

"A WOMAN is dead because of the negligence of others. How can I measure in dollars and cents the loss that has been inflicted upon her husband and six children?"

This question faced Judge Bryan Simpson, when a suit was brought before him last year in Federal District court at Jacksonville, Fla. He knew it was impossible to put a price tag on the woman's life—but he also realized that in fairness to her survivors he must set some figure.

The woman, wife of Navy Lieut. Cmdr. Armand F. Legare, was attended by Navy doctors during the birth of her sixth child. Delivery was by Caesarean section, and blood transfusions were necessary. But through a tragic hospital error, she was given blood of the wrong type and died after 20 days of painful suffering.

In his suit, Commander Legare emphasized that he had been especially dependent on his wife's help in rearing their children. Long tours of sea duty often took him away from home. And during those periods, his wife had to act as both mother and father to their youngsters.

At the time of the trial, Commander Legare's children were staying with relatives, but he did not want to make this arrangement permanent. "They're my kids, and I want to rear them," he said.

Judge Simpson heard expert testimony concerning how much it would cost Commander Legare to maintain a home for the children as well as to hire domestic help and a nursemaid-governess who could serve as a "substitute mother." After deliberation, he awarded the Navy officer \$150,000. This included \$98,838 for loss of his wife's services, \$25,000 for loss of her companionship, and \$1,200 for funeral expenses. In addition, Commander Legare, as personal representative of his wife's estate, received \$25,000 for her "conscious pain and suffering."

There could be a difference of opinion about the exact amount this husband and father should have received. But certainly no one would deny that he deserved to be compensated for his loss. Yet the startling fact is that, until recently, our courts of law placed *no value* on the loss of services of a loving and devoted wife and mother!



How Much Is a Housewife Worth?

Courts are answering that question with larger awards to reflect what the loss of a wife and mother really means

By **EDWARD B. ROOD**

President, National Association of Claimants' Counsel of America

Fortunately, the old attitude is changing rapidly. Our courts are now making up-to-date, realistic appraisals of a housewife's pecuniary worth, and they are also according recognition and compensation for her less tangible values.

One such case, Weiss vs. Rubin, reached the Appellate Division in New York State in 1960. It introduced the testimony of community-service and philanthropic-agency representatives to establish the high cost of capable, around-the-clock "substitute mothers."

The following schedule shows how the cost of replacing the 25-year-old mother of two

children, aged four months and 16 months, for a 20-year period was determined:	
Wages for substitute mother (combination nurse-governess):	
\$80 a week for first five years	\$20,800.00
\$75 a week for the next 15 years	58,500.00
Wages for part-time housekeeper, \$1.50 an hour, 16 hours a week for 20 years	24,960.00
Wages for baby sitter, \$1 an hour, six hours a week (48 weeks a year) for five years	1,440.00
Social Security for three employees (substitute mother, housekeeper, and baby sitter)	4,149.12
Workmen's compensation insurance for three employees	1,500.00
Liability insurance	240.00
Advertising for, interviewing, and screening applicants for position of substitute mother	1,200.00
Agency supervision and training of substitute mother	1,980.00
Family counseling and psychological guidance for father	5,000.00

Total for 20-year period... \$119,769.12

The unfortunate deaths of the two young wives I have cited arouse our immediate compassion.

But courts of law are also giving increasing consideration to the value of a less obvious claimant—the older wife.

The case of Fabrizio vs. Kramer Brother Freight Lines (Pa., 1958) involved the question of how much a 55-year-old wife was worth. She had helped her husband operate a restaurant, serving as cook-waitress. She had been so frugal that her own maintenance had not exceeded \$300 a year.

The jury awarded her husband \$68,100, and the judge refused to set aside the award as excessive.

Over and over again, our courts are refusing to evaluate a housewife's worth solely in terms of: (1) what it costs to replace her with a menial servant; (2) what she would have earned working for another "employer"; or (3) any combination of these two.

Today's emphasis is not only on a wife's monetary value but also on her services in counseling, advising, comforting, and otherwise serving her husband. And this is the way it should be.

COVER:

Photographer Ozzie Sweet's search for Miss Somebody candidates was amply rewarded when he found lovely Patricia Ann Stewart in Biloxi, Miss. Family Weekly's newest Miss Somebody is described on page 18.

Family Weekly

July 22, 1962

Published Biweekly During the Summer

LEONARD S. DAVIDOW President and Publisher
WALTER C. DREYFUS Vice President
PATRICK E. O'ROURKE Advertising Director
MORTON FRANK Director of Publisher Relations

Board of Editors

ERNEST V. HEYN Editor-in-Chief
BEN KARTMAN Executive Editor
ROBERT FITZGIBBON Managing Editor
MARGARET BELL Feature Editor
PHILIP DYKSTRA Art Director
MELANIE DE PROFIT Food Editor

Send all advertising communications to Family Weekly, 153 N. Michigan Ave., Chicago 1, Ill.
Address all communications about editorial features to Family Weekly, 60 E. 56th St., New York 22, N. Y.

Rosalyn Abrevaya, Arden Edell, John Hochmann, Hal London, Jack Ryan, Peer J. Oppenheimer, Hollywood.

© 1962, FAMILY WEEKLY MAGAZINE, INC., 153 N. Michigan Ave., Chicago 1, Ill. All rights reserved.