



TEXAS

WRONGFUL DEATH GUIDE

*What To Do If You Lost a
Loved One in an Accident*

Chavez Law Firm
EL PASO'S PERSONAL INJURY LAW FIRM



There is nothing quite as difficult as grieving the loss of someone you love, especially if you lost them in an accident that didn't need to happen. First and foremost, we are sorry that you are mourning and we understand that this very hard for you and your family.

We commonly see surviving family members suddenly overwhelmed with medical bills, costs of a funeral, and lost income. Our El Paso wrongful death attorneys are here to help you deal with the legal aspect of a case like this,

and we will work to get you the damages from this accident.

We understand that, during this mourning period, you may not want a legal case to be occupying your thoughts. This is why we handle the case for you so that you can focus on your family while we focus on recovering damages for you. If you have lost a loved one in a wrongful death case, please call our office right away to get a free initial consultation.

Types of El Paso Wrongful Death Cases

When you say wrongful death, it is an umbrella term encompasses many different types of fatal accidents. What all these accidents have in common is that the fatality was due to negligence. These cases are typically handled in civil court. The most common types of wrongful death cases in El Paso have included:

- Car accidents
- Slip and falls
- Drowning
- Workplace injury
- Nursing home negligence
- Construction accidents
- Bicycle accidents
- Medical malpractice

Our attorneys know how to handle these cases and have successfully done so in the past. Each accident has very particular details and requires a level of expertise. You want to ensure that the attorney you hire knows how to handle your case. Who you decide to hire to represent your wrongful death claim can make all the difference in the outcome of your case. Make sure you are hiring someone who will represent you well.

How Texas Wrongful Death Compensation Works

Wrongful death cases can be fairly confusing when it comes to

compensation. You can receive two forms of compensation. You can receive compensation for wrongful death damages and you can receive pain and suffering. The first type of compensation is meant to compensate the family for all of the expenses related to losing their loved one. You can recover the lost potential earning capacity of the lost loved one, any medical bills, and funeral costs. These wrongful death damages are easier to calculate because you can put these numbers into a calculator and come up with an answer.

The harder damages to determine are pain and suffering damages. These damages compensate the family for the suffering the victim experienced before passing on. The more pain and suffering they went through, the more damages you will receive. These damages don't plug into a calculator because pain and suffering is abstract and you cannot easily put a number on something like that.

Length of Time You Have to File a Wrongful Death Claim in El Paso

To ensure that you have the best possible chance of having a successful case, make sure that you are working with an attorney who knows what they're doing. You are given only a short length of time when you want to pursue compensation. Civil court will hold you to your statute of limitations. In El Paso, you are permitted two years from the date of the accident or the death of your loved one. While two years may seem lengthy, we assure you that it goes by quickly, and we do not advise that you wait to find an attorney. If you miss the statute of limitations, you will no longer be eligible for compensation. These cases take some time to build, and you want to give your attorney as much time as possible.

Frequently Asked Wrongful Death Questions

How Should I Choose a Wrongful Death Attorney?

Someone who is looking for representation in a case involving a wrongful death must first find and look for an attorney with trial experience in these types of cases. Wrongful death cases are tragic. They're tragic, of course, because clients lose loved ones—the worst thing that can happen to anyone. An experienced trial lawyer will know how to help navigate this type of situation with the sensitivity that is required under these circumstances. If you have any questions about who to hire or you have questions about the process, please call us at the Chavez Law Firm.

What is the Cost to File a Wrongful Death Lawsuit?

Oftentimes when people come to our office asking about a wrongful death claim, they are concerned about whether they can afford a case. The

experienced trial attorneys at Chavez Law take these cases on a contingency fee basis, meaning that the attorney gets paid if and only if there is a recovery, either by going to trial or through forcing a settlement on the insurance company or the negligent corporation that caused the death.

If you have any questions about how to prosecute this type of case or if you have any questions about how these types of cases are paid for, give us a call at the Chavez Law Firm. We'll be more than happy to answer your questions in this regard.

How Do You Determine the Value of a Wrongful Death Claim?

Clients who come to us because they have lost a loved one, such as a husband or a wife or a parent or a child, often wonder what full and fair compensation mean in their case. In instances in which a family has lost a loved one, the family is entitled to the lost income that that father or mother or spouse would have provided them.

Another thing that the law allows for, in terms of compensation, is damages for emotional pain and suffering. Other types of damages are the physical pain and suffering that that person went through as a result of dying. Other damages involve what the survivors—the family members—are entitled to. They're entitled to full and fair compensation for the emotional trauma resulting from the loss of their loved one that was caused by a negligent corporation or person.

What is the Timeline for a Wrongful Death Case?

When I have clients who have lost a loved one – a spouse, a child, or a parent – due to a wrongful death incident, they often ask me how long a case will take. One of the factors, in fact the key factor, in a wrongful death case is whether or not the insurance company for the defendant who caused the wrongful death is negotiating in good faith. Let's be absolutely clear – the only cases that go to trial are cases where the insurance company is unwilling to pay full and fair compensation for the horrible and tragic harms that they've caused clients. This is the greatest detriment to a quick resolution.

We at the Chavez Law Firm understand this, and we prepare from the very beginning for trial because we understand that the best way to get full and fair compensation for our clients is to be prepared from the get-go.

If you have questions because you are in this terrible situation, please give us a call at the Chavez Law Firm and we'll be more than willing and able to answer your questions.



Who Can File a Wrongful Death Claim in Texas?

Oftentimes when I have people come into the offices of Chavez Law, they ask who can file a wrongful death claim in Texas. The answer is very simple – husbands and wives, parents who've lost their children, and children who have lost their parents can file wrongful death claims in Texas. Because of the importance of these claims, you have two years, generally, to file a wrongful death claim. The first and most important thing in determining whether or not

you have a wrongful death claim for the negligence that somebody else caused is to find and hire an experienced trial attorney with experience in this area of the law.

If you have questions about your potential wrongful death claim, please give us a call. We are ready and willing to answer your questions.

What Should I Know About Wrongful Death Claims in Texas?

What is important to know about a wrongful death claim in Texas is that you have two years to file your claim for wrongful death. Wrongful death claims are different from other types of claims because the damages are so catastrophic. A person has lost a loved one – a husband, a wife, a child or a parent. It is very important that you find and hire an experienced trial attorney with experience in this area of the law.

If you have any questions about a wrongful death claim because you have lost a loved one, please call us. We are ready, willing and able to answer the questions that you have concerning your claim.

Contact Our El Paso Wrongful Death Attorneys Today for a Free Consultation

Our attorneys know how difficult it is for you and your family to deal with this loss, and we want to assist you. We can take the burden of the wrongful death case off of your shoulders and do the work on your behalf. Our El Paso wrongful death attorneys know what they are doing and will ensure that each step they take is in your best interest. We will not back down, and we will fight to get you the results that you deserve. Please do not hesitate to call our office today to set up a free initial consultation to get to know more about the case process and how we can help you recover for the damages your family has suffered.

About the Authors

At Chavez Law Firm, community safety is our passion. Each El Paso lawyer with the firm works to uphold the laws and community safety rules that have been put in place for everyone's protection. Individuals who break the law or act against safety regulations should not get away with causing physical or emotional harm to others. Our lawyers readily take on cases of all kinds, build them up, and present strong arguments in order to maximize each client's compensation.

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