

What Happens If You're Injured in a Pedestrian

Accident but the Driver Blames You?

Pedestrian accidents often result in severe injuries due to the lack of protection compared to motorists. When a pedestrian is struck by a vehicle, it's commonly assumed that the driver is at fault. However, in some cases, drivers and their insurance companies may attempt to blame the pedestrian to avoid liability and reduce compensation payouts.

Understanding how fault is determined in pedestrian accidents, what evidence is needed, and how to fight against unfair blame can help victims secure the compensation they deserve.

How Liability is Determined in

Pedestrian Accidents

In Georgia, both drivers and pedestrians have legal responsibilities on the road.

Determining who is at fault in a pedestrian accident depends on several factors, including:

Traffic signals and right-of-way rules – Did the pedestrian legally cross at a crosswalk, or did they step into traffic unexpectedly?

Driver negligence – Was the driver speeding, distracted, or violating traffic laws at the time of the accident?

Pedestrian actions – Did the pedestrian fail to yield or cross in a dangerous manner?

In some cases, both parties may share fault, but this does not necessarily mean the pedestrian is barred from seeking compensation. Under Georgia's modified comparative negligence rule, an injured pedestrian can recover damages as long as they are less than 50% at fault for the accident. However, their compensation will be reduced by their percentage of fault.

Common Tactics Drivers Use to Blame Pedestrians

Drivers and their insurance companies may use several tactics to shift blame onto the pedestrian in an attempt to avoid liability. Some common arguments include:

The pedestrian crossed outside a designated crosswalk (jaywalking).

The pedestrian was distracted (e.g., using a phone) and not paying attention.

The pedestrian ran into traffic suddenly, giving the driver no time to react.

The accident occurred at night, and the pedestrian was not visible.

While these claims may sometimes be valid, insurance companies often exaggerate pedestrian fault to reduce payouts. Having a strong legal strategy is essential in fighting back against unfair blame.

What Evidence Can Help Prove Driver

Negligence?

To counter driver and insurance company claims, strong evidence must be presented to prove the driver was at fault. Key evidence includes:

Police Reports and Accident Documentation

Official police reports provide details on how the accident occurred, statements from both parties, and whether the driver was issued a citation for speeding, failing to yield, or distracted driving. If law enforcement determines that the driver was at fault, this can be used as strong evidence in the case.

Learn more about how to strengthen an accident claim in [**The Importance of Evidence in Personal Injury Cases: Tips for Strengthening Your Claim.**](#)

Eyewitness Testimonies

Bystanders who saw the accident can provide unbiased statements about what happened. Witnesses can confirm whether the pedestrian had the right of way, whether the driver was distracted, or whether the driver was speeding.

Surveillance and Traffic Camera Footage

Video footage from traffic lights, security cameras, or dashcams can provide clear evidence of the accident. If available, this type of evidence can eliminate disputes over fault and prove whether the driver was negligent.

Medical Records

Medical records can support a pedestrian's injury claim by proving:

- The extent of injuries and required medical treatment.

- The force of impact, which may indicate how fast the driver was going.

- Whether the injuries align with the pedestrian's account of the accident.

Medical evidence is critical in personal injury cases, helping determine damages for medical expenses, pain and suffering, and lost wages.

Accident Reconstruction Reports

If fault is heavily disputed, an accident reconstruction expert may be able to analyze skid marks, vehicle damage, and accident scene evidence to determine how the crash occurred. These reports can refute false claims made by the driver.

What If You Are Found Partially at Fault?

Even if some fault is assigned to the pedestrian, that does not mean they are ineligible for compensation. Georgia follows a modified comparative negligence rule, meaning:

If the pedestrian is found less than 50% at fault, they can still recover damages.

The total compensation will be reduced by the pedestrian's percentage of fault.

If the pedestrian is 50% or more at fault, they may not be able to recover damages.

For example, if a pedestrian's total damages amount to \$100,000, but they are found 30% at fault, they would receive \$70,000 in compensation.

How The Law Office of Don Edwards Can Help

Insurance companies often downplay driver negligence and unfairly shift blame to injured pedestrians. Without legal representation, accident victims may struggle to secure fair compensation. At The Law Office of Don Edwards, we help pedestrian accident victims by:

- ✓ Investigating the accident scene and gathering crucial evidence.
- ✓ Analyzing police reports, witness statements, and medical records.

- ✓ Negotiating with insurance companies to prevent unfair blame.
- ✓ Filing legal action if a fair settlement is not offered.

If you were injured in a pedestrian accident, do not let the driver or insurance company shift the blame onto you. Our legal team will fight to prove negligence and secure maximum compensation for your injuries.

Injured in a Pedestrian Accident?

Contact Us Today

Pedestrian accidents can lead to severe injuries and financial hardships, especially when drivers or insurance companies try to avoid responsibility. If you were injured and the driver is blaming you, don't fight the case alone—seek experienced legal help.

 Call The Law Office of Don Edwards at (404) 526-8866 for a free consultation today. Let us fight for your rights and help you secure the compensation you deserve.

For more information on pedestrian injury claims and legal assistance, visit our

[Personal Injury Practice Area](#).