

Review of New Jersey Bill S1766: Proposed Expansion of New Jersey's Wrongful Death Act

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New Jersey Civil Justice Institute
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Executive Summary

The New Jersey (NJ) State Senate is currently considering a bill, S1766 (Scutari, Gill), which seeks to expand the current wrongful death act to allow recovery for mental anguish, emotional pain and suffering, loss of society, and loss of companionship.

The New Jersey Civil Justice Institute (NJCJI) has requested that Milliman provide an analysis of the total cost effect of the proposed bill in New Jersey – for property-casualty insurers, policyholders, self-insureds and public entities.

Based on the analysis contained in this report, Milliman estimates the proposed law could increase costs as follows:

- *Property Casualty Insurers and Policyholders (Commercial Insurance Market)* – Focusing on the three main lines of insurance with the greatest exposure to wrongful death claims (medical professional liability (MPL), automobile liability (AL) and general liability (GL)) we estimate an overall \$0.7 billion or 12% increase to annual loss and loss adjustment expenses (LAE) in New Jersey. This could translate to a corresponding \$0.9 billion or 12% increase to the annual premiums paid by New Jersey residents and businesses for insurance.
- *Self Insureds* – Based on the projected changes to the commercial insured losses¹ as a result of S1766, we estimate that annual liability losses paid by self-insureds in New Jersey could increase by 17% or \$0.5 billion.
- *Public Entities* – Public entities currently fund exposure to wrongful death claims through a combination of commercial insurance and self-insurance – with cost increases related to either generally passed on to taxpayers. We estimate that the annual wrongful death damages paid by public entities in New Jersey could increase by \$67 million under S1766 or 24% of estimated total annual liability costs for public entities.

Current New Jersey Wrongful Death Statute and Proposed Change

Wrongful death statutes establish a cause of action for the expenses incurred by an individual's beneficiaries when that individual dies as the result of the wrongful conduct of another person. Each state has its own laws governing wrongful death lawsuits filed in its civil court system.

Under present New Jersey law, in a wrongful death action, damages are recoverable for pecuniary loss resulting from the death, including hospital, medical, and funeral expenses. These damages may include the following:

- Loss of financial support;
- Loss of companionship, care, comfort, and guidance; and
- Loss of the value of household services.

A wrongful death claim is brought on behalf of the surviving family members and is typically filed by the executor or personal representative of the estate. Current New Jersey law does not allow surviving family

¹ For the remainder of this report, the term “losses” will refer to loss and LAE combined.

members to recover damages for emotional distress or to recover punitive damages in a wrongful death case.

The New Jersey Senate is currently considering bill S1766. This bill would expand the type of damages for which one may bring suit to include mental anguish, emotional pain and suffering, loss of society and loss of companionship. Note that while listed in the bill as a change, damages related to “loss of society” and “loss of companionship” can currently be included in pecuniary damages related to wrongful death claims in New Jersey as established by common law. While not specifically stated, the bill may be referring to the addition of emotional damages related to the loss of society and companionship that are currently excluded from wrongful death claims.

Potential Impact in New Jersey of Bill Enactment

Overview

To determine the impact of allowing the proposed general damages in wrongful death actions in New Jersey, we first estimated the impact of the proposed change on the commercial insurance market. We then used these results to help estimate the impact on self-insureds and public entities.

Commercial Insurance Market

For our review of the impact of the proposed change on the commercial insurance market, we focused on the three largest lines of business most susceptible to wrongful death claims – medical professional liability, automobile liability and general liability insurance.

For each of these lines we estimated total losses in New Jersey and those related specifically to bodily injury claims (which would include claims related to deaths). Based on various publicly available databases, we estimated the amount of bodily injury claims related to economic damages for death related claims. We also used these databases to estimate the ratio of non-economic damages to economic damages (a non-economic damages multiplier) for liability claims. By isolating an estimate of the current New Jersey insurance losses related to economic damages for death claims and applying the non-economic multiplier, we determined an estimate of the cost increase related to the addition of non-economic damages for commercial insured losses related to death claims as proposed under S1766.

We adjusted the projected increase in losses for fixed expenses to determine the estimated impact on policyholder premium. The details of these calculations are provided by line of business in Exhibit 1 (MPL), Exhibit 2 (AL) and Exhibit 3 (GL) with the resulting impact on total loss and premium by line provided below.

