

Wrongful Death

Wrongful death is the term used when someone causes the death of another person. The death may be caused by the actions of someone or by their failure to act (neglect). Wrongful death is a civil action rather than a criminal action. Since the person killed (decedent) cannot file suit or collect damages, it is the family or representatives of the estate that do so.

A defendant can only be held responsible for a wrongful death if it can be proved that the defendant's conduct was the cause of the death. It must be proved that the death would not have occurred without the defendant's act. The time between the defendant's action and the death of the decedent is not a factor as long as it can be proved that the defendant's action was the cause of death.

If it can be shown that the decedent was partially responsible for his death, then he may be found to have contributed to his own death and in that case damages may be denied based on his contributory negligence.

In a case of wrongful death, damages are imposed for the preservation of human life and are a deterrent to others to prevent similar wrongs. The amount of damages should be directly related to the amount of wrong doing on the part of the defendant. The damages are punitive and not compensatory.