



Raleigh Wrongful Death Lawyer for Cases Throughout North Carolina

Dealing with the death of a family member is always hard. But when the death was the result of another person's negligent behavior, it can leave grieving loved ones uncertain about the future and unsure about what to do. If you are dealing with the emotional pain of losing someone close to you, finding a Raleigh wrongful death lawyer to help you pursue a claim against the at-fault party may be the furthest thing from your mind. However, as we explain below, engaging counsel as soon as possible to file a wrongful death claim will preserve your rights.

When a Raleigh Wrongful Death Lawyer Can Help

Wrongful death cases arise when a person dies as a result of another's negligent, reckless, or willful behavior. At Martin & Jones, our attorneys seek justice for clients in wrongful death cases stemming from:

- Medical malpractice
- Asbestos exposure
- [Car accidents](#)
- [Truck accidents](#)
- [Motorcycle accidents](#)
- Pedestrian and bicycle accidents
- Construction site accidents
- Pharmacy mistakes
- Defective medical and consumer products

Am I Eligible to Collect Damages in a Wrongful Death Lawsuit?

Whether and to what extent you will be able to collect damages for wrongful death depends on your relationship to the deceased and the other relatives who are also survivors. Under North Carolina law, wrongful death actions are civil cases filed by the personal representative of the decedent's estate. This will be the designated executor if the victim had a will or the court-appointed administrator if he did not.

If the plaintiff prevails, monetary damages do not become part of the estate but are distributed among the surviving family members in the manner set forth in [North Carolina General Statutes](#) which govern who inherits what property after a person dies. Your Raleigh wrongful death lawyer will be able to explain the details.

What is Needed to Prevail in a North Carolina Wrongful Death Lawsuit?

To recover in a wrongful death lawsuit, the plaintiff must bring suit in a timely manner, show that the defendant was wholly responsible for the fatal accident, and demonstrate the losses for which he or she is seeking compensation.

Timely Filing

The plaintiff must file suit within the time period provided by the state's statute of limitations, generally, the time to file is limited. There are exceptions to this general rule, however, and it can be extremely important that a Raleigh wrongful death lawyer be consulted. Failure to meet this filing deadline will bar the victim's representative from bringing suit.

Your Raleigh Wrongful Death Lawyer Demonstrates the Defendant Was At Fault

In a wrongful death case, the plaintiff must show:

- That the defendant behaved in a negligent manner,
- That the defendant's negligent behavior was directly responsible for the victim's injuries and death, and
- That the defendant's actions were the proximate cause of the damages, that the outcomes of injury and death were foreseeable

What Damages Are Available to the Victim's Family?

While money can never replace a lost family member, the damages that family members may be awarded in a wrongful death case are designed to help with costs as well as the losses involved. Working with a Raleigh wrongful death lawyer, compensation may be awarded to help with:

- Any medical expenses that the victim incurred prior to death
- Funeral and burial expenses
- Pain and suffering caused by the defendant's actions
- The loss of the decedent's income
- The loss of the decedent's companionship, protection, care and guidance

If the defendant's conduct was malicious, willful, or wanton, the survivors may also be entitled to additional amounts in the form of punitive damages, which are designed to punish the wrongdoer.

How North Carolina Wrongful Death Claims Differ from Personal Injury Claims

A personal injury claim is typically filed by the person who has suffered an injury and against another party who is believed to have caused that injury. The only exception would be where the person who was injured was under the age of 18 or otherwise subject to a guardianship.

Wrongful death claims are primarily different from personal injury claims in that they are brought by someone other than the person who suffered the injury that resulted in death. Under North Carolina law, the personal representative of the deceased's estate can pursue the claim. The personal representative is typically named in the will, but if there is no will or other estate plan, a personal representative may be appointed by the court. Typically, the personal representative is a surviving parent, spouse, or adult child of the deceased. Working with a Raleigh wrongful death attorney is often necessary simply because of the legal issues involved with the estate, even if the estate is otherwise uncomplicated.

