

INJURY

QUIZ: Emotional Distress

Personal injury may involve more than just physical harm. One possible claim arising from a personal injury situation is a claim for “emotional distress.” Take this short quiz to learn more about it.

1. “Emotional distress” is the same as: ____
 - a. pain and suffering
 - b. loss of consortium
 - c. mental anguish
 - d. inordinate worry

2. Which of the following items is not considered emotional distress? ____
 - a. fright
 - b. headaches
 - c. dismay
 - d. humiliation

3. To prove emotional distress, the plaintiff must show: ____
 - a. the distress is more than fleeting
 - b. the defendant’s conduct caused the distress
 - c. the distress is medically significant
 - d. all of the above

4. Damages for emotional distress can be awarded for: ____
 - a. seeing your child being hit by a car
 - b. mistreatment of a corpse
 - c. the plaintiff’s fear of contracting a terrible disease
 - d. all of the above

5. To protect against frivolous and fraudulent claims, some states require the plaintiff to: ____
 - a. produce psychiatric records

- b. present disinterested testimony from an objective witness
 - c. prove he or she was physically injured
 - d. take the Fifth
6. Emotional distress may be pursued as a separate and independent claim when: _____
- a. the judge says it's okay
 - b. the defendant acted intentionally and outrageously
 - c. the plaintiff was physically injured
 - d. none of the above
7. Intentional infliction of emotional distress occurs when the defendant's conduct: _____
- a. exceeded all boundaries of conduct tolerated by decent society
 - b. was especially calculated to cause, and did cause, mental distress
 - c. caused distress of substantial or enduring quality that no reasonable person should be expected to endure
 - d. all of the above
8. A finding of liability for intentional infliction of emotional distress is legally supported by the fact that: _____
- a. the plaintiff had been treated for mental illness
 - b. the defendant knew of plaintiff's peculiar susceptibility to emotional distress
 - c. the judge shook his head during the plaintiff's testimony
 - d. (b) and (c)
9. When a parent claims he or she suffered emotional distress when his or her child was injured, the parent must have been: _____
- a. an eye witness to the accident
 - b. a custodial parent
 - c. at the hospital when the child arrived in ambulance
 - d. (a) or (c)
10. A person has a claim for emotional distress when he or she witnesses an accident involving: _____
- a. a good friend
 - b. another pedestrian
 - c. a close relative
 - d. (a) and (c)
11. A judge can refuse to send a claim for emotional distress to the jury if: _____

- a. the judge doesn't think that the defendant's conduct was sufficiently outrageous
 - b. the plaintiff never sought counseling
 - c. the plaintiff doesn't look like he or she is up to it
 - d. all of the above
12. Finish this quotation from the treatise *Prosser on Torts*, "It is not difficult to discover in the earlier opinions a distinctly masculine astonishment that any woman would ever be so silly as to allow herself to be: ____
- a. "overwhelmed by sadness after a broken promise to marry"
 - b. "frightened or shocked into a miscarriage"
 - c. "frightened by someone tapping on the window at night"
 - d. "convinced by her doctor that she was crazy"
13. Since the old cases are so much fun, try this one. According to a judge in an article he wrote for the *Harvard Law Review* in 1936, why is it not an infliction of emotional distress to proposition a woman for illicit sex? ____
- a. there's no insult
 - b. women take pleasure in refusing
 - c. the woman's dignity is not compromised
 - d. there's no harm in asking
14. Which of the following is not an intentional infliction of emotional distress? ____
- a. spectacular rudeness
 - b. having hot coffee spilled in your lap
 - c. having someone "flip the bird" at you
 - d. all of the above
15. The "zone of danger" refers to: ____
- a. an imaginary boundary around the plaintiff during the accident
 - b. being in the presence of the accident injuring a family member
 - c. a 300 foot radius from a family member's accident
 - d. within the arm-span of the defendant

Answers

- 1. c
- 2. b
- 3. d
- 4. d
- 5. c
- 6. b
- 7. d

8. b -- Option (c) is more of a mistake in judging, it is not "legal support."
9. a
10. c
11. a
12. b
13. d
14. d -- These items are just an unfortunate part of being out in public.
15. b