

No matter how obvious it may seem, you will need to prove that the other party is responsible for the injuries you have suffered as a result of the accident they have caused. Even if you don't intend to go to court, the insurance company will require substantial medical and other documentation to support your claim. Knowing what you need to prove your case isn't always clear. If you've been injured in an accident that was caused by someone else's negligence, a [Raleigh personal injury lawyer](#) can help you build a strong case to support your claim.

The Elements of a Personal Injury Case

In order to prevail on a personal injury case, there are certain things that you must prove. These are the building blocks, or elements, of your case:

- The other party owed you a duty of care;
- They breached that duty;
- You were injured; and
- Your injuries were caused by the other party's breach of their duty of care.

Each of these elements must be proven. Even if you don't plan to go to court, the insurance company will essentially require that you prove these elements before trying to resolve your claim.

The Duty of Care

To put it another way, the duty of care is simply one person's obligation to make a reasonable effort to avoid causing harm to others. However, the applicable duty of care will be determined by the circumstances surrounding your injury. For example:

- All drivers owe a duty of care to other people on the road (including [pedestrians and cyclists](#)) to drive safely and obey traffic laws.
- Property owners have a duty to [repair hazards](#) so that their property is safe for guests and visitors.

- Shopping malls have a duty to [provide adequate security](#) for shoppers.
- Doctors have a duty to provide treatment that meets the [standard of care](#) for their patients

An experienced Raleigh personal injury lawyer will know which duty of care applies to your case.

Breaching the Duty of Care

Once you have established that the other party owed you a duty of care, you must then prove that they breached that duty. In most personal injury cases, this involves proving that the other party was negligent. In other words, you need to show that they failed to take reasonable care to prevent the accident. What constitutes “reasonable care” can be measured in different ways, but it is generally determined by what an ordinarily prudent person would do in the same or very similar circumstances. To use the examples above:

- A driver breaches their duty of care when they drive while texting.
- A property owner breaches their duty of care when they fail to repair a broken sidewalk.
- The owner of a shopping center breaches their duty of care when they do not hire security guards despite recent assaults on the premises.
- A doctor breaches their duty of care when they fail to take a complete medical history before prescribing treatment.

Proving negligence is the crux of most personal injury cases and requires extensive knowledge of the law as well as a careful analysis of the facts.

Duty + Breach = Liability

Even if you know that the other party was at fault in your accident, you will need evidence to prove each of these elements. To perhaps illustrate how these elements tie together, a few additional examples may be helpful.

1. All drivers have a duty to other drivers to drive safely and obey the law. If you are injured in a car accident, you will need to prove that the other driver breached their duty of care. If the driver was drunk, you will need to obtain evidence that the driver was driving while under the influence. As a result, you will need to subpoena the officer at the scene who observed the driver’s behavior after the accident who can testify as to smelling alcohol on their breath, their slurred speech, and impaired motor control. In addition, you will likely need to also subpoena the breathalyzer test results to prove that they had a BAC in excess of the legal limit. If you can gather the evidence to prove that they were intoxicated, you will be able to hold the other driver liable for your injuries and other losses.

2. Employers have an obligation to ensure that the workplace is safe for their employees. A factory owner is negligent in maintaining some of the heavy machinery that is used in production, despite complaints from their employees. One of the machines fails, causing several employees to suffer serious, life-threatening injuries. To hold the factory owner liable, the injured workers will need to demonstrate that their employer knew the machine was in need of maintenance, and that it was reasonably foreseeable that a malfunction would occur that would result in serious injury. Copies of written complaints would obviously be helpful, but you may also need to get statements from other employees who were aware of the lack of maintenance and the complaints that were made. Documentation stating when and how the machinery should be serviced will also be helpful.

The evidence you need will vary according to the type of case you have and the circumstances surrounding your accident. For non-lawyers, it can be quite difficult to determine what evidence you will need or how to get it. This is where working with a Raleigh personal injury lawyer can pay significant dividends toward getting fair compensation in your case.

Your Injuries and Other Losses

The next element you will need to prove is that you were injured. This may seem obvious, but it requires careful documentation. You need to keep copies of all medical bills related to your injuries, especially those expenses that are not covered by your health insurance such as copays and deductibles.

That said, you also need to document any other losses you have suffered as a result of your accident. For example:

- Your lost wages because you were unable to work or had to take time off to receive treatment
- Increased transportation costs because you are unable to drive
- Modifications to your home to accommodate mobility issues

You may be entitled to any losses you have suffered as a result of the accident, so it is important to keep careful records. A Raleigh personal injury lawyer can help you collect the documentation you need.

The Other Party's Careless Act Caused Your Injuries

This is another element that may seem obvious, but you will need to prove that the injuries and losses you suffered were caused by your accident. As a result, you will need your medical records to clearly indicate the cause of your injuries.

Establishing the cause of your injuries is not an issue in most personal injury cases. However, it can be an issue if your accident aggravated an existing injury or caused you to re-injure a prior injury. In addition, many defendants and insurance companies will challenge the medical treatment that you received, claiming that it was excessive or unnecessary. A skilled Raleigh personal injury attorney will be able to overcome these defenses.

Gathering the Evidence You Will Need to Prove Your Case

Proving the elements of your claim will depend on the evidence you can collect. In most personal injury cases, the evidence you will need include the following:

- Accident reports
- Eyewitness accounts
- Camera footage from the scene of the accident
- Photographs of the scene of the accident, your injuries, the damage to your vehicle
- Doctor's notes, treatment records, and medical bills
- Pay stubs and other documentation of lost wages

Some personal injury cases can be rather complex, and require some "outside-the-box" thinking when it comes to determining what evidence you will need. Furthermore, obtaining the evidence you need may require making a formal written request to the custodian of the evidence or even a court order. A Raleigh personal injury lawyer will know how to navigate these processes in order to gather the evidence you need to build a strong case.

If you're injured, it can be difficult to collect the evidence you need when you're trying to focus on your recovery. This is one of the reasons why you should speak with a Raleigh personal injury lawyer if you have been injured in an accident.

Injured? Talk to a Raleigh Personal Injury Lawyer at Martin & Jones

If you've been injured as a result of someone else's negligence, you may be entitled to compensation. For nearly 40 years, the personal injury attorneys at Martin & Jones have been helping injured people get back on their feet, whether it's from a car accident or a slip and fall case. To discuss your case with someone who can help, call us at 800-662-1234 or complete our [online contact form](#) to schedule a free consultation to learn more.