

Understanding Wrongful Death Claims in Louisiana: Key Legal Information for Families Facing Loss

OPELOUSAS, LA, UNITED STATES, June 20, 2025 /EINPresswire.com/ -- The death of a loved one under preventable circumstances often raises questions about legal accountability and financial recovery. In the state of Louisiana, wrongful death claims provide a legal avenue for certain family members to seek compensation when a person dies as a result of another party's negligence, misconduct, or failure to act.

Attorneys at [Morrow Law Firm](#) in Opelousas, Louisiana—led by [William P. Morrow](#), John Michael Morrow, Jr., and Stephen M. Morrow—have handled a wide range of personal injury and workplace-related cases throughout the region. According to William P. Morrow, understanding the structure and limitations of wrongful death claims under Louisiana law is an essential first step for families navigating this difficult process.

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A wrongful death claim is a civil action brought by surviving family members against a party believed to have caused the death through negligent or intentional acts. These claims may arise from a variety of incidents, including motor vehicle accidents, workplace injuries, industrial incidents, defective products, or hazardous property conditions.



Louisiana Civil Code Article 2315.2 governs wrongful death actions. Under this statute, specific

individuals are granted legal standing to bring forth a claim. The primary right lies with the surviving spouse and children of the deceased. If none exist, the right passes to surviving parents, then to siblings, and finally to grandparents, in that order. The law excludes more distant relatives or friends from initiating a wrongful death suit, regardless of the relationship's closeness.

The purpose of a wrongful death claim is to provide financial compensation for losses suffered by the deceased's surviving family members. These damages may include funeral and burial expenses, loss of financial support, loss of services, and loss of companionship and guidance. In some cases, particularly where gross negligence or intentional misconduct is involved, punitive damages may also be considered.

Workplace-related wrongful death cases present a distinct set of legal considerations. In Louisiana, most employers are protected by workers' compensation laws, which provide predetermined death benefits to surviving dependents when a fatal incident occurs during the course of employment. These benefits are limited and generally prevent lawsuits against the employer. However, claims may still be pursued against third parties—such as contractors, equipment manufacturers, or property owners—if their actions contributed to the fatality.

According to William P. Morrow, proper case evaluation often begins with an investigation into liability and jurisdiction. "Establishing who may be held legally responsible and under which legal framework is essential. In workplace cases, identifying whether the death was solely the result of employment conditions or if third-party negligence played a role can determine the viability of additional civil actions."

Timelines are also important. Louisiana imposes a one-year prescriptive period—commonly referred to as a statute of limitations—on wrongful death claims. This means that eligible family members must file their lawsuit within one year of the date of death. Failure to file within this period generally results in dismissal, regardless of the underlying facts.

In fatal accidents involving commercial vehicles, public entities, or industrial equipment, additional procedural requirements may apply. Evidence preservation becomes critical in these cases, particularly when fault is contested or when video footage, maintenance records, or employment logs could impact liability.

Emotional losses are often at the center of wrongful death actions. Louisiana law allows for recovery of non-economic damages such as pain and suffering, mental anguish, and loss of emotional support. These damages are not calculated through formulas, but rather presented to a judge or jury based on testimony, documentation, and legal precedent.

Families often seek clarity on whether a criminal prosecution must occur before a wrongful death lawsuit can proceed. In Louisiana, the civil and criminal processes are independent. A civil wrongful death claim may be filed regardless of whether criminal charges have been brought or

resolved. However, evidence from a criminal investigation can influence the outcome of a civil case.

Wrongful death lawsuits differ from survival actions, another form of claim permitted under Louisiana law. A survival action seeks compensation for damages suffered by the deceased person between the time of injury and death, such as medical bills, lost wages, and conscious pain and suffering. This claim is brought by the same family members and often filed alongside the wrongful death claim.

When navigating these cases, families must contend not only with grief and financial hardship but also with legal complexity. Insurance companies, government agencies, and employers may conduct their own investigations, often creating parallel narratives regarding the cause of death. Legal representation helps ensure that relevant facts, timelines, and responsibilities are clearly established in court.

William P. Morrow, whose practice includes cases involving fatal workplace incidents, vehicle collisions, and industrial injuries, emphasizes the importance of early legal consultation. "Time-sensitive evidence and statutory deadlines make it critical to act quickly in these matters. Proper documentation and legal preparation can determine whether a claim succeeds or never reaches the courtroom."

Morrow Law Firm continues to represent families throughout Louisiana in cases involving wrongful death and serious injury. The firm's approach focuses on legal strategy, procedural compliance, and evidence-based case development. For families seeking clarity after a tragic loss, understanding the legal path forward is the first step in the long process of accountability and closure.

Morgan Thomas
Rhino Digital, LLC
+1 504-875-5036

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