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PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Illinois Wrongful Death Laws

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The loss of a loved one due to wrongful death can leave survivors aghast at the negligence that caused it, and feeling that it was entirely avoidable and unjust. They may suddenly have to compensate for the loss of income from what may have been the sole wage earner in the family. In the state of Illinois, surviving immediate family members can find a sense of justice and financial compensation by filing a wrongful death claim.

Wrongful death cases involve the death of a human being caused by another's negligence that results in a loss (financial or emotional) for surviving family members. Examples of such cases include medical malpractice resulting in death, airplane or public transportation accidents, and exposure to hazardous conditions or chemicals in the workplace. These cases must be filed within two years of the date of death.

An amendment to the Illinois Wrongful Death Act now allows damages to be awarded for "grief, sorrow, and mental suffering." This comes in addition to damages traditionally awarded for loss of income, along with supplementary damages if, for instance, a surviving family member paid the medical fees at the hospital at which the wrongful death occurred. The determination of the amount of financial damages to be awarded rests on the jury, and the monetary amount they come up with may later be altered by the court.

In wrongful death cases, the amount of **damages** can vary immensely, depending on how much lost income the family can prove they will miss. Even those who were unemployed at the time of their death can hope to retain financial damages by calculating what the average of their earnings was at previous jobs. Hiring an attorney who specializes in wrongful death suits is recommended, as the amount of money awarded to the survivors can potentially be significantly increased if they are properly represented. Family members are also advised to contact an attorney as quickly as possible after the death occurs.