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Human life worth more than a paycheck

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In the mid-1800s, New York State led the United States in adopting the first wrongful death statute in our country's history.

Since then, almost all of the states not only have adopted our precedent, but also have continuously updated the law, allowing it to evolve to comport with standards of human decency.

In England, coal miners often did not return from the depths of the mines. English jurisprudence ultimately evolved in an attempt to compensate the widow (traditionally, men were coal miners and women were not) and her children for the loss of income occasioned by a tragic death. In about 1849, New York State decided to adopt that concept and enact a similar statute.

While almost every other state has updated its laws in an attempt to quantify human recognition of the fact that a person consists of many separate and distinct components, and simultaneously give credence to the concept that the loss of a mother is not measured by her earnings. The loss of a baby is not measured by the infant's inability to be gainfully employed and, at the other end of the spectrum, a person killed in their golden years is not worthless merely because they retired from full-time employment.

The real tragedy is that New York State has never once amended its original statute to allow it to become meaningful under such concepts.

While New York should be commended for enacting the first wrongful death law, we cannot ignore the fact that virtually every other state has recognized the concepts that truly represent the loss of a loved one. Grief does not exist in the New York statutory scheme, something we must change immediately.



The loss of a mother who works in the home is no less tragic and, therefore, should not be insignificant under our wrongful death laws, as it is today. When I represent a family who has lost a loved one, I must scrutinize all available avenues, most of which are reprehensible when viewed through the lens of human decency, compassion and love.

If I retire, my life is still meaningful and, most importantly, it would be meaningful to those in my family. Although lost wages certainly should be a component of damages in a wrongful death lawsuit, the loss of the individual must not be negated beyond that measure as it is under our wrongful death statute.

The insurance company must no longer be allowed to infer, gently, that the parents of a child who has been killed will benefit because they no longer must pay college tuition. Such a notion is unjust. Such a notion is unfair, and intolerable. It is time to speak out collectively.

Please urge others around you to speak with their legislators to change our Draconian and unjust statute. I have no problem with the idea that the loss of a paycheck should be an additional component of damages, but we must prevent the concept that the wrongdoer who causes a death is better off if they kill the victim than if they merely maim them. Such an idea is intolerable in every measure of jurisprudence.

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