

8.11 DAMAGES CHARGES — GENERAL

G. (i) LIFE EXPECTANCY (Approved 02/1996)

If you make an award for future pain and suffering, disability and impairment, loss of enjoyment of life, medical expenses, and loss of future earnings, you may consider the plaintiff's life expectancy. Plaintiff's life expectancy today (at the time of the accident) is _____ years. That is an estimation of his/her probable length of life based upon statistical data. Since it is a general estimate, you should use it with caution in an individual case. The plaintiff may live a longer or shorter period than the estimated figure. You should exercise your sound judgment in applying the life expectancy figure without treating it as a necessary and fixed rule.

Cases:

Dalton v. Gesser, 72 N.J. Super. 100 (App. Div. 1962); *Housen v. Olesky*, 71 N.J. Super. 95 (App. Div. 1961); *Kappovich v. LeWinter*, 43 N.J. Super. 528 (App. Div. 1957); *Dickerson v. Mutual Grocer Co.*, 100 N.J.L. 118 (E. & A. 1924).

(ii) TIME UNIT RULE (Approved 04/2015)

[The following charge may be given where appropriate and with proper notice by counsel and in keeping with Rule 1:7-1(b)]

Our Rules of Court permit counsel to argue to the jury the appropriateness of applying a time unit calculation in determining damages for pain and suffering, disability, impairment and loss of enjoyment of life. Counsel are not permitted to

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mention specific amounts of money for the calculation of such damages. They are permitted, however, to argue that you may employ a time unit calculation, that is, to consider an amount of money in relation to an amount of time, when determining such damages. .

I charge you, Ladies and Gentlemen, that the argument of counsel with reference to calculation of damages on a time-unit basis is argument only and is not to be considered by you as evidence. Counsel's statements are a suggestion to you as to how you might determine damages for pain and suffering, disability, impairment and loss of enjoyment of life. You are free to accept or reject this argument as you deem appropriate. I remind you that you are to make a determination on the amount of damages based on the evidence presented and the instructions I have given you on damages.