Table 1
Milliman Estimated Impact of S1766 on P/C Insurance Losses and Premium in New Jersey
(\$ billions)

LOB	2017 NJ Earned Premium	Impact of S1766 on Premium		Annual NJ Estimated Loss	Impact of S1766 on Losses	
		\$	%		\$	%
MPL	0.4	0.2	48.2%	0.3	0.2	53.6%
AL	4.5	0.3	7.7%	3.9	0.3	7.8%
GL	2.4	0.3	13.0%	1.9	0.3	14.8%
Total	7.4	0.9	11.7%	6.0	0.7	12.4%

A discussion of the key assumptions used in our estimation process is provided below.

Total Annual Losses

The New Jersey 2017 ultimate loss and LAE by line of business was determined by applying the estimated ultimate loss & LAE ratio for each line for New Jersey (from NAIC 2012-2016 Profitability Reports by Line by State) to the annual earned premium by line of business (from the 2017 Annual Statement State page for the P&C industry). To determine losses related to bodily injury claims only, we relied on information from the “Auto Insurance Database Report” for AL and a recent industry GL trend report for GL.

Percentage of Losses from Death Cases

The increased costs that will impact the insurance industry due to the proposed bill result from death claims. Therefore, we estimated the percentage of the total losses by line of business in which claims are associated with an outcome of death. The selected estimated percentage of loss related to death claims and the source used to determine this percentage are provided for each line of business below:

- **MPL:** The amount of losses associated with death claims for MPL in New Jersey is estimated to be 28.2%. This amount is based on information from the National Practitioner Databank using data through the first quarter of 2018 as shown in the Appendix Sheet 1.
- **AL –** We estimate 28.2% of annual paid losses for AL relate to death claims based on data taken from the Texas Department of Insurance (DOI) 2012 claim database (the most recent available). After adjusting for non-economic damages (which are currently allowed in Texas), the estimate of economic damages related to death claims for AL in New Jersey is estimated to be 8.4% of total losses as shown in the Appendix, Sheet 3.

- GL – Similar to the approach used for AL, we relied on data from the Texas DOI database to determine the amount of GL losses related to death claims. Based on this data, we estimate that 8.4% of total losses (excluding non-economic damages related to death claims) relate to economic damages from death claims in New Jersey as shown in the Appendix, Sheet 4.

Relationship of General (Non-Economic) Damages to Economic Damages

Given the estimated current losses and LAE associated with death claims, we then estimated the additional amounts expected for general damages related to these claims should the proposed legislation take effect. To determine the general damage estimates, we reviewed the Texas DOI database as well as a publicly available claim database from the Florida Office of Insurance Regulation (OIR) that both provide the distribution between economic and non-economic damages for paid claims across multiple lines of business. Based on the claims information from these databases (as shown in the Appendix, Sheets 2 to 4), we selected the following multipliers to represent the ratio of non-economic to economic damages for each line of business:

- Medical Professional Liability – 1.90
- Auto Liability – 1.90
- General liability – 2.80

Estimated Impact of S1766 on Self-Insurers

The estimate of wrongful death general damages shown on line 7 of Exhibit 1 and line 9 of Exhibits 2 and 3 include only those liability losses associated with the commercial insurance market – both admitted and excess & surplus insurers. To determine the full effect of the proposal legislation, we estimated the effect on self-insured entities as well. Our estimate of the size of the New Jersey self-insured exposure is based on a study by Conning Research Consulting (“Alternative Markets: Structural and Functional Evolution” dated September 2006) as well as publicly available databases from the states of Florida, Connecticut, and Washington that identify both commercially insured and self-insured claims. Based on this information, we have assumed the size of the self-insured market in New Jersey, in regards to liability losses, is roughly equal to the size of the commercial insured markets for MPL, AL and GL. As it is not possible to self-insure personal automobile liability, the overall self-insured market share for AL (for both commercial and personal auto insurance combined) is estimated to be 20%. Based on these assumptions, the overall impact of the proposed bill on self-insureds is estimated to be \$0.5 billion. The calculation of the self-insured estimates by line of business is shown on Exhibits 1 through 3.

Estimated Impact of S1766 on Public Entities

In many jurisdictions, public entities are immune from suits due to the doctrine of sovereign immunity. In New Jersey, a public entity is liable for injury proximately caused by an act or omission of a public employee within the scope of his employment in the same manner and to the same extent as a private individual

under like circumstances. The exceptions to sovereign immunity are provided by complying with the strict requirements of the “Tort Claim Act”, Title 59 of the New Jersey Statutes.

