

Table of Contents

CHAPTER 1. HISTORICAL DEVELOPMENT OF ACTION

A. LORD CAMPBELL'S ACT

- § 1:1 Background
- § 1:2 Common law rule
- § 1:3 Enactment and text of Lord Campbell's Act

B. EARLY GEORGIA ACTS AND CODIFICATIONS

- § 1:4 Georgia's first act: 1850
- § 1:5 Rule of strict construction
- § 1:6 1856 act
- § 1:7 *Southwestern R. Co. v. Paulk*
- § 1:8 Codification
- § 1:9 —Effect
- § 1:10 Early court construction of code
- § 1:11 What gave rise to right of action under early code
- § 1:12 1868 and 1873 unchanged recodifications
- § 1:13 Measure of damages under early code

C. LEGISLATIVE CORRECTION OF CODE DEFECTS

- § 1:14 “Full value of the life of the decedent”—Adoption
- § 1:15 —Early court construction
- § 1:16 —Elimination of deduction for expenses
- § 1:17 Recovery for death of child
- § 1:18 Child's right of action for parent's homicide
- § 1:19 Actions by legal representative of decedent
- § 1:20 Widow's power to compromise action

D. CONSTITUTIONALITY

- § 1:21 Wrongful Death Act is constitutional

CHAPTER 2. CONDUCT CREATING CAUSE OF ACTION

- § 2:1 Definition of homicide
- § 2:2 Derivative nature of action
- § 2:3 Slight, ordinary, and gross negligence; negligence per se

WRONGFUL DEATH ACTIONS

- § 2:4 Willful and wanton misconduct
- § 2:5 Intentional homicide
- § 2:6 Negligence arising from breach of contract
- § 2:7 Causation

A. PRODUCTS LIABILITY

- § 2:8 Breach of warranties
- § 2:9 Strict liability and Georgia Wrongful Death Act
- § 2:10 Sale of unwholesome provisions and adulterated drugs or alcoholic beverages; furnishing wrong medicine by vendor

B. MEDICAL MALPRACTICE

- § 2:11 Physicians
- § 2:12 Hospitals, nursing homes, and clinics
- § 2:13 Managed health care entities—Tort liability
- § 2:14 —Prospective utilization review
- § 2:15 Liability for death of third person
- § 2:16 Opinions of medical experts—Expert affidavit requirement
- § 2:17 —Medical report certifying cancer due to asbestos exposure
- § 2:18 —Expert testimony
- § 2:19 Payor guidelines and criteria under federal law: effect on negligence or standard of care for medical malpractice or product liability

C. LANDOWNERS; PREMISES LIABILITY

- § 2:20 Invitees—Duty of care; knowledge of defects or dangers
- § 2:21 —Negligent security claims prior to enactment of 2025 tort reform legislation
- § 2:22 —Negligent security claims under 2025 tort reform legislation
- § 2:23 —Swimming pools
- § 2:24 Licensees
- § 2:25 —Negligent security claims under 2025 tort reform legislation
- § 2:26 Liability of out-of-possession landowners for deaths of third persons—Work sites
- § 2:27 Leased premises: liability of landlords for deaths of third persons
- § 2:28 Property developers or home builders
- § 2:29 Prescribed burns on property

TABLE OF CONTENTS

- § 2:30 Trespassers
- § 2:31 Negligent supervision of children
- § 2:32 Negligent creation and maintenance of dangerous condition on abutting street or highway
- § 2:33 Smoke detectors
- § 2:34 Falling trees

D. NEGLIGENCE MAINTENANCE OF HIGHWAYS, ROADS, AND STREETS

- § 2:35 Railroad grade crossings and overpasses
- § 2:36 Outdoor advertising
- § 2:37 Highway construction and maintenance
- § 2:38 Traffic control
- § 2:39 Street lighting

E. COMMON CARRIERS

- § 2:40 Railroad employees
- § 2:41 Passengers and pedestrians

F. PUBLIC UTILITIES

- § 2:42 High voltage lines; supplier of electricity
- § 2:43 Supplier of gas

G. IMPUTABLE NEGLIGENCE AND VICARIOUS LIABILITY

- § 2:44 Respondeat superior
- § 2:45 Liability of principal for torts of agent
- § 2:46 Negligent hiring or retaining of employee
- § 2:47 Negligent supervision of employee
- § 2:48 Negligent entrustment
- § 2:49 Parental liability
- § 2:50 Family purpose doctrine
- § 2:51 Motor vehicle passengers
- § 2:52 Liability for death caused by animals
- § 2:53 Providers of alcoholic beverages
- § 2:54 Firearms dealers or sellers
- § 2:55 Publishers
- § 2:56 Employers
- § 2:57 Contractors
- § 2:58 Bailor-bailee relationship
- § 2:59 Good Samaritans
- § 2:60 Guardians ad litem

