

In Alabama, fetuses can now be victims in civil suits

On behalf of Johnston, Moore & Thompson

- September 14, 2011

Car accidents happen in Alabama and around the country every day. Some are very minor. But some are completely life-changing. An Alabama car accident that took place in 2007 didn't kill any drivers or passengers, but it did result in [wrongful death](#) lawsuits.

How could that be? A passenger in one of the involved vehicles was 12 weeks pregnant at the time of the crash. She suffered injuries that supposedly led to a miscarriage five days after the accident. She has been fighting for civil justice due to her loss, and an important entity just took her side.

According to news reports, the plaintiff met rejection before when she tried to hold the two drivers liable for negligence. The lower court ruled that wrongful death didn't fit the case because the supposed victim was a fetus that couldn't have lived outside of its mother. The ruling didn't satisfy the Alabama plaintiff.

She and her attorney took the case to the state's high court, where a ruling made last Friday means a significant change in civil cases related to the death or injury of the unborn. The court looked at criminal law and how charges can be modified based on a supposed offense's impact on the unborn. Justices believed that civil law's handling of the unborn should reflect criminal law's standards.

Therefore, the plaintiff will get the opportunity to seek damages for the alleged wrongful death of her fetus. This is a big state case due the court's recent ruling, and we will post updates when there are further developments regarding the decision or the specific plaintiff's case.

Source

Houston Chronicle: "[Alabama court says woman can sue over fetus death](#)," Sep. 9, 2011