

**Personal injury** claims can be complex, and misinformation often discourages people from seeking the compensation they deserve. North Carolina has specific laws that govern personal injury cases, and many common myths can prevent accident victims from pursuing rightful claims. In this blog, we will debunk some of the biggest myths surrounding personal injury claims in North Carolina and provide clarity on how the law actually works.

## Myth #1: You Can Always Recover Damages, Even If You Were Partially at Fault

One of the most significant misconceptions about personal injury claims in North Carolina is that you can still recover damages even if you were partially at fault. However, North Carolina follows the pure contributory negligence rule. This means that if you are found even 1% at fault for an accident, you are barred from recovering any compensation. Unlike other states that follow comparative negligence laws, North Carolina's strict rule makes it crucial to prove that the other party was entirely at fault.

## Myth #2: Personal Injury Claims Always Lead to a Lawsuit

Many people believe that filing a personal injury claim means they will have to go to court. However, most personal injury claims are settled outside of court through negotiations with insurance companies. Lawsuits are typically a last resort when insurance companies refuse to offer fair compensation. A skilled attorney can often negotiate a satisfactory settlement without needing to file a lawsuit, saving time and legal expenses.

## Myth #3: Insurance Companies Will Offer a Fair Settlement

A common misconception is that insurance companies will fairly compensate you after an accident. In reality, insurance companies are businesses focused on minimizing payouts to protect their bottom line. Adjusters may offer a quick settlement that does not cover the full extent of your damages, including medical bills, lost wages, and pain and suffering. It is always wise to consult an attorney before accepting an insurance settlement.

## Myth #4: You Can File a Claim Anytime After an Accident

Some people assume they have unlimited time to file a personal injury claim, but North Carolina has a strict statute of limitations. In most cases, you have **three years** from the date of the accident to file a lawsuit. If you fail to take legal action within this time frame, you lose your right to seek compensation. For wrongful death claims, the statute of limitations is even shorter—only **two years** from the date of death.

## Myth #5: Minor Injuries Aren't Worth Pursuing a Claim

Even if an injury seems minor, it is still important to seek medical attention and consider filing a claim. Some injuries, such as whiplash or concussions, may not show immediate symptoms but can worsen over time. Additionally, medical expenses, even for minor injuries, can add up quickly. Filing a claim ensures that you receive proper medical treatment and compensation for any unexpected long-term effects.

## Myth #6: If You Don't Feel Hurt Immediately, You Don't Have a Claim

Many accident victims believe that if they do not feel pain immediately, they do not have a valid claim. However, some injuries take days or even weeks to manifest. Conditions like internal bleeding, soft tissue injuries, and traumatic brain injuries may not be immediately apparent. Seeking medical attention as soon as possible can help document your injuries and strengthen your claim.

## Myth #7: Personal Injury Lawyers Are Too Expensive

Some people hesitate to hire a lawyer because they believe it will be too expensive. However, most personal injury attorneys in North Carolina work on a contingency fee basis. This means that they only get paid if you win your case. Their fees are typically a percentage of the settlement or court award, making legal representation accessible to those who might not otherwise afford it.

## Myth #8: You Can Handle a Personal Injury Claim on Your Own

While it is possible to handle a personal injury claim without a lawyer, doing so can be risky. Insurance companies have teams of lawyers and adjusters who are trained to reduce payouts. Without legal representation, you may accept a settlement that is far lower than what you are entitled to. An experienced attorney can help maximize your

compensation by negotiating with insurance companies and, if necessary, taking your case to court.

## Myth #9: Personal Injury Cases Are Always Lengthy and Complicated

Many people believe that personal injury cases take years to resolve, deterring them from filing a claim. While some cases are more complex than others, many personal injury claims are settled within a few months through negotiation. The length of a case depends on factors such as the severity of injuries, the willingness of the insurance company to negotiate, and whether litigation is necessary.

## Myth #10: Filing a Claim Will Hurt the Other Party Financially

Accident victims sometimes hesitate to file a claim because they fear it will financially harm the at-fault party, especially if they are friends or family members. However, personal injury claims are typically paid by the at-fault party's insurance company, not out of their personal funds. Filing a claim ensures that you receive the compensation you need without placing an undue burden on the responsible party.

## Contact a Durham Personal Injury Lawyer Today for Immediate Assistance

Misinformation about personal injury claims can prevent accident victims from seeking the justice they deserve. Understanding North Carolina's strict contributory negligence rule, the importance of filing within the statute of limitations, and the realities of dealing with insurance companies can help you make informed decisions. If you have been injured in an accident, [contacting a personal injury attorney](#) can help clarify your rights and maximize your chances of obtaining fair compensation.

By debunking these common myths, accident victims can better navigate the legal process and secure the financial recovery they need to move forward. Don't let misinformation prevent you from taking action—know your rights and seek professional legal advice when necessary.