H. OTHER CONDUCT CREATING A CAUSE OF ACTION

- § 2:61 Prenatal injury and death
- § 2:62 Suicide
- § 2:63 Rescue attempt
- § 2:64 Duty of police officers
- § 2:65 Nuisances
- § 2:66 Reckless conduct
- § 2:67 Civil RICO claims
- § 2:68 Fraud claims
- § 2:69 Fair Business Practices Act claims
- § 2:70 Breach of contract claims
- § 2:71 Remedies for residents of personal care homes
- § 2:72 Promissory estoppel claims

CHAPTER 3. PARTIES TO ACTION

A. GENERAL CONSIDERATIONS

- § 3:1 Individual vested with right of action
- § 3:2 Determining proper party who is vested with cause of action
- § 3:3 Joinder of actions on motion of defendant
- § 3:4 Realignment of parties
- § 3:5 Intervention
- § 3:6 Husband, wife, and children as parties to action and *Tolbert v. Murrell* decision
- § 3:7 Siblings of decedent do not have right of action
- § 3:8 Nonresident aliens' right of action
- § 3:9 Health care power of attorney insufficient to sign away principal's right to jury trial in wrongful death action
- § 3:10 Substitution of parties
- § 3:11 Individual who feloniously and intentionally kills own spouse, child, or parent forfeits right to recover for wrongful death

B. SURVIVING SPOUSE

- § 3:12 Surviving spouse's right of action
- § 3:13 Surviving spouse vested with cause of action at moment of other spouse's death
- § 3:14 Remedies where there are two or more purported surviving spouses of decedent
- § 3:15 Surviving spouse's right to settle or to compromise wrongful death action

TABLE OF CONTENTS

- § 3:16 Surviving spouse's action against adult child
- § 3:17 Third-party action
- § 3:18 Post-death marital status of surviving spouse
- § 3:19 Common-law marriage
- § 3:20 When decedent's estate is administered, what interest if any does it have in recovery
- § 3:21 Survival of action

C. CHILDREN

- § 3:22 Child's right of action
- § 3:23 Joint or separate actions by children of decedent
- § 3:24 Child's action against parent or stepparent
- § 3:25 Right of action of child's legal representative
- § 3:26 Right of action of child born out of wedlock
- § 3:27 Adopted child's or stepchild's right of action
- § 3:28 Descendant of child who predeceases parent does not have right of action

D. PARENTS

- § 3:29 Parents' right of action for death of child
- § 3:30 Parents' right of action against surviving spouse and others for death of child
- § 3:31 Parents' right of action for death of child born out of wedlock
- § 3:32 Parents' right of action for death of fetus or unborn child
- § 3:33 Actions between spouses for death of child
- § 3:34 Right of action of stepparent, foster parent, or guardian
- § 3:35 Procedure by which divorced or separated parent pursues cause of action
- § 3:36 Order of right of action
- § 3:37 Survivorship; order of deaths
- § 3:38 Dependency and contribution
- § 3:39 General release of all liability
- § 3:40 Parent's contributory negligence
- § 3:41 Parents' right of action for loss of services of child

E. ADMINISTRATOR OR EXECUTOR

- § 3:42 Right of action of administrator or executor
- § 3:43 Personal representative's right of recovery for funeral, medical, and other necessary expenses
- § 3:44 Personal representative's standing to enforce

WRONGFUL DEATH ACTIONS

contractual insurance requirement for benefit of decedent as third-party beneficiary

F. DEFENDANTS

- § 3:45 Party defendants
- § 3:46 Motor carrier and its insurance carrier
- § 3:47 State and local governments
- § 3:48 Charitable institutions
- § 3:49 Joint tortfeasors
- § 3:50 Third-party action
- § 3:51 Rights and obligations of insurer under insurance policy
- § 3:52 Excluded parties in actions against nursing homes or intermediate care homes

