

Injured in an Accident? A Durham Car Accident Lawyer Can Fight For Your Rights

Car accidents are probably the most common [type of case that personal injury lawyers handle](#). However, that doesn't mean that they are easy. Car accident cases are often much more complex than many people realize. Working with a local attorney who knows the Durham court system and judges can give you a significant advantage. If you've been injured in a car accident, a Durham car accident lawyer at Martin & Jones can fight to protect your rights and help you get back on your feet.

Durham Car Accident Statistics

Every year, the North Carolina Department of Transportation compiles crash statistics for the entire state. In the year 2020, there were 247,214 automobile crashes across the state, resulting in 105,382 injuries and 1,658 fatalities. While the total number of accidents decreased, the fatalities increased significantly over the prior year. Clearly, this indicates that car accidents remain a serious concern for North Carolina motorists.

But what about Durham specifically? For the years 2018 through 2020, the Department of Transportation (DOT) reported the following statistics:

- There were 40,553 total crashes
- 7,291 crashes resulted in injuries
- 77 crashes resulted in fatalities

- 2.12% percent of car accidents in Durham were alcohol-related

For the year 2020 specifically, the DOT reported the following for the City of Durham:

- 7,073 crashes
- 29 fatalities
- 2,902 injuries
- 226 alcohol-related accidents, 12 of which resulted in fatalities and 149 that resulted in injuries

These statistics should be sobering for anyone driving in our city. For example, alcohol-related crashes accounted for almost half of all accident fatalities in 2020. While statistics are not available on a city-by-city basis, it is worth noting that speeding appears to be a significant factor in many accidents. If you have been injured in a car accident, you should contact a Durham car accident lawyer as soon as possible to discuss whether you should consider pursuing a claim.

Accidents Involving Pedestrians and Bicycle Riders

Motorists aren't the only ones at risk of injury when other people drive negligently. Dangerous driving can pose considerable hazards to pedestrians and bicycle riders, especially in heavily trafficked urban areas. The DOT reported the following statistics in Durham for 2020:

- There were 237 car accidents involving pedestrians
- 122 of those accidents resulted in injuries
- 12 of those accidents resulted in death

Pedestrians and bicycle riders are rarely at fault when injured in a car accident, but these cases can be complicated. As a result, you should contact a Durham car accident lawyer to discuss your case if you have been injured in a car accident while walking or riding your bike.

Negligence in Auto Accident Cases

First, it is important to recognize that every driver has a legal duty to drive safely and make a reasonable effort to prevent accidents. Often the other driver likely did not intend to cause an accident and injure you. Instead, their carelessness is what caused the accident - they failed to make a sufficient effort to avoid causing an accident. In legal terms, this is referred to as negligence.

Proving that the other driver was negligent is often more complicated than people expect. You need to not only understand how the law will apply to your case but also which facts may be relevant to proving your claim. A single, seemingly insignificant fact can determine whether or not you have a valid claim. An experienced Durham car accident lawyer will identify the relevant facts in your case and tell you whether you have a claim for negligence.

Our Durham Car Accident Attorney Outlines Negligent Driving

Almost all car accidents are the result of negligence. In many cases, they take the form of a mistake made by the driver, while in others it may be due to disregarding various traffic laws or [weather](#). Every car accident is different, with unique facts and circumstances. That said, most car accidents are caused by the same common factors:

- **Impaired driving.** This includes driving while under the influence of drugs or alcohol, as well as driving while fatigued, and driving while distracted. Impaired drivers typically have slower reflexes and delayed reaction times. Impairments often affect their judgment, making them unable to make good decisions.
- **Aggressive and/or reckless driving.** Speeding, unsafe lane changes, tailgating, and running stop signs and stop lights can quickly lead to an accident. Even if the at-fault driver wasn't charged with aggressive or reckless driving, such behavior still constitutes negligence, and they can be held liable for your injuries.
- **Mechanical failures.** Many accidents are caused when a vehicle has a mechanical failure such as a brake or steering failure. Even minor failures such as a tire blowout can result in a serious car accident. Some of these failures may be the result of faulty repair work or the vehicle or its parts may be defective.
- **Road design, maintenance, or construction issues.** Some accidents are the result of construction zone hazards or due to problems with the road surface due to poor or insufficient maintenance. In other cases, the actual design of the road itself may be the problem, with turns that are too sharp or insufficient drainage that allows water to pool unexpectedly.
- **Road rage.** Surprisingly, North Carolina ranks among the top states in terms of the number of road rage incidents. This includes incidents where one driver intentionally uses their vehicle to collide with another vehicle and cause an accident.

