

What Kansas House Bill 2183 could mean for families dealing with a wrongful death



Watch the interview on FOX 43 AM Live as Matt Bretz discusses Kansas House Bill 2183 and where Kansas stands on caps for wrongful death benefits. To find your local representative, click [here](#).

WATCH VIDEO

UPCOMING EVENTS

05/4/24
CINCO DE MAYO
EMFORIA, KS

05/11/24
ANTIQUE FEST & CAR SHOW
ABILENE, KS

05/17/24 - 05/18/24
ABBEVILLE FRONTIER DAYS
ABBEVILLE, KS

05/17/24 - 05/19/24
SUNFLOWER BALOON FEST
ANTHONY, KS

05/18/24
CORONADO HEIGHTS KITE FLY
LINDSBURG, KS

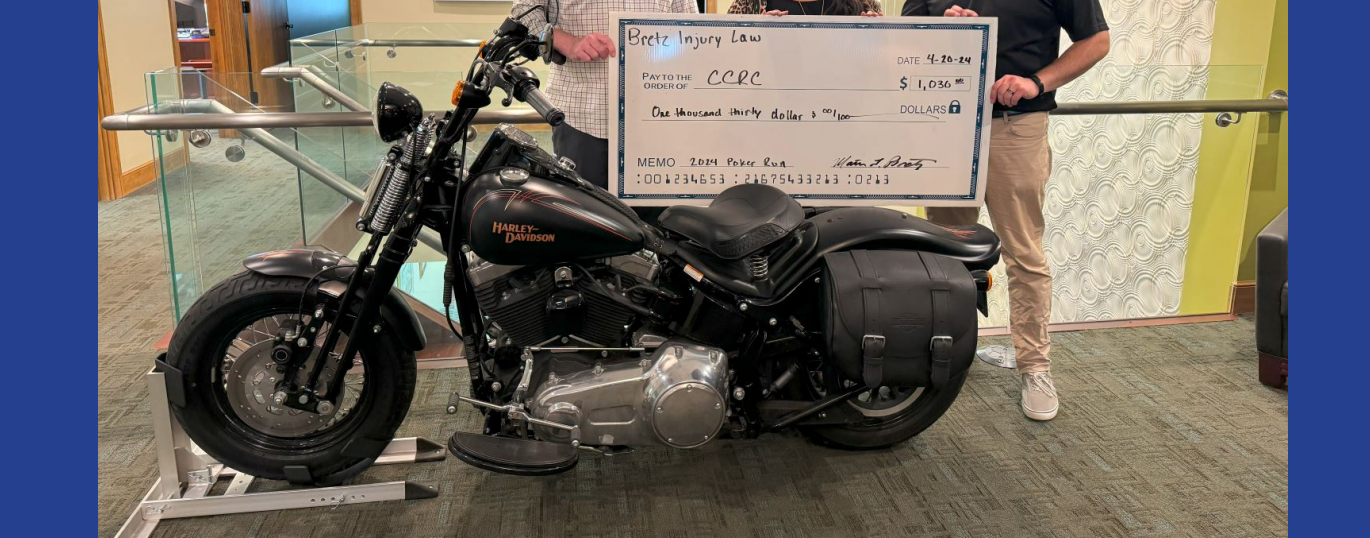
What's going on?

There is plenty to do in Kansas! Click the button below for more events in your area.

EVENTS NEAR ME



Over \$1,000 raised at 2024 Cruise for the Cure Poker Run



We hosted the 2024 Cruise for the Cure Poker Run on April 20th in Hutchinson. Despite the cold and snowy weather (yes, it snowed!), over 60 hands were played in the run. The motorcycle community certainly showed out to help support a great cause, and with your help, we were able to raise over \$1,000 for the Cancer Council of Reno County. The funds raised will help provide services to individuals and families of Reno County affected by cancer. For more information about the Cancer Council of Reno County, or to donate, click the button below.

LEARN MORE

Kansas Drive to Zero

THE COST OF DISTRACTED DRIVING

The estimated cost of distracted driver crashes in Kansas: \$2.4 billion in 2021

Property damage - Mechanical repairs - Medical expenses
Higher insurance rates - Legal expenses - Time off of work

That's a lot of \$\$\$\$ to take out of your budget.

Distacted driving represents a significant issue in Kansas. The most recent data shows that in 2021, its toll amounted to an estimated 2.4 billion dollars. Injuries sustained in accidents result in substantial medical expenses, alongside the loss of income due to an inability to work. At Bretz Injury Law, we've represented victims of distracted driving for over 30 years. We work endlessly to ensure that each client's medical bills are paid, lost wages are recovered, and the future of the client's family is protected. If you've been in an accident due to distracted driving, call today and let us help you recover what you deserve.

