

PREFACE

2026-2027 Edition

Kentucky Wrongful Death Actions discusses the intricacies involved in prosecuting and defending wrongful death and survival actions in Kentucky. It reviews the historical development of wrongful death law and discusses choice of law concerns, proper parties for an action, potential procedural issues, bases for relief, defenses, and damages.

The origin of this work actually began in 1981 with the publication of *Wrongful Death Actions—The Law in Kentucky*. In 1994, the format, length, and style of the work was changed and expanded with the publication of the First Edition of *Kentucky Wrongful Death Actions*. As the law continued to change and the supplement was expanded, use of a supplement became somewhat unwieldy. In 2004, it was time to bring out a new edition of the book.

With the opportunity to bring out that new edition, several things were done. The entire work was read and edited to make sure that the principles stated were clear and concise. The material in the supplement was merged with the main text and edited to make sure that it flowed naturally and clearly. Additional research was done to make sure that edition was current and up to date with the most recent materials available in Kentucky. Following the format adopted in 2004, each new edition of the work has been similarly updated.

Although the research for the original work was in 1981, much of the historical material still provides a valuable resource for the practitioner. First, the basic constitutional provisions and legislation have remained unchanged. Second, understanding the past practices is frequently of value in preparing a new case. As a result of the continuing value of that material, it does remain in the current edition. It has, of course, been read, reviewed, and edited to make sure it is current. Third, even though some of the older principles have been changed, reference to some of that material remains. It may be helpful for practitioners to know what the law “was,” in order to better understand what the law has “become.” The text of the material clearly illustrates when those changes occurred.

The creation and continuing improvement of this work since 1981 has been an interesting and rewarding project. It is hoped that the work will continue to be of use and value to lawyers and judges in the Commonwealth.

The material in this edition is current through the date noted below. Highlights in this 2026-2027 Edition include:

- New cases on alternative dispute resolution. § 5:3, footnote 5
- New material and case on causation. § 6:9
- New case on statute of limitations for wrongful death. § 10:5, footnote 15
- New case on statute of limitations for survival claim. § 10:7, footnote 22
- New material and case on sovereign immunity. § 10:28

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