

## **WRONG DEATH OF A CHILD**

### **NO JUSTICE, NO PEACE**

Many of us have heard the slogan “No Justice, No Peace.” If you think about this slogan, it is a phrase that is the essence of accountability that can be obtained in a civil justice case.

Many times, I have heard our detractors state in even the most egregious case involving the death of a child, something to the effect of “what difference does the money make – it won’t bring the child back.” While this statement is technically accurate, it really misses the point. I have had the opportunity to represent numerous parents who have lost a child due to the negligence of others. Without question, every one of these parents faced the most difficult times in their lives during this loss. These cases can be the most difficult to handle emotionally and legally for all of us civil trial lawyers. I think that the point of many of these cases is not an attempt to have the damages making the “parents whole.” In a wrongful death case involving the death of a child, that goal is not really attainable for the parents. Many times during the pendency of a wrongful death case involving the death of a child, there will be a discussion with the parents about how much money we should ask for. Another question might be what is the reasonable range of damages for these types of cases.

Honestly, the amount of damages in the wrongful death case of a child is never about anything “reasonable.” There is nothing reasonable about the loss of a child ... ever! Our children are our most precious and unique gifts to our families and to our society. They are the future of our societies.

When I looked at the pictures in the newspapers of the various parents who lost children in the recent University of California Santa Barbara shootings, I was reminded of the enormity and personal nature of such a loss.

What then is the answer in a case involving the death of a child? I think really these cases are about accountability. As a parent, we want the very best for our children. If we lose a child due to someone else’s negligence, we want the world and society to hold that person accountable. The amount of damages in such a case many times is a reflection of the accountability and responsibility of the defendant.

As a trial lawyer, you will most likely handle a wrongful death case involving a child some time during your career. These cases are a tremendous responsibility and when you handle these types of cases, you must do so with extra patience and caution and special effort. The process of going through these types of cases is especially grueling for the clients. The outcome of the case “good” or “bad” will have the most profound effect on your clients, probably for the rest of their lives.

Recently during jury selection in the wrongful death of a child case, we used a questionnaire that asked potential jurors about these types of cases. One of the questions that was asked was "what do you think about someone who brings a case for damages as a result of the death of their child?" Some of the responses might shock you. They ranged from one potential juror stating in response to this question "pond scum." Another potential juror wrote in response to this question that they would only be okay with a parent suing for damages for the death of a child if the defendant was negligent on purpose. Obviously, these potential jurors have been somehow affected by all of the insurance propaganda and have deep rooted feelings on these types of cases. You need to get rid of those jurors and get people who will be fair and honest in their deliberations and reflections on this type of loss in our society.

The responsibility of handling a case involving the death of a child is something that you will never forget. Possibly, you might help a parent or two find a bit of closure and accountability in their lives by bringing one of these cases to a successful conclusion. Hopefully, a case of this magnitude might help with some type of public safety in the future and prevent another family from the unspeakable pain of dealing with the wrongful death of one of their children. I honestly believe that the resolution of these types of cases does help the parents find justice and some peace.

Good luck and always walk with your head held high as a trial lawyer, knowing that what we do matters every single day.