

Motorcycle Rider's Guide

Step By Step Procedures
To Protect Your Rights

How to Ride Safe

What the Insurance Companies
Do Not Want You To Know

How to Select the Best Lawyer for You

Motorcyclist's Rights and Special Laws

By Matthew D. Powell, Board Certified Civil Trial Lawyer

FORWARD

This book has two purposes: first, to explain many of your legal rights if you are injured in a motorcycle accident and what you can do to protect your rights and second, to share information about how to be safe and avoid being in a crash. This book is certainly not a substitute for professional one-on-one legal advice from an attorney who has the necessary knowledge and experience in this area of personal injury motorcycle law. Keep in mind that the laws and procedures change frequently and are subject to different interpretations; therefore, if you want legal advice, it is best to call my office and speak with me about your specific matter. I will give you a free consultation to discuss any serious injury or wrongful death claim. Just call me at (813) 222-2222 or toll free at (844) MATTLAW which is (844) 628-8529.

ABOUT MATT POWELL



I graduated from the Florida State College of Law in June of 1987 with honors. Upon passing the Florida Bar exam, I became a member of the Florida Bar in October of 1987 and began practicing law with a firm in Tallahassee, Florida which represented over 20 different insurance companies. During that time, I learned the methods, techniques, and strategies insurance companies use to reduce the amount of money they pay people who have been injured in all types of accidents. After learning their methods and techniques, I decided I could no longer work for insurance companies.

I left the insurance defense firm and opened my own law firm to represent individuals injured by others' negligence.

One year later I moved my practice to Tampa, Florida to be closer to my family. I have been practicing law in the historic Hutchinson House since 1989. I am a member of the American Association for Justice, and an Eagle member of the Florida Academy of Trial Lawyers. I have written three other books entitled *Automobile Accident Injury Guide and Knowing Your Rights Concerning Medical Malpractice, A Simple Guide To A Complex Issue and Rape Victims Compensation Guide*.

I am dual Board Certified as a civil trial lawyer. I became Board Certified by the Florida Bar in 2007 and I am Board certified as a Civil Trial Lawyer by the National Board of Trial Advocacy in 2010. I am a member of the Southern Trial Lawyers Association, Association of Plaintiff Interstate Trucking Lawyers of America, Amputee Coalition of America, National Spinal Cord Injury Association, the National Crime Victim Bar Association

WHAT WE DO AT MATTLAW®

As a Board Certified personal injury trial lawyer I have focused my attention on helping injury victims obtain compensation for their losses caused by others negligence. I have represented clients throughout the State of Florida involved in motorcycle crashes, automobile accidents, medical malpractice, trucking crashes, wrongful death, inadequate security claims, product liability injuries and many other personal injury claims. I represent clients on a contingency fee basis which means I only get paid if I win your case. I pay the costs to investigate and bring your claim, and only get my costs back if I make a recovery for you. One thing to keep in mind about calling me for help with your particular legal situation is the longer you wait, the harder it will be for us to collect and preserve important evidence which may affect the value of your recovery. As time goes by, evidence and memories fade away and so does your ability to make a full recovery. So please don't wait; call me today at (813) 222-2222 or toll free (844) MATTLAW, which is: (844) 628-8529.

This book is designed to give you as much general information as possible based upon Florida law. Every accident, injury, and situation is unique. This book does not contain all of the information you might need to know, so it is very important for you to talk to an attorney experienced in representing accident victims. Please call me, Matthew Powell as soon as possible and I will be glad to discuss your injury case and help you find answers to your questions.

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MOTORCYCLING IS A GREAT WAY TO HAVE FUN

Feelings of freedom and exhilaration are a natural byproduct of motorcycle riding. However, safety and good riding habits are essential to your health and well-being. Good judgment, experience, and training will reduce the risk of being in a crash. One of the best investments I ever made in motorcycle safety was taking the Motorcycle Safety Foundation® Basic *RiderCourse*®. This course is for beginners, moderately skilled, and highly experienced riders alike.

Whether you have never ridden a motorcycle before or you want to obtain a motorcycle endorsement for your drivers license, I urge you to check out the



Motorcycle Safety Foundation to learn the basics of motorcycle operation and safety. If you decide to take the Basic *RiderCourse*® you will have four hours of classroom lessons and 12 hours of riding sessions which will sharpen and reinforce your riding skills. You can learn more about the Basic *RiderCourse*® on the Motorcycle Safety Foundation website at www.msf-usa.org.

MOTORCYCLE ACCIDENTS HAPPEN TOO OFTEN

On today's roads and highways, distracted drivers are everywhere. No matter how careful you are when riding a motorcycle, the chances that you will be injured in an accident that was caused by someone else's negligence are high. If being hurt isn't bad enough, sometimes the way you are treated by the insurance companies can be worse. In my experience, insurance companies do their best to deny fault, reduce your compensation, and even

delay payment as long as possible when they must pay your claim. Insurance companies are very profitable businesses that make profits by investing their cash reserves as long as possible. They increase their profits by reducing the total amount they pay for claims and by delaying payment on claims. The insurance industry is a multi-billion dollar business with very little regulation. Insurance costs Americans an average of 12% of our



total income, even if you have never made an insurance claim in your life. It is important to be prepared before an accident occurs because the actions

you take after a crash determine the difference between receiving a full settlement for your damages or receiving only a pittance for your injury.

TAKING THE MOTORCYCLE SAFETY FOUNDATION CLASS

If you are a new rider, taking the Motorcycle Safety Foundation® (MSF) Basic Ridercourse® is, without a doubt, one of the best investments you can make in your own well-being and safety. Also, when you pass the class, you will qualify for your motorcycle endorsement on your drivers license.

Even if you are an experienced rider, taking the MSF class is a great way to refresh yourself with the basics. You will practice drills that may seem easy and natural, but it is never a mistake to practice the basics of any skill. I can't express the value of taking the basic class more strongly to help you ride safer and enjoy biking even more. The class consists of four hours in the classroom, followed by two days of riding on a closed and supervised course.

There is a written test and a riding test. The class I took at the Harley-Davidson Brandon store was taught by excellent instructors who made the class enjoyable, entertaining, and non-stressful.

OBTAINING YOUR MOTORCYCLE ENDORSEMENT ON YOUR DRIVERS LICENSE

Beginning in 2008, Florida law required new motorcycle operators to obtain a motorcycle endorsement on their Florida drivers license. This law requires riders to successfully take and pass a Basic Rider Course. If you have not, please do



so. Even if you were grandfathered in and don't need an endorsement, you should still take the class. When you pass the class, contact your motorcycle insurance company and let them know you have passed the basic rider course and you might be entitled to a discount on your motorcycle insurance.

SEE -- SEARCH, EVALUATE AND EXECUTE FOR SAFETY ON YOUR BIKE



Defensive driving on your motorcycle is critical. Assume cars can't and don't see you. Automobiles are looking for other cars. They simply don't see bikers and are oblivious to us.



As a matter of preservation, we have to ride in a very defensive manner. We have to scan the roads, intersections and traffic to anticipate a driver not seeing us. Despite wearing bright colors, having our lights on and doing everything we can to be easily seen, we must anticipate the other drivers on the road won't see us.



One of the greatest skills you can possess is good sensory acuity. That is being aware of what is around you and knowing where your escape routes are in case of a sudden emergency.

As bikers, we have a heightened sensitivity to our surroundings. We are constantly searching far and near and side to side for threats. We use our mirrors, and we check our blind spots by turning our head. We are thinking of ways to avoid problems and escape traps. We are constantly evaluating things we see to decide if they are a threat to our safety. We assume the worst and focus on ways to manage what we are seeing so we can safely ride. We are prepared to take action and execute a brake or a turn to avoid any perceived dangers on the road.



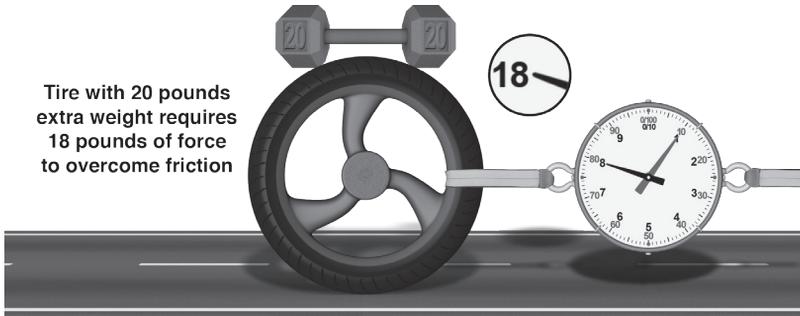
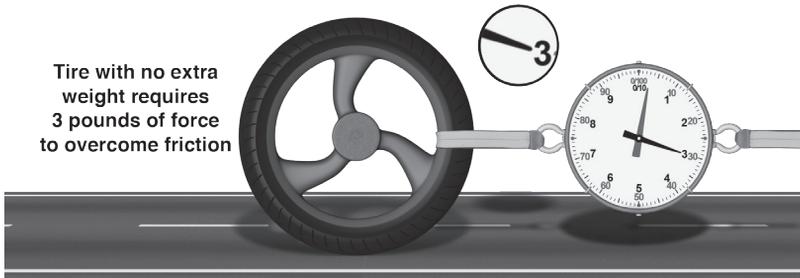


Safe bikers are riding so that others mistakes don't cost us. We adjust our speed up or down to avoid hazards. We pick better lanes, or the position in our lane to ride more safely.

