

New Mexico



Megan Kuhlmann

Summary Judgment in Medical Malpractice

Partner Megan L. Kuhlmann obtained summary judgment in favor of an on-call psychiatrist consulting in an emergency room. Plaintiff alleged the psychiatrist defendant breached the standard of care by failing to involuntarily admit decedent into a behavioral health unit against his will, thereby proximately causing his death more than 24-hours later when he was shot and killed in an altercation with law enforcement. Plaintiff disclosed one testifying expert against both the psychiatrist and the hospital, and New Mexico, like other jurisdictions, requires any medical negligence claim be supported by competent expert testimony. Through careful examination during deposition, YLAW methodically parsed out the expert's specific opinions against the facility and the individual psychiatrist *independently of one another*. Because the expert testimony presented no material factual evidence of a single independent criticism of the individually named psychiatrist, the Court agreed there was no material dispute of fact surrounding breach of the standard of care, dismissing with prejudice the psychiatrist from the wrongful death lawsuit.