

# Durham Personal Injury Lawyer

## Standing For the Injured

At Martin & Jones, our Durham personal injury lawyer team believes every case is unique and requires personalized attention. Understanding the community you come from and the jurisdiction where your accident occurred is critical to a successful outcome. If you've been injured in the Durham area, you need someone on your side who not only understands the law but knows how to navigate the local court system effectively.

### **Have You Suffered as a Result of Someone Else's Negligence?**

Most personal injury cases are the result of negligence. Negligence is a legal concept whereby someone fails to take reasonable care to prevent foreseeable injury to others. Whether or not someone acted negligently is determined by whether an ordinarily prudent person would have acted similarly in the same situation. While this seems straightforward, proving negligence in your case can be more complicated than you might expect.

Negligence cases involve unintentional harm as opposed to cases where one party intended to injure another. Negligence can also involve behavior that is so reckless or wanton that it seems that the actor intended to cause harm. Different degrees of negligence may entitle you to greater damages.

If you've been injured in an accident and believe someone else is responsible, you should speak with a Durham personal injury lawyer. They can evaluate your claim and help you understand your options.

### **Types of Cases Personal Injury Cases**

Many people don't realize that personal injury attorneys handle more than [car accident](#) cases. A personal injury lawyer can help you get the compensation you need any time you suffer an injury caused by someone else's negligence. At Martin & Jones, we are a full-service injury law firm focused on helping injured North Carolinians get fair compensation for their injuries. No matter what type of accident caused your injury, a Durham personal injury attorney from Martin & Jones will have the knowledge, skill, and experience you need.

## Medical Malpractice

[Medical malpractice](#) arises whenever a hospital, doctor, or other medical professional fails to provide a service that meets the standard of care. Medical malpractice can result in serious harm, suffering, and even death due to [improper diagnoses](#), [medication errors](#), or [surgical errors](#). Unfortunately, because they are so technical, these cases are very difficult for non-lawyers to pursue on their own.

If you believe that you or your family member has suffered harm due to medical malpractice, a Durham injury lawyer who handles medical malpractice cases can give you the help you need. From gathering vital evidence to arranging expert testimony to support your claim, they will have the experience and knowledge you need to get results.

## Product Liability Cases

[Product liability](#) cases are those claims where a dangerous or defective product has injured someone. To pursue a product liability claim, you need to prove that you were injured by a product that was unreasonably dangerous when used for its intended purpose. There are many ways that a product can be defective – it may be due to a design error, a manufacturing error, or inadequate instructions or warnings. It can be challenging to identify the precise way in which the product was rendered defective, but this is a critical element in your claim. To further complicate matters, the opposing party in these cases are usually corporate entities that are unlikely to admit fault. For these reasons, you need a Durham injury lawyer who can help you prove your case so that you can get the compensation you deserve.

## Pedestrian, Bicycle, and Scooter Accidents

Motorists have a legal obligation to share the road with all other users, including walkers, cyclists, and others.

Unfortunately, many motorists don't know the law when it comes to sharing the road, or they simply fail to drive safely. Cyclists, pedestrians, and other users face incredible risks when on our roadways and in the event of an accident, are very likely to suffer severe, life-changing injuries. An accident can leave you unable to work or even face

long-term disability.

## Motorcycle Accidents

[Motorcyclists](#) also face special hazards when out on the roadways. Because they are comparatively smaller and lighter than the average passenger vehicle, motorcyclists face a much higher risk of suffering severe injuries and even death in the event of an accident. In addition, many motorcyclists are often blamed for the accident, even when the other driver's negligence caused the accident. If you are a motorcyclist who has been injured in an accident, we recommend that you talk to a Durham personal injury attorney with experience in handling motorcycle accident cases.

## Boating Accidents

While [boating](#) is a great way to enjoy the outdoors, it also poses significant hazards to people on the boat and others. Unlike motor vehicles, there are far fewer rules for piloting a boat and lax enforcement. As a result, careless and even reckless behavior is far more common on the water than on the roads. That said, the causes of boat accidents are often the same – speeding, boating while distracted, or boating while under the influence of drugs or alcohol. If you have been injured while out on the water, you need a Durham injury lawyer who has experience with boat accident claims and knows how to handle your case.

## Accidents Involving Large Trucks and Other Commercial Vehicles

Accidents involving [trucks or other commercial vehicles](#) can also be complicated – the driver, as well as their employer, may be responsible for causing the accident. Trucking companies and other commercial transportation services are subject to laws and regulations that impose specific requirements intended to keep other drivers safe. An experienced Durham injury lawyer will know the applicable laws and be able to identify when the driver's or their employer's negligence caused your accident.

