

New Mexico



Matty Connelly

Arbitration Compelled in Residential Care Wrongful Death Claim

An evidentiary hearing involving multiple witnesses was presented before recently appointed State District Judge Bryan Biedscheid on Motion to Compel Arbitration in a wrongful death case. New Mexico decisions concerning enforcement of a Resident Arbitration Agreement have almost universally favored Plaintiffs, with findings of unconscionability, equivocal language, or public policy exceptions. Partner Matty Connelly, based largely on detailed briefing from Partner Sean Garrett, successfully argued that absent Plaintiff furnishing independent evidence of the resident's incapacity in understanding the agreement prior to signing. Plaintiff must now pursue the claims against YLAW's client, an Assisted Living Facility operator, before a three-arbitrator panel rather than a Northern New Mexico jury, which are notorious for high-dollar wrongful death verdicts