

How Permanent Injuries Affect Compensation in New Mexico Personal Injury Cases

An Experienced Albuquerque Attorney Can Fight for Your Rights

A permanent injury does not just affect your health. It changes your financial future in ways that are difficult to fully see in the weeks right after an accident. Medical bills from the initial treatment are straightforward to document. What is harder to account for is everything that follows: the ongoing care, the work you can no longer do, and the activities that are simply gone. New Mexico law allows you to seek compensation for all of it, but insurance companies rarely offer a fair amount without a fight.

If you or someone you love is dealing with a permanent injury after an accident in Albuquerque, Santa Fe, or anywhere in New Mexico, understanding what the law allows you to pursue is the first step. A [New Mexico personal injury lawyer](#) can help document your losses, push back against insurer arguments, and build a claim that reflects what your injury actually costs.

What Makes an Injury Permanent?

A permanent injury leaves lasting impairment even after you have reached maximum medical improvement. Maximum medical improvement, often called MMI, is the point at which your doctor determines the condition is unlikely to get better with continued treatment. The injury does not have to be total or catastrophic to qualify. Partial loss of function, chronic pain that does not resolve, and lasting cognitive changes after a brain injury can all be considered permanent.

A physician's written opinion that the injury is permanent is critical to the value of your claim. Without it, the insurance company will argue that you are expected to fully recover, which limits what they will offer. Consistent medical treatment and thorough evaluations from specialists create the foundation for a permanency finding and strengthen your claim.

Common Permanent Injuries in New Mexico Personal Injury Cases

Permanent injuries can result from [car accidents](#), [truck crashes](#), [pedestrian accidents](#), and other incidents caused by someone else's negligence. Some cause obvious, measurable limitations. Others are less visible but just as disabling. The following types of injuries frequently lead to permanent impairment:

- **Spinal Cord Injuries:** Damage to the spinal cord can cause partial or complete paralysis, loss of sensation, and permanent limits on movement and independence.
- **Traumatic Brain Injuries:** Cognitive changes, memory problems, personality shifts, and difficulty concentrating can remain long after physical healing has plateaued.

- **Nerve Damage:** Injuries to peripheral nerves can cause chronic pain, numbness, weakness, or loss of fine motor control that does not fully respond to treatment.
- **Orthopedic Injuries:** Severe fractures, joint damage, and ligament tears can lead to lasting instability, reduced range of motion, and chronic discomfort even after surgery.
- **Scarring and Disfigurement:** Visible and permanent scarring from burns, lacerations, or surgical procedures carries its own category of compensable damages under New Mexico law.
- **Amputation and Loss of Limb:** The loss of a limb affects every part of daily life and creates lifelong costs related to prosthetics, adaptive equipment, and ongoing care.

Every one of these injuries is different, but they all have one thing in common: the costs do not stop when the initial treatment ends. That is why the compensation you pursue needs to cover what lies ahead, not just the bills you have already received.

How a Permanent Injury Changes the Value of Your Claim

When an injury is permanent, you can pursue a much broader range of compensation than is typically available in less serious injury cases. New Mexico law permits you to seek damages for future medical costs, lost earning capacity, ongoing pain and suffering, and loss of enjoyment of life. In serious cases, these categories often add up to more than all the immediate costs combined, and they require a different kind of evidence and analysis to support.

Future medical costs are documented through a life care plan prepared with medical professionals. It maps out every anticipated expense over your lifetime, from ongoing treatment and medication to equipment and support services. Lost earning capacity is assessed by a vocational expert who looks at what you can realistically earn now compared to what you would have earned without the injury. Understanding [who pays for your injuries after a New Mexico accident](#) is the starting point for knowing what your claim can include. Both projections need strong supporting evidence because insurers will challenge the numbers if they can.

Pain and Suffering Damages in Permanent Injury Cases

Pain and suffering is often the largest category of damages in a permanent injury case and one of the hardest to put a number on. New Mexico does not use a set formula. Instead, the value is based on factors like the nature of the injury, how much it affects your daily life, and how many years you will live with it. A younger person facing decades of limitation will generally be entitled to significantly more than someone older facing a comparable situation.

Loss of enjoyment of life is evaluated alongside pain and suffering. It accounts for the things you can no longer do, whether that is a sport, a hobby, time with family, or simply moving through the day without pain. Proving these damages requires consistent, organized documentation: medical records, personal journals, and accounts from people close to you who

have seen how your life has changed. Without that evidence, insurers will either minimize these damages or reject them outright.

How New Mexico's At-Fault System Applies to Permanent Injury Claims

New Mexico is an at-fault state, which means the person responsible for causing the accident is also responsible for the damages that result. If another driver's negligence caused your permanent injury, you have the right to file a claim against that driver's insurance or pursue a lawsuit to recover the full range of damages. There is no threshold you need to cross first, as there is in no-fault states. New Mexico's [pure comparative negligence law](#) does mean that if you are found partially at fault, your compensation is reduced by your percentage of fault. But you can still recover damages even if you share some responsibility for the accident.

This at-fault framework makes it especially important to establish the other party's negligence clearly and early. The stronger the evidence of fault, the harder it is for the insurance company to reduce your claim by shifting blame onto you. An experienced attorney can investigate the accident, gather the right evidence, and make sure the record works in your favor from the start.

How Insurers Approach Permanent Injury Claims

Insurance companies push back hard on permanent injury claims because the potential payout is much higher. Knowing the tactics they use helps you understand what you are up against and why having strong evidence matters from the start.

These are the most common ways insurers try to reduce or deny permanent injury claims in New Mexico:

- **Disputing the Permanency Finding:** Insurers often argue you just need more time to heal or that a different treatment would produce better results. The goal is to avoid accepting that the injury is truly permanent.
- **Scheduling Their Own Medical Exam:** Insurers can require you to see a doctor they select and pay for. These exams frequently produce reports that downplay the injury or contradict your treating physician's findings.
- **Blaming Pre-Existing Conditions:** If there is any prior injury or condition in the same area of the body, insurers will argue the current limitations were already there before the accident.
- **Challenging Life Care Plan Projections:** Insurers may claim that the future costs in a life care plan are inflated or that certain treatments are unnecessary.
- **Disputing Lost Earning Capacity:** They may argue you are capable of returning to some form of work, reducing the value of the economic damages being claimed.

- **Shifting Partial Fault to You:** Under New Mexico's comparative negligence rules, insurers may try to assign you a share of fault to reduce the total compensation they owe.

Any one of these arguments, left unchallenged, chips away at the final settlement. An attorney who knows these tactics and responds with strong medical evidence and qualified expert opinions is what keeps your claim from being undercut.

Get the Legal Help and Support a Permanent Injury Case Demands

A permanent injury deserves a legal strategy built to match what is actually at stake. At [Szantho Law Firm](#), Attorney Andras Szantho works directly with every client, bringing aggressive, hands-on representation to personal injury cases throughout Albuquerque, Santa Fe, and New Mexico. He understands how insurance companies operate and what it takes to build a claim they cannot easily dismiss.

All cases are handled on a contingency fee basis, so there are no upfront costs and no fee unless compensation is recovered. To get started, [contact us](#) today for a free case evaluation or visit us at one of our offices in Albuquerque or Santa Fe.