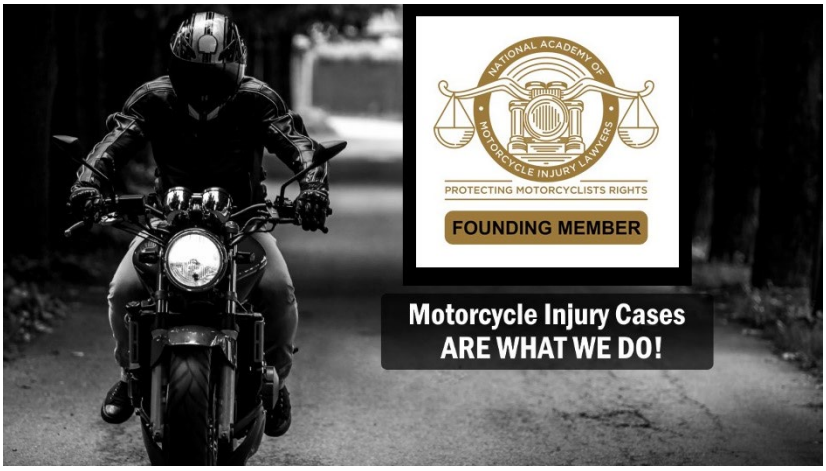
Your Legal Guide to
Motorcycle Injury Compensation

What Bikers MUST Know About Insurance Claims, Settlements & Jury Verdicts

By Attorney Moses DeWitt

Founding Member
National Academy of
Motorcycle Injury Lawyers



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*Each case is different. Results vary. Liability is assumed.

TO: My Fellow Riders,

The only thing worse than being seriously injured in a motorcycle accident is to NOT get the compensation you deserve – or to find out later that you have been taken advantage of by an insurance company.

Insurance companies have a huge advantage over accident victims. After all, they are not hurting for money. Unlike you, they can pay their bills easily.

Insurance claims adjusters KNOW all the tricks in the book. The companies they work for have had years of practice in diminishing, devaluing, and denying motorcycle insurance claims and wrongful death cases.

Never forget… the insurance company has an army of lawyers helping them.

Shouldn't you have a legal team fighting for you?

CALL (407) 245-7723 to speak with an attorney and get answers to ALL of your legal questions.

Moses DeWitt

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Founding Member

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http://floridabikerattorney.com

NATIONAL ACADEMY OF MOTORCYCLE INJURY LAWYERS
PROTECTING MOTORCYCLISTS RIGHTS
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11 Questions You Should Ask Before You Sign Anything

DON'T BE FOOLED OR TAKEN ADVANTAGE OF!

The first thing the insurance company wants you to do after a motorcycle accident is sign a release and submit a recorded statement.

DON'T DO IT until you speak with an attorney FIRST – and know your rights!

But, if you think you can represent yourself… ask the adjuster these questions first to see for yourself if he or she is really going to treat you fairly.

Here are 11 IMPORTANT questions you should ask the adjuster before you sign anything:

1. Ask the insurance company to put in writing the fact that the accident was not your fault and was actually the fault of their insured driver. (If they are not willing to do this, it is because they plan to argue later that it was your fault, either in whole or in part.)

2. Ask the insurance company for a copy of their insured's insurance policy, declaration sheet, or something in writing to tell you the policy limits of their insured or in other words, the amount of money that they have available to pay your claim. (Injury victims with serious injuries should have this information provided to them. PERIOD.)

3. Ask the insurance company for a copy of their insured's recorded statement. (Most of the time, they will have already taken your recorded statement. If they haven't yet, they will.) Most insurance companies will take your statement, but they will refuse to let you see or get a copy of the statement taken from their own insured. (Most insurance companies prefer to keep their insured's statement a secret from you.)

