

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Did you know that Victor Schwartz-- a lawyer who represents companies in product litigation--was the corporate co-chair in 2011?

& MEETINGS MODEL

Home → Model Legislation → Civil Justice ←

Resolution In Support Of Preserving Reasonable Limits On Wrongful Death Actions

This resolution responds to recent attempts in several state legislatures to expand both the scope of damages authorized and the class of claimants permitted to bring claims under wrongful death acts. These efforts, spearheaded by the personal injury bar (the Association of American Justice, formerly the Association of Trial Lawyers of America, and its state sister groups), aim to increase litigation and resulting damages through departure from over a century of well-settled law. Such proposals seek to authorize or expand recovery available for a wide range of non-pecuniary damages, such as loss of companionship or pure grief. These inherently subjective awards are prone to extraordinary and untenable amounts given the high level of emotions in situations involving death of a family member. No amount of money can bring back a loved one. Money is a false indicia for measuring or relieving loss of companionship, grief, or sorrow. Other legislative proposals would bring a host of relatives into the litigation lottery and ignore a basic purpose of wrongful death statutes: to compensate those who have suffered a significant economic loss because of the death of a close relative. These measures would drastically expand liability and fundamentally alter state law.

RESOLUTION

WHEREAS, states enacted wrongful death acts beginning in the mid-nineteenth century as a response to the common law principle that a person's legal action ceased to exist with his or her death. In other words, an individual could recover if he or she seriously injured, but his or her family could not recover if the person died;

WHEREAS, wrongful death acts were intended to provide fair recovery for close family members who suffer economic loss because of the death of a loved one;

WHEREAS, damages under wrongful death acts compensate the decedent's family for all of the direct losses incurred as a result of the decedents' wrongful death, including medical and funeral expenses, the decedent's lost income based on his or her prospective earning capacity and probable life expectancy and the financial equivalent of the decedent's lost services;

WHEREAS, over time, courts and legislatures have provided juries with flexibility to broadly consider economic losses, permitting them to arrive at a fair recovery. For instance, juries may generally consider the lost earnings that a child might have in the future if his or her life had not been curtailed, or, in the case of a homemaker, the economic value of his or her caring for children, cooking, cleaning, and maintaining household finances;

WHEREAS, states generally limit recovery under wrongful death acts to pecuniary loss damages in order to avoid unbridled, unpredictable, and unlimited damages resulting from the inherently subjective determination of non-economic damages, such loss of companionship and grief.

WHEREAS, there is no objective standard for measuring loss of companionship, grief, and other emotions. If family members were permitted to recover such damages, there would be a high likelihood of excessive awards based on passion and possibly lawyer manipulation of such emotions;

WHEREAS, survivorship laws outside wrongful death acts permit recovery for pain and suffering experienced by the deceased person before he or she died and provide for punitive damages where the death was due to a malicious act or grossly reckless conduct;

WHEREAS, several state legislatures have recently considered proposals to expand wrongful death acts to permit greater recovery for a broader range of individuals apart from immediate family including husband, wife, and children;

WHEREAS, current efforts to expand permissible recovery or the class of persons who may recover in the event of a wrongful death under wrongful death statutes would represent a drastic departure from over a century of well-settled law, and result in windfalls for some;

WHEREAS, allowing such expansion would substantially and unfairly increase the resulting damages from any wrongful death without objective standards or reasonable limits in scope;

NOW THEREFORE BE IT RESOLVED, that the American Legislative Exchange Council supports preserving the criteria of full economic loss in wrongful death acts and opposes legislation that would (1) expand availability of subjective non-economic compensatory damages under a wrongful death act; or (2) expand the class of persons who may recover in the event of a wrongful death.

*Adopted by the Civil Justice Task Force on August 1, 2008.
Approved by the ALEC Board of Directors on September 11, 2008.*

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECExposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

From CMD: Through this resolution, corporations and politicians are attempting to stop efforts to allow a jury to fully compensate a victim's family for all their damages in the death of their loved one caused by a corporation. The resolution supports limiting damages to the killed American's prospective earnings and medical costs and attempts to prevent juries from compensating family members for the emotional consequences of the loss of their parent, spouse, or child. While recognizing that no amount of money can fully compensate American families for the loss of companionship of their beloved family members, the resolution attempts to provide them no compensation for the loss of their companionship except what that person would have earned as a worker. This essentially limits the value of a person's life to their salary, making older and poor Americans worth less to their families than richer plaintiffs. The effort attempts to bar any recovery for the intangible value of a person's life to his family, to the benefit of corporations that might otherwise be required to pay damages to fully compensate the family for their loss.