

CIVJIG 91.75 Measure of Damages--Wrongful Death

Money value of damages

When you consider damages for *(claimant)(s)*, **determine an amount of money that will fairly and adequately compensate *(claimant)(s)* for the losses *(he) (she) (they)* suffered as the result of this death.**

You should consider what *(name of deceased)* would have provided to the *(claimant)(s)* if *(he) (she) (they)* had lived.

Factors to consider

You should consider:

1. *(His) (Her)* contributions in the past
 2. *(His) (Her)* life expectancy at the time of *(his) (her)* death
 3. *(His) (Her)* health, age, habits, talents, and success
 4. *(His) (Her)* occupation
 5. *(His) (Her)* past earnings
 6. *(His) (Her)* likely future earning capacity and prospects of bettering *(himself) (herself)* had *(he) (she)* lived
 7. *(His) (Her)* personal living expenses *(cost of supporting the child)*
 8. *(His) (Her)* legal obligation to support the *(surviving spouse) (next of kin)* and the likelihood that *(he) (she)* would have fulfilled that obligation
 9. All reasonable expenses incurred for a funeral and burial (etc.), and all reasonable expenses for support due to *(his) (her)* last sickness, including necessary medical and hospital expenses incurred after and as a result of the injuries causing death
 10. [The probability of *(name of decedent)*'s paying the debt owed by _____ to _____]
 11. The counsel, guidance, and aid *(he) (she)* would have given *(claimant)(s)*
 12. [The advice, comfort, assistance, companionship, and protection that *(name of decedent)* would have given if *(he) (she)* had lived].
- [Give CIVJIG 91.85, where appropriate.]

Lost time together

Decide the length of time those related might be expected to survive together. You should compare the life expectancy of *(name of decedent)* with the life expectancy of each claimant.

Take into account only the amount of time the two being compared would be expected to survive together.

Base your money damages for each claimant on the shorter life expectancy of the two being compared.

Items to exclude

Do not include amounts for:

1. [Punishing the defendant]
2. [Grief or emotional distress of the surviving spouse and the next of kin], or
3. [For the pain and suffering of _____ before *(his) (her)* death].

Factors to exclude

Do not be influenced by the fact that:

1. [The *(surviving spouse) (next of kin) (may have received) (may get)* money or other property from *(name)*'s estate], or
2. [The *(surviving spouse) (next of kin) (may collect) (has collected)* insurance or workers' compensation benefits because of *(name)*'s death], or
3. [The surviving spouse has remarried], or
4. [The minor children have been emancipated], or
5. [There is no legal obligation to support the next of kin].

You must determine the total amount of money that will fairly and adequately compensate the *(claimant)(s)* for the damages suffered as the result of this death.

[I will divide the damages among the *(claimants)*.]