



# Filing Car Accident Lawsuits in Texas

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today!

## A verified Texas lawyer can help you build a strong case

Being involved in a car crash in Texas can be a traumatic and stressful experience. You may be dealing with an injury that requires extensive medical treatment. On top of that, you're faced with [medical bills](#), lost wages, and complications with the at-fault driver's insurance company.

Texas follows a traditional fault-based system for car accidents. This means that the party at fault for the crash may be held responsible for the resulting damages. Compensation can be sought through a personal injury lawsuit. A Law.com Premier Texas car accident lawyer can help you navigate the process and fight for the compensation you deserve.

### Read more about how a Texas car accident lawyer can help:


- [Guide to Hiring A Top Texas Car Accident Lawyer](#)
- [Dealing With Insurance Companies in Texas](#)
- [How to Get Your Texas Crash Report](#)
- [Who Pays for Car Accident Compensation in Texas?](#)

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[How Car Accident Settlements Work in Texas](#)

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### **How long do I have to file a car accident claim in Texas?**

In Texas, you typically have up to two years from the date of your crash to file a car accident claim. After two years, your case will more than likely be thrown out. Two years may seem like a long time, but to build a strong case, it's best to file your claim as soon as possible.

It's also highly recommended that you seek medical attention immediately after a crash. The longer you wait, the more difficult it will be to prove that your injury was crash-related.

## Who can file a car accident lawsuit in Texas?

Anyone who has sustained an injury in a crash can file a lawsuit. This includes drivers, passengers, [pedestrians](#), bicyclists, and motorcyclists.

Also, families of deceased crash victims can file wrongful death lawsuits. According to [Texas law](#), you must be a spouse, parent, or child of the victim to pursue a wrongful death lawsuit related to a crash.

If none of those family members file a lawsuit, then after three months, the personal representative of the estate can file the claim instead. Loss of a fetus also counts for the purposes of filing a wrongful death claim, as long as the mother is not at fault for the accident.

## Where should I file a car accident lawsuit?

You typically need to file a Texas car accident lawsuit in a district court in the county where:

- The crash occurred,
- The defendant resides, or
- You reside.

Depending on the circumstances, there may be multiple courts where you could file a lawsuit. An experienced car accident lawyer can help you determine when and where you should file.

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## Do I need a lawyer to file a car accident lawsuit in Texas?

Car accident lawsuits are often very complex and often not as cut-and-dry as they seem. For example, a rear-end lawsuit could require an in-depth investigation into the extent of your injuries and the other driver's role in causing the crash.

While you can file a lawsuit for yourself, it's not recommended. An experienced Texas lawyer is much better equipped to navigate the legal system, [negotiate](#) with insurance companies, and help you recover every dollar owed to you in damages. Plus, a Law.com Premier Texas lawyer can advise you on your rights and the actions you should take to strengthen your case.

## What are the phases of a car accident lawsuit in Texas?

In Texas, a car accident lawsuit typically involves up to four phases:

1. **Pre-litigation:** During this phase, your attorney will gather evidence, investigate the crash, and use the evidence to build a strong case. Your attorney will also discuss the details of your case with you and determine the viability of compensation.
2. **Litigation:** If a settlement cannot be reached with the other driver's insurance company, the case moves into the litigation phase. Your attorney will file a lawsuit and participate in the discovery process, where both parties exchange information and evidence.
3. **Trial:** If a settlement is still not reached, the case proceeds to trial. Here, your attorney will present your case to a judge and jury, providing evidence, witness testimonies, and arguments to seek a favorable verdict.
4. **Appeal:** If the outcome is not satisfactory, your attorney may file an appeal to review the decision. The insurance company can also appeal if they are not satisfied with the decision, in which case your attorney will need to file a response to their appeal.

