

PRESENTED AS

Live Webcast

August 12, 2021

Wrongful Death Damages

Quentin Brogdon

Author Contact Information:

Quentin Brogdon

Crain Brogdon Rogers

Dallas, Texas

qbrogdon@cbrlawfirm.com

214.598.1009

TABLE OF CONTENTS

I. INTRODUCTION

II. THRESHOLD LEGAL ISSUES IN WRONGFUL DEATH CASES

1. What statute controls?
2. Who are the proper beneficiaries under the statute?
3. What elements of damages can they recover?
4. Is any child a step-child of the decedent? If so, was he adopted? If so, was he legally or equitably adopted?
5. Was the child illegitimate?
6. Is the beneficiary still living?
7. How is mental anguish defined in the jurisdiction?
8. What evidence may/must the jury consider in determining damages for mental anguish?
9. Is a physical manifestation of mental anguish required?
10. What is the relationship between mental anguish damages and other similar elements of damages, such as damages for “loss of society and companionship”?
11. What damages may be recovered?
12. Is evidence of remarriage or dating by a surviving spouse admissible?
13. How is the division of damages determined?
14. How does the status of the decedent’s employer as a worker’s compensation subscriber affect the case?

III. TEXAS PATTERN JURY CHARGE

IV. IMPORTANCE OF DECEDENT AND SURVIVING FAMILY MEMBERS

V. LEGAL SUFFICIENCY ISSUES RELATED TO MENTAL ANGUISH

VI. PAIN AND SUFFERING BEFORE DEATH

- VII. EVIDENCE OF MENTAL ANGUISH
- VIII. PREPARING CLIENTS FOR TRIAL
- IX. VOIR DIRE
- X. GENERAL THOUGHTS ON PROVING INJURIES AT TRIAL
- XI. ANTICIPATING AND INOCULATING AGAINST BAD DAMAGES FACTS
- XII. ARGUING MENTAL ANGUISH ARISING FROM LOSS OF PARENT OR SPOUSE
 - A. Loss of a Mother
 - B. Loss of a Father
 - C. Loss of a Wife
 - D. Loss of a Husband
- XIII. A NEW APPROACH - *REPTILE: THE 2009 MANUAL OF THE PLAINTIFF'S REVOLUTION*
 - A. Reptilian Science
 - B. The Reptile Speaks
 - C. How Tort "Reformers" Hijacked the Reptile
 - D. The Reptilian Antidote
 - E. Safety Rules and the Reptile
 - F. Codes and the Reptile
 - G. Getting the Jurors to Focus on Harms and Losses
 - H. Other Implications of Reptilian Theory
- XIV. *DAVID BALL ON DAMAGES*
- XV. CONCLUSION

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Wrongful Death Damages

Also available as part of the eCourse

[Wrongful Death Damages](#)

First appeared as part of the conference materials for the
2021 Wrongful Death Damages session

"Wrongful Death Damages"