

Special Focus: Elder Law

Everybody Matters – Including the Elderly

by Kevin Coluccio

Several years ago, I was asked to share my thoughts regarding wrongful death claims involving the elderly. As I mentioned in that article, these claims are often undervalued, because these plaintiffs are, according to defense, old, in compromised health, not working, and “going to die soon anyway.”

As I have continued to handle claims involving the deaths of the elderly, these themes are still regularly used by the defense. So, what are some additional thoughts that I can share? Here, I would

like to focus on the death of an elderly parent.

First, the fact that these folks are old, in compromised health, not working, and near the ends of their lives is true. So, acknowledge these facts, don’t hide from them. Use these facts to increase the damages you seek.

Second, remember that the purpose of our civil court system is to do justice and to hold those accountable for the wrongs and damages that they cause. If the jury does find that a party is to be held accountable for the wrongs and damages

that they cause, the jury is charged to give justice, meaning full justice, as opposed to partial justice. There should be no discounts given by the jury.

Third, focus on relationship. As parents age, the roles of their children change. They essentially reverse. This is often referred to as the circle of life. While our parents cared for us while we were young, as our parents age, we begin to care for them, more and more. Our relationship with them gets stronger. Our bond becomes stronger, and, often, we spend more time together. As this bond becomes stronger, we view our elderly parents as a key part of our lives. While I admit some may view this role reversal and responsibility as a burden, the surviving children I have recently represented view it as a gift. Their elderly parent’s role in their life is very important. For example, they want their elderly parent to be a big part of any family get-together, and they want to take their elderly parent to events. When their elderly parent is taken away by the wrongful act of another, that gift, too, is taken away.

Finally, remember the elements of damages allowed in a wrongful death claim. Focus on the companionship, support, advice, love, affection, and care that surviving children shared and experienced with their elderly parent prior to death. I have found that relationships with an elderly parent can be the most open, rewarding, and powerful of their lifetime.

I have mentioned this before, but it is worth sharing again: in 2005, Steve Jobs gave the Stanford commencement address. In that speech, he shared his diagnosis and struggle with cancer. “No one wants to die,” he said in that speech. “Even people who want to go to heaven don’t want to die to get there.” Our time here is limited, no one has a right to take even the shortest moments away, and, if they do, a jury is required to give full justice for each and every moment taken.

Kevin Coluccio, EAGLE Member, practices at Coluccio Law in Seattle, where he handles significant injury and wrongful death claims, as well as trucking, automobile and transportation-related cases.