

Representing Victims of Reckless Driving

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We have all shared the road with drivers who drove too fast, ignored red lights, or tailgated. These actions can easily lead to catastrophic and deadly traffic accidents.

Victims of crashes caused by reckless driving deserve compensation for their [injuries](#) and losses. An experienced car accident injury lawyer can obtain that money for them. In this blog post, we explore reckless driving and how a car accident lawyer can hold reckless drivers, and others responsible for their behavior, accountable.

Common Reckless Driving Behaviors That Lead to Accidents

You know that reckless driving leads to wrecks, but do you know what makes a driver reckless in the eyes of the law?

For lawyers, [reckless driving](#) constitutes any behavior behind the wheel of a vehicle that demonstrates a conscious or unmistakable disregard for the safety of others on the road.

Virtually any driving behavior, under the right circumstances, can amount to recklessness.

Learn to spot these reckless driving behaviors in context so that you can steer clear of drivers who engage in them.

- Tailgating – The image in your rearview mirror of a vehicle trailing yours by just a few feet can unnerve you, especially when it happens at night or in sketchy road conditions. If you need to stop quickly, the vehicle behind can rear-end yours, which could lead to serious injuries and fatalities.
- Speeding and driving too fast for conditions – Speed limits exist to keep us all safe, and drivers who ignore them put themselves and others in obvious danger. So do drivers who go too fast for road conditions, regardless of the speed limit. It is reckless to drive 100 miles per hour pretty much anywhere, but it is also potentially reckless to drive 60 miles per hour on a snow-and-ice-covered highway, even if the posted speed limit is 70.
- Weaving through traffic – This behavior usually accompanies speeding or driving too fast.

Weaving through heavy traffic, especially without signaling those lane changes before they happen, can take other motorists by surprise and lead to accidents.

- Driving on the shoulder and lane-splitting – Drivers who try to bypass traffic by taking to the breakdown lane or squeezing between lanes of vehicles are asking for trouble. Other drivers who do not expect to see vehicles in these areas of the road will often turn into their path by accident, with catastrophic results.
- Driving while impaired – Any sort of impairment, whether caused by consumption of alcohol, drugs, or medication, or simply resulting from fatigue or an underlying health condition, recklessly threatens the health and safety of everyone on the road.

This is a partial list, of course. As we wrote above, any driving behavior can constitute reckless driving in a specific circumstance. No matter what type of reckless driving behavior leads to a wreck, experienced car accident injury lawyers can seek the compensation the victims need to pay for their injuries and losses.

The Heavy Toll of Reckless Driving Accidents

Through their actions, reckless drivers inflict physical, emotional, and financial pain on crash victims and their families. Some of these injuries can permanently alter their lives.

The heavy toll of reckless driving accidents may include:

- Spinal cord injuries – Chronic pain, mobility issues, and heart problems are a few of the problems caused by a [spinal cord injury](#). In very serious cases, victims can suffer permanent paralysis.
- Disfigurement – Some victims are so seriously injured in car accidents caused by reckless driving they suffer permanent disfigurement. This can result from a fire that left the victim burned or serious cuts from glass or metal leaving permanent scars on the victim.
- Traumatic brain injuries (TBIs) – Nearly [20 percent of all TBIs](#) result from car accidents. Victims often suffer life-long problems after these injuries.
- Amputations – A violent car accident can pin or crush a driver's or passenger's limbs, leading to amputation.
- Orthopedic injuries – Broken bones and dislocated joints can cause extreme pain, require follow-up surgery, and leave a victim with a life-long disability.
- Soft tissue injuries – Many people think [soft tissue injuries](#) only cause bruising, but in fact these injuries frequently involve tears and severe sprains that cause severe and chronic pain.

These are just some of the injuries reckless drivers cause. Lawyers for victims fight to hold those drivers financially accountable for their actions.

How Attorneys Help Reckless Driving Victims

Victims of reckless drivers usually have the legal right to seek compensation from the driver, from others legally responsible for the driver's conduct, and even from third parties whose actions contributed to a crash. It takes the skill and hard work of an experienced car accident injury attorney to secure them the compensation they deserve. Here are just some of the ways that car accident lawyers serve the interests of victims of reckless driving.

Assessing the Damage Reckless Drivers Cause

Lawyers who represent victims of reckless drivers assess the scope of the harm they suffered and translate it into dollars and cents. Only by evaluating all of the ways a reckless driver's actions harmed an innocent victim can lawyers know that the amount of money they demand in a legal action will provide adequate compensation.