To estimate the impact of S1766 on public entities, we employed the same process used to determine the impact on commercial insurance amounts – we estimated the current amount of economic losses related to death claims for which public entities are responsible and applied a factor to recognize the addition of non-economic losses. The estimation of the current wrongful death claims for public entities is difficult due to the number and variation of public entities (state entities, county entities, municipal entities, school boards, housing authorities, water authorities, etc.) as well as the lack of any centralized database capturing liability claim information for these entities. Our estimate of the statewide value of wrongful death claims for public entities was therefore based on an extrapolation of estimated claim data provided by a risk management pool that represents roughly 50% of the statewide municipal level loss exposure. According to the pool managers, annual losses for all types of claims average \$30 million with wrongful death claims accounting for roughly \$3 million or 10% of the total. Extrapolating this number to all municipal entities, results in an estimated total loss of \$60 million with \$6 million in wrongful death cases. To further extrapolate this estimate to a statewide value for all public entities, we relied on a distribution of the statewide public entity workforce, compiled from various publicly available documents. While not a perfect proxy for exposure to loss, we believe it is a reasonable one. According to these estimates, municipal workers represent approximately 21% of the public entity workforce in the state. Therefore, assuming losses are correlated to the workforce size, the estimated municipal losses would represent 21% of the total state losses or \$284 million ($\$60 \text{ million} / 0.21$). Total losses associated with wrongful death claims would be approximately \$28 million annually.

To determine the amount of expected increase in these losses due to the addition of non-economic damages, we relied on the multipliers for each of the lines of business determined above for commercial insurance. As most healthcare facilities in New Jersey are not publicly owned, we did not include the MPL multiplier but rather averaged the multipliers for auto liability (1.90) and general liability (2.80) for an estimated multiplier of 2.35.

Applying the 2.35 multiplier to the \$28 million estimate for current wrongful death claims results in an increase of \$67 million in claim payments for public entities in New Jersey due to S1766, or nearly 24% of current annual loss payments, as shown on Exhibit 4.

Statement of Qualifications

Tom Ryan FCAS, MAAA and Dionne Schaaffe ACAS, MAAA of Milliman meet the actuarial qualification standards to provide this analysis.

Limitations

Data

In performing this analysis, we relied on publicly available data and other information. We have not audited or verified this data and other information. If the underlying data or information is inaccurate or incomplete, the results of our analysis may likewise be inaccurate or incomplete. In that event, the results of our analysis may not be suitable for the intended purpose.

We performed a limited review of the data used directly in our analysis for reasonableness and consistency and have not found material defects in the data. If there are material defects in the data, it is possible that they would be uncovered by a detailed, systematic review and comparison of the data to search for data values that are questionable or for relationships that are materially inconsistent. Such a review was beyond the scope of our assignment.

Uncertainty

During the course of our review, we applied generally accepted actuarial procedures. However, due to the uncertainty involved in projecting future events, it is likely that actual results will vary from our projections, perhaps materially. This uncertainty related to the projections in this report is increased due to uncertainty regarding the behavioral changes on the part of plaintiffs, attorneys, and other tort participants as a result of the proposed changes in the bill.

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**Proposed New Jersey State Wrongful Death Expansion Bill (S1766)
Estimated Cost Impact**

Line of Business	(\$thousands)					
	(1)	(2)	(3)	(4)	(5)	(6)
			(2) / (1)			(5) / (4)
	2017 NJ State Loss & LAE	Estimated Effect of S1766 on Loss & LAE Dollar	Percentage	2017 NJ State Earned Premium	Estimated Effect of S1766 on Premium Dollar	Percentage
(A) Commercial Insurance Market						
(i) Medical Professional Liability	316,694	169,616	53.6%	409,213	197,168	48.2%
(ii) Automobile Liability	3,865,687	302,579	7.8%	4,541,617	349,651	7.7%
(iii) General Liability	1,854,745	275,387	14.8%	2,418,187	315,000	13.0%
	6,037,126	747,582	12.4%	7,369,017	861,819	11.7%
(B) Self-Insured Market						
(i) Medical Professional Liability	316,694	169,616	53.6%			
(ii) Automobile Liability	988,291	77,357	7.8%			
(iii) General Liability	1,854,745	275,387	14.8%			
	3,159,729	522,360	16.5%			
(C) Public Entities	283,930	66,724	23.5%			