We use our turn signals, our hands, brake lights, and horn to communicate to those around us where we intend to go. All of these things add to our margins of safety on the road.

As bikers, we have to be especially aware of intersections where drivers are going to enter our path. We also have to be aware of the drivers around us that have big blind spots and are not expecting a motorcycle. As safe motorcyclists, we have to process much more information to ride safely. We can't let our guard down for a moment. This is why taking breaks and having a clear head is so important when you ride.

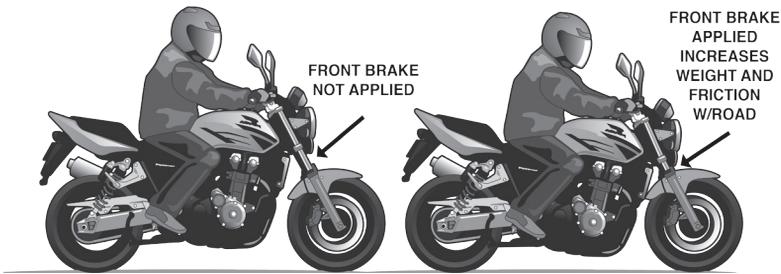




STOPPING YOUR BIKE, THE SCIENCE OF FRICTION

Understanding the science of braking is important for safe riding. Many people think the more rubber they have on the road, the greater the friction they have, and therefore the easier it will be to stop. This seems to make sense. However, the laws of physics prove that the amount of rubber in contact with the road is not what determines how much friction you will have when you apply your brakes; it is the amount of weight on the rubber that controls how quickly you can make a stop. This is why your front brake on your bike is much larger than your rear brake.

When you apply your brakes to make a stop, you should practice using both the front and back brakes together. As you apply the brakes, the weight of the bike will transfer to the front wheel. As your front wheel accepts more weight, your brakes become more effective, and you increase the friction between the bike and the road.



So as you brake harder and harder, your weight transfers more and more to the front wheel, and you can apply even more brake pressure because the tire is sticking more as the weight increases.

Safe braking is a smooth increase of pressure on the front brake as the weight shifts to that tire. And you should always use your back brake at the same time. This is just good practice that will become a muscle memory reflex for you when you have to make a sudden emergency brake maneuver. Practice, practice practice your braking so that when you have to make an emergency stop, you do so in the most efficient and safe way possible.

Too much braking on the wrong wheel at the wrong time can cause a skid and lead to a fall.

AIR PRESSURE IN YOUR MOTORCYCLE TIRES FOR SAFETY

Proper tire pressure is very important for safe riding and should be checked often. Because a motorcycle tire is much smaller than the average car tire, the motorcycle tire has less air. Since there is less air volume in a motorcycle tire, it is more susceptible to pressure changes caused by temperature changes. For example, if you check your tire pressure on a cold morning and it is 36psi (which is about normal for most street tires), then you go on a long, hard ride on heated asphalt from a hot summer day, your air pressure can increase by 20%. This increase in air

pressure caused by heat is explained by Boyle's Law and Charles' Law. These physics principles say that as temperature of a gas (air in your tire) increases, so does its pressure and the opposite is true. Suppose after the end of a long, hot ride, you check your air pressure and it is at 36psi. Then the next morning when your tires are cold, the tire pressure may be as low as 24psi.

Why is proper tire pressure important for your safety? Underinflated tires will cause poor handling of your bike, which could possibly lead to tire failure if you put a lot of stress on it from a hard turn, hard braking, or running over an object. On the other hand, over inflation leads to a much harder ride and causes the bike to be more unstable as well.

Keep in mind that your bike's recommended tire pressure is its cold tire inflation. Also, I suggest you purchase and use a high quality tire pressure gauge. The cheap gauges or the ones you find at gas stations are often very inaccurate.



BEING SEEN ON THE ROAD



Being seen by other drivers is the best way to be safe. If other drivers see you and realize you are there, they won't turn into your lane. Wear bright colors, have extra lights on your bike, and generally be visibly obvious to improve the chances other drivers will see you.

This is especially important with night driving. Drivers have a hard time judging how far away a vehicle is at night. A bike with just one light may be confusing to the operator of a car or a truck. Having multiple lights on your bike, will give them a better chance of appreciating how close or far away you are from them and help them see you to avoid a collision. One of the most important aspects of riding your bike at night is having enough light to see or be seen by others in the dark. The illumination of the road ahead comes from our Motorcycle's headlights. Most modern cruising bikes come with a high illumination set-up, giving pretty good light on the roadway ahead of us. Some sport bikes, that are not designed for cruising, may come with an average light. If you are going to ride a sportbike a-lot at night, you might want to consider upgrading your headlight to be seen more easily.

These days, additional lighting on a bike is common and a good idea. Many riders add LED's, auxiliary running lights, neon sticks, and more. The best practice is to keep yourself seen in the dark. Wearing dark colored riding gear is definitely stylish but increases your risk of being invisible on the road. So, here again, choose your riding gear wisely.



The best way to increase your visibility as a motorcyclist is by using auxiliary lights to alert others of your presence. These lights typically cause drivers to slow down gradually not knowing what's coming towards them.

A less expensive idea is to use Prismatic or reflective tapes that easily reflect light and help other drivers identify you at a safe distance. Using reflective tape is great, however before you do, take note that the color coding has special meaning; The specifications are that the back of any vehicle, or bike, should be red, amber for the sides, and “white” for the front. Follow these rules so that other drivers will know if you are moving towards them or away from them.

For safe night riding we need our helmet to have a clear, clean and unscratched visor. It’s a good idea to carry a lint-free cloth, preferably microfiber, cleaning solutions or plain water, to clean our visor whenever they become dirty or blurry.

Remember, the most dangerous thing on the roads are inattentive drivers. As bad as they are in the daytime, they are even worse at night.

THE RIGHT GEAR FOR YOU

The right protective gear can make a big difference in the outcome of even a low speed fall, it is extremely more important in a crash. It is obvious that wearing a helmet will protect your head and brain from injury. A head injury is the leading cause of death for riders. Even the best helmet is not a guarantee you won’t be injured, but helmet use has been shown to reduce brain injury by 67% and death by 37%.

What is the right helmet for you? Full face, modular, open face or a skull cap? Each type of helmet has its advantages and limitations. They are a matter of personal style and choice. Make certain that your helmet is well made and meets the U.S. Department of Transportation requirements.



Any helmet that meets these standards will have a DOT sticker on the back of the helmet. Your helmet should fit snugly but not have any annoying pressure points. When selecting a helmet, I suggest you put it on your head, and wear it for at least half an hour before deciding if it fits or not. The store won't mind you shopping around while you wait and see if the helmet you selected fits your head. The color and style of your helmet is important too. Bright colors are much easier for other drivers to see.

Take good care of your helmet. If you accidentally drop your helmet, it may be time for a new one. A fall from as low as 3 feet can damage a helmet so that in a subsequent crash, the helmet may have a soft spot, or damaged inner lining that can't offer you full protection. So, please take care of your helmet because it will take care of you.

Face and eye protection is critical to safe and comfortable riding. Make sure your face is protected from flying road debris such as sand, gravel, rocks and insects. Glasses are nice, but they don't keep out wind and dirt

A full face shield should be down while you ride.



Footwear is very important to save your toes, feet, ankles and legs. Hot exhaust pipes, moving chains, and rough asphalt all can seriously injure you. Wearing good boots will help with traction on the road, at a stop or a fall.

Body armor is the best defense against road rash. Wearing good gloves designed for cycling can save your skin. Durable long pants and the right jacket will save your shoulders, arms and back from even more serious injuries caused by a fall.



THE RIGHT SIZE BIKE TO RIDE SAFELY

Riding a bike that is comfortable and fits you greatly increases rider enjoyment. Choosing a bike that matches your riding style and has the power, height and weight you are comfortable with is very important. Riding a bike that is not properly sized or adjusted for you will cause fatigue and lead to a needless accident. Make sure your bike is the right one for you.

COMPARATIVE FAULT

If the insurance company can place part of the blame for the accident on you, they will reduce your payments by your alleged percentage of fault. This includes your property damage as well as your injury claim. Florida law provides that each party to an accident is responsible for his or her percentage of fault. Therefore, the insurance company may blame you for part of the accident and seek to avoid paying all of your claim. In most motorcycle collisions, the biker is not at-fault at all. The common scenarios are when a car fails to see a biker, and pulls out and causes a crash. On the other hand, in a crash at a traffic light where each driver claims they had a green light, the insurance company will not want to pay any damages until it establishes which driver was at-fault. Remember, the insurance company representing the other driver is



trying to establish the crash was at least partially your fault so they can avoid paying the full claim to you. Consequently, it is important to call the police to the scene so a crash report can be prepared. When the police have investigated the accident, the insurance company is likely to believe the

crash happened according to the police report. They are not likely to take your word or the word of their insured concerning the circumstances of the crash. Therefore, by calling the police to the scene, you will have the protection of a neutral third party investigating the crash, establishing more accurately how the accident occurred, and who is really at-fault.