CHAPTER 4. DEFENSES, IMMUNITIES, AND LIMITATIONS

A. DEFENSES

- § 4:1 Background
- § 4:2 Comparative negligence
- § 4:3 Contributory negligence of decedent
- § 4:4 Negligence of decedent as proximate cause
- § 4:5 Negligence of plaintiff as proximate cause
- § 4:6 Assumption of risk by decedent
- § 4:7 Workers' compensation as exclusive remedy
- § 4:8 Settlement and release
- § 4:9 Exculpatory, indemnity, or release clauses in agreements
- § 4:10 Arbitration agreements
- § 4:11 Justifiable homicide
- § 4:12 Sudden emergency
- § 4:13 Legal accident
- § 4:14 Act of God

B. IMMUNITIES

- § 4:15 Condition precedent to right of action
- § 4:16 Interspousal tort immunity
- § 4:17 Intrafamily tort immunity
- § 4:18 Immunity of governmental entities and officials—
 - Sovereign immunity; Georgia Tort Claims Act
- § 4:19 —Official or qualified immunity
- § 4:20 —County immunity

TABLE OF CONTENTS

- § 4:21 —Municipal immunity
- § 4:22 —Safety net clinics
- § 4:23 —Recreational joint-use agreement between governing authority of school and private entity
- § 4:24 Medical malpractice immunities—Health care providers of professional services without compensation
- § 4:25 —Free health clinics
- § 4:26 —Members, directors, trustees or officers of nonprofit hospitals, etc.
- § 4:27 —Medical students
- § 4:28 —Good faith admission, discharge, or transport of patient
- § 4:29 —Peer review groups
- § 4:30 —Independent utilization review organizations
- § 4:31 —Hospital emergency departments
- § 4:32 —Mental health care providers
- § 4:33 “Good Samaritan” immunity
- § 4:34 Charitable immunity
- § 4:35 Immunity from liability for services provided at public or private schools
- § 4:36 Immunity from liability for installation of switch to turn off air bag
- § 4:37 Immunity from liability of certified child passenger safety technicians and sponsoring organizations
- § 4:38 Immunity from liability of owners or operators of fishing locations
- § 4:39 Immunity from liability for landowners who allow wildlife to traverse their property or for persons hunting game upon such property with permission
- § 4:40 Immunity from liability for landowners who charge admission to hunt or fish on property or to enter property for purposes of agritourism
- § 4:41 Immunity from liability of state soil and water conservation districts
- § 4:42 Landowner’s immunity from liability under the Recreational Property Act
- § 4:43 Immunity from liability of persons engaged in activities relating to use of automated external defibrillators
- § 4:44 Immunity from liability of firefighters actually fighting fire or performing duties at scene of emergency
- § 4:45 Immunity from liability of liquefied petroleum gas providers
- § 4:46 Immunity from liability of agencies or community service officers for acts performed while participating

WRONGFUL DEATH ACTIONS

- in community service or educational advancement programs
- § 4:47 Immunity from liability of firearms instructors
- § 4:48 Immunity from liability of electronic pretrial release and monitoring providers
- § 4:49 Immunity from liability claims regarding COVID-19

C. LIMITATIONS OF ACTIONS

- § 4:50 Statutes of limitation and repose
- § 4:51 —Loss of services and medical expenses
- § 4:52 —Medical malpractice actions
- § 4:53 —Improvements to real property
- § 4:54 —Products liability actions
- § 4:55 Statute of limitations and repose—Contracts
- § 4:56 Tolling the statute of limitations

D. MISCELLANEOUS

- § 4:57 Estoppel by pending action or by judgment
- § 4:58 Res judicata
- § 4:59 Restitution for homicide of victim
- § 4:60 Abatement
- § 4:61 Lack of personal jurisdiction
- § 4:62 Forum non conveniens
- § 4:63 Diversity jurisdiction in federal courts
- § 4:64 State tort law claims preempted by federal law
- § 4:65 Immunity or preemption under federal Public Readiness and Emergency Preparedness (PREP) Act
- § 4:66 Persons not liable for operation of emergency 9-1-1 system
- § 4:67 Automatic bankruptcy stay

CHAPTER 5. EVIDENCE

- § 5:1 In general
- § 5:2 Full value of the life of the decedent
- § 5:3 Tables for determining value of life; present value of future earnings; mortality tables
- § 5:4 Decedent's services
- § 5:5 Decedent's income
- § 5:6 Decedent's estate
- § 5:7 Decedent's character and qualities
- § 5:8 Decedent's mental state
- § 5:9 Decedent's emotional distress
- § 5:10 Decedent's conduct prior to death