## Car Accidents

[Car accidents](#) may be the most common type of accident case a Durham injury lawyer handles. And while these cases may be common, each [fatal car accident](#) has its own unique set of facts and challenges. Even if the other driver is obviously at fault, you will still need to prove your case and navigate the insurance claim process. We help our clients get compensation for their losses, including their medical bills, pain and suffering, and lost income.

# Mesothelioma and Asbestos Claims

While no amount of money will ease the pain of a [mesothelioma diagnosis](#), you deserve fair compensation from those who are responsible for your injury. Recovering monetary damages through a mesothelioma lawsuit can help cover your medical expenses while also helping to assure your family's financial security now and into the future. The companies that manufactured, sold, and used asbestos knew that they were exposing innocent workers, families, and bystanders to a deadly substance. You have every right to hold them accountable.

## A Durham Personal Injury Attorney Can Also Help With Strict Liability Claims

Strict liability claims are cases where you do not have to prove that the responsible party was negligent, nor do you have to prove that they intended to cause you harm. Instead, the appropriate parties should be held liable for any damages that result from their actions regardless of their intent.

[Product liability cases](#) are the most common example of strict liability claims in North Carolina. Product liability cases are those that involve dangerous or defective products. It is important to note that "defective" does not mean broken in this context. Instead, a defective product is one that is flawed in one or more of the following ways, rendering it unsafe for consumers:

- Design defects - the product is unsafe by design
- Manufacturing defects - the product is safe as designed but was manufactured in a way that made it unsafe
- Failure to warn/inadequate instructions - the seller failed to warn the consumer of known but non-obvious hazards or failed to include adequate instructions regarding how to use the product safely

Almost any type of consumer product could potentially give rise to a product liability claim:

- Products for use by babies and children
- Household appliances and other items
- Contaminated food
- Medications
- Medical devices
- Motor vehicles

We should also point out that you may have a product liability claim even if you did not purchase the product:

- Passengers who are injured while riding mass transit due to defective equipment
- Workers who contract a chronic illness due to prolonged exposure to a chemical
- Workers who are injured as the result of using defective machinery

Whatever the product, you will need to prove that the product was defective in some way. If you can prove this, you will be entitled to compensation for your injuries and other losses.

We should note that, even though you don't have to prove negligence, product liability cases are unusually complex. You may need an engineer or other expert to help you prove that the product was defective. Also, you will be pursuing a claim against a corporate entity that will fiercely defend itself. These claims are very difficult for non-lawyers to pursue successfully. If an unsafe product has injured you, we recommend that you speak with a Durham personal injury lawyer right away.

## Proving Your Claim with a Durham Personal Injury Lawyer

It may seem obvious to you, but you will have to [prove your case either to the insurance company or in court](#).

Generally speaking, you will have to prove the following elements in order to receive compensation as a result of your claim:

1. The other party owed you a legal duty of care;
2. The other party breached that duty, either intentionally or negligently;
3. You were injured as a result of the breach.

The difficulty in proving each of these elements will depend on your particular case. Many personal injury cases depend on being able to successfully prove that the other party breached their duty of care to you as a result of their negligent behavior. However, you will also need to carefully document your injuries in order to support your claim.

What will be considered negligence will vary according to the type of case that you have. Every type of personal injury case has a unique duty of care, which determines what will be considered negligence. For example, what is regarded as negligent behavior in a premises liability case is very different from what will be considered negligence in a major truck accident case. This is because the parties in each case have different obligations when it comes to avoiding harm to others. Your personal injury lawyer should know the applicable duty of care in your case and whether or not the other party breached it.

Proving negligence will also depend mainly on the facts and circumstances surrounding your accident. An experienced Durham injury attorney will be able to identify the facts pertinent to your claim, facts that sometimes seem insignificant. Furthermore, they will know how the law will apply to your case. That said, proving that the other party's negligence led to your injuries can be much more difficult than you might expect. Working with an attorney will give you a much greater chance of success in pursuing your claim.

## What If I Am Blamed by the Defendant for My Own Injuries?

Under North Carolina's contributory negligence law, if you contributed to your own injuries, you may lose your right to recover compensation for your losses. There are legal exceptions to this general rule, for instance, if the defendant was grossly negligent or had the last chance to avoid the injuries. North Carolina is one of the only states that still follow this strict contributory negligence standard when deciding personal injury claims.

## Durham Personal Injury Lawyer Explains What Your Case May Be Worth

Many people accept a settlement from their insurance company without really understanding what damages they can receive. As a result, they find themselves with bills they can't pay, or worse, unable to get the medical treatment they need to make a full recovery. Even if you have health insurance, it's important to understand what your claim may be worth.

