



# CIVIL JUSTICE FACTS

**“We cannot compensate these parents for their grief...”**

**“...loss of society, affection and bereavement. We cannot compensate them for their hopes for their child’s future, or their loss at seeing him learn, grow and succeed.”**

**–Court of Claims Judge Israel Margolis**

Toddler Ricky DeLuc was sent home by a Syracuse hospital by doctors who insisted he was not seriously ill. But he was critically dehydrated, and as he lay in his crib at home, his organs gradually shut down one by one and he died. Because he was a child and had no income, **the value of each day of his short life was calculated at \$1.98.**

The “Wrongful Death” laws in 42 other states allow surviving families to be compensated for the mental anguish and pain caused by a wrongdoer. But under a law enacted in 1847, New York considers only the deceased’s loss of income.

Judge Israel Margolis, now retired, presided over Ricky DeLuc’s trial against the hospital. The Judge’s words, written in the 1990s, still ring true. He eloquently said what is wrong and unjust about New York’s Wrongful Death law – a law written in an era when young children were apprenticed to factory owners and their value was measured in dollars and cents.

New York judges have repeatedly appealed to the Legislature to amend the Wrongful Death law and recognize survivors’ non-economic loss. A5856 (Weinstein)/S54 (DeFrancisco) would do this.

**Bring New York’s Wrongful Death Law  
Out of the 19th Century.  
Enact A5856/S54**

Other



# NYSTLA

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