4. Some insurance companies will ask you to sign a medical release, so they can collect all of your medical records. Before you sign the medical release, ask for a WRITTEN PROMISE that they will provide you with copies of each and every medical record they collect. By the way, most medical releases are written so broadly that it allows the insurance company the right and privilege to talk to any of your doctors and to get any of your records, even if the records do not pertain to the injury you suffered. Medical releases allow the insurance company to get your medical records all the way back to your birth if they want. Ask the insurance company to restrict the medical release to records pertaining to the accident and see what happens.

5. Ask the insurance company for copies of any statements they have taken from other witnesses who witnessed the accident and your injury. (We doubt very much if the insurance company wants to share this information with you, but you are entitled to it.)

6. Ask the insurance company about secondary insurance coverage and if there is an umbrella policy. (Be careful, there might be an umbrella policy out there and the insurance company doesn't know about it. If they say there is no umbrella policy, be sure to get a signed affidavit from their insured.)

7. Ask the insurance company for a copy of any medical information or personal information they have obtained about you through computer databases or other sources. (There are many ways they can get this.)

8. Ask the insurance company if they have obtained any kind of credit information or debt information about you. Some insurance companies know how much money you owe, to whom, and when your next payments are due. They can find out if you are late on your payments and use this information against you. For example, if you are behind on payments, that would be the perfect time for a quick, LOW settlement offer.

9. Ask the insurance company if they have canvassed your neighborhood asking questions about you and if so, ask who they have talked to and ask for copies of the statements and information collected.

10. Ask the insurance company if they have conducted any surveillance or investigation on you and then request a copy of any films or photographs or investigative reports they have obtained regarding your injury or you. (We

would be surprised if any insurance company would be willing to share this information with you… it's their secret.)

11. Ask the insurance company for the amount of the reserve they have set for your case. (We don't know any insurance company that would share this information with you as it is "top secret." The reserve is the amount that they believe they owe you. Instead of just paying you the reserve, they would prefer to do a little negotiation.)

If the adjuster says "NO" to any of these questions, it's a RED Flag that they will not treat you fairly or compensate you fully for your injuries!

5 STRATEGIES That Can Double Your Insurance Settlement

Here are 5 tips, plus a bonus, to show you how you can double the settlement value of your motorcycle accident claim.

1. Number #1 is take photos. Take photos of the scene, take photos of your injuries if you have bruises, scars, and cuts. Take photos of the vehicles, take photos of your motorcycle. You cannot have enough photos because photos are worth a thousand words.

2. Number #2 is, get a diagnosis for every injury you have. I know some of you think "I'm a tough guy… I just worry about my back and neck," when you might have elbow issues or knee issues. If you don't get them diagnosed and put in the medical records right to begin with, what happens is the insurance company will say, "You must have gotten hurt somewhere else because

when you went to the ER, and you went to your doctor for the first time, you said nothing about your knee getting hurt… and now three weeks later you're starting to feel the pain in your knee even more." The deal is – you must document every injury at the beginning of your claim.

3. Number #3 is, follow the doctor's advice. If they send you to therapy, go to therapy. Show up for the appointments on time. Tell the doctor everything that's going on with you. Do not make light of any injury or any pain. If you have a level 8 pain in your neck, but only a level 4 pain in your knee – tell them all about the knee and the neck, not just the neck.

4. Number #4 is, you're going to need to hire the appropriate experts. If you have lost wages, or future lost wages, you're going to need an expert economist. If you own a business, you want an expert to show how your injuries are going to affect your business in the future. If you have a permanent disability, you will want an expert to talk about that and give you a rating. If you have future medical bills, you're going to need to hire a life care planner that can calculate what it will cost for your future medical expenses. You will also want to hire an accident reconstructionist. These are the types of expert witnesses that will help double your injury claim right from the beginning.

5. Number #5 is, once you get your settlement, the way to put more money in your pocket is to negotiate down hospital charges, medical expenses, and doctor bills that you incurred and are unpaid – and as lawyers, we do that every day for clients.

And here's a bonus: The best way that you can double your compensation is to hire a lawyer. Insurance companies know this, because they did a study several years ago, and their study showed that people who hired lawyers got, on average, over two and a half times more money in their pocket after attorney fees than claimants who did not hire a lawyer.