Ride Like MADD

Join us for the 2024 Ride Like MADD Poker Run in Topeka, KS on Saturday, May 11th benefitting Mothers Against Drunk Driving! Registration will begin at 9:30 a.m. with engines starting at 10:30 a.m. The Poker Run will begin at Historic Harley-Davidson of Topeka at 2047 SW Topeka Blvd. The entry fee is \$25/hand or \$50 for 3 hands with donations also being accepted. All road-legal vehicles are welcome to participate. Door prizes, a free Chick-Fil-A lunch, and raffles will be held at the last stop.

Ride Like Madd
POKER RUN
MAY 11TH
TOPEKA

A RIDE TO BENEFIT MOTHERS AGAINST DRUNK DRIVING

TOPEKA HISTORIC HARLEY-DAVIDSON

2047 SW TOPEKA BLVD

REGISTRATION BEGINS 9:30AM • KICKSTANDS UP 10:30AM

\$25/HAND \$50/3 HANDS • FIRST 25% • SECOND 15% • WORST 10%

FREE LUNCH • DOOR PRIZES

MORE INFO

Matt's Monthly Minute

This month's "monthly minute" covers what wrongful death is and what can be recovered in a wrongful death claim.

The U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) estimates that approximately 41,000 Americans died in traffic wrecks in 2023. Although 2023 shows a decrease of 3.6 percent in traffic deaths from the previous year, it is clear that much work needs to be done to further reduce the loss of life. Some key statistics from the NHTSA tell a chilling story:

- Most traffic fatalities involve motorcyclists and pedestrians.
- Most pedestrian fatalities occur in urban areas, not at intersections, and while wearing. Many involve alcohol.
- Ten times as many motorcycle riders die not wearing a helmet than die after sunset. A helmet.
- Large truck occupant fatalities have increased in the last six consecutive years.
- In 2022, crashes involving drunk drivers claimed 13,524 lives.
- Almost two-thirds of the people that die in nighttime wrecks are not wearing seatbelts.

When a wreck has caused the death of a loved one, there may be two different legal claims which can be brought. The first kind of a claim is called a "survival claim," which refers to the claims which the injured person could have made had he not died. These losses may include medical bills incurred before death, lost wages incurred before death, conscious pain and suffering, funeral and burial expenses, and other potential compensatory damages. The survival claim is pursued by the estate or personal representative of the deceased person, generally through the administrator or executor of the estate.

The survival claim is investigated and proven the same way that claims are investigated and proven in cases where there was no death. We use medical records and bills to prove the injuries and medical expenses, tax returns and employment records to prove lost income, EMS or medical personnel or family members to prove conscious pain and suffering, the coroner to prove cause of death, and a family member or funeral director to prove burial expenses.

The second kind of claim is called a "wrongful death claim," which refers to the claim brought by the heirs of the person who died. In the wrongful death action the heirs bring a claim for their losses on account of the death of their loved one. These losses may include both economic and non-economic damages. "Economic damages" may include medical and funeral expenses caused by the death, loss of the loved one's future earnings and benefits, and the value of services that the loved one would have provided.

Proving medical and funeral expenses is generally fairly easy. But proving loss of future earnings and benefits likely will require retention of a vocational expert or economist. Proving the economic value of services that the loved one would have provided can be difficult. To convince a jury (or an insurance adjuster) that they should award money for the value of loss of services, you must explain how the things that a person does for her family have an economic or financial value.

Take for example the mother who in the morning gets her kids ready for school, works all day, prepares the family dinner, helps her kids with school work, cleans up around the house, and sleeps six hours a night. While the mother doesn't get paid for most of what she does, there is economic value in everything she does. If the mother was killed in a wreck, you would look at the cost of hiring a nanny to get the kids up and ready for school, the cost of a maid to shop for meal ingredients, prepare dinner and clean up around the house, and the cost of a tutor to help the kids with school work. And while the surviving father may try to make up these losses, the family still has suffered an economic loss because of the value of the services provided by the mother.

Convincing the insurance adjuster or the jury that what the decedent did for her family has an economic value—and the amount of value—is perhaps the biggest part of pursuing a wrongful death claim. Done well and with integrity, it can also be the biggest part of a wrongful death claim. Done poorly or overstated, it can also destroy a case since exaggerating claims and damages can result in a loss of credibility.

"Non-economic damages" may include damages for the survivors' mental anguish, loss of care, protection, guidance, advice training and nurturing, loss of love and companionship, and loss of consortium from a deceased spouse.

For the loss of a spouse or a parent the following, and other damages, are potentially recoverable:

- Economic Damages**
- Loss of marital (parental) care, attention, advice, counsel, or protection.
 - Loss of educational, physical and moral training and guidance.
 - Loss of earnings the deceased would have provided.
 - Expenses for the care of the deceased caused by the injury.
 - Funeral expenses.

- Non-Economic Damages**
- Mental anguish, suffering or bereavement.
 - Loss of society, loss of comfort, or loss of companionship.

