

# Why Texting and Driving Accident Cases Require Strong Evidence in Arizona

## Get an Arizona lawyer who knows how to get the facts to support your case

Most people think of texting and driving as something careless teens do on the freeway. A quick “be there soon” or a glance at a notification seems harmless enough. But in Arizona and across the country, that split-second decision can end lives. If you or someone you love is hit by a distracted driver, you’ll quickly learn that proving what really happened isn’t as easy as it sounds.

Cases involving texting while driving are uniquely difficult. Unlike DUI or speeding, there’s often no immediate evidence that a driver was distracted by their phone. In the end, there’s just broken glass, blurred memories, and two versions of the story. That’s why strong evidence makes all the difference in a distracted driving [car accident](#) case.

## Why is texting and driving so dangerous?

When someone texts while driving, their attention is split in three ways:

- **Visually** – their eyes are off the road.
- **Manually** – at least one hand is off the wheel.
- **Cognitively** – their mind is focused on something other than driving.

According to the [National Highway Traffic Safety Administration](#) (NHTSA), sending or reading a text takes your eyes off the road for about 5 seconds. At 55 miles per hour, that’s like driving the length of a football field completely blind.

It’s not just the act of typing. Even reading a message, checking a notification, or trying to quickly respond to a group chat can be enough to miss a red light, a pedestrian crossing the street, or a car stopping suddenly ahead.

The danger isn’t hypothetical. It’s happening every day. According to the NHTSA, texting while driving kills more than 3,000 people annually in the U.S. and injures hundreds of thousands more.

## What counts as texting and driving in Arizona?

Arizona passed its [hands-free law](#) in 2019, and it went into full effect in 2021. Under this law, it’s illegal to:

- Hold or support a phone with any part of your body
- Send or read text messages

- Type in addresses
- Watch videos or record them
- Scroll through social media

What's still legal? Using voice commands, making hands-free calls, or interacting with a mounted GPS. That nuance matters, because in a courtroom, the difference between "illegal use" and "legal distraction" can have some influence over your case.

A driver might say, "I was just checking my GPS." If they weren't technically breaking the law, you'll need to prove they were still too distracted to react safely.

### **Why is proving fault so difficult in these crashes?**

You'd think catching a texting driver would be easy. But that's not how it always plays out. Unlike speeding or drunk driving, distraction leaves no visible mark. There's no device that shows you what someone was doing with their phone when the crash happened. Unless the driver flat-out admits, "Yeah, I was texting," you're already at a disadvantage.

Most drivers don't admit it. Police officers might not check the phone. Witnesses might not see what was going on inside the car. Even the crash itself can be written off as "just another accident." That's what the insurance company wants it to look like.

So unless you act quickly and strategically, the truth can slip away before anyone has a chance to grab hold of it.

### **What kind of evidence actually proves texting and driving?**

This is where it gets real. To win a case like this, you need more than suspicion. You need proof. Here's what that looks like:

#### **Phone records**

Call logs and text timestamps can show that a driver was using their phone at the exact time of the crash. These often have to be subpoenaed, as carriers won't just hand them over.

#### **Surveillance or traffic camera footage**

A nearby business, gas station, or even a Ring doorbell might have caught the moment on camera. But that footage won't last long, since many systems delete recordings in 7 to 30 days.

#### **Dash cams**

Some drivers have their own dash cams running. In some cases, these show the distracted driver veering, drifting, or even holding a phone.

#### **Accident reconstruction experts**

Crash reconstructionists can analyze reaction time, skid marks, and damage patterns. If there were no signs of braking, it might indicate the driver wasn't paying attention.

### **Digital forensics**

In more complicated or severe cases, experts can analyze the driver's phone. They can tell when it was unlocked, what apps were open, and whether the screen was active.

### **Social media activity**

Social media activity while driving is more common than you'd think. This could include the driver posting a selfie or video from behind the wheel seconds before a crash. That digital trail could be the key to the entire case.

### **How does strong evidence affect your settlement or verdict?**

Insurance companies don't pay claims because they feel bad. They pay when they know they'll lose in court. That only happens when you show them clear, credible evidence that their driver was 100% at fault.

Without strong proof, they'll try every trick in the book. They might say things like:

- "There's no way to know what they were doing."
- "It's just a typical car accident. It could've happened to anyone."
- "Our client says they were using hands-free GPS."
- "The victim might have been speeding, too."

If you have video, phone logs, witness statements, and expert analysis, that's a different story. Suddenly, it's their client who looks reckless and you gain the leverage to demand full compensation.

Strong evidence can also impact pain and suffering and how sympathetic a jury might be if it goes to trial. Jurors take distracted driving seriously, especially when it could've been avoided with one decision.

### **How does Arizona's comparative negligence law affect your case?**

Arizona uses a pure comparative negligence rule. That means even if you were partially at fault, you can still recover damages, just reduced by your percentage of fault. For example, if you're awarded \$100,000 but found 20% at fault, you'd receive \$80,000.

In texting and driving cases, that rule becomes incredibly important. The insurance company may claim you:

- Were speeding

- Didn't yield
- Could've avoided the crash
- Were distracted yourself

That's why proving the other driver's distraction is so important. It's not just about blame; it's about protecting your share of the compensation. Solid evidence can help ensure you don't get unfairly blamed for something someone else caused.

### **Why is it so important to act quickly?**

There's a window after every crash where the truth is still within reach. But it doesn't stay open long. Here's why:

- Surveillance videos are erased
- Phone records become harder to access
- Witnesses move away or forget
- Drivers delete texts, photos, or apps

Meanwhile, the insurance company is already moving. They're reviewing the claim, checking your social media, reading the police report, and looking for any reason to say no. If you wait too long, the strongest parts of your case may disappear before they're ever documented.

### **Injured by a distracted driver? Get a straight-talking lawyer who delivers real results**

If you were injured in a crash caused by a distracted driver, get help from an experienced Arizona car accident lawyer who can help you take control of your situation. [Browne Law Group](#) is ready to help you do just that. Attorney Byron Browne doesn't waste time with fluff or legal jargon. He gets straight to the point, builds strong cases, and goes head-to-head with insurance companies that try to dodge responsibility.

When you schedule your free consultation, you won't get brushed off by an assistant or handed a generic checklist. You'll speak directly with a lawyer, who will listen to your story, ask the right questions, and give you honest guidance on what your next steps should be. You'll get a clear picture of your legal options, and you'll walk away knowing that your case is in good hands.

We work on a contingency fee basis, which means you don't pay a dime unless we win your case. Whether you're in Gilbert or anywhere in Maricopa County, Browne Law Group is here to fight for you. [Contact us online](#) or call us today to schedule your free consultation. Let's get started on the road to justice and real results.

*"Everyone in this office that I had the pleasure of working with was great at communication and whenever I had a question or concern they were there to answer them and help me figure it out!"* – C.W., ★ ★ ★ ★ ★