BOTTOMLINE: What is your motorcycle injury claim worth?

Although I can't give you an instant answer… I can promise you that our team of motorcycle accident lawyers will do the very best we can, and get you the most money that we can, to compensate you fully for your injuries and your pain and suffering. And that's the kind of law firm you should be looking for.

5 Mistakes That Can Ruin Your Motorcycle Injury Claim

1. Number #1 is, giving a recorded statement to the insurance adjuster for the other person's vehicle! Don't do it! Once the adjuster has your recorded statement they will use your own words against you. This is extremely important! You can tell them how the accident happened but never give a recorded statement.

2. Number #2 is, believing what the adjuster says. If the adjuster says you don't have a case, or you are partially at fault, or they are not going to pay your claim – DON'T believe them. Go see a lawyer first before you make the decision to take a lowball settlement!

3. Number #3 is, not taking pictures, or waiting too late to take them! The accident scene, the other person's car, their driver's license and insurance papers – are all important. Try to preserve all the evidence you can. Memories fade, and people tell different stories, but pictures do not lie. You should take pictures of all your injuries – and continue taking pictures during your recovery. If you're in a hospital, get some of your family members to take pictures, because that's going to be the best evidence to show the insurance company what you've been through.

4. Number #4 is something I see people do all the time… they miss their doctor's appointments or don't make their therapy appointments and they say, "I don't feel like going." Well, here's the way that it will look in court: If you didn't feel like you needed to go to the doctor, then you must not have been really hurt. Unfortunately, that's what the insurance company's lawyer is going to tell a jury and it's enough to ruin your case. Then I see people

who fail to follow the doctor's instructions when they are released from the hospital, or they don't get an MRI or other procedures that the doctor has recommended. This will also kill your case.

5. Number #5: The most fatal mistake is trying to represent yourself. You have too much emotion involved in it, and you need somebody to speak for you that is not going to have their words used against you. What I mean by this, is that anything you tell an adjuster, or tell the lawyer for the insurance company, can be used against you. But anything your lawyer says cannot be used against you. So wouldn't it make sense, when you're advocating your case, to protect yourself, and make sure that the things you say cannot be twisted around and used against you later on when you're trying to pursue your claim.

How Long Until My Claim Is Settled?

How long will it take to get my motorcycle injury claim settled? That's the question most bikers ask after a motorcycle crash.

Well, it really depends. My best advice is that you never want to settle too quickly. One of the insurance company's biggest tactics is to offer you five or ten thousand dollars very early on for you to sign a release. This is before you even know what is wrong with you or what your physical recovery is going to involve. Understand this: you get one bite at the apple – one opportunity to obtain a financial settlement. Once you settle your case, you can never come back later and get the compensation that you require for any additional medical care and expenses.

The deal is you should never even think about settling your case until you get released from the doctor and he says, "I've done as much as I can for you and whatever you got left is what you're going to have to live with and you might have some permanent injuries." Never agree to a settlement offer before that time.

It usually takes about three to six months after you get released from the doctor – to gather all the bills, put together a demand letter, send it to the insurance company and negotiate a settlement. Every case is unique, and every claim is different. So, there is no set time at all. But please… you only have one shot at this. Once you sign the release it is over forever. There are no second bites of this apple. So be sure not to settle too quickly.

5 QUESTIONS That Insurance Adjusters Never Want You To Ask

What are the top questions that insurance adjusters never want you to ask them about your motorcycle accident injury claim?

1. Number #1, they never want you to ask them how much their insurance limits are. In fact, they refuse to tell you in probably 90% of the states in the union.

2. Number #2 is “How much check writing authority do you have?” That will tell you a lot, because different adjusters have different ranges of authority to write checks – and that's going to tell you what they think your claim is worth right from the beginning.

3. Number #3 is “What is the settlement reserve?” That's going to tell you about how much they are going to be willing to pay you when the claim is processed. The settlement reserve is something they must set at the beginning of a case. It is required by the insurance commissioner's office, so that the insurance commissioner knows they have enough money in the bank to pay this claim when it comes to an end. And they don't want you asking that.