TABLE OF CONTENTS

§ 5:11	Decedent's failure to wear seat belt at time of fatal accident
§ 5:12	Decedent's statements prior to death
§ 5:13	Number of family members
§ 5:14	Financial condition, necessities, and mental suffering of plaintiffs
§ 5:15	Similar negligent acts or omissions of plaintiff
§ 5:16	Admissions against interest by the plaintiff
§ 5:17	Plaintiff's claim against another defendant
§ 5:18	Spoliation of evidence
§ 5:19	Support
§ 5:20	Dependency and contribution
§ 5:21	Separation or pending divorce action
§ 5:22	Paternity
§ 5:23	Death certificates
§ 5:24	Photographs and videotapes
§ 5:25	X-rays and CT scans of the decedent
§ 5:26	Autopsy reports
§ 5:27	Police reports
§ 5:28	Accident reports
§ 5:29	Medical reports
§ 5:30	Medical records
§ 5:31	Hospital incident reports
§ 5:32	Chain of custody of blood and urine samples
§ 5:33	Expert opinions—Generally
§ 5:34	—Actuary or economist
§ 5:35	—Annuity
§ 5:36	—Product design
§ 5:37	—Engineer
§ 5:38	—Physician
§ 5:39	—Toxicologist
§ 5:40	—Psychologist
§ 5:41	—Child care provider
§ 5:42	—Accident reconstructionist
§ 5:43	—Accident investigator
§ 5:44	Cause of death
§ 5:45	Res ipsa loquitur
§ 5:46	Testimony given in prior criminal case
§ 5:47	Pretrial deposition testimony of witness
§ 5:48	Testimony concerning out-of-court statements
§ 5:49	Testimony concerning previous death of infant child in family due to SIDS
§ 5:50	Testimony for purpose of impeachment
§ 5:51	Testimony concerning party's wealth
§ 5:52	Testimony concerning experiments

WRONGFUL DEATH ACTIONS

- § 5:53 Testimony of eyewitnesses
- § 5:54 Defendant's reaction to testimony during trial
- § 5:55 Defendant's character
- § 5:56 Similar negligent acts or omissions of defendant
- § 5:57 Similar occurrences involving defendant
- § 5:58 Other lawsuits and incidents involving defendant's product
- § 5:59 Recall or regulatory proceeding instituted against defendant's product
- § 5:60 Videotape simulations of accidents involving defendant's product
- § 5:61 Product adjustment data of defendant
- § 5:62 Testimony of foreign road safety officer regarding safety of automobile manufacturer's fully passive restraint system
- § 5:63 Repairs, change of conditions, or precautions taken by defendant after wrongful death
- § 5:64 Felony conviction of defendant
- § 5:65 Admissions of liability by defendant
- § 5:66 Admissions requested under discovery statute
- § 5:67 Liability insurance coverage of defendant
- § 5:68 Settlement of claims against joint tortfeasors
- § 5:69 Secret litigation agreement
- § 5:70 Negligence of county
- § 5:71 Comparative negligence of parties
- § 5:72 Justification for physician's alleged abandonment of patient
- § 5:73 Physician's professional qualifications
- § 5:74 Physician's decision not to prescribe expensive drug
- § 5:75 Physician's mortality rates
- § 5:76 Physician's past conduct affecting patient safety
- § 5:77 Hospital's qualifications
- § 5:78 Fixed and uniform habits of nurses
- § 5:79 "Locality rule" in regard to hospital facilities
- § 5:80 Surgical service manual
- § 5:81 Resource guide for medical device
- § 5:82 Alcoholism of parent of deceased child
- § 5:83 OSHA regulations
- § 5:84 County rules and regulations

CHAPTER 6. DAMAGES

- § 6:1 Measure of damages
- § 6:2 Punitive damages
- § 6:3 Damages for decedent's pain and suffering in last moment of consciousness

