



# The Personal Injury Process Explained by a Raleigh Injury Lawyer

## How a Raleigh Injury Lawyer Can Help You Pursue Your Claim for Damages

If you have been injured because of the negligence of another and are pursuing a claim for compensation, you should have a complete understanding of how to pursue a [personal injury claim in North Carolina](#). While a Raleigh injury lawyer is in the best position to explain how your case is likely to proceed, the following will give you a good foundation of

how cases like yours make their way through the legal system.

## What Will I Have to Prove in Order to Hold the Defendant Responsible for My Injuries?

Regardless of how you were injured, laws regarding negligence and recovery of damages will apply. In order to succeed in a personal injury claim, you and your Raleigh injury lawyer will need to prove that:

- You were owed a duty of care by the defendant,
- The defendant breached this duty of care,
- Your injuries were the result of this breach of duty, and
- You suffered damages as a result

## North Carolina Has Unique Laws Regarding Fault and Liability

North Carolina is one of the few states left in the US that uses the contributory negligence standard in personal injury claims. The contributory negligence standard means that if you are found to be even one percent responsible for your own injuries, you cannot recover any money for your losses or damages. A Raleigh injury lawyer can help you understand this contributory negligence law,

## How Long Do I Have to File My Personal Injury Claim in North Carolina?

As a general rule, the time to file is limited. And there are many exceptions under North Carolina's statute of limitations for damages following an accident; for instance, if the accident resulted in fatalities and you have a [wrongful death lawsuit](#). Also, if the injury was caused by a defective product, such as a car or piece of equipment, the statute of repose may greatly reduce the amount of time you have to bring a legal claim. There are different rules if the victims are minors or if there is a government entity involved in the case. Therefore, we recommend you file as soon as possible.

## The Personal Injury Litigation Process Explained by Our Raleigh Injury Lawyers

Martin & Jones prepares every claim as if it were going to court, from the very beginning. A personal injury lawsuit is a civil court proceeding that begins with the injured party – called the plaintiff – filing a legal document called a complaint against the person alleged to have caused the harm, the defendant.

In the complaint, your Raleigh injury lawyer will lay out all the facts of the case – the details about who injured you and how it happened – and why the defendant is responsible for causing your injuries. Your attorney will also ask for a certain amount in damages to compensate you for your injuries. Next, the defense attorneys will answer the complaint.

After these initial papers are filed, the two sides begin a process called discovery. During discovery, each side seeks to find out as much as they can about the other's case. Each side will present each other with requests for documents and interrogatories, which are detailed questionnaires that must be answered under oath.

The sides will then take depositions, where each side has an opportunity to ask questions of all of the parties in the case, as well as each side's witnesses, including experts and others who can further explain any information obtained during interrogatories and the examination of records. Depositions are also taken under oath.

During and after discovery, the lawyers may meet in court several times to address disputes that arise during the fact-finding part of the case. Your lawyer will handle this part of the process and you will not be required to attend court for them. Once all of the pre-trial matters are settled, the case will go to mediation.

## Your Raleigh Injury Lawyer Can Also Help with Mediation

Before your case can proceed to trial, North Carolina law requires you to undergo mediation. Mediation provides an avenue for the plaintiff and defendant to get together and attempt to settle the case.

In mediation, both sides get to explain their cases to the mediator together in one room. After that, the parties move to separate rooms to discuss the case with the mediator out of earshot of the other side. The mediator goes back and forth from room to room trying to create a scenario where the parties can come to settlement terms. If that happens, the case will settle. If not, the case will proceed to trial. Don't worry though, your Raleigh injury lawyer will be there to help with the mediation.

## Taking a North Carolina Personal Injury Case to Trial

A personal injury trial in North Carolina can take years to complete, which is why many cases settle. However, many cases do go to trial. During a trial each side will make opening statements and call witnesses before finishing up the

case with closing arguments.

Your Raleigh injury lawyer will present evidence showing the facts about how you came to be injured, why your injuries were caused by the defendant, and the damages that you received as a result of your injuries. Your attorney will ask that you be awarded a specific amount in damages for your medical expenses, lost wages, other out-of-pocket expenses, pain and suffering, and loss of familial relationships, where appropriate.

The other side will dispute assertions. It will be up to the jury to decide whether or not the defendant was liable and to decide how much you should be awarded in damages. Then the judge will enter a final judgment in the case.

It is important to understand that you and the defense can enter into a settlement agreement any time before the judge enters that final judgment.

## Contact a Raleigh Injury Lawyer to Learn More About the Personal Injury Process in North Carolina

If you have been injured as a result of someone's negligence the Raleigh injury lawyers at Martin & Jones can guide you through the personal injury process. To learn more, please [contact us](#) online or call us at [1-800-662-1234](tel:1-800-662-1234). All consultations are no-obligation and free. We have convenient office locations in [Raleigh](#), [Durham](#) and [Wilmington](#), and we serve clients throughout the state.