Note:

- (Ai), (Bi) See Exhibit 1
- (Aii), (Bii) See Exhibit 2
- (Aiii), (Biii) See Exhibit 3
- (C) See Exhibit 4

**Proposed New Jersey State Wrongful Death Expansion Bill (S1766)
Estimated Effects upon Insurance Premiums and Loss & LAE**

Medical Professional Liability Insurance

(\$thousands)

(1) NJ Earned Premium	\$409,213
(2) NJ Loss & LAE Ratio	77.4%
(3) NJ Loss & LAE	316,694
(4) Percentage Of Losses From Death Cases from Economic Damages	28.2%
(5) Selected Non-Economic Damages Multiplier	1.90
(6) Percentage Effect On Loss & LAE	53.6%
(7) Effect Of Legislation On Commercial Insurance Market Loss & LAE	169,616
(8) Fixed Expense Adjustment Factor	0.860
(9) Effect Of Legislation On Commercial Insurance Market Premium	197,168
(10) Self-Insured Market Share	50%
(11) Effect Of Legislation On Self-Insured Market Loss & LAE	169,616

Note:

- (1) New Jersey State page from Annual Statement for the year ended December 31, 2017 for the P&C Industry.
- (2) NAIC 2012-2016 Profitability Reports by Line by State
- (3) = (1) x (2)
- (4) See Appendix, Sheet 1
- (5) See Appendix, Sheet 2
- (6) = (4) x (5)
- (7) = (3) x (6)
- (8) = $1 - [50\% \times \text{TL\&F} + \text{Other Acquisition Expenses} + \text{General Expenses}] / \text{Earned Premium}$. Source: S&P Global, 2017 IEE - Part III.
- (9) = (7) / (8)
- (10) Estimated by Milliman
- (11) = (7) / (10) - (7)

**Proposed New Jersey State Wrongful Death Expansion Bill (S1766)
Estimated Effects upon Insurance Premiums and Loss & LAE**

Automobile Liability Insurance

(\$thousands)

	Private Passenger Auto <u>Liability</u>	Commercial Auto <u>Liability</u>	Total Auto <u>Liability</u>
(1) NJ Earned Premium	3,446,727	1,094,889	4,541,617
(2) NJ Loss & LAE Ratio	83.5%	90.3%	
(3) NJ Loss & LAE	2,877,396	988,291	3,865,687
(4) Percent BI / Total Liability	49.0%	49.0%	
(5) NJ BI Loss & LAE	1,409,924	484,263	1,894,187
(6) Percentage of Losses from Death Cases (Economic Damages Only)	8.4%	8.4%	8.4%
(7) Selected Non-Economic Damages Multiplier	1.90	1.90	1.90
(8) Percentage Effect on BI Loss & LAE	16.0%	16.0%	16.0%
(9) Effect Of Legislation On Commercial Insurance Market Loss & LAE	225,223	77,357	302,579
(10) Fixed Expense Adjustment Factor	0.863	0.872	
(11) Effect Of Legislation On Commercial Insurance Market Premium	260,984	88,667	349,651
(12) Self-Insured Market Share	0%	50.0%	
(13) Effect Of Legislation On Self-Insured Market Loss & LAE	0	77,357	77,357

Note:

- (1) New Jersey State page from Annual Statement for the year ended December 31, 2017 for the P&C Industry.
- (2) NAIC 2012-2016 Profitability Reports by Line by State
- (3) = (1) x (2)
- (4) Percentage based on "Auto Insurance Database Report - 2013/2014", dated January 2017.
- (5) = (3) x (4)
- (6) See Appendix, Sheet 3
- (7) See Appendix, Sheet 3
- (8) = (6) x (7)
- (9) = (5) x (8)
- (10) = $1 - [50\% \times \text{TL\&F} + \text{Other Acquisition Expenses} + \text{General Expenses}] / \text{Earned Premium}$. Source: S&P Global, 2017 IEE - Part III.
- (11) = (9) / (10)
- (12) Estimated by Milliman
- (13) = (9) / (12) - (9)

Proposed New Jersey State Wrongful Death Expansion Bill (S1766)
Estimated Effects upon Insurance Premiums and Loss & LAE

General Liability Insurance

(\$thousands)