TABLE OF CONTENTS

§ 6:4	Damages for aggravation of decedent's preexisting condition
§ 6:5	Damages for intentional infliction of emotional distress upon decedent
§ 6:6	Elements of the full value of the life of the decedent
§ 6:7	Economic value of decedent's life
§ 6:8	What is reducible to present cash value
§ 6:9	Full value of the life of a minor child or infant
§ 6:10	Intangible element of "full value of the life of the decedent"
§ 6:11	Limitations relative to arguments and evidence of noneconomic damages in wrongful death actions
§ 6:12	Noneconomic damages recoverable in medical malpractice actions
§ 6:13	Non-recoverable items
§ 6:14	Collateral source rule prior to enactment of 2025 tort reform legislation in 2025
§ 6:15	Special damages for medical and healthcare expenses
§ 6:16	Bifurcation of trial to determine liability and then damages
§ 6:17	Verdict—Voir dire
§ 6:18	—Excessive; writing off
§ 6:19	— —Decisions Prior to Tort Reform Act of 1987
§ 6:20	— —Tort Reform Act of 1987
§ 6:21	—Inadequate
§ 6:22	—Setting-off settlement
§ 6:23	—Quotient
§ 6:24	—Lump sum
§ 6:25	—Contradictory
§ 6:26	—Improper
§ 6:27	—Remittitur
§ 6:28	Right of joint trespasser to contribution or indemnity
§ 6:29	Apportionment of damages
§ 6:30	Apportionment of fault in negligent security actions
§ 6:31	Insurer's liability for damages
§ 6:32	Prejudgment interest on unliquidated damages
§ 6:33	Declaratory judgment action to determine extent of defendants' potential liability

CHAPTER 7. DISPOSITION OF RECOVERY

§ 7:1	Division of recovery among surviving spouse and decedent's children
§ 7:2	Surviving spouse's and children's recovery not subject to debt or liability of decedent or decedent's estate
§ 7:3	Remarriage of spouse

WRONGFUL DEATH ACTIONS

- § 7:4 Parents' recovery for death of child
- § 7:5 Administrator or executor's recovery
- § 7:6 Natural guardian's, guardian's, or next friend's recovery of settlement for benefit of minor child
- § 7:7 Statutory exemption for purposes of bankruptcy
- § 7:8 Attorney fees
- § 7:9 Income taxes
- § 7:10 Determination which claim should be satisfied out of insufficient insurance funds paid into court registry
- § 7:11 High-low settlement agreements
- § 7:12 Structured settlements
- § 7:13 Fraudulent conveyances

CHAPTER 8. CONFLICT OF LAWS

- § 8:1 Lex loci delicti
- § 8:2 Wrongful death action arising under sister state's statute
- § 8:3 Statute of limitations
- § 8:4 Party required to bring action
- § 8:5 Construction and enforcement of statutes of another state
- § 8:6 Dollar limitations on action

CHAPTER 9. EFFECT OF WORKERS' COMPENSATION ON WRONGFUL DEATH ACTIONS

- § 9:1 Exclusive remedy
- § 9:2 Dependency
- § 9:3 Within scope of employment
- § 9:4 Co-employee immunity not a shield against individual liability for medical malpractice claims
- § 9:5 Enlargement of meaning of employer
- § 9:6 Liability of employer's insurance carriers
- § 9:7 Subrogation lien
- § 9:8 —Right of action against third parties
- § 9:9 —Right of subrogation of employer or employer's insurer
- § 9:10 —Statute of limitations
- § 9:11 —Attorney fees

CHAPTER 10. RELATED FEDERAL LEGISLATION

- § 10:1 In general

TABLE OF CONTENTS

- § 10:2 Federal Tort Claims Act
- § 10:3 Federal Employers' Liability Act
- § 10:4 Federal maritime tort claims acts
- § 10:5 Limitation on damages for death of passenger of international air carrier
- § 10:6 Federal Civil Rights Act
- § 10:7 Federal Employees' Compensation Act
- § 10:8 Federal Social Security Act
- § 10:9 Magnuson-Moss Warranty Act
- § 10:10 Federal Rehabilitation Act

CHAPTER 11. FORMS

A. PLEADING AND PRACTICE

- § 11:1 Complaints
- § 11:2 Professional malpractice affidavit requirement—
 - Applicability of requirement
 - Sufficiency of affidavit
- § 11:4 —Exception to contemporaneous filing requirement applicable to actions decided prior to February 16, 2005
- § 11:5 —Exception to contemporaneous filing requirement applicable to actions filed on or after July 1, 2007
- § 11:6 Medical authorization form requirement
- § 11:7 Discovery
- § 11:8 Settlement offers and agreements for deaths from motor vehicle collisions; terms; payment methods; safe harbor provision
- § 11:9 Responsive pleadings
- § 11:10 Motions
- § 11:11 Summary judgment
- § 11:12 Default judgments
- § 11:13 Trials
- § 11:14 Orders
- § 11:15 Final judgment
- § 11:16 Dismissal for want of prosecution
- § 11:17 Motion to stay proceedings

B. NOTICES OF CLAIMS AGAINST STATE

- § 11:18 Notice of claim against state
- § 11:19 Receipt of delivery for notice of claim against state
- § 11:20 Receipt of delivery for notice of claim against state (risk management division of department of administrative services)