The cause of your car accident may not be as easy to identify as you may think. An experienced Durham traffic accident law firm can investigate your case and identify what factors likely caused your accident.

A Durham motor vehicle accident lawyer can help you overcome the complexities of these legal issues so that you can get the compensation you need.

Catastrophic Injuries After a Durham Car Accident

Because of the significant forces involved, car accidents can result in serious injuries and even death. The following injuries are unfortunately common in many car accident cases handled by our Durham car accident lawyer team:

- Deep lacerations
- Concussions and traumatic brain injuries
- Spinal cord injuries, paralysis
- Whiplash and neck injuries
- Broken bones, torn ligaments and tendons
- Burns
- Scars and disfigurement

In addition to the potential physical injuries, many accident victims also experience considerable psychological trauma – post-traumatic stress disorder (PTSD), depression, and severe anxiety are common issues for many people who have been in a serious car accident.

Don't Let the Other Driver Say The Accident Didn't Cause Your Injuries

This is a common defense in cases where you may have pre-existing injuries or chronic health issues. That said, it's rare for the other driver to argue that your pre-existing injuries should bar you from receiving any compensation. Instead, it's usually raised by the insurance company as a means to pay as little on your claim as possible. For example, they may attempt to claim that the accident only aggravated a pre-existing injury, and you are therefore entitled to only a fraction of the compensation that your claim may be worth.

That said, it is so important to at least speak with an experienced auto accident attorney before giving a statement to the insurance company, or allowing the insurance company to obtain your medical records or settling your claim. Our Durham Car Accident attorneys can help you build the strongest possible case and deal with any objections the insurance company may raise.

Pursue Medical Attention and Be Aware of Delayed Symptoms

Many injuries do not manifest themselves right away. Even if you felt fine immediately after the accident, it's important to listen to your body. If you begin experiencing any of the following symptoms, you should get a thorough medical examination as soon as possible:

- Persistent headaches
- Clouded thinking
- Blurred vision
- Abdominal pain or swelling
- Loss of feeling in your extremities, tingling or numbness
- Back pain
- Loss of motion

These symptoms typically indicate that you have suffered a soft tissue injury, a head injury, or organ damage. If left untreated, these injuries could become worse or result in life-long disabilities. Furthermore, you can still pursue a claim if your medical records clearly document that your injuries were caused by your car accident. A Durham car accident attorney can review your records to make sure that they clearly identify the cause of your injury before submitting them to the insurance company.

Potential Legal Issues You May Face After a Car Crash in Durham

Even if you are certain about what happened in your case, it is important to remember that you must be able to prove what happened. This may be relatively straightforward in some cases, while others can be very complicated. It isn't always easy to know at the outset whether your case will be easy to prove. Here are some of the potential legal issues that you may face in pursuing your claim:

- **Allegations of contributory negligence.** Under North Carolina law, you are completely barred from receiving any compensation if you were in any way partially at fault in causing the accident. As a result, it is a common defense for at-fault drivers to claim that your own negligence contributed to causing the accident.
- **Third-party liability.** In some cases, you may need to pursue some party other than the other driver. For example, if you are in an accident involving a commercial driver, you may need to pursue the driver's employer. If your accident was caused by a defective vehicle, you may need to pursue the vehicle's manufacturer.
- **Multi-vehicle accidents.** These cases can be challenging because there may be more than one party at fault, differing accounts of what happened, and overlapping responsibility for the accident.
- **Underinsured and uninsured drivers.** Cases where the at-fault driver doesn't have insurance or does not have sufficient coverage to pay your entire claim present unique challenges. You may have coverage under your own policy, or you may have to pursue the other driver personally.

- **Hit-and-run accidents.** Hit-and-run accidents are unfortunately common for cyclists, pedestrians, and motorcyclists, but are common in motor vehicle accidents as well. Your options for recovery may be limited, but you may still be able to pursue a claim.

Our Durham car accident lawyers can help you overcome the complexities of these legal issues so that you can get the compensation you need.

Documenting Your Claim with a Durham Car Accident Lawyer

One of the most common defenses that many drivers face is referred to as “contributory negligence.” The other driver argues that while they may have been negligent your own negligence also caused the accident. You are also likely to encounter this defense if you were a pedestrian, bicyclist, or other motorcyclist and are injured by another driver.

