The Blame Game: How an Auto Accident Attorney Determines Fault

by Ethan Rehman

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Road mishaps are not only known for property damage and traumas, but also for the question "who is to blame?". The driver who rammed the other vehicle is typically considered liable for the accident. But, the nature of the accident and the accounts from both parties may produce a result different from the usual. In other words, determining the blame is not always easy.

Police thoroughly study the scene of the accident to provide specific details of what truly took place. Some cases of car crashes look direct and evident, but there are also crashes that are unclear in plain sight. Furthermore, both the victim and the one at fault may be liable for a car accident. In this case, the court divides the responsibility to both parties according to the result of the investigation.

Negligence is a usual issue when it concerns car collisions, as every driver on the road has a responsibility to practice caution. Even if the one responsible had no motive of colliding with the victim's car, he can still be held liable for neglecting to practice safe driving techniques. The legal system in the United States defines and follows either of two classifications of negligence in finding out who is at fault.

Contributory: The auto accident attorney Salt Lake City has to offer says the victim in a car accident is not entitled to recover losses if he is to some extent at fault. Supposing that this is the case, then a state makes use of the contributory negligence theory to settle claims in court. It is still being used in a number of states, besides Utah. It may sound unfair, but, as mentioned previously, a driver has the obligation to exercise caution in driving.

Comparative: The comparative negligence theory is a less harsh concept and is frequently used in most states. If both parties are accountable for the accident, the court determines the severity of each party's accountability based on statements and official reports. The auto accident attorney Utah residents consult with says an injured party's recovery claims may be cut by 20 percent if the party is 20 percent accountable.

But, there are limits to the comparative negligence theory. The plaintiff that is 50 percent liable or more is not qualified to claim recovery assets as it shows that he is largely at fault. The Utah auto accident attorney says that, in some states, the injured party's damages may be decreased if he is partly responsible for his own personal injuries.

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Ethan Rehman - About Author:
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