If you are injured as a result of someone else's negligence, you may be able to recover compensation for the following:

- Medical expenses, specifically any expenses not covered by insurance such as copays and deductibles
- Lost wages or other income
- Any other expenses incurred as a result of your injury
- Your pain and suffering

Pain and suffering is the most complicated portion of most personal injury claims. Under the law, you should be "made whole," which includes compensation for your pain and suffering. However, you need to know how to properly calculate this portion of your claim - a Durham personal injury lawyer will have the experience and knowledge to help you get the full value of your claim.

## Don't Delay - Time is Not on Your Side

Every state has a deadline by which you must pursue your claim. In legal terminology, this deadline is referred to as the "statute of limitations." In North Carolina, the statute of limitations in personal injury cases varies. If you fail to pursue your claim within a timely manner, you will lose all of your legal rights regardless of how strong your claim may otherwise be.

Time can go by fast when you're focused on recovering from your accident. In addition, the longer you wait to pursue your claim the more difficult it may be to prove your case. It may be difficult to collect evidence or locate witnesses. People may have forgotten important details or misremember them.

There are limited exceptions to the statute of limitations available in specific situations. You should assume that the deadline applies to your case. If you've been injured through someone else's fault, it's important to speak with a Durham personal injury lawyer as soon as possible to make sure your rights are protected.

## How a Durham Personal Injury Lawyer Can Help You

You are not required to hire an attorney in order to pursue a personal injury claim. However, hiring an attorney can allow you to focus on your recovery while they handle your case. Here are some of the ways that a Durham personal injury lawyer can help:

- They can collect the documentation you need to prove your injuries and your losses
- They can speak with the insurance companies on your behalf and negotiate any potential settlement agreements
- They can file any necessary paperwork related to your claim
- They can file all legal documents and navigate the court system if you are unable to settle your claim

Even if you do not plan to file a lawsuit, you should be aware that non-lawyers typically settle their claim for far less than they are worth. An experienced attorney will know how to prove your case and make sure you receive a fair settlement from your insurance company.

## Your Lawyer Will Comb Through All of the Evidence

Determining whether you have a personal injury claim can be more complicated than you think. An experienced Durham personal injury lawyer can help in two significant ways:

1. **They can review all of the evidence in your case to determine whether someone else may be responsible.** This includes any accident reports, witness statements, expert opinions, or whatever evidence there may be. To fully decide whether you have a claim, your attorney may collect additional evidence to understand what happened. A skilled attorney in this area is also likely to retain expert engineers or others in the field that can analyze the exact failure in the product and provide opinions on why it was defective.
2. **They can estimate what your claim may be worth.** Understanding your claim's value is necessary to make an informed decision as to whether to pursue a personal injury claim. You may be entitled to compensation for your medical expenses, lost income, pain and suffering, and any other losses caused by your accident.

## If Your Claim Doesn't Settle

Unfortunately, not all cases are able to be settled. This may be because the insurance company is simply refusing to pay fair compensation, or for one of the following reasons:

- Your case involves complex legal questions; and/or
- The parties have a fundamental disagreement over the facts.

In these situations, your only option to pursue the compensation you need is to file a lawsuit. Filing a lawsuit requires knowledge of the law and legal procedures, and even a minor mistake can jeopardize your claim. Working with Durham personal injury attorneys from the outset of your case means that they will be fully prepared to take the next step and file suit when the insurance company will no longer consider a fair settlement.

## Going to Trial in Durham

Once the lawsuit has been filed, it is still possible to settle your case before you go to trial. Unfortunately, you can't rely on this option. A Durham injury law firm can continue settlement discussions while preparing your case for trial. This may entail subpoenaing documents and other evidence, attending court hearings, and conducting depositions. Ultimately, the objective is to ensure that your case is as strong as possible when they have to try your case.

Along the way, your lawyer will work with you to make sure that you are fully apprised of how your case is proceeding. If they are unable to settle your case and you have to go to trial, they will also make sure you are fully prepared to testify.

# Injured? Call a Durham Personal Injury Lawyer at Martin & Jones

At Martin & Jones, we understand what you are going through because we work with people in your situation every day, and we've been helping people and their families for nearly 40 years. While it is impossible to know exactly what you can expect in your unique circumstances without talking with you one-on-one, our personal injury attorneys have put together the following overview of how personal injury claims generally work in North Carolina in order to answer some of your most pressing questions. Of course, you can call us anytime for a more detailed, no cost, no obligation consultation.. If you've been injured, [contact us](#) to schedule a free, no-obligation consultation with a Durham personal injury lawyer today.

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