Since Florida law is based upon comparative fault, even if the accident was 90% the motorcyclist's fault and 10% the other driver's fault, the motorcyclist may still recover a sizeable settlement. For example, if the injuries were catastrophic such as death, a brain injury, paralysis, or an amputation and the total damages were \$10,000,000.00, the biker who was 90% at fault would still be entitled to recover \$1,000,000.00 (10%) of the total losses. Should tragedy ever strike, you may choose to allow an experienced, board certified personal injury attorney to worry about issues of liability, comparative negligence, and how to protect your claim.

ALCOHOL AND MOTORCYCLES

In most motorcycle crashes with other drivers, the biker is rarely at fault. However, 28% of fatally injured motorcycle drivers in 2013 had a blood alcohol concentration (BAC) at or above 0.08%. 40% of these alcohol related motorcycle deaths were single-vehicle crashes. In other words, the biker crashed by him or herself. So, please don't drink and drive.

WHAT IF YOU ARE A VICTIM OF A DRUNK DRIVER?

As a trial lawyer, handling a personal injury or wrongful death case involving a drunk driver requires extra planning and strategy to fully represent my client. The insurance company for the drunk driver will do everything in their power to keep the jury from ever knowing that their



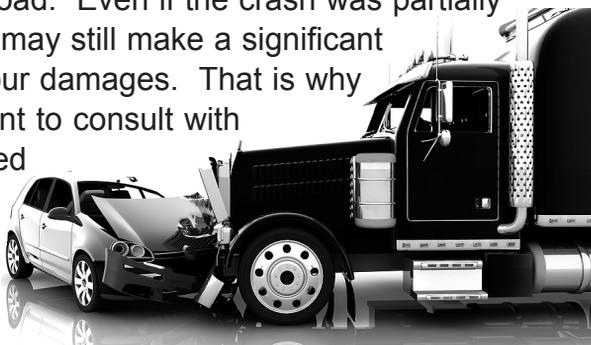
insured client was drunk when they caused the crash. It is very common for the insurance company to admit liability for the crash and then file a Motion with the court to exclude any mention of alcohol during your trial because it is “not relevant” to the issues in your case because the at fault driver admitted fault.

There are several things that can be done to make sure the jury will be fully advised about the alcohol; however, it requires your lawyer to know about many important factors and strategies to keep the alcohol evidence in your case. I must file special Motions and present special evidence to the court to preserve this type of evidence so the jury will know the truth about how the crash happened and how devastating the damages are because of alcohol use.



CRASHES INVOLVING SEMI-TRUCKS

In 2013, 11% of all motor vehicle traffic fatalities reported involved heavy trucks. Since the size and weight of large trucks cause significantly more devastating damages than an ordinary car, it is crucial that the victims seek legal advice immediately. There are special laws that govern the operation of large trucks. For instance, semi-trucks have limitations on the weight of their loads, which roads they can travel, and on the amount of time the driver may spend on the road. Even if the crash was partially your fault, you may still make a significant recovery for your damages. That is why it is so important to consult with an experienced injury attorney who knows the laws governing heavy trucks.



SAFETY AND CRIME

Unfortunately, more and more motorcycle riders are becoming victims of crime and are attacked, assaulted, injured by criminals or are victims of hit and run drivers. This is why riding in groups is a good idea. If you are involved in any sort



of accident, try to take photographs of the other driver or vehicle involved. Sometimes this may be the only evidence the police or your attorney can use to pursue justice.

SPECIAL LAWS FOR MOTORCYCLISTS

No PIP insurance is required and none exists for motorcyclists.

You don't have to have a "permanent injury" to recover pain and suffering. In an automobile accident case, the injured person must meet a "permanency threshold" in order to recover damages for bodily injury, pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition.

WHAT KIND OF INSURANCE IS REQUIRED FOR YOUR MOTORCYCLE?

Florida law allows motorcycle operators 21 and older to ride motorcycles without helmets providing they have at least \$10,000 in appropriate health insurance or medical payments coverage. Drivers or passengers who are under the age of 21 are required by law to wear a helmet.

Motorcycle insurance in Florida is optional if you wear a helmet. However, if you don't want to wear a helmet and you are over 21 years of age and have a minimum of \$10,000.00 of medical insurance, then you are legally able to ride without a helmet.

There is a lot more to consider regarding motorcycle insurance. Even though you may be legally allowed to ride your motorcycle on the road without any insurance, you must still meet the "Florida Financial Responsibility Law." This law requires drivers who have caused accidents involving bodily injury in the past, to purchase bodily injury liability coverage with minimum limits of \$10,000.00 per person and \$20,000.00 per accident.

So basically, you can ride without insurance, but if you get into an accident without any insurance, then your license might be suspended until you pay for the damages up to \$10,000.00 or file bankruptcy. This law is Florida Statute 324.021. If a driver or owner of a vehicle fails to meet their financial responsibility, their license can be suspended.

Drivers convicted of driving under the influence must purchase bodily injury coverage of \$100,000/\$300,000, and carry \$50,000.00 of property damage liability insurance.

Unfortunately for motorcyclists, Florida law does not



require cars to carry bodily injury insurance, and only requires automobile owners have Personal Injury Protection (PIP) and Property Damage Insurance! Florida law

unbelievably does not require anyone to carry bodily injury insurance. What this means to a motorcyclist is that about half of the cars on the road do not carry the type of insurance which would pay you for your injuries if you are hurt by a negligent driver.

Property Damage Insurance is mandatory for cars but not motorcycles. It is very important to remember that Florida law does not require car owners to carry insurance for any bodily injuries. Somehow the legislature has decided that it is more important to repair vehicles than it is to compensate people who have received life-long injuries! Nevertheless, do not despair, there are other optional insurance coverages you can purchase to protect yourself.

Personal Injury Protection (PIP) is Florida's version of No Fault insurance that only applies to automobiles (four wheel or more vehicles), not motorcycles. PIP pays for

medical bills and/or lost wages after any deductible is met. Therefore, if an accident was completely another driver's fault, your PIP coverage (if you were in a car) will still be responsible for paying your medical bills. Likewise, the other driver who caused the accident will also have his or her medical bills paid by their own insurance company, thus the phrase "no-fault." If you were hit on your motorcycle, you better have medical insurance to protect you. If not, you will likely be stuck with big medical bills.

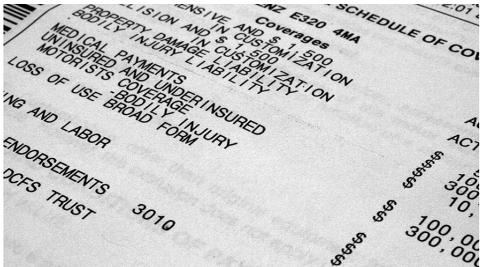
WHAT INSURANCE SHOULD YOU PURCHASE FOR YOUR MOTORCYCLE?

Medical Payment Insurance pays for the reasonable medical expenses incurred from an accident. This protection will usually begin coverage immediately with no deductible. This coverage protects you even if you are a passenger in someone else's car and the coverage can be as high as the limit you select. Simply stated, you are not limited to \$10,000 in coverage for medical bills and this insurance pays your medical bills no matter who was at fault in the accident.

Uninsured/Underinsured Motorcycle Insurance It is vital to carry uninsured/underinsured insurance for yourself since it protects and pays you if you are involved in an accident in which the other driver is at fault and has either no insurance or not enough insurance to pay for your damages, which happens far too often to motorcycle riders. If you have this protection, it will pay you and your rider for bodily injuries caused by an uninsured or underinsured driver. Unfortunately, there are many (now-a-days, most) drivers in Florida who have no insurance but continue to drive and cause accidents. To make matters worse, Florida has even more drivers who carry only the minimum legally required insurance with no bodily injury

insurance coverage. Subsequently, if you are in a wreck with any of these drivers, the chances of recovering any damages for your bodily injuries are slim to none unless you have uninsured motorist insurance coverage.

In Florida you can buy “stacking” uninsured motorist coverage. This simply means that when you own more than one vehicle that is insured by the same insurance company on the same policy that you can “stack” your uninsured motorist coverage for each vehicle. In other words, if you owned three motorcycles and three cars and all six vehicles were insured by the same company and you elected to have \$100,000 stacked uninsured motorist coverage for each vehicle, you would have \$600,000 total



in uninsured motorist coverage available to you should you be involved in an accident with an uninsured driver. Therefore, if you were

in a car crash or motorcycle crash with serious injuries, you could recover up to \$600,000 from your own insurance company for your injuries. In essence, this insurance acts as if the other driver had \$600,000 worth of bodily injury insurance. Another benefit of stacking insurance is that your insurance follows you and your family. So if you or a family member are in someone else’s vehicle, or you are riding a bike, or walking, and another car hits you, stacking uninsured motorist coverage will still protect you. This coverage is very important, and most insurance companies are reluctant to sell it to their customers. When you speak with your insurance agent, make sure you stress how important it is to you that your family and you

are fully protected with uninsured/underinsured motorist coverages. It costs extra to get the policies stacked, but it is well worth it when a catastrophic injury happens.

Bodily Injury Insurance is optional insurance that is recommended for motorcyclists. Bodily injury insurance will pay for any damages arising out of injuries or death to others for which you, as the motorcycle owner and/or driver, may be at fault for causing. Bodily Injury Insurance is NOT required by law; therefore, if you are in a crash and you only had the minimum insurance required by law and the other parties (the other driver and owner of the car that caused the wreck) only carried the legal minimum insurance, you probably would not be able to receive any monetary compensation for your pain and suffering. For example, assume you are driving your motorcycle without any insurance. Then, another driver who is totally at fault crashes into you and injures one of your legs so badly that doctors determine the leg must be amputated. Even though the other driver was totally at fault, you probably would not recover any money for your medical bills, pain and suffering, mental anguish, the loss of your leg, the loss of future wages or the loss of your ability to earn money in the future. This terrible situation develops when the other driver does not have bodily injury insurance to cover you for your loss. However, there are some things you can do to protect yourself from the multitudes of uninsured/underinsured drivers on the road. Here's how . . .

