

The Role of Witnesses in Car Accident Claims in Texas

Houston car accident lawyers explain how eyewitness testimony strengthens cases

[Car accidents](#) caused by other drivers in Houston and throughout Texas often quickly turn into complicated legal cases. This is especially true if the at-fault driver denies doing anything wrong or tries to blame the other driver for causing the collision.

So what should you do if the other driver denies causing your collision? A great way to strengthen your car accident injury claim is to find someone who saw your accident. Witness testimony can be a strong piece of evidence in support of your case.

Below, you can learn more about the role witnesses often play in car accident claims in Texas. And if you have any questions about how the process works, simply schedule a [free case evaluation](#) with one of our experienced Houston car accident lawyers at [Smith & Hassler, Attorneys at Law](#).

Who can be a car accident witness?

The short answer? Anyone who saw your accident or was at the scene of the crash when it occurred may be a witness. This includes:

- All drivers involved in the crash.
- Any passengers in the collision.
- Other road users or passersby who saw the wreck.
- People in nearby buildings who saw the collision.

Depending on the circumstances, your attorney may also retain *expert witnesses* who didn't see the crash itself but can offer their professional opinion (more on that in a moment).

Types of car accident witnesses

Car accident witnesses can be broadly divided into two categories: *lay witnesses* and *expert witnesses*.

Lay witnesses are regular people who can only testify about what they saw and experienced, rather than offering opinions on the causes of the accident or any other aspect of the case. There are two types of lay witnesses, depending on whether they were directly involved in the crash.

- **First-Party Witnesses** – This type of witness is someone who was involved in the car accident. First-party witnesses include the drivers of the vehicles involved in the collision, any passengers in those vehicles, and any other road users like pedestrians or cyclists who were involved in the crash. In particular, if you're filing a car accident

lawsuit, *you* are a first-party witness, and so is the defendant. First-party witnesses can provide valuable information, but because they have a stake in the outcome of the case, they also may be biased.

- **Third-Party Witnesses** – A third-party witness is someone who saw what happened but was not involved in the crash itself. Third-party witnesses may be other drivers, passengers, pedestrians, and cyclists who were in the area but not involved in the accident, as well as people who were in nearby houses or businesses. A third-party witness may also be someone who didn't see the accident itself but has relevant information on the causes of the accident, such as a bar patron who saw a drunk driver consuming alcohol prior to the wreck. Third-party witnesses may be perceived as more credible because they are *neutral* – they don't have a stake in the outcome of the case.

Expert witnesses are professionals who have specialized training and knowledge applicable to your car accident lawsuit. They often testify during trials and depositions or provide a written report explaining their professional opinion on what happened.

As with lay witnesses, there are two broad categories of expert witnesses. Some types of experts, such as accident reconstructionists and highway safety experts, can offer opinions on how and why the accident itself happened to establish liability. Other experts, such as medical professionals and financial or career experts, may be called upon to explain the cost of the accident and build your case for damages (financial compensation).

Why car accident witness statements matter

When two or more vehicles crash into each other in Texas, the at-fault party is legally responsible for paying for the accident-related expenses. That means there's often a lot of debate over who caused the accident, and if you want to recover compensation, you need evidence to prove liability.

Statements from witnesses can be powerful pieces of evidence in support of a car accident claim. This is especially true for third-party witnesses because they do not have a financial stake in the outcome of the case. Adjusters, judges, and juries may see a third-party witness as more credible for that reason.

How to find eyewitnesses who saw your collision

Car accident investigators often get right to work immediately after a collision searching for witnesses. This is important for several reasons. One, witnesses can be harder to find after more time has passed after an accident. Two, witnesses' memories can fade quickly and they might forget what happened.

Immediately after a collision at the crash site, drivers and injury victims should look for anyone who might have seen the accident. If you see someone who saw your crash, get their full name and phone number before they leave. That way, your attorney can interview them later.

If your accident occurred several hours or days ago, contact the police officer who investigated your crash. They might have the names of witnesses who saw what happened. In addition, talk to an attorney who can do the hard work of tracking down witnesses who saw your collision.

How to collect statements from witnesses

If you're still at the scene of the accident, you can ask someone who saw your crash to record a statement on your phone or write down what they saw – if they give a written statement, be sure to have them sign and date it. However, only do this if the witness is friendly and forthcoming – you don't want to come across as pushy. It's okay to just get their contact information and have your attorney contact them later.

It's also a good idea to ask the investigating police officer to talk to any helpful witnesses. Officers will do this on their own anyway, but pointing the officer in the direction of a witness who may not be obvious can only help your case. Any statements from witnesses who talk to the police should be included in the official police accident report, and your attorney can follow up with those witnesses if you end up needing more information.

Ultimately, it's in your interest to have your attorney talk to any witnesses on your behalf. Our car accident lawyers know what questions to ask and how to elicit testimony that will benefit your car accident case.

Are all car accident witnesses credible?

Not always. There are several reasons an adjuster, judge, or jury may question the credibility of a lay witness, including:

- **Conflict of interest:** the witness has an interest in the outcome of the case. This is particularly true for first-party witnesses because anyone involved in the accident may have their own case they're pursuing. In addition, passengers are usually friends or relatives of one of the involved drivers and their story may be affected by that bias. Even third-party witnesses may have conflicts of interest, or at least biases, if they happen to be friends or colleagues of an involved driver.
- **Character:** a judge, jury, or adjuster may consider whether the witness appears to be honest, attentive, and authentic. This is especially important for witnesses who have conflicts of interest (including you!) – if you're able to tell your story in a consistent and authentic manner, you may be seen as more credible.
- **Location and visibility:** depending on the location of the accident, location of the witness at the time of the accident, time of day, weather conditions, obstructions, and other factors, the witness may not have had a clear view of what happened.
- **Eyesight:** if the witness has impaired vision, they may not have been able to clearly see what happened.
- **Other evidence:** if witness statements conflict with other evidence such as video footage, that may be reason to question the credibility of the witness.

Either side in a car accident lawsuit may also challenge the credibility of an expert witness. Sometimes, that's because the expert has a conflict of interest. Or an attorney may question whether the expert has the right training and qualifications to accurately assess what happened in the accident.

How a Houston car accident lawyer can help

Collecting statements from witnesses who saw a car accident requires a great deal of skill and expertise. So does cross-referencing those statements with each other and with other evidence such as video footage. Ultimately, while getting witness statements is an important part of building a case, it's just one part – you need the right attorney to build a strong case using all available evidence.

Our Houston car accident attorneys at [Smith & Hassler, Attorneys at Law](#) know how to find witnesses and collect statements from them that can be used in support of a car accident injury claim or lawsuit. We know what to do because we have years of experience investigating such complex legal cases.

Discover what we can do for you. [Contact us](#) and schedule a [free case evaluation](#) with a Houston truck accident lawyer you can count on in a crisis. Our law firm has four offices in and around Houston. We work on a [contingency fee](#) basis. That means you only have to pay us if we secure a financial settlement or verdict for your car accident injury.