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