



PSYCHIATRIC INJURY CASES

CASE ON SUDDEN REQUIREMENT

Crystal Taylor v A Novo (UK) Ltd [2013] was considered in *Paul v Wolverhampton* [2024, UKSC]. In three conjoined cases, the claimants sustained psychiatric injury after experiencing the traumatic death of a loved one, following alleged clinical negligent misdiagnosis of the primary victim's condition.

The gap in time in these cases between the defendants' acts and the deaths ranged from months to more than a year.

It was held that *Taylor v Novo* was binding authority for the proposition that *no claim could be brought in respect of psychiatric injury caused by a separate horrific event that was significantly removed in time from the original negligence, accident or a first horrific event.*

During speeches in SC, there was a discussion about historical instances of negligence in medical treatment/care. They indicated a viewpoint that accidents, which are sudden and unforeseen events, are distinct occurrences that do not have a direct comparison in the medical field. Further, the duty of a medical professional does not extend to protecting a patient's family and friends from experiencing the upsetting results of treatment.

Rothwell v Chemical & Insulating Co [2008] 1 AC 281

Key point

To be recoverable, psychiatric illness must be caused by an immediate shock not a delayed one

Facts

- C had been exposed to asbestos but did not know until he was informed by his doctor 30 years later
- The risk of developing a health condition led C to worry so much that he developed clinical depression
- C argued that *Page v Smith* applied as even though no physical injury had resulted from exposure to asbestos, physical injury was reasonably foreseeable

Held (House of Lords)

C's claim was rejected

Lord Hoffmann

- The current case can be distinguished from *Page v Smith* on the basis that C's illness was not caused by the immediate effects of a past traumatic event: it was triggered by his awareness of the risk of developing a condition: [95]
- Furthermore, in *Page v Smith*, the event causing the risk of physical and psychiatric injury was one and the same (being the accident) but here the risk of physical injury was caused by exposure to asbestos: [96]

Psychiatric Malpractice Cases And Comments For Clinicians

Lawrence E. Lifson, Robert I. Simon



Psychiatric Malpractice Cases And Comments For Clinicians:

Clinical Psychiatry and the Law Robert I. Simon, 2003-07-01 Updates to this edition Clinical and legal issues in the use of clozapine in treatment of schizophrenia Clinical information and new cases involving tardive dyskinesia Changes in civil and criminal law regarding right to refuse treatment An update of clinical guidelines and legal regulations of ECT An update on suicide risk assessment and new legal cases involving suicide An update on violence risk assessment and new legal cases involving the duty to protect endangered third parties New statutes and criminal sanctions regarding sexual misconduct New statutes limiting the liability of therapists toward third parties who are injured or killed by patients Changes in the relationship between psychiatrists and nonmedical therapists Regulatory developments regarding physician impairment Numerous tables and an updated glossary of legal terms New section on common terms and abbreviations in legal citations

Clinical Handbook of Psychiatry & the Law Paul S. Appelbaum, Thomas G. Gutheil, 2007 Thoroughly updated for its Fourth Edition this award winning handbook gives mental health professionals authoritative guidance on how the law affects their clinical practice Each chapter presents case examples of legal issues that arise in practice clearly explains the governing legal rules their rationale and their clinical impact and offers concrete action guides to navigating clinico legal dilemmas This edition addresses crucial recent developments including new federal rules protecting patients privacy regulations minimizing use of seclusion and restraint liability risks associated with newer psychiatric medications malpractice risks in forensic psychiatry and new structured assessment tools for violence risk suicidality and decisional capacity Civil Mental

Disability Law, Evidence and Testimony John Parry, 2010

Clinical Perspectives on Psychotherapy Supervision

Stanley E. Greben, 1994 Clinical Perspectives on Psychotherapy Supervision is the first book to examine the role of the supervisor one of the most important teaching tools in psychotherapy from multiple perspectives Written by experts from virtually every major aspect of supervision this book gives a clear picture of the many challenges involved in supervising and how these challenges are best met Richly illustrated with clinical vignettes Clinical Perspectives on Psychotherapy Supervision explores theories of supervision reviews the recent literature and offers guidelines for practice Clinical Perspectives on Psychotherapy Supervision examines supervision from a variety of perspectives including the type of therapy group family behavioral psychodynamic the type of patient psychotic crisis the context legal ethical cultural gender the vantage of the supervisee the vantage of the development of the supervisor the perspective of failed supervision