Comprehensive Insurance covers loss or damage to your motorcycle resulting from perils such as fire, theft and vandalism.

Collision Insurance pays for damage to your bike caused by impact with another automobile or object regardless of fault. So if you hit a bad patch of sand or gravel on a curve

and your bike goes down, this insurance will cover the damages to your bike. Some motorcycle collision policies also cover your riding gear as well.

Health Insurance will pay some of your medical bills. If you drive a motorcycle, health insurance is especially important since there is no PIP insurance. However, health insurance is totally separate from your automobile insurance and may have an exclusion for bills caused by a motorcycle accident. So please check your health insurance policy to make sure you are covered.

INSURANCE -- WHAT DO I GET FOR MY PREMIUMS?

When you buy liability insurance, the insurance company agrees to give you two things. First, the insurance company agrees to “Indemnify” you and secondly, they agree to “Defend” you.

Indemnify means that if you are negligent and injure someone or cause damages, your insurance company will pay for the damages you caused up to your policy limits. So, indemnification means to pay for the damages.

The second duty the insurance company has agreed to do is to defend you in any claim brought against you. This means that for the premiums you have paid, the insurance company will pay for the cost of defending you. They will pay for investigating the claim, the cost of attorneys, experts, investigation, surveillance, and many other costs and fees to defend you. There is no limit to how much the insurance company will pay to defend your claim, even though you may have selected a small policy limit. A common example is that insurance companies may pay their lawyers to defend a case \$25,000.00 or more to defend a \$10,000.00 policy limit claim.

WHAT DUTIES DOES THE OTHER PERSON'S INSURANCE COMPANY HAVE TOWARDS ME?

None! The adverse insurance company owes you no duty at all. They are in a purely adversarial posture towards you. They only owe a duty of good faith and fair dealing to their customer, their insured. So if they treat you badly (which happens a lot) and they don't want to pay you for your damages, or your injuries, or your rental car, or your property damage, you don't have a lot of leverage except to hire a lawyer and let the lawyer threaten them with a lawsuit.

WHAT DUTIES DOES MY OWN INSURANCE COMPANY HAVE TOWARDS ME?

Your own insurance company owes you a duty of good faith and a duty of fair dealing. This is a fiduciary duty, which means that your insurance company should act in your best interests. They are not allowed to put their interests ahead of yours.

For illustrative purposes, let's assume you have comprehensive insurance coverage on your motorcycle and something happens, like a tree falls on your bike and your motorcycle is damaged. When you call your insurance company and ask them what coverages you have that might apply to your damaged bike, they must tell you about every insurance coverage you may be entitled to. They have to tell you in good faith everything you might be able to recover, such as towing, repairs, and rental reimbursement. They also have a duty in fair dealing to fairly evaluate the damages and costs to fix your motorcycle, and to pay you, or the repair shop, promptly for any covered losses.

For a second example, I will use a car accident, where you are at fault and only had \$10,000.00 of bodily injury (liability) coverage. Imagine you cause a rear end collision with another car that was stopped at a red light. Assume you are 100% at fault. Assume the person you had the crash with has a lot of damages and injuries. They go to the hospital, they go to the doctors, they miss a lot of work. They try to settle their claim with your insurance company, but your insurance company won't pay them. So the insured person hires a lawyer. The lawyer sends a letter to your insurance company stating that his or her client has serious injuries, has medical bills, lost wages, and will have more medical bills and lost wages in the future. The lawyer says that his client has damages which exceed your policy limits, but since your policy limits are only \$10,000.00, they will agree to accept them now and settle the whole claim. At this point, your insurance company owes you a fiduciary duty to settle the claim against you to protect you from having to pay more than your policy limits. They have a duty to obtain a full release on your behalf. This is in keeping with their fiduciary duty of good faith towards your best interests. Your best interests are to have this claim resolved and end any potential risk of financial loss to you in the future, which might come from a lawsuit being filed against you and having a jury award more than the \$10,000.00 policy limits against you.

If a suit is filed against you, your insurance company will have a duty to defend you. This duty to defend requires them to hire and pay for an attorney to defend the claim brought against you. Your insurance company should hire competent attorneys to protect and defend your interests. The attorney(s) have a legal duty to act in your best interests and should be able to hire various expert witnesses to address the issues in the claims brought against you. The attorney should be able to fully investigate the claim, and

spend the time necessary to protect your rights. This is again the insurance company's duty of good faith and fair dealing towards you and your financial interest. This is the law and the insurance company's duty. However, often times the insurance company forgets about their fiduciary duty to you and instead focuses on their desire to maximize profits for their company. As a result, they may forget the duty they owe to you and trample your financial interests. Here is how:

When the insurance company thinks they can save themselves some money (make more profits), and instead of paying your policy limits to the injured person, they offer less than the policy limits, say \$5,000.00. As a result of not paying the full policy limits, the injured person and the lawyer reject your insurance companies offer to pay the lesser amount, and rejects the counteroffer of \$5,000.00 and files a lawsuit against you. This may be bad faith on the insurance company's part because instead of protecting you by settling the claim, they protected their money and put you at risk.

WHAT IS INSURANCE BAD FAITH?

Florida law says an insurance company is acting in bad faith when they are:

Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly towards its insured and with due regard for her or his interests. . .

The first part of bad faith requires that the bad faith is done by your insurance company. The second part is that they don't act in your best interests when they make decisions about the claim.

Bad faith is when any insurance company puts their financial interests ahead of their customer.

There are two types of insurance bad faith. One is called “first party” bad faith, where your insurance company jerks you around. And the other type of insurance bad faith is called “third party” bad faith, in which the adverse insurance company jerks you around, but at the expense of their insured.

It is important to know the adverse or the other person’s insurance company owes you no duty at all. They can act in bad faith towards you all day long and not get into trouble from you because they don’t owe you any duty. However, if they act in bad faith which puts their customer at risk (like not settling the claim against their customer when they should), then they have committed bad faith against their customer, not you.

Many people think that when an accident happens and it was not their fault and the insurance company for the bad driver won’t pay them the fair compensation to settle the claim, that the insurance company is acting in bad faith. This is incorrect. Bad faith is when your insurance company breaches their fiduciary duty of good faith and fair dealing with you.

**HOW MUCH TIME
DO YOU HAVE TO MAKE A CLAIM?**



The sooner the better! However, in most accident cases, but not all, you have four years from the date of the accident to make your recovery or to file a lawsuit, and only two years if a death

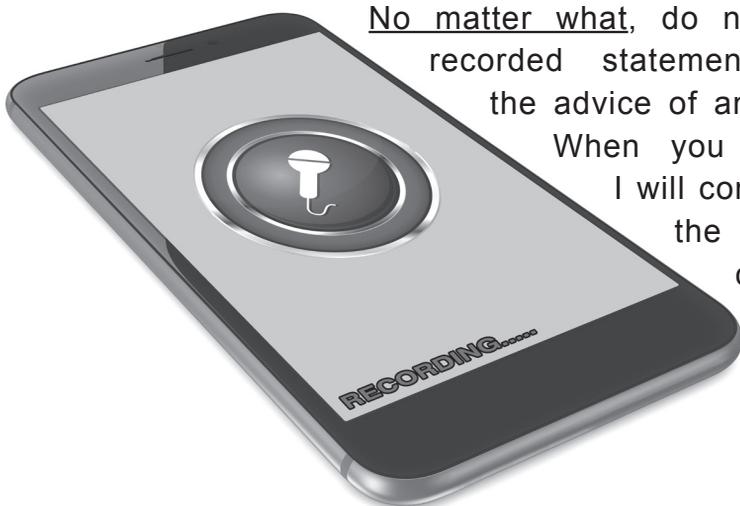
is involved, and five years to bring an uninsured/underinsured motorist claim. Remember, it is best to call my office immediately for a free consultation. There are many exceptions to the four and five year statutes of limitations, and if you do not file a lawsuit within the statute of limitations period, you will be forever barred from making any claim. Please don't take a chance; call my office today, (813) 222-2222 or toll free at (844) MATTLAW.

CONTACTING YOUR INSURANCE COMPANY

You need to contact an experienced personal injury attorney and let them deal with the insurance company for you. With the guidance of your attorney, contact your insurance company within 24 hours. If you have insurance, your insurance company needs to know about the accident and the extent of the damage to your motorcycle, other cars, any other property damage, and the extent of any known injuries. If a report is not made promptly, your insurance company may not honor your policy and try to deny your claim.

No matter what, do not give a recorded statement without the advice of an attorney.

When you hire me, I will contact all of the insurance companies for you.



REPORTING MINOR ACCIDENTS TO THE INSURANCE COMPANY

Do you have to report the accident to your insurance company? Yes, it is important to notify your insurance company of the claim if you have collision, comprehensive, and uninsured motorist insurance. You have paid expensive premiums for years and if you do not report the accident to your insurance company, they may deny you the benefits you need and deserve. Keep in mind, it is extremely important to consult with your attorney prior to contacting your insurance company.

