

When there is a car accident, it is not uncommon for each driver to blame the other. However, most people don't realize that this can have significant legal ramifications if you need to pursue a claim for your injuries or other losses. If you have been injured in a car accident and the other driver is claiming that you are at fault, a Raleigh car accident lawyer will be able to determine whether the other driver's claim has any merit or impact on your claim for compensation.

How Contributory Negligence Works in North Carolina

North Carolina is one of the few states to follow the "pure" contributory negligence rule. Under the contributory negligence rule, an injured party is barred from receiving any compensation if their own negligence contributed in any way to the accident. In other words, you cannot receive any compensation for your injuries or other losses if you were even slightly at fault in [causing the accident](#).

If you find this pure contributory negligence rule seems harsh or unfair, most states agree with you. For this reason, most states follow a comparative negligence model that reduces compensation for the plaintiff by the amount that their own negligence contributed to the accident.

Because there is no comparative negligence in North Carolina, you should contact a [Raleigh car accident lawyer](#) immediately if the other party is claiming that you are partially at fault - your entire claim could be at stake.

Proving Contributory Negligence

Contributory negligence is referred to as an "affirmative defense" in legal terms. This means that the defendant (the person you believe to be at fault in causing your accident) must both raise the defense and prove it. To prove contributory negligence, the other party must prove two things:

1. That you were negligent; and
2. That your negligence contributed to causing the accident.

To prove that you were negligent, the other party will need to submit evidence that you were careless or reckless – it's not enough for them to simply assert that you were negligent in some way. The critical piece that is often overlooked is establishing causation. You may have been negligent, but the other party needs to prove that it contributed to the accident.

For example, let's say that you were injured in a car accident when a drunk driver ran a stop sign. Clearly, the other driver was negligent – they were intoxicated and ran a stop sign. However, the other driver then claims that you were speeding and driving while texting and that you could have otherwise avoided the accident.

First, the other driver will need to prove that you were, in fact, speeding and driving while texting. If they can prove those things, they will then need to prove that your negligence contributed to the accident in some way.

You Need a Raleigh Car Accident Lawyer from Martin & Jones

We've been representing car accident victims since 1982, we know how to both prove your case and overcome contributory negligence claims. [Reach out](#) to us at 800-662-1234 to schedule a free consultation to discuss how we can help you get the compensation you deserve. In addition to our Raleigh location, we have office in [Durham](#) and [Wilmington](#).