(1) NJ Earned Premium	2,418,187
(2) NJ Loss & LAE Ratio	76.7%
(3) NJ Loss & LAE	1,854,745
(4) Percent BI / Total Liability	63.1%
(5) NJ BI Loss & LAE	1,170,511
(6) Percentage of Losses from Death Cases (Economic Damages Only)	8.4%
(7) Selected Non-Economic Damages Multiplier	2.80
(8) Percentage Effect on BI Loss & LAE	23.5%
(9) Effect Of Legislation On Commercial Insurance Market Loss & LAE	275,387
(10) Fixed Expense Adjustment Factor	0.874
(11) Effect Of Legislation On Commercial Insurance Market Premium	315,000
(12) Self-Insured Market Share	50%
(13) Effect Of Legislation On Self-Insured Market Loss & LAE	275,387

Note:

- (1) New Jersey State page from Annual Statement for the year ended December 31, 2017 for the P&C Industry.
- (2) NAIC 2012-2016 Profitability Reports by Line by State
- (3) = (1) x (2)
- (4) From Industry GL Trend Report
- (5) = (3) x (4)
- (6) See Appendix, Sheet 4
- (7) See Appendix, Sheet 4
- (8) = (6) x (7)
- (9) = (5) x (8)
- (10) = $1 - [50\% \times \text{TL\&F} + \text{Other Acquisition Expenses} + \text{General Expenses}] / \text{Earned Premium}$.
Source: S&P Global, 2017 IEE - Part III.
- (11) = (9) / (10)
- (12) Estimated by Milliman
- (13) = (9) / (12) - (9)

**Proposed New Jersey State Wrongful Death Expansion Bill (S1766)
Estimated Impact on Public Entity Cost**

(\$thousands)

<u>Municipal Risk Management Pool</u>	
(1) Average Wrongful Death Claim Cost	750
(2) Average Number of Claims per Year	4
(3) Average Wrongful Death Cost per Year	3,000
(4) Estimated Total Liability Costs per Year	30,000
(5) Market Share of Municipal Risk Management Pool	50.0%
(6) Total Municipal Wrongful Death Cost	6,000
(7) Municipal Share of Statewide Public Entity cost	21.1%
(8) Statewide Public Entity Wrongful Death Cost	28,393
(9) Wrongful Death Share of Total Liability Cost	10.0%
(10) Estimated Statewide Public Entity Liability Cost	283,930
(11) Selected Non-Economic Damages Multiplier	2.35
(12) Wrongful Death Cost Increase	66,724
(13) Increase to Statewide Public Entity Liability Cost	23.5%

Note:

- (1) Provided by Municipal Risk Management Pool
- (2) Provided by Municipal Risk Management Pool
- (3) = (1) x (2)
- (4) Estimated by Municipal Risk Management Pool
- (5) Provided by Municipal Risk Management Pool
- (6) = (3) / (5)
- (7) Estimated by Milliman based on New Jersey Public Entity Workforce distribution
- (8) = (6) / (7)
- (9) = (3) / (4)
- (10) = (8) / (9)
- (11) Based on Auto Liability and General Liability Multipliers from Exhibit 2 and Exhibit 3
- (12) = (8) x (11)
- (13) = (12) / (10)

**New Jersey Civil Justice Institute
Wrongful Death General Damages Study
Percentage of Losses from Death Cases**

Medical Professional Liability - New Jersey

National Practitioner Databank as of 3/31/2018
New Jersey Physicians
For Closed Years 2008 and Subsequent
Distribution of Loss Payments by Outcome

Sum of PAYMENT		
OUTCOME	Total	Distribution
1	5,986,750	0.3%
2	2,530,500	0.1%
3	26,939,000	1.3%
4	80,122,850	3.8%
5	124,924,250	5.9%
6	430,956,250	20.4%
7	466,248,750	22.0%
8	378,825,000	17.9%
9	596,948,500	28.2%
10	4,209,500	0.2%
Grand Total	2,117,691,350	100.0%