4. Number #4 is “Does their insured (the person that caused the accident) have any other insurance?” They never want you to know that because they don't want to be paying out all their limits. You are never going to know if they have any other coverage or have an umbrella policy unless you hire a lawyer and file a lawsuit to discover it.

5. Number #5 is “Can I get a copy of your insured person’s recorded statement?” They will refuse to give it to you.

Remember to ask these questions and then listen to the way they try to avoid the answers. That should be enough to tell you that you need a lawyer to protect your rights. The insurance companies are there to protect their insured’s rights – and NOT yours.

Do I Have To Go To Court?

If I have been injured in a motorcycle crash and it wasn’t my fault, do I still have to go to court if I hire a lawyer?

This is a question we get a lot, and the answer is no. You are the boss. You decide whether or not we file a lawsuit. But in most severe motorcycle injury cases, your lawyer will need to file a lawsuit to get just compensation… because the insurance adjuster needs to learn more about your injuries and they're not going to just take your word for it. They are going to interview your doctors, and they're going to want to take your deposition, and your family's deposition, so that they can properly evaluate the claim.

Does that mean that you're going to trial? No. As lawyers, we give you our recommendations of what the best-case scenario is, and the worst-case scenario. Now, some people say, "I'm not the suing type." Well, you don't have to take it all the way… but believe me, in many cases the insurance companies will never get serious about offering a fair settlement until you file a lawsuit, and they see you are willing to take them to trial if necessary.

Retaining a lawyer does not mean that you have to go to court, it does not mean that you have to file a lawsuit, and it does not mean that you have to go to trial – but these are some of the options that you will have once you hire a lawyer.

What Are The 3 Biggest Factors Affecting The Value Of My Claim?

What are the most important factors affecting the amount of my insurance settlement or outcome of my motorcycle injury case?

1. There are 40 to 50 things to look at, but the Number #1 thing is liability, meaning who is at fault. Typically, an insurance adjuster will look for some contributing factors, so they can try to diminish your claim. Or they will even say that you were at fault, in whole or in part. And in some states, if you are 1% at fault, you get nothing! But what we have found are that juries will tend to look past that. And whoever was mainly at fault will be the ones that are made to pay, if you have hired an attorney to represent you and the adjuster knows there's a chance your case will go to a jury!

2. Number #2 is, the amount of available insurance – the policy limits of the insured and any umbrella coverage. The policy limit is the maximum amount of insurance coverage the other driver has. Umbrella policies are insurance policies some drivers have that kick in if they are sued and the damages are more than the auto policy. This can be a complicated analysis, but an experienced lawyer is trained to sort this out and determine all available insurance policies. Was the person that caused the accident an uninsured driver? Or were they driving a work vehicle covered by a business policy? Many times it requires investigation to discover all of the insurance coverage available to you.

3. Number #3 is your attorney. Studies done by insurance companies show that victims of accidents who are represented by an attorney get over 2.5 times more in their pocket after attorney fees than those who go it alone. Not only

are they going to ask if you have a lawyer, but more importantly, they want to know what trial experience your lawyer has. Is this somebody that does motorcycle injury cases regularly? Is this somebody that's not afraid to go to court? Most large insurance companies keep records of which lawyers file lawsuits. They know which lawyers are good at depositions and jury selection. They also know who is able to convince a jury to overcome their bias and set aside the perception that jurors have that bikers must be crazy to get on a motorcycle and should assume the risks if they get hurt. They are also aware of which law firms have the resources to win multi-million dollar cases, and they are much more likely to offer a fair settlement if your lawyer is somebody who has the capability of hitting a home run with large jury verdicts – because that's what makes them nervous.

How Do Insurance Companies Determine The Value Of My Claim?

What do insurance companies look at when evaluating your injury claim after you've been in a motorcycle accident?