Recoverable damages for the wrongful death of a child are similar, but have some differences.

- Economic Damages**
- Loss of filial care, attention or protection.
 - Loss of earnings the child would have contributed to the parent(s) during the remainder of the child's lifetime.
 - Expenses for the care of the deceased caused by the injury.
 - Funeral expenses.
 - Loss of services, attention, care, advice, protection.
 - Loss of educational, physical and moral training and guidance.

- Non-Economic Damages**
- Mental anguish, suffering or bereavement.
 - Loss of society, loss of comfort, or loss of companionship.
 - Loss of care and nurturing.
 - Loss of aid and assistance.
 - Loss of continued family relationship.
 - Loss of enjoyment and entertainment.

In states which have statutory caps, as discussed above, it is important for you and your attorney to map out a strategy to emphasize the damages which are recoverable and not capped. It may also be possible to couch some of the recoverable damages as economic rather than non-economic to avoid or minimize the impact of caps.

If your family has been affected by a wrongful death, call today. Let our experienced team help protect your future.

- Matthew L. Bretz

Community News

Governor Kelly signs bill criminalizing the encouragement of suicide

In Wichita, Kansas, Governor Laura Kelly has signed a bill into law that makes it illegal to encourage someone to take their own life. The law, effective from July 1st, aims to combat suicide encouragement, recognizing the urgent need to address mental health crises and prevent further tragedies. Read more [here](#).

Kansas considers establishing child advocate office for enhanced oversight of foster care and abuse cases

Kansas lawmakers have passed a bill to establish an independent Office of the Child Advocate, aiming to enhance oversight of the state's child welfare system. This move follows years of debate and the tragic death of a 5-year-old girl in Topeka. The office would investigate complaints and work to improve the foster care system, addressing concerns raised by recent reports of missing foster children and inadequate mental health services. Read more [here](#).

Kansas mental health professionals report a decline in teenage suicide rates

Jeff Short, the director of Zero Reasons Why, a teen-led program aimed at providing mentorship and support to youth facing mental health issues, notes a recent decline in teen suicide rates nationally and in Kansas. The declining rates have been attributed partly to efforts like Zero Reasons Why that aim to destigmatize mental health conversations and offer support to struggling individuals. While encouraged by the progress, Cruz emphasizes the ongoing need to combat the stigma surrounding mental health and encourages continued efforts to support those in need. Read more [here](#).

April Giveaway Winners

Kansas City Royals Family Ticket Giveaway
Winners: Kristi Spurlin & Jami Radloff
Kristen and Jami both won a pack of 4 tickets, 4 hotdogs, 4 sodas, and a parking pass to see the Kansas City Royals!

EZ UP Canopy Giveaway
Winner: Mary Alana Smith
Mary won a 10x10 EZ UP Instant Canopy, two Bretz Injury Law stainless steel tumblers, and a TOURIT 48 qt soft cooler!

Wind Surge Ticket Giveaway
Winner: Chris Ray
Chris won a pack of 8 tickets to see the Wichita Wind Surge take on the Arkansas Travelers at Riverfront Stadium on Saturday, May 11th!

Outdoor Games Giveaway
Winner: Mary Savage Evans
Mary won a Cornhole set, LED lawn darts set, foldable ladder toss, Kan Jam set, and a 48 quart Igloo cooler!

Giveaways are posted Mondays on the Bretz Injury Law Facebook page. Visit www.facebook.com/bretzinjurylaw to enter for your chance to win!

Featured Recipe: Homemade Strawberry Crumble

Ingredients:

- 1 cup all-purpose flour
- ¾ cup old-fashioned rolled oats
- ¾ cup chopped walnuts
- 1 ½ teaspoons ground ginger
- 1 cup packed light brown sugar, divided
- ½ cup salted butter, melted
- 2 tablespoons cornstarch
- 2 tablespoons white balsamic vinegar
- 2 ½ pounds fresh strawberries, hulled and quartered
- vanilla ice cream, for serving

Directions:

Preheat the oven to 350 degrees F. Grease an 11x7-inch baking dish.

Stir flour, oats, walnuts, ginger, and ¾ cup brown sugar together in a bowl. Add butter; using your hands, stir mixture until moistened and coarse crumbs form.

Stir cornstarch, vinegar, and remaining ¼ cup brown sugar together in a large bowl until combined, then stir in the strawberries. Transfer to the prepared baking dish and top with crumble mixture.

Bake in the preheated oven until the strawberries are tender, mixture is rapidly bubbling around all edges, and top is golden, 45 to 50 minutes.

Remove from oven and let sit at room temperature, about 10 minutes. Serve warm with vanilla ice cream.

For more delicious strawberry dessert recipes, visit [allrecipes.com](#).

Full Recipe



Questions? Email the editor at stephen@bretzinjurylaw.com.



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