

# How Maryland's Contributory Negligence Rule Can Impact Your Car Accident Case

## Our Attorneys Are Ready to Fight Back Against the Insurance Companies

Most people who are hurt in a [car accident](#) believe that as long as the other driver was mostly responsible, they'll walk away with at least some compensation. That belief is reasonable, and in 46 states, it's accurate. But Maryland isn't one of those states, and the law that governs fault here is one of the harshest in the country.

If the other driver's insurance company can prove that you contributed to the crash in any way (even by one percent), you can be legally barred from recovering anything at all. Not a reduced award. Not a proportional recovery. Nothing. That means there is no room for [mistakes](#).

The attorneys at [Goldberg Finnegan](#) have spent years fighting for injured people throughout Silver Spring, Montgomery County, Prince George's County, and surrounding Maryland communities, and we've recovered more than \$150 million for our clients. We've seen what happens when people don't understand this rule before they talk to the other driver's insurance adjuster, and we've seen what's possible when someone fights back with a full understanding of the facts.

## What Pure Contributory Negligence Actually Means

Maryland follows a legal doctrine called pure [contributory negligence](#), and it's as unforgiving as it sounds. Under this rule, a court applies a binary standard: if you contributed to causing a car accident in any degree (no matter how small), you can't recover any damages from the other party. There's no sliding scale, no middle ground, and no room for "mostly the other driver's fault." It's all or nothing.

This is categorically different from how most of the country [handles fault](#) after a crash. Most states follow some version of comparative negligence, where a plaintiff's recovery is reduced by their percentage of fault but isn't eliminated unless they're more than half responsible. Maryland, along with Virginia, North Carolina, Alabama, and the District of Columbia, is among the last remaining jurisdictions in the United States that still applies the contributory negligence rule.

The doctrine isn't just an old relic that never comes up. Insurance adjusters for the at-fault driver know this rule well, and they're trained to look for any behavior on your part that could be characterized as careless, because establishing even minimal fault on your end eliminates the entire payout.

## Why Maryland Hasn't Changed the Law

Understanding why Maryland still follows this rule helps explain why the stakes are so high. The contributory negligence doctrine traces back to English common law, and Maryland courts have been reluctant to abandon it without legislative direction.

As recently as 2013, Maryland's highest court addressed this directly in [\*Coleman v. Soccer Association of Columbia\*](#), declining to overturn the contributory negligence doctrine and leaving that decision to the General Assembly. That's a choice the legislature has declined to make.

Between 1966 and 1982 alone, Maryland lawmakers considered and failed to pass 21 separate bills that would have replaced contributory negligence with a comparative fault system. The rule has survived largely because insurance industry and business interests have consistently opposed the change, arguing that it keeps costs down and discourages litigation.

### **How Insurance Adjusters Use This Rule Against You**

The practical effect of contributory negligence isn't just felt in courtrooms. It shapes how insurance adjusters approach every conversation, every recorded statement request, and every settlement offer from the earliest stages of a claim.

Because any proven fault bars all recovery, the insurance company doesn't need to win the entire argument about what happened. They only need to find one thing you did wrong and connect it to the crash. Maryland courts have found contributory negligence based on conduct that most people wouldn't think twice about on the road.

The behaviors insurance adjusters most commonly try to use against injured Maryland drivers include:

- **Traveling Even Slightly Above the Speed Limit:** Going even five miles per hour over the posted limit has been cited as a basis for contributory negligence, even when the other driver's violation was far more serious
- **Distracted Driving of Any Kind:** A momentary glance at a phone, adjusting a GPS, or reaching for something on the passenger seat at the critical moment can be framed as negligence that contributed to the crash
- **Failure to Use a Turn Signal:** Not signaling before a lane change or turn creates an opening for the insurance adjuster to argue your conduct was a contributing cause
- **Failure to Maintain a Proper Lookout:** One of the most broadly applied arguments is that a careful driver would have seen the hazard in time to avoid it, which can make the crash partly the result of your own inattention
- **Lane Position Violations:** Drifting over a lane line, straddling a divider, or improper positioning during a merge can all be raised as contributory conduct

For example, suppose another driver runs a red light and crashes into your vehicle, causing \$200,000 in injuries and documented losses. If the insurance adjuster can convince a jury that you were traveling six miles per hour over the speed limit at the time, your entire claim is gone. It's not reduced to \$188,000 or \$160,000. It's eliminated completely.

### **The Seat-Belt Use Exception**

Maryland law specifically prohibits the use of seat belt non-use as evidence of contributory negligence in a civil lawsuit. Even though failing to buckle up is a traffic violation in Maryland, it can't be used to bar or reduce your recovery. That protection is written into the law and is one of the few bright lines that limits how far this doctrine can reach.

### **The Last Clear Chance Doctrine**

Maryland does recognize one meaningful exception to the contributory negligence bar, and it's called the Last Clear Chance doctrine. Even if you were contributorily negligent, you can still recover damages if the other driver had a fresh, subsequent opportunity to avoid injuring you, and failed to take it.

To apply this doctrine, four things must be true:

- the defendant was negligent
- you were also negligent, and that negligence placed you in a position of danger
- you couldn't escape that danger through ordinary care
- the defendant actually knew or should have known about your peril in time to avoid the crash with ordinary care, but didn't act

The key requirement is that the sequence of events must allow for a clear break between your negligence and the defendant's failure to act. If both parties' careless conduct is continuous and simultaneous, the doctrine doesn't apply. There must be a distinct moment where the defendant had a real opportunity to prevent the harm and chose not to take it.

### **What Attorneys Do to Fight Back**

The most effective defense against a contributory negligence argument isn't waiting to see what the other side claims at trial. It's making sure the right evidence is gathered and preserved before the narrative hardens in the insurance provider's favor.

Strategies our attorneys use to challenge contributory negligence arguments include:

- **Obtaining Physical and Digital Evidence Immediately:** [Dashcam footage](#), traffic camera recordings, event data recorder data from both vehicles, and crash scene photographs can establish the true sequence of events before they're disputed
- **Getting Independent Witness Statements Early:** Memories deteriorate and witnesses move on; identifying and interviewing neutral observers quickly is often decisive in contested fault cases
- **Working With Accident Reconstruction Professionals:** In cases where the fault sequence is disputed, a professional reconstruction analysis can demonstrate that the plaintiff's conduct wasn't a proximate cause of the crash, even if they made a minor error
- **Challenging the Causal Connection:** Even where a plaintiff did something negligent, an attorney can argue that the conduct wasn't a proximate cause of the collision, which breaks the legal link the insurance adjuster needs to make the defense stick
- **Applying the Last Clear Chance Doctrine:** In cases where the sequence of events supports it, shifting the legal argument to the defendant's fresh opportunity to avoid the crash can preserve the right to recovery

### **You Deserve Someone Fighting for the Full Picture**

Maryland's contributory negligence rule gives the insurance company a powerful incentive to find something that can be pinned on you. The rule doesn't require them to prove you caused the crash. With just enough leverage, they can show that you contributed to it, however slightly.

If you were hurt in a car accident in Maryland and you're worried that something about your driving might be used against you, don't try to handle this alone. [Contact our law firm](#) online or call us to book a free consultation. We'll look honestly at what the evidence shows, and we'll tell you clearly what your options are, because you deserve a real answer, not just reassurance.