Another way that wrongful death claims differ from personal injury claims is in what kind of compensation may be sought. Personal injury claims seek compensation for only those losses suffered by the person injured, like medical expenses, lost income, and pain and suffering. Wrongful death claims, on the other hand, can seek compensation for those same losses as well as the following:

- Funeral and burial expenses
- The value of support and services the deceased provided to their family
- The value of lost guidance and nurturing to the surviving children
- The value of lost companionship for the surviving spouse or parents
- The expected lost income from the deceased's wages, investments, and other benefits

When a family loses a loved one, there are typically life-long consequences for the surviving family members. A Raleigh wrongful death attorney can make sure that your family gets the compensation you deserve.

Wrongful Death Claims Following a Crime

Most wrongful death claims are the result of negligence, such as car accidents, [medical malpractice](#), or [slip and fall](#) accidents. In these cases, you are asserting that the other party's negligence resulted in death and they should therefore be held liable for the losses that they caused. As a result, you will need to prove that the other party's negligence was a breach of their duty of due care and that it resulted in death. In many ways, this is very similar to what you would have to prove in a typical personal injury claim.

However, wrongful death claims can also arise following a crime. For example, many wrongful death cases can arise from an intentional tort such as an assault that resulted in death. While the other party may be facing criminal charges, a wrongful death claim allows the surviving family members to seek compensation for the losses caused by the defendant's actions.

It is also important to note that your wrongful death claim exists independently of what happens with the criminal charges. Even if the criminal charges are dismissed or the defendant is acquitted, you may still be able to successfully pursue a wrongful death claim. This is because wrongful death claims are judged according to a lower standard of proof than in a criminal case. In addition, the defendant may be innocent of committing a crime, but may still have been negligent. For example, extreme carelessness that resulted someone's death.

If you are considering pursuing a wrongful death claim following a crime, timing can be a factor. For example, a guilty verdict may help you prove your claim. A Raleigh wrongful death attorney can provide you with the guidance you need as to when and how to pursue your case.

Other Situations Managed by a Raleigh Wrongful Death Lawyer

In general, you can pursue a wrongful death action any time another party's actions, intentional or unintentional, result in the death of a loved one. This includes the following:

- Deaths caused by [defective products](#). Strictly speaking, you do not need to prove negligence in a defective products case. Instead, you simply need to prove that the product was unreasonably dangerous when used as intended and it resulted in death.
- [Class action lawsuits](#). Class action lawsuits are claims brought on behalf of several, sometimes thousands, of people. Depending on the nature of the case, class action lawsuits often include claims for wrongful death.
- [Industrial](#) and [construction site](#) accidents that result in death.
- Deaths caused by [mesothelioma](#), [lung cancer](#), or [asbestos exposure](#).

If you have lost a loved one due to the actions of another person, corporation, or other organization, you may be entitled to compensation. A Raleigh wrongful death attorney can discuss your case and help you understand your options.

Wrongful Death Claims and Emotional Distress

Losing a loved one in an accident or other tragedy can be incredibly painful. In some cases, the surviving family members may be able to seek damages for their emotional distress. North Carolina recognizes compensation for “negligent infliction of severe emotional distress,” but these cases are quite difficult. In order to prevail, you must be able to prove the following:

1. You suffered severe emotional distress beyond a normal level of sadness, fear, or disappointment; and
2. Your emotional distress was a reasonably foreseeable consequence of the other party’s negligent or intentional actions.

If you have suffered from chronic depression, anxiety, psychosis, or some similar affliction as a result of the accident, you may be entitled to compensation for emotional distress. You may need to get a medical diagnosis in order to document your claim. Unfortunately, there are no clear guidelines as to when you can and cannot pursue a claim for emotional distress – it will depend on the facts and circumstances specific to your case. An experienced wrongful death attorney can evaluate your claim and determine whether you can seek damages for infliction of emotional distress.

Contact a Raleigh Wrongful Death Lawyer Today

If you wish to pursue a wrongful death case, the experienced lawyers at Martin & Jones are ready to help. Please [contact us](#) for a free, no-obligation consultation with a top Raleigh wrongful death accident law firm. We can be reached online or by phone at [1-800-662-1234](tel:1-800-662-1234). We serve clients in [Raleigh](#), [Durham](#), and throughout North Carolina.