

Understanding New Jersey Comparative Negligence Law

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Comparative negligence is a legal rule used to determine how damages are divided when more than one party contributes to an accident. Under New Jersey's modified comparative negligence rule, your compensation may be reduced by your percentage of fault. However, you can still recover damages as long as you are **not more than 50% responsible** for the accident. If you are found to be more than 50% at fault, you generally cannot recover compensation from the other party.

A Simple Example

Imagine you are injured in a car accident and your damages total \$100,000, including medical expenses and lost wages. An investigation determines that the other driver ran a red light, but you were speeding at the time of the collision. A jury finds:

- The other driver was 80% at fault
- You were 20% at fault

Because you were less than 50% responsible, you could still recover compensation. However, your recovery would be reduced by your share of fault, allowing you to recover **\$80,000 instead of \$100,000**.

Common Cases Involving Comparative Negligence

Comparative negligence frequently arises in:

- Car accidents
- Slip and fall accidents
- Pedestrian accidents
- Motorcycle accidents
- Truck accidents

Insurance companies often raise comparative negligence arguments in an effort to reduce the value of a claim. Even a small increase in the percentage of fault assigned to an injured person can significantly impact the compensation available.

How Is Fault Determined?

Fault is typically determined through evidence such as:

- Police reports
- Witness statements
- Photographs and video footage
- Medical records
- Expert testimony

The strength of the evidence can play a major role in how fault is allocated and whether an insurance company can successfully argue that an injured person shares responsibility for the accident.

Protecting Your Right to Compensation

Comparative negligence can have a significant impact on the outcome of a personal injury claim. Understanding how fault is evaluated and how insurance companies use comparative negligence arguments can help you make informed decisions after an accident. If you were injured because of someone else's negligence, the [personal injury attorneys](#) at Wilentz, Goldman & Spitzer, P.A. can review your situation, explain your legal options, and help you understand the next steps. Call us today to schedule a consultation.

Practice

- Personal Injury