20.13 LIFE EXPECTANCY

In fixing the amount of compensation for some items of loss you may have to decide the life expectancy of the plaintiff, [either] [as it was prior to the accident] [and] [or] [what it is now after the accident]. I will now explain how you are to do this.

You have available as evidence what is called a table of mortality. According to the table, the life expectancy of a (male) (female) person aged (insert plaintiff's age) is (insert number from table) years. The table tells you the average life expectancy of persons of a particular age and sex. Many persons live longer and many die sooner than the average.

You should assume the figure in the table represents the probable life expectancy of the plaintiff unless there is other evidence such as (his) (her) occupation, health, family history, habits, and other activities from which you can reasonably conclude that the plaintiff's life expectancy is longer or shorter than average.

# Use Note

Use this instruction in cases where a claim for future damages requires a life expectancy calculation.

In the first paragraph the appropriate language depends on whether the jury must decide life expectancy before or after the accident or both.

# Comment

The court has held that where there is no evidence of a permanent disability, an instruction as to the plaintiff’s life expectancy is not warranted. Wilson v. Interior Airways, Inc., 384 P.2d 956 (Alaska 1963).

The court has held that although a determining life expectancy, a standard mortality table is not binding, there must be some evidence to justify a departure from the table. Hinchey v. Hinchey, 722 P.2d 949, 953 n.9 (Alaska 1986); Morrison v. State, 516 P.2d 402, 406 (Alaska 1973). The court has approved a very large award of damages to a 64-year old plaintiff with a life expectancy of 13.5 years when there was evidence that the plaintiff came from a very long-lived family. The court found that the jury could have properly concluded that the plaintiff’s life expectancy was longer than the table indicated. Fruit v. Schreiner, 502 P.2d 133, 144 (Alaska 1972).