Retrospective Assessment of Mental States in Litigation Robert I. Simon, Daniel W. Shuman, 2008-08-13 Why did the defendant do it Mental health professionals are asked to help courts answer this question To serve justice the law calls for evidence of the mental state at the time a crime is committed of suicide intent in civil litigation and of mental capacity in contract litigation The law asks psychiatrists and psychologists to retrospectively determine mental states a daunting task made even more difficult by the passage of time the uncertain credibility of witnesses the paucity of collateral sources of

information and often the death of the person in question This is the first book dedicated entirely to the retrospective assessment of mental states This fascinating book explores the role of the psychiatrist and psychologist as an expert witness in litigation in rendering a retrospective judgment of an individual's mental state Distinguished contributors apply their expertise in psychiatry psychology and the law to address the problems of retrospective assessment With the goal of developing guidelines for more accurate retrospective assessment of mental states they present topics such as Guidelines for conducting retrospective assessments in children and adults Guidelines for the retrospective assessment without benefit of direct examination Assessments of suicide cases in both civil and criminal litigation Psychological testing and interviewing techniques that may assist in retrospective assessment Methods and analysis to help clinicians and attorneys critically evaluate the search for truth about the past This remarkable book will prove indispensable for helping clinicians lawyers and judges better understand the complex and difficult process of retrospective reconstruction of mental states **Review of**

Clinical Psychiatry and the Law, 1992 Encyclopedia of Forensic and Legal Medicine, 2015-09-29 Encyclopedia of Forensic and Legal Medicine Volumes 1-4 Second Edition is a pioneering four volume encyclopedia compiled by an international team of forensic specialists who explore the relationship between law medicine and science in the study of forensics This important work includes over three hundred state of the art chapters with articles covering crime solving techniques such as autopsies ballistics fingerprinting hair and fiber analysis and the sophisticated procedures associated with terrorism investigations forensic chemistry DNA and immunoassays Available online and in four printed volumes the encyclopedia is an essential reference for any practitioner in a forensic medical healthcare legal judicial or investigative field looking for easily accessible and authoritative overviews on a wide range of topics Chapters have been arranged in alphabetical order and are written in a clear and concise manner with definitions provided in the case of obscure terms and information supplemented with pictures tables and diagrams Each topic includes cross referencing to related articles and case studies where further explanation is required along with references to external sources for further reading Brings together all appropriate aspects of forensic medicine and legal medicine Contains color figures sample forms and other materials that the reader can adapt for their own practice Also available in an on line version which provides numerous additional reference and research tools additional multimedia and powerful search functions Each topic includes cross referencing to related articles and case studies where further explanation is required along with references to external sources for further reading *Principles and Practice of Forensic Psychiatry, Third Edition* Richard Rosner, Charles Scott, 2017-02-03 The third edition of this award winning textbook has been revised and thoroughly updated Building on the success of the previous editions it continues to address the history and practice of forensic psychiatry legal regulation of the practice of psychiatry forensic evaluation and treatment psychiatry in relation to civil law criminal law and family law as well as correctional forensic psychiatry New chapters address changes in the assessment and treatment of aggression and

violence as well as psychological and neuroimaging assessments

Ethical Issues in Counselling and Psychotherapy

Practice Poornima Bhola,Ahalya Raguram,2016-10-20 This edited volume comprehensively examines the critical ethical challenges that arise in the practice of counselling and psychotherapy It translates philosophical positions and professional ethical guidelines in a way that can be applied to practice The various chapters focus on specific ethical issues that emerge in working with a range of different client groups for example children couples and families While some ethical imperatives are common across the board others could be more closely associated with certain client groups Practitioners might experience uncertainty in working with vulnerable client groups for example lesbian gay transgender intersex LGBT clients or persons who report intimate partner violence Several chapters raise questions provide information and additional resources to enhance ethically informed practice Chapter contributions also highlight the ethical dilemmas that might be unique to certain contexts for example private practice schools and consultation liaison settings This volume also addresses contemporary and relatively less understood playing fields like digital ethics related to therapist client interface in the internet space and the navigation of ethical dilemmas in the newly emerging field of employee assistance programmes which address mental health needs in the corporate sector Written by experienced practitioners of psychotherapy and culturally contextualized this is a valuable resource for academics and practitioners interested in psychotherapy and counselling

The Mental Health Practitioner and the Law Lawrence E. Lifson,Robert I. Simon,1998 Here is a unique and practical guide to clinical risk management in the mental health field The book combines the expertise of mental health professionals judges attorneys and insurance industry experts to help the clinician provide effective treatment while reducing the risk of legal liability Wide ranging clinically based and up to date this will be a welcome guide for medical and surgical practitioners as well

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