Some people do not report minor accidents to their insurance company if no one was injured, or if the damage to the vehicles was slight, believing not reporting an accident will keep their insurance premiums low. If however, someone was indeed injured, the insurance company may not pay the claim since the accident was not reported within a reasonable time.

INSURANCE COMPANIES PROPAGANDA

The insurance companies have billions of dollars at their disposal and they can spend large sums of money to defend a case even though it is clear the accident victim suffered a legitimate injury due to the negligence of their insured.

Insurance companies also have enormous marketing budgets; therefore, they have a tremendous amount of money to spend on propaganda. They do their best to mislead the public into believing there's an insurance and lawsuit crisis and that victims of accidents and their attorneys are undeserving of compensation. They try to persuade the public that victims and attorneys are the ones responsible for rising medical costs and high insurance premiums. Unfortunately, they have done an excellent job of convincing the public and, of course, all of this is untrue!

INSURANCE ADJUSTERS KNOW WHO AND WHAT YOU ARE DEALING WITH

Insurance adjusters are highly trained experts taught how to deny claims and reduce payment of claims. They handle thousands of claims each year. If you have been injured, chances are this will be your first claim. Claims adjusters are thoroughly trained by insurance companies to save as much money as possible. They have computer networks handling all of their files and private investigators who spy on people making legitimate claims. They have access to information about you such as credit reports, your medical history, previous injuries, and insurance claims. They have thousands of lawyers and doctors who work for them, not for you, and have expensive public relations departments and lobbyists in all 50 states that are very powerful! You need someone on your side with experience, knowledge, and commitment to protect your rights. So, please don't hesitate to call me for a free consultation.



If you are uncertain about what to say or not say about your claim, you are probably better off not talking at all. Before talking to an insurance company, you can discuss the facts of your case with me, Matthew Powell, by calling my office at (813) 222-2222 or toll free at (844) MATTLAW. There is no obligation and no cost to speak with me and it is completely confidential. If you have a question, call now before you possibly make a costly mistake. If I accept your case, I will talk to the claims adjusters for you, relieving the stress these calls can cause, and I will do this without any out-of-pocket cost to you.

WHAT HAPPENS WHEN THE AT-FAULT INSURANCE ADJUSTER CALLS?

Beware of recorded statements. You do not have to give the other driver's insurance company a recorded statement and you should not do so! If anyone asks you for a recorded statement, you need to say "not until I have consulted an attorney first." Do not give a recorded statement or sign any papers without consulting with an attorney experienced in handling accident cases. I suggest that you have an attorney talk to the other insurance company for you.

However, should someone come to your house or call you, it is better for a friend or a relative to speak with the claims adjuster rather than you. If you speak to a claims adjuster, you will rarely improve your claim. It is usually best to have an attorney talk to the adjuster to be certain the facts about the accident are correct. Many times a claims adjuster will want to know immediately all about your injuries. Do not be lulled into what you believe is a friendly unimportant chat. The claims adjuster has a job to do and that job is to save the insurance company money. So, a claims adjuster should casually ask "How are you today?" and you politely say "Fine," then the adjuster will write down in his or her journal you are not hurt since that is what you said on the phone that day. The insurance adjuster who calls you will try to get you to admit the accident was partially your fault! If they can get you to admit that, then the insurance company can avoid paying you the full value of your claim. Unfortunately this type of mistake can often be very costly to you.



WON'T THE INSURANCE COMPANY BELIEVE YOU AND PAY YOUR DAMAGES?

No! The insurance company is in business to make a profit. They do this by charging hefty premiums and then trying to reduce their costs by minimizing payment of claims. Since they handle so many claims, they make enormous profits by not paying the full value of every claim and denying the claim altogether or by delaying payment of a legitimate claim to earn interest on your money.

As if the trauma and inconvenience of the accident were not enough, the insurance company may require reams of documentation (to the point of harassment) to have you substantiate your claims of lost wages, time spent in therapy, and expenditures related to the maintenance of your health. Remember, if you are getting the runaround from your insurance company, it is time to contact me, because I am an experienced board certified civil trial lawyer, certified by the Florida Bar.



HOW DO YOU KNOW HOW MUCH MONEY YOU ARE ENTITLED TO RECOVER?

Insurance companies rely on the fact that you do not know the true value of your claim. They will try to tell you what your claim is worth and attempt to settle the claim with you before an experienced attorney reviews your claim and gives you their opinion regarding the value.

Chances are, an experienced claims adjuster knows a lot more about your injury than you do. Remember, the insurance company is motivated to settle your case as quickly and as cheaply as possible before you realize the true extent of your damages or injuries.

Experienced claims adjusters want to minimize the risk of paying claims; therefore, they will try to offer an injured person a quick, but unfairly low settlement in exchange for a full release. If an adjuster can persuade you to sign a release it will prevent you from making any future recovery, even if your injuries turn out to be much worse than you expected.

WHICH INSURANCE COMPANY WILL PAY?

If you have collision coverage, your insurance company should pay for the damages to your bike no matter who was at-fault. If you do not have collision coverage, the other driver's insurance company should pay your property damage provided you were not at-fault in the accident. A property damage insurance adjuster or appraiser from the claims office will usually negotiate and pay your claim. When speaking with them, do not discuss the details of your personal injuries and never provide a recorded statement. It is best to tell them your attorney will be handling your bodily injury claim and that they must contact me with questions about your injuries.

If you have collision coverage with your own insurance company, it is usually best to deal directly with them. While you will be required to pay your deductible (if any), you may recover it later from the person who caused the accident. Sometimes your insurance company will get your deductible back for you. You should not be afraid to make a claim against your insurance company because you are fearful they will increase your premiums. Your insurance company is not allowed to raise your rates or cancel your coverage as a result of a claim unless the accident was partially your fault. They may, however, raise your premiums for other reasons.

Most insurance companies want to settle property damage claims as quickly as possible so they can close your file and go on to the next claim. Therefore, you can speed up this process by knowing the property damage claim number, where your bike is located, where you want your bike repaired, and having a friend assist you with talking to the adjusters.

YOUR LOST WAGES

Florida common law says that accident victims have the right to be made “whole” again. This term simply means the victim should be put back in the same condition after the accident as you were before the accident occurred.

Because of your injuries, you may be forced to miss work or otherwise have your income interrupted. Your



ability to earn money in the future may also be impaired. You have the right to make a claim in order to be compensated for your past and future wage losses.

Any time lost from your job or costs incurred in the process of treating your injuries (travel time, transportation costs, affiliated repair expenditures, time spent at the doctor's office or in therapy, etc.) are also part of your claim that you may be able to recover.

CAN YOU BE PAID FOR YOUR TIME AND AGGRAVATION?

Florida law allows for bikers to be compensated for the time and aggravation associated with getting their vehicle repaired. You can recover damages for all the inconveniences associated with the crash, along with pain and suffering, loss of wages in the future and the loss of the ability to earn wages in the future when you are a victim of a crash on a bike.

It is interesting to know that these types of losses are not recoverable for a car accident victim unless they can show they have a permanent injury from the crash. This is one small advantage in the law to help bikers.



HOW TO GET YOUR MOTORCYCLE REPAIRED WITHOUT A LAWYER

You can have your motorcycle repaired without a lawyer! Even though a lawyer is representing you for your personal injury claim, you can usually settle your property damage portion of the claim yourself faster, easier, and cheaper than with the aid of a lawyer. By settling the property damage portion of your claim as quickly as possible, you can avoid aggravation, avoid unnecessary storage fees and avoid the unnecessary loss of your bike's use.

After you are discharged from the hospital, you can locate your bike by contacting the police who will tell you which company towed your bike. Arrange for a friend or relative to photograph your damaged bike and your license plate should be removed if you believe your motorcycle is totaled. An injured person should always try to avoid contact with an insurance company adjuster; therefore, it is usually wise to have a friend or family member handle everything.

It is critical for a friend or family member to get good pictures of your vehicle's damage prior to any repairs. Make sure the damaged areas of the vehicle are photographed so a jury will be able to see the full extent of the damage to your bike. If you are lucky, you might see the other vehicle, or vehicles that were involved in the crash at the same tow yard. If so, take several photographs of their damages as well. Hopefully, a trial will not be necessary, but it is far better to be safe than sorry. Taking pictures is critical to preserving the value of your claim.



Also, take photographs and save your helmet, clothing and footwear. These items are important to protecting your claim as well, so don't throw these important pieces of evidence away.

PROPERTY DAMAGE WHEN THE OTHER PARTY HAS NO INSURANCE

If the owner of the car that caused the crash has no insurance, you can send a copy of the crash report, along with a judgment you have received from the court, to the Department of Motor Vehicles with a letter telling them about the uninsured car owner and driver. The Department of Motor Vehicles will then suspend their driver's license for failing to meet the Florida Financial Responsibility Law. Their driver's license will then be suspended until they pay up to \$10,000.00 in damages, enter into an agreement with you to pay the damages, or file bankruptcy.

WHERE TO HAVE YOUR MOTORCYCLE REPAIRED

Generally speaking, the motorcycle manufacturer dealerships are a good place for an initial repair estimate since they are best qualified to work on your bike.