C. COMPLAINTS

- § 11:21 Complaint of surviving spouse for wrongful death—
Skeleton form
- § 11:22 —Instantaneous death of spouse as result of being hit
by motor vehicle
- § 11:23 —Injury and subsequent death of spouse as result of
being hit by motor vehicle
- § 11:24 —Injury and subsequent death of spouse as result of
airplane crash
- § 11:25 —Injury and subsequent death of spouse as result of
medical malpractice
- § 11:26 Allegation in complaint as to affidavit of expert in
medical malpractice action
- § 11:27 Allegation in complaint as to affidavit of expert in
medical malpractice action (another form)
- § 11:28 Complaint of surviving spouse for wrongful death—
Death of spouse as result of negligence of
pharmacist
- § 11:29 —Injury and subsequent death of spouse as result of
assault and battery while patient in nursing home
- § 11:30 —Spouse killed while walking on railroad track
- § 11:31 —Injury and subsequent death of spouse under
Federal Employers' Liability Act (F.E.L.A.)
- § 11:32 —Injury and subsequent death of spouse under
general maritime law and Jones Act (Federal Court)
- § 11:33 —Injury and subsequent death of spouse under
general maritime law, Jones Act, and Death on the
High Seas Act (Federal Court)
- § 11:34 Complaint of surviving children for wrongful death of
parent—Instantaneous death of parent as result of
being hit by motor vehicle
- § 11:35 —Injury and subsequent death of parent as result of
medical malpractice
- § 11:36 Complaint of parents for wrongful death of child—
Instantaneous death of child as result of being hit
by motor vehicle
- § 11:37 Complaint of parent for wrongful death of child—
Child shot and killed as result of negligent security
of premises
- § 11:38 —Injury and subsequent death of child as result of
medical malpractice
- § 11:39 Complaint of parents for wrongful death of child—
Death of unborn child as result of medical
malpractice during delivery
- § 11:40 Allegation in complaint for homicide of child as to
plaintiff—Parents alive and not divorced

TABLE OF CONTENTS

- § 11:41 —Surviving parent
- § 11:42 —Divorced parent
- § 11:43 Complaint for wrongful death; injury and subsequent death of pretrial detainee
- § 11:44 Complaint of administrator or executor for benefit of next of kin

D. ANSWERS

- § 11:45 Answer to complaint for wrongful death—Injury and subsequent death of spouse as result of assault and battery while patient in nursing home
- § 11:46 —Injury and subsequent death of parent as result of medical malpractice
- § 11:47 Defense showing parents are not real parties in interest
- § 11:48 Defense of statute of limitations in medical malpractice action—Statute of limitations
- § 11:49 —Statute of repose

E. INTERROGATORIES

- § 11:50 Interrogatories to plaintiff in wrongful death action—Automobile collision
- § 11:51 —Automobile collision (Another form)
- § 11:52 —Medical malpractice
- § 11:53 Interrogatories to defendant in wrongful death action—Assault and battery in nursing home
- § 11:54 —Medical malpractice

F. NOTICE BEFORE SETTLEMENT

- § 11:55 Notice before settlement; release of all claims

G. MOTIONS

- § 11:56 Motion to add party defendant; consent of counsel of record; order
- § 11:57 Plaintiff's motion in limine to exclude reference to prejudicial matter at trial
- § 11:58 Motion to apportion judgment between divorced parents in wrongful death action for child
- § 11:59 Motion for summary judgment by defendant against parents

H. REQUESTS TO CHARGE

- § 11:60 Request to charge—Contributory and comparative negligence

WRONGFUL DEATH ACTIONS

- § 11:61 —Definition of homicide
- § 11:62 —Measure of damages—Full value of decedent's life
- § 11:63 ——Full value of decedent's life from decedent's standpoint, not that of family and friends
- § 11:64 ——Diminution of earning capacity
- § 11:65 ——Full value of decedent's life including intangible aspects
- § 11:66 ——Value of services of wife and mother
- § 11:67 ——Full value of decedent's life (Superior Court judge's pattern charge)
- § 11:68 ——Full value of child's life
- § 11:69 ——Value of services of minor
- § 11:70 —Emotional distress from witnessing death of child

I. VERDICTS

- § 11:71 Verdict—Damages
- § 11:72 —Damages (Another form)
- § 11:73 —Recovery of funeral, medical, and other expenses

APPENDIX

Appendix A. Statutes Related to Wrongful Death Actions

Table of Laws and Rules

Table of Cases

Index