

**Personal injury lawyers with an aggressive, complex trial approach.**  
**Compensation**

*John McCall, partnered up with the intent of representing each client on an individual basis. We are sensitive to the fact that almost nothing compares to what you may be going through, whether you're a victim, a family member or close friend. Dealing with a [personal injury](#), [malpractice](#) or even a [wrongful death case](#) is arguably one of life's most unpleasant experiences.*

**Justice**

As an law firm, we have a unique process for trial preparation, throughout which, our hope is that you'll feel empowered to take a stand, and no longer feel like the victim. Beyond compensation, we are dedicated to litigating injury cases to punish the wrongdoer, or tortfeasor, who would rather ignore these rules to benefit themselves. A large verdict also makes a clear statement, voiced by juries who wish help ensure that our society runs smoothly and fairly by deterring others from committing such acts.

[The New Mexico Wrongful Death Act](#) provides a cause of action when a death has been caused by the wrongful act of another that would be actionable as a personal injury matter had the person not died. The Act provides that:

Whenever the death of a person shall be caused by the wrongful act, neglect or default of another, although such death shall have been caused under such circumstances as amount in law to a felony, and the act, or neglect, or default, is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the person who, or the corporation which, would have been liable, if death had not ensued, shall be liable to an action for [damages](#), notwithstanding the death of the person injured.

N.M. Stat. Ann. § 41-2-1

Such actions are brought in the name of a person appointed by the Court to look after the best interests of statutory beneficiaries (i.e., the individuals set forth by statute that are entitled to receive the proceeds of any suit.) This person is called the Personal Representative (PR) of the Wrongful Death Estate and it is separate from decedent's probate estate. This PR is empowered to investigate and pursue any action for the death and responsible for the distribution of the proceeds as follows:

1. if there is a surviving spouse and no child, then to the spouse;
2. if there is a surviving spouse and a child or grandchild, then one-half to the surviving spouse and the remaining one-half to the children and grandchildren, the grandchildren taking by right of representation;
3. if there is no husband or wife, but a child or grandchild, then to such child and grandchild by right of representation;
4. if the deceased is a minor, childless and unmarried, then to the father and mother who shall have an equal interest in the judgment, or if either of them is dead, then to the survivor;
5. if there is no father, mother, husband, wife, child or grandchild, then to a surviving brother or sister if there are any; and
6. if there is no kindred as named in Subsections A through E of this section, then the proceeds of the judgment shall be disposed of in the manner authorized by law for the disposition of the personal property of deceased persons.

[N.M. Stat. Ann. § 41-2-3.](#) Damages in such actions may be determined by what a fact finder, a judge or a jury, deems fair and just for life of the decedent, including any of the following:

1. *The reasonable expenses of necessary medical care and treatment and funeral and burial;*
2. *The pain and suffering experienced by (name of decedent) between the time of injury and death;*
3. *The lost earnings, the lost earning capacity and the value of the lost household services of (name of decedent) considering 's (name of decedent) age, earning capacity, health, habits, and life expectancy. In considering loss of earnings or earning capacity, deductions must be made for income taxes, social security taxes, other taxes, and personal living expenses of (name of decedent) The damages set forth in this paragraph are damages for future loss of money and are paid in a lump sum. Therefore, a reasonable discount must be made for the future earning power of the damages awarded;*
4. *The value of the 's (name of decedent) life apart from 's (name of decedent) earning capacity*
5. *The mitigating or aggravating circumstances attending the wrongful act, neglect or default;*

*[6. The emotional distress to the [spouse], [parent(s)], [grandparent(s)], [other familial caretaker(s)] caused by the loss of [society,] [guidance,] [companionship] and [sexual relations] enjoyed with the deceased;]*

7. *The loss of guidance and counselling to the 's (name of decedent) minor children.*

8. *You may also consider the loss to the beneficiaries of other expected benefits that have a monetary value. While the presence or absence of a measurable monetary loss to beneficiaries is a factor for consideration, damages may be awarded even where monetary loss to the surviving beneficiaries cannot be shown.*

### [13-1830 NMRA](#)

If you are likely looking for information pertaining to what can be done after a wrongful death has been committed, whether it be from the actions of a corporation, a government, a hospital or doctor, or another person, reach out to our office (505) 256-1998

## WHAT YOU WILL NEED

- FIRST NAME\*
- LAST NAME\*
- MY INQUIRY IS RELATED TO:
- INQUIRY IS RELATED TO:\*

Type of incident A car/bike accident semi-truck accident Medical malpractice Professional malpractice nursing home incident wrongful death incident A premises liability incident A dog attack or bite issue with insurance An issue with a product An issue with a drug Mesothelioma or asbestos violent crime Other type of incident

- BRIEFLY DESCRIBE THE TYPE OF INCIDENT YOU ARE INQUIRING ABOUT:\*
- PHONE NUMBER