The defense is particularly problematic in North Carolina because it is one of the few states that still follow the “pure” contributory negligence rule. In North Carolina, you may be barred from receiving compensation for a [motor vehicle accident](#) if your own negligence contributed to causing the accident and your injuries. For example, you may not be able to receive compensation if you were texting even though the other driver ran a red light. Unless, of course, the other device is found to be grossly, willfully, or wantonly negligent.

For non-lawyers, one of the biggest challenges is collecting the evidence you need to support your claim. It’s important to understand that you have to prove every element of your case, even if it may seem obvious. A Durham car accident lawyer can help you collect the following:

- Pertinent medicals bills
- Your medical records documenting your injury, its cause, your prognosis, and the recommended treatment
- Copies of any accident reports
- Written or recorded statements from witnesses
- Photographs of the scene of the accident, damage to your vehicle, and your injuries

It can be overwhelming to collect and organize all of this documentation when you are trying to focus on getting better. Your lawyer can take the lead on this task to make sure you have the information you need when it comes time to submit your claim.

A Durham Car Accident Lawyer Can Help Determine the Potential Value of Your Claim

You may be surprised at how quickly the insurance company wants to settle your claim. Unfortunately, many people accept a settlement offer without knowing the full extent of their injuries or what the accident will ultimately cost. If you've been seriously injured, you may be unable to work and pay your bills. Even if you have health insurance, not all of your losses will be covered. Depending on the circumstances surrounding your case, you may be able to include the following losses in your claim:

- Unpaid medical expenses, including copays and deductibles
- Lost income
- Pain and suffering

An experienced Durham car accident lawyer will be able to review your case and provide an estimate of what your claim may be worth.

10 Most Common Car Accident Questions Answered

Having handled [auto accident cases](#) for nearly 40 years, we have helped our clients get answers when they need them most. If you've been injured in a car accident and want to understand your options, a Durham auto accident attorney at Martin & Jones can walk you through the process.

Whose insurance company will pay for my damages?

Generally speaking, in North Carolina the at-fault party is responsible for paying the other party's losses. However, many claims do not stop once the at-fault party's insurer has paid their limits.

You may also have the option of filing a claim under your own insurance if you have what is known as "underinsured motorist" coverage. This means that you can insure yourself under your own policy if the at-fault driver has inadequate insurance to cover your losses. Your insurance company would then "step into the shoes" of the at-fault driver's insurer and provide additional benefits to you.. A Durham accident attorney can explain the advantages and disadvantages of each course of action so that you fully understand these options.

Can a Durham car accident lawyer help me verify that the other driver has insurance coverage?

You should exchange insurance information with the other driver [immediately following the accident](#). Many people carry an insurance card in their wallet or glovebox – the easiest thing to do is snap a photo of the card with your phone. Ensure that the policyholder's name, the policy number, and the insurance company's name are clearly visible in the photo. You also want to make sure the police are called to the scene and complete a thorough review and report of the incident.

If the driver doesn't have an insurance card, you want to make sure you get the policyholder's name – the driver may not be the same person that purchased the insurance. They probably won't know the policy number, but you can at least get the insurance company's name. At some point, either you or your insurance company can then use the information you have collected to contact the other driver's insurance company to verify coverage and determine what type of coverage is available. A Durham auto accident attorney can help you through this process.

Am I obligated to speak with the other driver's insurance company?

In the days following your accident, it can feel like you are getting bombarded with phone calls. Note that while you are under a contractual obligation to speak with your own insurance company, you are under no such obligation to talk with the other driver's insurance company. Because North Carolina is a contributory negligence state, we strongly recommend against speaking with the other insurance company – anything that you say may be used as evidence of your own negligence and as a basis to therefore deny your claim.

What should I do about the damage to my vehicle?

While insurance companies can be difficult when it comes to compensating you for your injuries, they are much easier to deal with when it comes to getting your vehicle repaired. You should report any damage to your vehicle to your insurance company right away.

The first step in the process is that your insurance company will send out an adjuster to inspect your vehicle's damage. The adjuster will go to wherever your vehicle is located and determine whether your car can be repaired and approximately how much it will cost. If your vehicle can be repaired, your insurance company will likely require that you have the repairs done by a shop they have already approved.

If the cost of repairs exceeds the vehicle's value, the adjuster will declare that the car is "totaled," and the insurance company will pay you for the value of the vehicle before the accident.

What about my deductible?

The at-fault driver's insurance should cover the cost of your deductible. If they don't have insurance, you will likely have to pay the deductible out of your own pocket.

Will my insurance rates go up if I file a claim?

Unfortunately, your insurance premiums will likely increase regardless of whether you file a claim, even if the accident was the other driver's fault. If they don't have insurance, you will have to pay your deductible out of your own pocket.