While factory dealerships are a good place to start, many other shops can also provide excellent service. Look for a body shop with a good reputation in your community and ask for recommendations from friends. Once you find a body shop that you want to repair your vehicle, submit the estimate to the insurance company. If the insurance company thinks the estimate is too high, let the body shop and the insurance company haggle over the price. The body shop should be on your side and they should want to get your bike fixed properly. They should be able



to recognize when the insurance company is trying to cut corners. Remember, you do not have to use the body shop recommended by the insurance company. Sometimes they can do

substandard work or use substandard parts. You are entitled to have the same kind and the same quality parts that were in your vehicle prior to the accident and if your bike is brand new, then brand new parts will be required. On the other hand, an older motorcycle would not necessarily be entitled to brand new parts.

HOW MUCH WILL THEY PAY TO REPAIR YOUR BIKE?

The insurance company will pay (until the policy limits are exhausted) the lesser of:

1. the actual cash value of your motorcycle, or
2. the amount necessary to repair it.

If the cost of repairing your bike exceeds 80% of its value, the insurance company will total your bike and pay you its actual cash value. You will then be required to sign documents transferring your bike's title to the insurance company, so in effect, they will have purchased your wrecked bike.

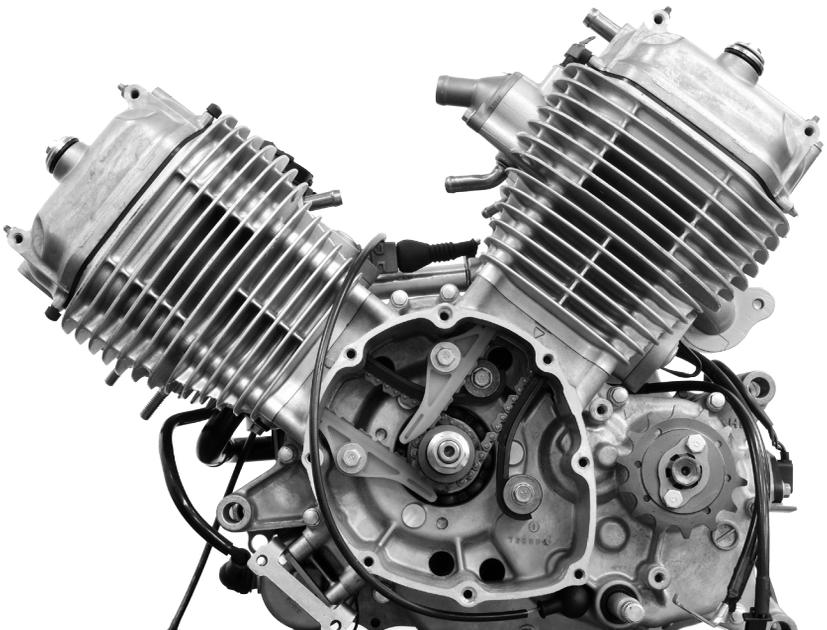
IF YOUR MOTORCYCLE IS TOTALED

If your motorcycle is totaled, the insurance company will determine its actual cash value based upon a comparison with other bikes of the same year, make, model, options, condition and mileage. In the event that you and the insurance company do not agree on the value of your bike, you need to prove its value by comparison to similar motorcycles for sale. Your comparisons will help you explain why the insurance company's offer is substandard and why they should pay you more for your bike. You can find comparisons at CycleTrader.com, classified ads, motorcycle dealerships, NADA books and on various web sites on the Internet. Finding out as much information as you can will help you negotiate a better price. As a last

resort, you can tell the insurance company that you want them to purchase the replacement vehicle since some insurance companies use car locating services to find a bike similar to yours. In other words, they will find a bike with the same make, model, year, options and mileage and they will buy and deliver it to you. This option resolves any arguments about the value of the bike since the insurance company replaces it for you.

HIDDEN DAMAGES

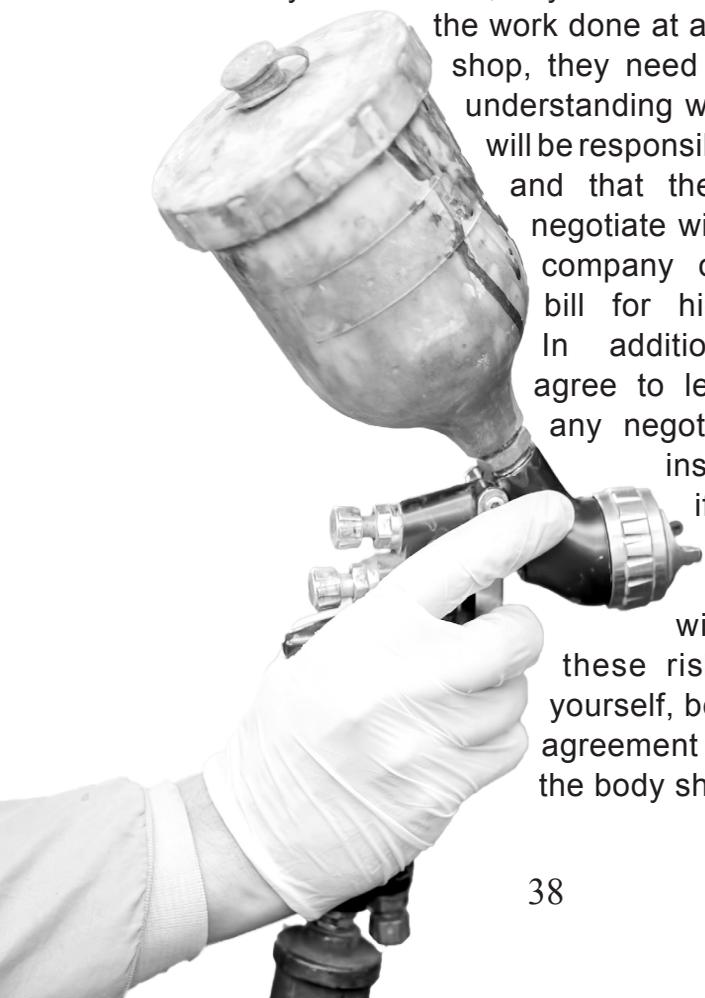
After the insurance company has appraised the damages, they will usually issue a check to you and/or the selected body shop. Remember, do not sign a full release for the property damage until the vehicle is completely fixed. If your motorcycle is in a body shop chosen by the insurance company and hidden damages are discovered, the insurance company will write a supplemental check for the additional repairs. However, if your bike is in a bodyshop that you selected, they will need to notify the insurance company of any hidden damages they discover and get authorization for the extra repairs. Otherwise, it is you who will be charged for the additional work.



HOW TO AVOID PROBLEMS BETWEEN YOU AND THE BODY SHOP

If your bike is being repaired by a shop that you selected, the insurance company may refuse to pay part of the repair bill and you could end up paying part of the money out of your own pocket. Furthermore, if the shop is slow in making repairs, the insurance company may only pay for a rental car for a limited number of days, and you might have to pay for the additional rental yourself. Therefore, it may be in your best interest to select a shop from the list provided by the insurance company since this will enable you to complain to the insurance company for any problems that might arise from delays. However, if you have decided to have

the work done at a particular repair shop, they need to have a clear understanding with you that they will be responsible for any delays and that they will have to negotiate with the insurance company over any repair bill for hidden damages. In addition, they must agree to leave you out of any negotiations with the insurance company if they want to fix your bike and they must be willing to accept these risks. To protect yourself, be sure to get this agreement in writing with the body shop!



IF YOUR BIKE CAN BE REPAIRED

The insurance company may request that you bring the vehicle directly to them for an estimate. Many insurance companies have drive-through facilities that will appraise the damages while you wait. However, when your vehicle is not drivable, they will go to wherever it is located.

YOU ARE ENTITLED TO BE PAID FOR THE TAG REGISTRATION AND THE TAXES

If your bike is totaled, you are entitled to be paid for the sales tax and the registration fees. Generally, the insurance company will pay for sales tax after you have purchased the replacement vehicle. If you buy a vehicle that costs more than your wrecked one, the insurance company will pay sales tax only on the value of the wrecked vehicle and if you buy a less expensive one, the insurance company will keep the difference in sales tax, only paying what was actually spent on the vehicle.

AUTO	REGISTRATION VALID FROM	TYPE	LICENSE NUMBER
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UNIQUE IDENTIFICATION NUMBER KUG0NSR28012814		CLASS	TOVT
BODY TYPE MODEL	CLASS	DATE FIRST SOLD	IN QUANT
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DATE ISSUED	TYPE	VEHICEL	TOTAL DUES/TAXES
12/27/2004	120	0	\$175
			1900
REGISTRATION	SMITH JOHN D		
	1234 MAIN ST.		
	ANYTOWN CA 90000-0000		

If you owe money on your vehicle, the insurance company will issue a check payable to you and the finance company. Once the finance company receives payment, they will send the motorcycle title to the insurance company, then the finance company will pay you the amount that remains after your loan has been paid. If, however, you owe more on the bike than the amount paid by the insurance company, the finance company will keep all of the money and seek the difference from you. Unfortunately, you cannot recover this financial loss from the other driver and the most the insurance company is obligated to pay is the actual cash value of your vehicle regardless of your financing situation. Therefore, beware of 'upside-down financing,' which simply means that you owe more for the bike than it is actually worth.