Outcome 9 = Death

Indicated Death % 28.2%

Selected **28.2%**

**New Jersey Civil Justice Institute
Wrongful Death General Damages Study**

**Florida Hospitals and Physicians
Percent of Non-Economic Damages
by Case Size Distribution**

Medical Professional Liability

(1)	(2)	(3)	(4)
Non-Economic Portion of Total Damages	Claim Counts	Distribution of Claim Counts	Range Mid-Point
Exactly 0%	3,573	20%	0%
0% - 10%	258	1%	5%
10% - 20%	366	2%	15%
20% - 30%	388	2%	25%
30% - 40%	465	3%	35%
40% - 50%	678	4%	45%
50% - 60%	629	4%	55%
60% - 70%	709	4%	65%
70% - 80%	843	5%	75%
80% - 90%	690	4%	85%
90% - 100%	728	4%	95%
Exactly 100%	8,108	47%	100%
Total	17,435	100%	

(5) Portion Related to Non-Economic Damages	65.7%
(6) Portion Related to Economic Damages	34.3%
(7) Indicated Non-Economic Damages Multiplier	1.92
(8) Selected Non-Economic Damages Multiplier	1.90

Note:

- (1), (2) From 2015 Florida Closed Claims Database
- (3) Based on (2)
- (4) Based on (1)
- (5) Average of (4) using (3) as weights
- (6) = 100% - (5)
- (7) = (5) / (6)
- (8) Selected by Milliman based on (7)

**New Jersey Civil Justice Institute
Wrongful Death General Damages Study**

**Texas Department of Insurance
2012 Closed Claims Database**

Commercial Auto Liability Claims

	(1)	(2)	(3) (1) + (2)	(4)	(5)	(6)
	Economic	Non- Economic	SubTotal	Economic	Non- Economic	Total Database
(i) Death	7,378,142	24,142,574	31,520,716	46,239,388	151,303,385	197,542,773
(ii) Non-Death	23,869,515	38,108,132	61,977,647	194,007,417	309,736,510	503,743,927
(iii) Total	31,247,657	62,250,706	93,498,363	240,246,806	461,039,894	701,286,700

(7) Percentage of Losses from Death Cases	28.2%
(8) Estimated Percentage of NJ Losses from Death Cases for Economic Damages	8.4%
(9) Portion Related to Non-Economic Damages for All Cases	65.7%
(10) Portion Related to Economic Damages for All Cases	34.3%
(11) Indicated Non-Economic Damages Multiplier	1.92
(12) Selected Non-Economic Damages Multiplier	1.90

Note:

- (1),(2) From Texas DOI 2012 Closed Claims Database - CAL Claims Only. Subset where Econ vs Non-Econ is identified.
- (6) From Texas DOI 2012 Closed Claims Database - CAL Claims Only
- (4), (5) Distribution of (6) based on (1) - (3)
- (7) = (6i) / (6iii)
- (8) = (4i) / [(4i) + (6ii)]. New Jersey currently doesn't allow non-economic damages for death cases.
- (9) = (5iii) / (6iii)
- (10) = 100% - (9)
- (11) = (9) / (10)
- (12) Selected by Milliman based on (11)

**New Jersey Civil Justice Institute
Wrongful Death General Damages Study**

**Texas Department of Insurance
2012 Closed Claims Database**

General Liability Claims

	(1)	(2)	(3) (1) + (2)	(4)	(5)	(6)
Cases	Economic	Non- Economic	SubTotal	Economic	Non- Economic	Total Database
(i) Death	2,530,287	7,886,693	10,416,980	17,111,685	53,335,690	70,447,375
(ii) Non-Death	3,490,708	9,782,685	13,273,393	49,056,610	137,480,809	186,537,419
(iii) Total	6,020,995	17,669,378	23,690,373	66,168,294	190,816,500	256,984,794

(7) Percentage of Losses from Death Cases	27.4%
(8) Estimated Percentage of NJ Losses from Death Cases for Economic Damages	8.4%
(9) Portion Related to Non-Economic Damages for All Cases	74.3%
(10) Portion Related to Economic Damages for All Cases	25.7%
(11) Indicated Non-Economic Damages Multiplier	2.88
(12) Selected Non-Economic Damages Multiplier	2.80

Note:

- (1),(2) From Texas DOI 2012 Closed Claims Database - GL Claims Only. Subset where Econ vs Non-Econ is identified.
- (6) From Texas DOI 2012 Closed Claims Database - GL Claims Only
- (4), (5) Distribution of (6) based on (1) - (3)
- (7) = (6i) / (6iii)
- (8) = (4i) / [(4i) + (6ii)]. New Jersey currently doesn't allow non-economic damages for death cases.
- (9) = (5iii) / (6iii)
- (10) = 100% - (9)
- (11) = (9) / (10)
- (12) Selected by Milliman based on (11)