**04.13 LIFE EXPECTANCY**

In fixing the amount of compensation for some items of loss you may have to decide [decedent]’s ordinary life expectancy.

You have available as evidence what is called a table of mortality. According to the table, the ordinary life expectancy of a [male][female] person aged [insert deceased’s age on date of death] 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 [decedent] unless there is other evidence such as [his][her] occupation, health, family history, habits, and other activities from which you can reasonably conclude that [decedent]'s life expectancy was longer or shorter than average.

# **Use Note**

Use this instruction unless the parties have stipulated to a life expectancy.

# **Comment**

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).