PROPERTY DAMAGE RELEASES

Most property damage claims are settled without a release and you should never finalize your property damage claim until all bills for towing, storage, rental, repair, sales tax, and tag registration fees have been paid. For your protection, it is important to show any releases to your attorney before signing them. Furthermore, never sign a release of 'all claims' or 'your personal injury claim' because these releases are both unfair and illegal. Remember, it is illegal for an insurance company to withhold settling your property damage for the purpose of pressuring you to settle your injury claim. If this happens, contact me immediately.

LOSS OF USE

If you decide not to rent a vehicle, the insurance company is still responsible for the loss of use of your motorcycle which is generally the cost of renting a similar bike. If you own more than one vehicle and you have the benefit of an extra car to drive, you are still entitled to the loss of use of your motorcycle. Hence, the insurance company is not entitled to a windfall because of your fortunate situation.

RENTING A REPLACEMENT VEHICLE, BIKE OR CAR

You are entitled to rent a motorcycle similar to your own. However, renting a bike is often difficult to do. You may prefer to rent a car instead. Telling the rental company that an insurance claim is being made should help get you the best rate. You should ask your insurance adjuster to recommend a rental car company with the best rates. Some insurance companies have a direct billing plan with a rental company and they might pay for the rental car directly, rather than reimburse you at a later time.

HOW LONG CAN YOU RENT A VEHICLE?

If your motorcycle is unsafe to drive, you are entitled to a rental vehicle from the time of the crash until a reasonable time to make the repairs. However, if your bike is safe to drive, then you are entitled to a rental car only while your motorcycle is being repaired. If your bike is totaled, you are then entitled to a rental vehicle up until the time the insurance company decides to declare your bike totaled, plus an additional 5 business days to enable you to purchase a new bike. Any rental expenses beyond these periods will most likely be at your expense. If your insurance company is providing a rental car, your insurance policy will control the duration, the type, and the cost of a rental car and most insurance policies limit the expense per day as well as the maximum number of days.



IF YOU CANNOT RENT A CAR OR BIKE



The insurance company is not responsible if you cannot rent a vehicle because you are not old enough or you do not have the necessary credit cards or you cannot get insurance.

They are only responsible for paying what is called the 'loss of use' of your vehicle. Sometimes, the loss of use can be the cost of cab fare, which can far exceed the cost of renting a car. Therefore, be sure to save all of your transportation receipts!

WHAT YOU SHOULD DO AFTER A CRASH

1. CALL 911 for help! Let the operator know the location of the crash and the severity of the injuries. They will dispatch Fire Rescue for any injuries and send the police to the scene. The police usually respond quickly to most accidents, but not always to minor accidents. They are most interested in filing an accident report if there were laws broken, such as if drug or alcohol use were involved, or if there was substantial damage to cars, property, or serious injuries to people. A written report is required by the State of Florida for every accident involving personal injuries or property damage in excess of \$500.00. If the police do not come to the scene, you should file your own report by going to a police station or sheriff's office and asking for a "Drivers Report of Traffic Crash" form. The report is simple to fill out and must be mailed to The Department of Highway Safety & Motor Vehicles, Attention Traffic Crash Records, Tallahassee, Florida 32399. Filing a crash report is especially important if you need to make an uninsured motorist claim with your insurance company.
2. After you determine whether you are injured, check to see if anyone else was injured. If someone is seriously injured, you have a duty to render aid and call an ambulance. Florida law requires you to give reasonable assistance to any injured person. However, you should not attempt to provide treatment to someone unless you are trained in first aid. Even with good intentions you may make the injury worse if you do not know what you are doing. Do not move anyone who is badly injured unless leaving them where they are could possibly cause greater injuries.

3. Leave your bike or car where it is unless it is dangerous to do so and, even then, it's usually best to wait until the police arrive. Whether the vehicles should be moved or not depends on the severity of the crash and where it occurred. The best 'rule of thumb' in a serious accident with injured people is the vehicles should not be moved until the police arrive. If vehicles must be moved before the police arrive, mark the location of the vehicles tires before they are moved.

PRESERVING VALUABLE EVIDENCE

Saving evidence is critical to prove fault in many cases. Evidence that needs to be saved quickly include witnesses' names, photographs of skid marks, road gouges, and property damages. Unfortunately, as time passes, memories fade, debris and pieces of the wrecked cars are moved or lost, and valuable witnesses leave the scene. Therefore, it is best to start preserving the evidence as quickly as possible.

Identify Witnesses: As soon as possible get the names, addresses and phone numbers of anyone who witnessed the accident.

Write down or ask them to write down or record on your cell phone what they saw or know, so that we can use this valuable information



later. Try to record where the witnesses were located when the crash occurred. If you do eventually go to court, written notes of what a witness said can sometimes make the difference in winning or losing your case.

Exchange Drivers' Information: Florida law requires you to provide the other drivers involved in the accident with your name, address, vehicle registration number, and show them your own driver's license. You also need to see their driver's license to record their name, driver's license number, and address. It is also important to record their license tag number, registration number, the make, color and year of their car, and obtain as much information as you can about their insurance. Use your cell phone camera to take pictures of their drivers license, insurance card and try to take a photograph of them as well. Find out who owns the car and get the names and addresses of all the passengers. They are likely to become witnesses to the crash, and may be needed later for your claim.

Take Photographs of Everything: Most cell phones have very good cameras. Take photographs at the scene of the accident from various perspectives of the vehicles, skid marks, debris on the road, what view each driver had before the crash, gouge marks, injuries, other drivers,



traffic signals, lights, curbs, and anything else you may need. You never know what little piece of information may make a difference later.

when taking photos follow (page 63)
"HOW TO PHOTOGRAPH EVIDENCE"

Make A Diagram: If you don't have a camera, make a sketch of the accident scene. Show the location of the cars before, during, and after the crash. Be sure to measure skid marks, mark the position of street signs and signals, estimate the speed of each vehicle, and record details about the weather, road conditions, and anything else that will help you remember what occurred.

Go To The Hospital: You need to see a doctor as soon as possible. Serious injuries do not always show immediate symptoms and it is better to be safe than sorry! Going to



a hospital emergency room immediately after the crash will ensure your injuries will be written down by a doctor. If you sustained permanent injuries from the crash, going to the hospital immediately will make it easier for your regular treating physician, insurance company, and the other driver's insurance company to understand that your permanent injury was caused directly by the crash and not something prior to the crash.

WHAT TO DO WHEN THE POLICE ARRIVE

When The Police Arrive: Be polite and show the police officer your driver's license, registration, and proof of insurance. Remain calm and answer the questions they ask. Explain how the accident occurred, who was where, what color the traffic lights were, etc. Do not admit fault and if you believe the other driver was drinking, let the officer know why you think alcohol was involved. If you have any injuries, tell the police officer so he can include that in his report. Remember to write down the police officer's name, ask for the crash report number, and find out when the report can be picked up.

WHAT YOU SHOULD NOT DO

Do Not Admit Fault! After exchanging the required information, never comment or volunteer information about the accident to anyone except the police. Keep your notes and opinions to yourself, and never admit that you were careless or wrong. Statements made during the excitement and tension of a crash can be wrong and may be very costly to you. There is a time to admit responsibility for an accident AFTER all the facts are in, not before.

Do not agree to pay for any damages. Do not sign a release or any papers, unless you are given a ticket, then you need to sign the ticket. Signing a ticket is not an admission of guilt, is it merely an acknowledgment that you received the ticket.

DON'T WAIT TO SEE A DOCTOR

Unfortunately, many people think they are not hurt badly after a fall, when in fact, the opposite may be true and proper medical care is required. It is common for someone to feel “shaken up” after an accident; however, they may not feel any pain. Subsequently, a few hours later when the energy from the accident disappears, many accident victims develop headaches, backaches, neck and shoulder pain, and sore muscles. Should you develop any of these symptoms, it is important to go to a hospital or walk-in clinic as quickly as possible to see a doctor for an examination.

INJURIES

When someone has been seriously injured, which includes being unconscious, broken bones, or severe cuts and lacerations,



immediate and proper medical attention is necessary. If you receive a serious injury, demand an ambulance rush you to the nearest emergency room for treatment. Once your condition is stabilized, you can take care of other concerns such as selecting the best doctors to treat your injuries, getting your motorcycle repaired, and any other details.

WRONGFUL DEATH

Deaths caused by cars crashing into motorcycles are on the rise. Unfortunately, as I write this book, the National Highway Traffic Safety Administration reports we have a 2% increase in rider fatalities from 2010. 49% of all motorcycle deaths were caused by a bike colliding with another vehicle. 38% of these deaths were caused by other vehicles making a left turn in front of motorcycles. 6% of the deaths in 2011 were due to bikers being hit from behind. Statistics show that a motorcycle rider is 30 times more likely than a car passenger to die in a motor vehicle crash.

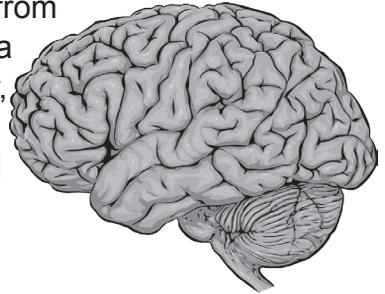
Almost 5,000 motorcyclists were killed on our highways in 2012. This is a 7% increase since 2011. There is a very short time limit for the family of a victim to make a claim for a wrongful death since the statute of limitations is only two years! This is why it is extremely important to call me immediately at (813) 222-2222 or toll free (844) MATTLAW.

