

Supreme Court of the United States

**BEVERLY R. VOLK,
v.
JAMES B. DEMEERLEER**

24/12/2014

No. 91387-1

Jan DeMeerleer murdered Rebecca Schiering and her nine year old son Philip, and attempted to murder Schiering's older son, Brian Winkler. After the attack, DeMeerleer committed suicide. DeMeerleer had been an outpatient of psychiatrist Dr. Howard Ashby for nine years leading up to the attack, during which time he expressed suicidal and homicidal ideations but never named Schiering or her children as potential victims. At issue in this case was whether Ashby, as a mental health professional, owed DeMeerleer's victims a duty of care based on his relationship with DeMeerleer. After review, the Supreme Court held that Ashby and DeMeerleer shared a special relationship and that special relationship required Ashby to act with reasonable care, consistent with the standards of the mental health profession, to protect the foreseeable victims of DeMeerleer. Ashby conceded the existence of a special relationship between him and DeMeerleer; the foreseeability of DeMeerleer's victims was a question of fact appropriately resolved by the fact finder. The Supreme Court affirmed the Court of Appeals in part and reversed the trial court's summary judgment dismissal of the medical negligence claim.