In general, lawyers for reckless driving victims calculate damages that include:

- Medical expenses reflecting the cost of treating the injuries caused by a reckless driver, including emergency care, hospitalizations, long-term care, therapy, surgery, doctor visits, medication, and medical equipment.
- Non-medical expenses the victim faces in connection with the accident and reckless driving injuries, such as the cost to repair or replace damaged property, or to hire services to assist with day-to-day tasks like childcare or transportation;
- Past and future lost income when the victim misses work or can't return to work because of reckless driving accident injuries;
- Pain, suffering, diminished quality of life, and harm to relationships experienced by the victim as a result of the injuries; and
- In extreme cases, punitive damages to punish the reckless driver and to prevent reckless driving.

The amount of money from each of these categories varies. However, in general, the total amount of damages—translated in dollars and cents—that a victim recovers will depend on the severity of the victim's injuries and losses, and their impacts on the victim's life.

By evaluating a client's damages, car accident lawyers can seek compensation that fully and fairly compensates their clients for all harm they suffered because of a reckless driver's actions.

Assigning Liability for a Reckless Driving Accident

It may seem obvious that the party at fault for a reckless driving accident is the reckless driver. However, experienced lawyers know that other individuals, companies, or government entities may bear some legal liability for the harm done by a reckless driving crash.

Lawyers may investigate a reckless driving accident to identify those other potential parties with

liability, which may include:

- Employers of reckless drivers who crash while driving a work vehicle on the job. In general, employers have a legal responsibility for their employees' actions.
- Bars and restaurants that serve visibly intoxicated patrons who then get behind the wheel and cause a reckless driving crash;
- Others who have nothing to do with the reckless driver, but whose unreasonably dangerous decisions or actions contributed to the cause of a reckless driving accident. For example, a local government might face liability for failing to clean up or warn drivers about a dangerous oil slick that contributed to a reckless driver losing control and crashing.

By reviewing the facts and circumstances of a crash to pinpoint every party that may have a legal liability to crash victims, a lawyer ensures that the reckless driving victim has the greatest possible opportunity to obtain much-needed compensation.

Planning and Taking Legal Action for Reckless Driving Accident Injuries

Once a lawyer for a victim of a reckless driving accident knows how much money a victim deserves to receive as damages, and who has a legal liability to pay the victim damages, the lawyer can devise a legal strategy for getting the victim paid. The details of the plan the lawyer comes up with may vary from case to case, depending on the facts, the law, and the victim's needs.

However, attorneys frequently do one or more of the following when holding a legally liable party financially accountable for a reckless driving accident.

- **Sending a formal or informal demand.** A lawyer who represents a reckless driving crash victim has to notify the legally liable party of the victim's claim. The lawyer typically demands payment of damages by filing a lawsuit against the legally liable party or sending the party and/or the party's representatives a letter spelling out the claim. The lawyer might do both.
- By demanding payment, the lawyer sets the wheels in motion for a process that hopefully will result in the reckless driving victim getting paid a fair amount of money.
- **Taking formal or informal discovery.** Sometimes the liable party, or a third party, possesses the information a lawyer needs to prove someone's liability for a reckless driving accident. Through a process called discovery, the lawyer can seek that information and force parties to turn it over to him. Lawyers will use formal (court-administered) or informal discovery as a way to collect evidence to prove a claim, and, sometimes, to demonstrate to the party with liability the strength of the victim's claim for damages.
- **Negotiating settlements.** Most reckless driving accident cases end in a negotiated settlement, an agreement between the injured party and the legally liable party. In a settlement, the legally liable party agrees to pay the injured victim money. In exchange, the injured victim agrees to release the party from further liability. Lawyers and insurance company representatives sometimes negotiate settlements with help from a mediator who helps them find common ground.

- **Going to court, if necessary.** Although reckless driving accident cases usually end in settlements, many still frequently go through at least some court process first. Lawyers for reckless driving accident victims will often make written or oral arguments to the court to strengthen their clients' cases. When a case does not settle, lawyers should prepare and present their clients' cases to a jury in a trial.
- **Collecting payment.** In the majority of reckless driving accident cases, after obtaining a settlement or a jury renders a verdict in favor of the victim, an insurance company for the legally liable party will pay the damages amount due. However, sometimes the legally liable party resists payment, and in those cases, lawyers for victims can take legal action to collect those payments.

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