

What is the Difference Between Wrongful Death and Survival?

Losing a beloved is always heartbreaking, and the pain becomes more profound and traumatic if the person dies due to someone else's recklessness. The death of a loved one elicits varied emotions, including anger, perplexity, and grief. However, while nothing can bring your loved one back, you still have the right to pursue legal action against the one who caused this incident and get compensation to cover expenses and the suffering your family has experienced.

Wrongful death and survival claims are two sorts of legal claims that might emerge in such instances. In this comprehensive blog, we'll explore the distinctions between these two legal paths and how seeking assistance from a [wrongful death lawyer in Reno](#) can be fruitful in alleviating this difficult time.



Wrongful Death Vs Survival

Unveiling the Distinction Between Wrongful Death and Survival

● Wrongful Death

A wrongful death lawsuit can be brought by the deceased person's surviving family member or beneficiaries against the at-fault party for the death. This claim entails indemnifying the family for damages incurred due to the untimely death of their member and holding the liable party accountable. Such claims revolve around the idea that the deceased person's death was directly caused by the other party's carelessness or willful conduct, like a reckless motorist, a negligent medical practitioner, or a product manufacturer.

Wrongful death's vital component encompasses:

- The defendant's negligence or malfeasance
- The deceased victim
- Surviving family members or beneficiaries who have experienced financial losses resulting from the death.
- A claim for compensation for losses such as funeral expenses, lost income, and mental suffering.

● Survival Claim

Unlike a wrongful death suit, a survival claim isn't filed on behalf of the remaining family members. Instead, it's an action undertaken based on the deceased person's estate to compensate the person who died. In this claim, the deceased's estate or legal agent steps into the deceased's shoes and initiates a legal action that the deceased would have been entitled to pursue if they had survived. Survival claims are often connected to the decedent's injuries and suffering before death.

● **Significant Differences**

○ **Parties Involved:**

In the wrongful death claim, the deceased's surviving family members or beneficiaries are entitled to file the case, demanding recompense for their losses and mental & emotional suffering. On the contrary, a survival claim allows the estate or legal representative of the deceased to take action against the at-fault party to recover damages for the decedent's discomfort and anguish.

Additionally, while pursuing the lawsuit, it will be in the family member's best interest to engage an experienced wrongful death lawyer or a [**personal injury lawyer in Sparks**](#) to offer valuable advice on the complex legal process.

○ **Legal Basis:**

Wrongful death claims are based on the notion that the death was triggered by the carelessness or misconduct of someone else, and the emphasis is on the damages sustained by the remaining family members. Conversely, survival claims rely on the deceased person's injuries and suffering.

○ **Types of Damages:**

Wrongful death cases often seek compensation for funeral expenses, lost financial support, and emotional anguish suffered by surviving family members. However, survival claims strive to recover damages for the deceased's pain, suffering, and losses, such as medical expenditures, lost earnings, and personal distress.

How Legal Representative Can Assist

Seeking assistance from a knowledgeable and competent attorney specializing in handling wrongful death cases and survival claims can make a substantial difference in your case's outcome. They possess the appropriate expertise and skills to tackle the complexity of such lawsuits and fight for your rights while representing your best interest in the court. Furthermore, the professionals can assist you in gathering evidence, negotiating with the culpable parties and their insurers, and taking your case to trial if required, ensuring you're fairly compensated for your losses.

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