1. Number #1 is, they look at you as the plaintiff. They look at what kind of person you are. They look at whether or not you will come across well to a jury in explaining your injuries and the pain you've suffered. Are you believable and sympathetic? They also look at your work history. Have you had a solid work history, or has it been spotty? Then they look at your criminal background. Do you have a clean record with only a few speeding tickets here and there? Or do you have felonies and drug charges?

2. Next, they look at their own insured – the person who hit you. They look at the same things: Will they come across well to a jury? Do they have a good work history? Do they have a criminal background? If it's a preacher or a nice old lady, the jury is going to be a lot more sympathetic. Also, were there any aggravating factors? Was their drinking involved or distracted driving? Did the police issue a DUI or take the driver to jail?

3. Then they look at your injuries. Did you have a complete recovery? Or are your injuries permanent in nature? Do you have any scarring or soft tissue damage? Do you have complete or partial disability? Will you require shoulder or back surgery 10 to 15 years from now? Are your injuries going to require ongoing medical treatment or future medical care and if so, how much? The insurance adjuster calculates the medical bills that you've had up

to the time you get released from the doctor… and then they look at what it's going to cost to take care of your additional medical bills in the future. In many cases, you will need an economist or a life care planner in order to come up with those figures.

4. They also look at the pain you suffered. Is it a serious injury with excruciating pain? Did you have broken bones? Did you require a hip surgery or have pins put in your legs? Was their traumatic brain injury? These are the type of things they're looking at.

5. Next, they look at your lost wages or loss of business. Not just what you have lost since the accident, but also if you'll have future lost wages. Are you going to have future diminished earning capacity? Maybe you're not disabled, but you can't go back to the old job that you had. Or you'll have to work part-time or take a job making half as much. That's what we call diminished earning capacity. Are the injuries that you have going to force you to retire early or are you going to have to get on disability earlier than if you had not been in this accident?

These are the types of things that insurance companies look at. And this is less than a third of the things that an experienced attorney will consider when evaluating your case and demanding that the insurance company pay out the maximum dollar amount of what your claim is worth.

Most people do not understand the extent of compensation they are entitled to, and insurance companies are not going to tell you. So, when you've been in a serious motorcycle accident, the best way to handle this is to hire a lawyer that concentrates his practice in doing motorcycle injuries.

5 SECRETS That Adjusters Don't Want You To Know

These are the five secrets that insurance companies don't want you to know about your motorcycle accident injury claim:

1. Number #1 is, they don't want you to know that they have set a reserve at the beginning of your case, which is an estimate of how much money they're willing to pay on your claim. They are required to do this through the state insurance commissioner so that they have adequate funds set aside to cover your claim should they have to pay.

2. Number #2 is, they don't want you to know that they have a recorded statement that they have taken from their insured.

3. Number #3 is, they never want you to know what their policy limits are… whether there is more insurance coverage available, and whether the person that hit you has an umbrella policy or additional sources of insurance.

4. Number #4 is, they don't want you to know that they are watching you. They are watching you on Facebook, on Twitter, on Instagram, and on Pinterest. They are watching all of your outside activity and sometimes they will go as far as hiring a private investigator to stake out your house and follow you around for days at a time.

5. Number #5 is, they don't want you to know that if you hire a lawyer, you are likely to get over two and a half times more than what you would without a lawyer. That's why they try to do a quick settlement and get you to sign a release – because they know that if you're going to hire a lawyer they will

have to pay more. This study was done by their own people, the National Insurance Council, which stated that claimants with lawyers received, on average, over 2.5 times more in their pocket after attorney fees than people who did not hire a lawyer.

Never forget… the insurance company has an army of lawyers helping them!

Most of the time, the insurance company will not give you any information at all. It's a one-way street… they take and they fake… and you end up without!

If you want to find out if what we are saying is true, simply ask an insurance company adjuster the questions in this guide – AND SEE WHAT HAPPENS. *(You'll be in for a big surprise.)*

Shouldn't you have a Motorcycle Injury Law Firm on your side?

CALL (407) 245-7723 to get answers to ALL your legal questions.