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**Injury—Applications**

**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