

How is Fault Determined After a Maryland Car Accident?

If you were injured in a crash that wasn't your fault, a lawyer can protect your rights

Whether you're driving on the busiest stretch of Interstate 495 or cruising Maryland's rural backroads, a [car accident](#) can happen in an instant, leaving you rattled and unsure of what comes next. Unfortunately, the aftermath is often more difficult than the crash itself. As you face a long recovery, mounting medical bills, and time away from work, dealing with a complicated insurance claim can feel overwhelming.

With so much at stake, you can't afford to leave your claim to chance. An experienced Maryland car accident lawyer at [Goldberg Finnegan](#) can step in as your legal advocate, ensuring your rights are protected and preventing insurance companies from controlling the outcome of your case.

What are the main factors considered when determining fault in Maryland?

Maryland follows an "[at-fault](#)" or "tort" system. Under this system, negligence is the primary factor in fault determination. To establish negligence and have a legitimate car accident claim, you must prove the following four criteria:

Duty of care

Every driver has a legal obligation to operate their vehicle in a manner that ensures the safety of others on the road. This includes following traffic laws, maintaining vehicle control, and being aware of road conditions and other drivers. A breach of this duty can lead to a finding of negligence.

Breach of duty

When a driver fails to fulfill their duty of care, this is considered a breach of duty. This breach is an important component in establishing fault, as it directly links the other driver's actions (or inactions) to the crash. Some ways a drivers breach their duty of care include:

- Speeding
- Driving under the influence of alcohol and/or drugs
- Drowsy driving
- Distracted driving
- Failure to yield
- Reckless or aggressive driving

Causation

It's not enough to show that a driver was negligent; it must also be proven that the negligence directly caused your car accident and the resulting damages. This is where evidence such as witness statements, pictures of the crash scene, traffic camera footage, and accident reconstruction reports can help establish fault.

Damages

You must have accrued damages as a result of the other driver's action or inaction. This can include medical bills, lost wages, lost future earning capacity, pain and suffering, and other crash-related damages.

How does Maryland's contributory negligence rule impact fault determination?

Maryland follows the contributory negligence rule, which prohibits either party from recovering compensation if they contribute any fault to a car accident. That means even if you're found 1% at fault, you can't recover any compensation for your damages. In Maryland, it truly is an all-or-nothing scenario.

However, the *last clear chance* rule may hold the other driver accountable if they had the final opportunity to avoid the crash but failed to do so. This rule only applies if the at-fault driver knows, or should have known, that their actions will likely lead to injury, and the other party can't reasonably avoid the danger due to ignorance or disability.

What role does police evidence play in assigning fault?

When a car accident in Maryland occurs, a law enforcement officer will likely examine the crash scene and document their findings in a detailed police report. This report includes:

- Basic information about the vehicles and parties involved
- Witness statements and contact information
- The officer's observations and notes
- A diagram of the crash scene
- Citations and/or arrests (if there are any)

A police report serves as an unbiased third-party account of the car accident. This can be particularly important in cases where fault is disputed by either party or insurance company involved. However, the police report itself, or the officer's opinions as to fault, are usually not admissible at a trial.

Can insurance companies influence fault determination in Maryland?

If you were seriously injured in a car accident in Maryland, the other driver's insurance company stands to lose a large sum of money to pay for your damages. To avoid having to offer you a fair settlement, they may try to shift the blame onto you.

Insurance adjusters conduct their own investigations by gathering evidence to potentially disprove your claim. These investigations are often biased. That's why you need a skilled Maryland car accident lawyer on your side who can gather the facts and protect your rights.

What steps should I take immediately after a car accident?

In the aftermath of a car accident, taking the right steps can make a big difference in your case. Here's how you can protect your rights and maximize your chances of getting fairly compensated for your losses:

Check on yourself and others, and move to a safe location

First, take a moment to assess your condition and the well-being of anyone else involved. Call 911 and request emergency medical help immediately if anyone has been injured. If possible, move your vehicle to a safe spot away from traffic.

Call the police and wait for an officer to arrive

Even if your car accident seems minor, it's important to call the police and report the crash right away. Stay at the scene until they arrive and provide an accurate account of what happened.

Exchange personal and insurance information

While waiting for a law enforcement officer to arrive, exchange contact and insurance details with the other driver. This step is a must to ensure that all parties have the necessary information for any future claims. Get their name, phone number, address, insurance company, policy number, and driver's license details.

Gathering evidence from the car accident scene

Also, while waiting for the police or once it's safe to do so, gather as much evidence as possible. Snap photos of the vehicles, any visible damage, and the surrounding area. Take note of road conditions, traffic signals, skid marks, or other details supporting your case. If there are witnesses, ask for their contact information, too.

Seeking medical attention

Even if you feel fine, seeking medical attention right after a car accident is important. Some injuries might not show immediate symptoms, especially if you're feeling shock or adrenaline at the crash scene.

A medical evaluation serves as an important document when linking your injuries to your crash. Plus, you should begin treatment before your condition worsens.

Report the crash to your insurance company

Contact your insurance company as soon as possible to report the car accident. Provide them with the facts and any evidence you've collected, but don't discuss how the crash occurred or who was likely at fault. Let an investigation from an experienced Maryland car accident lawyer speak for itself.

Maintain all documentation to prove your case

Keep all documentation related to the car accident and your damages. This includes the police report, medical records, repair estimates, pay stubs, and any communication with insurance companies. Having everything in order will help you build a strong case and get an accurate value on your claim.

Avoid speaking to the other driver's insurance company

Be cautious about speaking with the other driver's insurance company. They may try to get you to say something that could harm your case. Once you provide a recorded statement, you can't take it back. Anything you say can potentially be used against you, and insurance adjusters are very good at twisting your words to make it sound like you've admitted fault.

Don't wait to get the legal help you need for a car accident injury

If you've been injured in a car accident in Maryland, you deserve an attorney who will leave no stone unturned in pursuing justice. The car accident lawyers at [Goldberg Finnegan](#) can meticulously gather the facts and ensure every detail is uncovered to strengthen your case.

We have a proven [track record of success](#), including a **\$4.975 million wrongful death settlement** and a **\$1.75 million settlement** for a client injured in a head-on crash. We'll fight tirelessly to secure a positive outcome for you, just as we have for countless others across Montgomery County and Prince George's County.

Our attorneys also work on a contingency fee basis, so you won't pay unless we win your case. To find out how we can help, [contact us online](#) or call our law offices in Silver Spring or Rockville to set up your free initial consultation.