

Communications of Sympathy

May 2009

This Indiana legislation took effect July 1, 2006 and includes the following information:

- *This chapter applies to a cause of action in tort, including a medical malpractice action.*
- *Communication of sympathy means a statement, a gesture, an act, conduct or a writing that expresses; sympathy, apology or a general sense of benevolence.*
- *A court may not admit into evidence a communication of sympathy that relates to causing or contributing to a loss, an injury, pain, suffering a death or damage to property.*
- *A court may admit a statement of fault into evidence including a statement of fault that is part of a communication of sympathy, if otherwise admissible under Indiana Rules of Evidence.*

It is recommended that you consult with your attorney and a representative of your insurance company prior to communicating sympathy.

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