## How is fault determined in a car accident lawsuit?

[Determining fault](#) in a car accident lawsuit involves a careful evaluation of various factors, including the crash type. For example, proving who was at fault in rear-end collision lawsuits

may be easier than proving fault in a T-bone crash or head-on collision lawsuit – but proving damages may be more difficult. Here are some key elements your attorney will consider:

- **Police reports:** Official police reports often play a crucial role in determining fault. They document important details such as witness statements, citations, and arrests.
- **Eyewitness testimony:** Statements provided by witnesses can provide valuable insight into the sequence of events and help establish fault.
- **Videos or photos:** If available, footage from surveillance cameras, [traffic cameras](#), or dashcams can provide clear evidence of how the accident occurred, aiding in fault determination. Photos of the accident scene, such as skid marks, and vehicle damage can also help to determine fault.
- **Accident reconstruction:** In complex cases, accident reconstruction experts may be hired to analyze evidence and recreate the crash. They use scientific methods to determine factors like speed, impact angles, and vehicle positions.

## What are the potential damages in car accident lawsuits?

Potential damages in car accident lawsuits can vary based on the specifics of the case and the losses suffered by the victim. Here are some common types of damages that you can pursue:

- **Medical expenses:** This includes compensation for past and future medical bills, hospital stays, [surgeries](#), medication costs, rehabilitation, and therapy.
- **Lost wages:** You may be entitled to recover lost wages (including future earnings) if you missed work as a result of your injuries.
- **Property damage:** This covers the cost of repairing or replacing the damaged vehicle, as well as any other damaged property (e.g., personal belongings) in the car at the

time of the crash.

- **Pain and suffering:** These damages account for the physical and emotional pain you may experience as a result of your crash. That includes immediate pain, chronic pain, and pain resulting from medical procedures such as surgery.
- **Emotional distress:** You may be able to recover damages related to emotional trauma, such as anxiety, depression, post-traumatic stress disorder (PTSD), and sleep disturbances.
- **Loss of consortium:** If the crash results in the loss of companionship or intimacy with a spouse or partner, they may be entitled to seek damages for loss of consortium.
- **Punitive damages:** In cases of extreme negligence or intentional misconduct, punitive damages (officially called exemplary damages in Texas) may be awarded. These damages are intended to punish the defendant and deter similar behavior in the future.

## What is my case worth?

Determining the value of your car accident case depends on various factors unique to your crash. The severity of injuries, the extent of property damage, and other relevant factors play a significant role in calculating a reasonable settlement amount.

It's also worth noting that Texas follows a modified comparative negligence rule for car accidents. Texas follows the "51% bar rule," which states that you can only recover damages if you are found to be 50% or less at fault for the accident. If you are partially at fault, but less than 51%, then you can still recover, but your damages will be reduced by your percentage of fault. If you are found to be 51% or more at fault, you may be barred from recovering any damages.

Comparative negligence is one of many reasons why there is no single average car accident lawsuit settlement. It's crucial to consult with an attorney to assess the specifics of your case accurately.

## What can a Law.com Premier Texas lawyer do for me?

If you have sustained an injury in a Texas crash, it's crucial to consult with an experienced car accident lawyer who can guide you through the legal process, protect your rights, and help you pursue the compensation you deserve.

Consulting with a car accident attorney can offer peace of mind during a stressful time. Your lawyer can handle the legal complexities, allowing you to focus on your recovery and well-being. Law.com Premier Texas car accident lawyers offer free consultations and work on a contingency fee basis, so you don't have to pay any upfront fees. Schedule your free consultation with an attorney in your area today.

### Featured Firm: Cain Firm

The [Cain Firm](#) is a dedicated personal injury law firm serving clients across Texas, with multiple offices. Specializing in serious accident cases, the firm is committed to proving fault, protecting clients' rights, and securing maximum compensation. Founding attorney Brett Cain is passionate about holding insurance companies accountable, ensuring justice for injured Texans. With millions recovered, the firm stands as a trusted advocate for those facing tough legal battles.

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