Will my car insurance pay for a rental car?

The answer to this question depends on whether you purchased rental car coverage as part of your auto insurance policy. If you didn't, you may be able to recover the cost of a rental car if you pursue a claim against the other driver.

Should I see a doctor or wait to see if my injury goes away? Our Durham accident lawyer says, "Yes."

It's not unusual for people in a car accident to feel fine immediately afterward. However, they begin experiencing symptoms in the days or weeks following the accident - stiffness, reduced range of motion, dull aches, or even sharp pains. Because they felt okay immediately after the accident, many people think their injuries aren't that serious, and they will heal over time. Unfortunately, this isn't always the case. Back, neck, and joint injuries can get worse over time or lead to other degenerative conditions. The best thing to do is get a thorough medical exam following your car accident to ensure any injuries are properly diagnosed and treated.

Should I hire a Durham auto accident attorney to pursue a claim for my injuries?

Pursuing a personal injury claim may be the only way that you can recover your losses. While health insurance will cover your medical bills (if you have it), copays and deductibles can add up. Also, health insurance won't pay for your lost income or pain and suffering. You should at least talk to a Durham auto accident attorney before making a decision - they can help you understand your options.

Can I settle my claim without going through insurance?

Some people choose to settle their claims without involving their insurance companies. While it might seem like less of a hassle and you may be able to get your claim resolved more quickly, it is not recommended in serious cases.

Handling your claim without insurance carries certain risks. If you have been injured, it's unlikely that the other party has the financial resources to cover your medical bills and any other losses that arise from the accident. Your own insurance company may also decline coverage if they think you failed to report the incident promptly, which most insurers require if you have been involved in a wreck.

What You Can Do to Protect Your Accident Claim

The days immediately following your accident are critical to the success of your claim. While the situation may seem chaotic, there are a few things that you can do to gain control:

1. Understand what insurance coverage you have available. Knowing what insurance coverage you have and what losses it will and will not cover can help you understand your options.
2. Understand the value of your claim. Your claim is worth more than your medical expenses. You are entitled to other economic losses such as your lost wages and damage to your vehicle. You are also entitled to non-economic damages such as compensation for your pain and suffering. A Durham car accident attorney can provide you with an estimate of what your claim may be worth.
3. Follow your doctor's orders. Many people undermine their claim by failing to follow their prescribed course of treatment. They refuse to remain on bed rest, return to work too soon, or don't go to physical therapy or follow-up appointments.
4. Do not give any recorded statements. The insurance company or the other party may ask you for a recorded statement about what happened or the extent of your injuries. This is almost always an attempt to undermine whatever claim you may have. Never provide a recorded statement without first speaking to an accident attorney.

Speak with a Durham Car Accident Lawyer Immediately After Your Accident

In North Carolina, the statute of limitations for car accident cases can vary. This means that you must file a lawsuit as soon as possible, or you will lose all of your rights. Even if you don't plan to file a lawsuit, the longer you wait to pursue a claim, the harder it will be to prove your case. In addition, insurance companies have no legal obligation to pay your

claim once the statute of limitations has expired. As a result, you should speak with a Durham car accident lawyer even if you haven't yet decided what to do.

If you've been injured in a car accident, time is not on your side. Founded in 1982, we are a firm built on experience and dedicated to helping injured North Carolinians in Durham. Let us help you get your life back - call us at [1-800-662-1234](tel:1-800-662-1234) or [contact us online](#) to schedule a free consultation.

After a Crash, You Need a Raleigh Attorney to Help with Your Accident Claim

Proving fault or negligence of the other driver and that your damages were caused by the car wreck are the two main hurdles in almost every car accident case of any kind including [Multi-Vehicle](#). The other issue that arises frequently in North Carolina are allegations by the other driver or "contributory negligence" which could completely bar your recovery. Even if you don't plan to go to court, the insurance company will expect you to prove that the other party was at fault and that you were injured due to the accident. A Raleigh accident lawyer can help you build a strong case from Day 1 to make sure you get the compensation you need to rebuild your life. Involving, or at least consulting with an attorney as soon as possible after the wreck may prevent you from making a major mistake that could cause you to lose your case, make it more difficult to settle, or decrease the value of your claim.

Understanding Fault in Your Auto Accident Claim

To pursue a claim for compensation, you will need to prove that your injuries were caused by someone else's negligence. If you were injured purely through your own fault, you would not be able to pursue a claim. For example, if you fell asleep behind the wheel and were injured when you drove off the road, you would not be able to pursue a claim because no one else was at fault.

