My Lost Support for Survivors

In most states damages for wrongful death are equal to the lost support for survivors. In this exercise you are to estimate the lost support to your survivors based upon the following fiction.

- Assume it is now five years after you have graduated from either college or the graduate program you intend to enter after your undergraduate education. You have the skills needed to earn the **average income** for someone of your age in your chosen profession.
- You were happily married with a child who is two years old and was born on New Year’s Day.
- You and spouse share the same birth date (move back your birth date at least five years).
- Your spouse was also employed full-time.
- Your death occurred on January 1 of this year. You had a great New Years Eve.

For some reason you have suffered an untimely death due to the negligence of others and your survivors plan to sue for lost economic support as indicated on the Ohio wrongful death statute. Your estimate is to be contained in a report that could be presented at trial. Your survivors, who are entitled to damages, include a wife and a child. It is unlikely that any other relatives could claim lost support.

The following section of the Ohio Revised Code lists the damages that may be awarded in wrongful death. You are to estimate the economic loss your survivors suffered on January 1 as a result of your untimely death. Economic loss includes lost market support (§ 2125.02 (B)(1)) and non-market support (§ 2125.02 (B)(2)) for your dependent survivors. It does not include valuation of lost society and companionship, loss of consortium, or pain and suffering.

§ 2125.02. (B) Compensatory damages may be awarded in an action for wrongful death and may include damages for the following:

1. **Loss of support from the reasonably expected earning capacity of the decedent;**

2. **Loss of services of the decedent;**

3. **Loss of the society of the decedent, including loss of companionship, consortium, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, and education, suffered by the surviving spouse, minor children, parents, or next of kin;**
(4) **Loss of prospective inheritance** to the decedent's heirs at law at the time of the decedent's death;

(5) The mental anguish incurred by the surviving spouse, minor children, parents, or next of kin.

Your report must contain an estimate for
- the **present value of future lost market support** and
- the **present value of future lost household services**.

**Report Format**

The report should be submitted as an Excel Workbook. The Excel Workbook should have three worksheets. The first worksheet should provide a summary of your estimates for lost market support and lost household services. It should also contain the following information.

The items contained in this section should include
a. Your age at death
b. Your date of death
c. Your expected worklife
d. Age at the end of your expected worklife
e. Your life expectancy
f. Your spouse’s life expectancy
g. You child’s date of birth
h. Date on which your child attains age 18

The second worksheet should contain your estimate of lost market support and the third worksheet should contain your estimate of lost household services.

This project will be graded on both the correctness of your results and the clarity of your analysis.

**The Present Value of Lost Market Support**

Your estimate of lost market support should follow the methodology outlined for calculating damages paid by the Victims Compensation Fund. You will need to explain where you obtained the data for determining you current earnings base.
The Present Value of Lost Household Services

The American Time Use Survey can be used to estimate the lost hours of household services. The number of hours devoted to household services will vary by the age of children and employment. Household services should not extend beyond you or your spouse’s life expectancy. The annual hours of household services should be multiplied by replacement cost per hour and then reduced to present value. Future values should contain inflation and productivity adjustments, but no life cycle adjustment.