

How to Prove Negligence in a Car Accident Claim

Let a skilled Palm Beach Gardens attorney fight to maximize your compensation

Car accidents often leave victims with medical bills, lost wages, and other damages. To get compensation, you need to prove negligence. This means showing that another driver caused the crash and your losses.

A skilled and knowledgeable Palm Beach County [car accident lawyer](#) at The Law Offices of Casey D. Shomo can gather key evidence, build your case, and fight to maximize your compensation.

What does negligence mean in car accident claims?

Negligence happens when someone fails to act responsibly and causes harm. In car accident cases, this usually involves careless driving or ignoring traffic rules, including:

- **Distracted driving:** Activities such as texting, eating, or adjusting in-car devices divert a driver's attention from the road.
- **Speeding:** Exceeding speed limits reduces reaction time and increases the severity of collisions.
- **Driving under the influence:** Alcohol or drugs impair judgment and motor skills, which are needed to operate a vehicle safely.
- **Reckless driving:** Aggressive behaviors such as tailgating, weaving through traffic, or ignoring traffic signals endanger others.
- **Fatigue:** Drowsy driving impairs concentration and reaction times. Plus, it puts drivers at risk of falling asleep behind the wheel.
- **Failure to yield:** Not giving the right of way at intersections or pedestrian crossings can cause collisions.

The four parts of negligence

To prove negligence, you must establish these four parts. These elements form the foundation of any negligence claim:

- **Duty of care:** Drivers must operate vehicles safely and follow laws.
- **Breach of duty:** The other driver did something careless or unsafe.
- **Causation:** The other driver's actions directly caused the crash.
- **Damages:** You suffered losses, such as injuries or property damage.

How do I gather evidence to prove negligence?

Strong evidence helps support your claim and increases your chances of success. Here's what you can do to help build a strong car accident case:

- **Document the car accident scene:** Take photos or videos of the crash site, including vehicle damage and road conditions. Skid marks, traffic signs, and weather conditions can all support your claim.
- **Get witness statements:** Talk to anyone who saw the accident and collect their contact details. Witness accounts can back up your version of events.
- **Obtain the police report:** Police reports often include details about who may be at fault. Request a copy from the responding law enforcement agency for your records.
- **Get immediate medical care:** Get medical care right after the crash, even if you feel fine. Medical records show the extent of your injuries and connect them to the crash you were involved in.
- **Keep all records of your losses:** Keep all hospital bills, prescriptions, appointment logs, paystubs, vehicle repair estimates, and a journal of your daily pain and suffering.

While gathering your own evidence will likely help improve the outcome of your claim, an experienced Florida car accident lawyer will also need to conduct an investigation. That includes gathering key evidence such as:

- Surveillance camera footage.
- Cellphone records if distracted driving was believed to be the cause.
- Receipts from alcohol-serving establishments, if drunk driving was the cause.
- Expert testimony from a crash reconstructionist or a medical professional.

How does Florida's comparative negligence rule work?

Florida follows a modified comparative negligence system with a 51% threshold for seeking compensation. This means your compensation can decrease if you share fault for the crash. However, you're barred from seeking compensation from the other driver's insurance company if your level of fault exceeds 51%.

For example, if you're found 20% at fault, your compensation reduces by 20%. If your damages equal \$100,000, you would only be able to seek \$80,000 from the other driver's insurance provider.

What challenges arise when proving negligence?

Proving negligence can involve obstacles. Knowing what to expect helps you prepare.

Disputes over fault

Disputes over fault are common in car accident claims, as the involved parties often have differing accounts of what happened. The other driver and their insurer may deny responsibility or even place blame on you.

Visual evidence, witness statements, expert testimony, and other key pieces of evidence can help you counter these claims. An experienced Florida car accident lawyer can conduct a thorough investigation into your crash and gather the evidence needed to build your case.

Low settlement offers

After a car accident, it's common for the at-fault driver's insurance company to present a settlement offer. These initial offers are typically lower than what you may be entitled to. Insurance companies might argue that your injuries are minor or not directly related to the car accident you were involved in. Plus, they may encourage you to settle swiftly before the full extent of your injuries is known.

Accepting such an offer without the help of an experienced attorney can result in inadequate compensation. Once you accept a settlement, you won't be able to seek additional compensation from the other driver's insurance company.

Statute of limitations

Florida law requires that personal injury lawsuits based on negligence be filed within two years from the date of the accident. Failing to file within this period can result in the loss of your right to seek damages.

However, it's best to take legal action as soon as possible. Even if you file your claim within the two-year statute of limitations, evidence can disappear over time. Plus, witnesses can forget specific details that can help strengthen your case. Once you consult with an attorney, they can begin building your case while the evidence and witness accounts are fresh.

Get the best possible outcome for your car accident case

If you've been injured in a car accident in Palm Beach County, getting the compensation you deserve can be challenging without legal assistance. [The Law Offices of Casey D. Shomo, P.A.](#) is dedicated to protecting your rights and guiding you through this often-complicated process.

With over 30 years of experience, Mr. Shomo has a proven track record of achieving maximum settlements and verdicts for his clients. His most notable car accident [case results](#) include a \$10.9 million recovery for a vehicular accident involving seat belt failure and multiple \$1 million settlements for motor vehicle accidents resulting in serious injuries.

Our Palm Beach County law firm offers clear guidance and personalized attention to help you through each step of your claim. We can handle the investigation and deal with the insurance companies so you can focus on your recovery. Also, we work on a contingency fee structure, which means you don't pay any upfront fees for our services. We only get paid if you receive full compensation.

To find out how we can help you, [contact us online](#) or call our Palm Beach Gardens law office for a free consultation. We'd be glad to answer your questions, discuss your case, and explore your legal options.