However, you may be able to pursue a claim if another person was involved in your accident. In most car accident cases, this means demonstrating that the other driver's negligence caused the accident that [resulted in your injuries](#).

Negligence can be somewhat challenging to understand. At its most basic, negligence is carelessness. The failure to exercise ordinary care under the circumstances.

More specifically, negligence occurs when someone fails to take reasonable care to avoid an accident that an ordinarily prudent person in the same or similar situation, would have taken. Whether or not the other driver was negligent in your car accident will depend on the facts of your case, and proving the other driver was negligent is critical to the success of your claim. An experienced Raleigh auto accident lawyer can help you gather the evidence you need to make a claim.

Examples of Negligence in Raleigh Car Wrecks

There are many different ways that a driver can be negligent while behind the wheel. Here are some of the most common forms of negligence that can result in car accidents:

- Speeding
- Running stop signs or stop lights
- Unsafe lane changes
- Failing to pay attention
- Driving while under the influence of alcohol or drugs
- Distracted driving
- Driving while drowsy
- Driving reckless in [bad weather](#)

No matter how obvious the other driver's fault may seem to you, you will have to prove that the other driver's negligence caused your accident. An experienced Raleigh auto accident lawyer can help you [gather the evidence](#) you need to prove your case. This evidence can include the following:

- Crash data records from vehicle computers
- Traffic camera video
- Eyewitness accounts or written/recorded statements
- The accident report prepared by law enforcement
- Photographs of the scene of the accident

- Cell phone records

Gathering, analyzing, and organizing this evidence can be challenging, especially when trying to recover from serious injuries. As your lawyer, we will gather the necessary evidence to help build your case.

A Note About Contributory Negligence

North Carolina is one of the few jurisdictions in the country that follows a “pure” contributory negligence rule. Under the contributory negligence doctrine, you may be barred from receiving any compensation for your injuries if you were also negligent such that your own negligence contributed to the accident.

For example, if you were injured in a head-on collision with a drunk driver who crossed the centerline, your claim may be denied under the contributory negligence rule if the other driver proves you were speeding and that the speed was so excessive that it too was the cause of the wreck.

If the other driver or their insurance is blaming you for the accident, you should speak with a lawyer as soon as possible. They may be able to help you overcome a contributory negligence defense and make sure you receive the compensation to which you may be entitled.

Damages in Raleigh Car Crash Cases

In legal jargon, “[damages](#)” is the term used for the compensation you receive if your case is successful. There are two types of damages that are typically awarded in car accident cases:

1. Economic damages
2. Non-economic damages

Economic damages are awarded to compensate you for the monetary losses you have suffered due to your car accident. Non-economic damages are awarded to compensate you for the other losses you suffer that are not easily quantified.

Economic Damages

In most car accident cases, your economic damages consist of the following:

- **Medical expenses.** Any medical expenses incurred and paid or owed due to the wreck related injuries.

- **Lost wages.** If you had to miss work to recover from your injuries or go to doctors' appointments or physical therapy, you are entitled to seek any lost income.
- **Permanent impairment.** If your injuries result in a permanent and/or disability, you may also be entitled to compensation for your impairment.
- **Property damage.** You are entitled to compensation to either repair or replace your vehicle.
- **Other losses.** You can also seek recovery of any other losses caused by your accident, such as increased transportation costs.

To pursue a claim for your economic damages, you should keep copies of all bills, invoices, pay stubs, or other documentation of your losses. A Raleigh auto accident attorney can help you collect the documentation that you need to prove your claim.

Non-Economic Damages

You are also entitled to seek recovery of your non-economic damages, which are intended to compensate you for your physical pain and mental suffering. In other words, the harms and losses due to your loss of enjoyment of life. Insurance companies argue it is difficult for non-lawyers to estimate the value of this portion of their claim because it is subjective. An experienced [auto accident lawyer](#) can estimate the monetary value of your claim based on their knowledge of the law and the following factors:

- The severity of your injuries
- The impact of your injuries on your daily life now and in the future
- Whether your injuries will result in a permanent impairment and/or disability
- Whether you lost a loved one in the accident

Pain and suffering can be a significant portion of your claim. Working with a Raleigh auto accident attorney can help ensure that you are fairly compensated for your injuries.

Contact Martin and Jones Today

The attorneys at Martin & Jones have been helping car accident victims get back on their feet for nearly 40 years with office locations in Raleigh and Durham. If you've been injured in a car accident and would like to discuss your options, [contact us](#) at 1-800-662-1234 for a free consultation.