant to litiga-
tion, § 20:83
- Neurochemical and neuroanatomical
causal connection mark-
ers, § 20:76.10

CHEMICALS

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

**CHRONIC FATIGUE
SYNDROME**

- Mental and psychological
disorders relevant to litiga-
tion, § 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 litiga-
tion, § 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

DECEPTIVE TRADE PRACTICES ACT

Commercial and contractual torts,
§ **8:15.10**

DEFENDING PSYCHOLOGICAL INJURY CLAIM

Trial strategy

Daubert, admissibility of psy-
chiatric 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

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, aggression, 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

LOCALIZATION

- 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 INDEX)

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
 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, aggression, 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 wrongful death damages, **App. A-10**

Jones Act, § 3:6.10

Other wrongful death damage,
§ 6:24.20