The pain and suffering of a family following the death of a loved one is only the tip of the iceberg. The death of a parent or spouse can also cause severe financial hardships which cannot be overcome without compensation from the negligent party. It is not uncommon for the death of a spouse to cause a future loss of income that can exceed \$1,000,000.00. That is in addition to the pain and suffering

caused by the tragedy. If you are ever faced with this situation, a board certified injury attorney can document and prove both the financial and emotional losses caused by the wrongful death.

HEAD INJURIES

Head injuries are the primary cause of death for riders. Brain injuries caused by motorcycle accidents can range from a mild injury causing memory loss and personality changes, to a severe injury causing total inability to communicate or function in society. Unfortunately, any kind of brain injury is a permanent condition that requires very specialized and expensive medical care, in addition to the loss of the ability to live a normal life. Helmets help protect your head and brain from injury. Even the best helmet is not a guarantee against injury, however, proper helmet-use reduces the risk of a brain injury by 67% and the risk of death by 37%.



PARALYSIS

Motorcycle accidents cause the greatest number of quadriplegic and paraplegic injuries of all motor vehicle accidents. The cost of rehabilitation, treatment and assistive devices cost millions of dollars, not to mention the affect these injuries have on a victim's life. In cases involving paralysis, there is usually a loss of income, as well as future medical costs that can add up to millions of dollars. Sometimes the accident victim needs special ongoing care for their lifetime, as well as special equipment to allow them to be as active as possible following the injury. By hiring a board certified civil trial lawyer, you increase the chances of making a full recovery for your losses rather than relying on what the government will provide.

AMPUTATIONS

Motorcycle crashes often cause fractures, cuts and infection to riders' legs and feet. Road rash also increases the risk of infection, which leads to osteomyelitis (infection of the bone). Even with the best antibiotic medications, a bone infection often leads to an amputation. Amputation injuries are catastrophic, devastating and cost victims millions of dollars in their quality of life, loss of earning capacity, and the associated medical costs.

ROAD RASH

Third Degree motorcycle road rash is the most serious form of a burn caused by friction with road surfaces. This occurs when the abrasion completely breaks down all five layers of the skin down to the subcutaneous fat. A third degree road rash is prone to infection and requires immediate medical care. Second Degree road rash is when the underlying layers of the skin remain intact, but there is very obvious injury that requires medical treatment such as cleaning of the wound, and infection prevention. This will likely leave a scar. First Degree road rash is similar to a rug burn and with cleaning and proper first aid, the burn should not be serious.

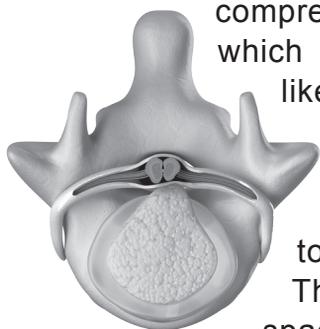
SPINAL INJURIES

If you are involved in an accident, your spine may be twisted, stretched, and/or bent beyond normal limits. Sometimes an accident injures a vertebral disk, which is the soft tissue in between two vertebrae bones. Imagine an Oreo cookie, the two chocolate cookie parts represent the bones in your back and the white filling is your vertebral disk. When your spine is bent beyond its normal limits, the two hard vertebral bones may squeeze the vertebral disk out of its normal position and cause the disk material to press on a nerve in your back, or even press directly on your spinal cord.

A bulging disk occurs when a vertebral disk is pushed out or extends beyond the normal disk space, but is not ruptured or torn. If a disk is bulging, it may press on a nerve root or the spinal cord itself, and is at risk of herniating (breaking) later. This can cause great pain and is a dangerous condition.

A herniated disk is a vertebral disk that has been injured by the bones around it from compression, tearing, or twisting which causes some of the jelly-like disk material to break out of its 'bag'. Your vertebral disk is like a jelly doughnut, and if the doughnut is squeezed too hard, the jelly squirts out. The disk comes out of the disk space and presses into areas of your spine where it does not belong. In this situation, the disk is broken and the disk material has no place to go except onto your nerves and muscles around your spine.

If a disk is herniated, parts of the disk may press on the spinal cord or nerve root badly enough to cause shooting pains down the nerve creating a numbness or tingling in parts of the body, or even a loss of the bodily function controlled by that nerve. Very often a person has shooting pain down their legs from a disk injury in their back. This condition is commonly known as sciatica pain and can include the loss of bladder or bowel control. If the injury is severe, the pressure on the nerve can cause extreme pain, and in very severe cases even paralysis.



WHAT TO EXPECT IN THE EMERGENCY ROOM

When you go to the emergency room, you are usually interviewed by a nurse, followed by a doctor. Give them an accurate description of the accident. They will also ask about your past medical history. When you are examined by the doctor, it is very important to tell them about any prior injuries or health problems. Withholding any information, will hurt your chances of making a full recovery. The doctor will probably ask you if you were wearing your helmet at the time of the crash. If you were wearing a helmet during the crash, make sure you let them know. Following the interview, x-rays are taken to see if there are any fractured bones. Depending on the findings or nature of the complaints or injuries, specialists may be consulted for further diagnosis and/or treatment.



NORMAL X-RAYS ARE COMMON

Many accident victims do not realize they have suffered a disk injury even after having x-rays at the hospital emergency room. An x-ray only shows the bones in your neck and back; it does not show the disks. However, a test called an MRI (Magnetic Resonance Imaging) will clearly show any kind of disk injury.

Sometimes a disk injury can occur and appear as a sprain and strain injury to the ligaments in your neck or back. This is why it is important to see a doctor who specializes in spinal injuries and is experienced to accurately diagnose and treat spinal injuries. Generally speaking, medical professionals who specialize in diagnosing and

treating accident victims' injuries are more equipped to handle accident trauma than general practitioners or family doctors. They also take the extra time to write out all of their notes and findings; having full and complete documentation of your injuries and conditions makes it easier for an insurance company or a jury to see all of your damages and injuries, which makes it easier to get all of the compensation you deserve.

MEDICAL TREATMENT AND DOCUMENTATION

Fortunately, many accident victims who follow their doctor's instructions obtain relief from their injuries. However, many injuries may never completely heal, thereby causing a permanent and painful injury that will never disappear. Therefore, it is not enough for a doctor to be a good healer, they must also be skilled at documenting your injuries by writing credible, factual medical reports justifying the diagnosis, treatment, and healing of your injuries. Some doctors will provide an initial report outlining the injuries at the beginning of treatment, and then once you have reached maximum medical improvement, they will prepare a final report which can be provided to the insurance company for payment of your injury claim. You can help your doctor by being consistent with your complaints of aches and pains, and making sure they document your complaints each time you are treated.



MEDICAL SPECIALISTS

An orthopedist is a medical doctor who specializes in diagnosing, treating and healing broken bones, fractures, chipped vertebrae, joint injuries, muscle, ligament and tendon injuries, as well as misalignment of bones and disk injuries.

A chiropractor is a specialist who focuses on restoring alignment to the spine. This can include adjusting the joints and muscles to improve flexibility, range of motion and reduction in pain. Proper spine alignment can help remove stress on muscles and nerves, and restore their function to help the body heal.

A neurologist is a medical doctor who specializes in diseases and injuries to the nervous system. A bump to the head can cause an injury to the brain and a sprain can cause pinched nerves. Neurologists are experts at detecting injuries to the brain, spinal cord, nerves and vertebral disks.

A radiologist may be consulted to interpret x-rays or your doctor may suggest an MRI. An MRI is a special examination that allows a radiologist to see the soft tissues of your body, which can include the vertebral disks in your back and neck. With an MRI, the doctor can identify bulging or herniated disks, look at the nerves to see if they have been injured, see if they are being pinched by disk material, and they can determine if there are any torn ligaments in your knees, elbows, or shoulders.



A neurosurgeon is a medical doctor who is an expert surgeon specializing in very delicate and complex surgeries involving the nervous system, the brain, and the spinal cord. Many of the surgeries they perform are to alleviate pain caused by herniated or bulging disks which press on the spinal cord or nerves.

A psychologist is a doctor who provides psychological therapy and is sometimes needed to help an accident victim recover from feelings of fear, anxiety or depression resulting from an accident. This is often called post traumatic stress disorder.

A physical therapist is an expert who helps the patient rehabilitate injured areas of the body through exercise, massage and other hands-on treatment.

WHEN SHOULD I SEE A LAWYER?

The adage “an ounce of prevention is worth a pound of cure,” is as true with legal matters as it is with regular medical checkups. Often we turn to lawyers as a last resort after the insurance company made a low offer to settle your case, or after a recorded statement was given. You must quickly find out who is the best lawyer for you before this happens. Good legal advice is one of the greatest preventative measures a lawyer can provide. It cannot only save you money in the long run, but also save you from unpleasant difficulties later. If you call me sooner and I get paid on a contingency fee basis, it does not cost you a penny more to hire me immediately and get the benefit of my advice sooner rather than later. Also, it gives me a head start to gather important evidence that may be critical to obtaining a full recovery for you. So, I urge you not to wait; call me immediately. (813) 222-2222 or toll free (844) MATTLAW.

DO YOU REALLY NEED A LAWYER?

An especially astute person may be able to use this book to pursue his or her own claim against the perpetrator of an accident and the insurance companies liable for the damages. I hope that you find enough information in this book that you don't need a lawyer. However, representing yourself is a bad idea when you consider the alternative of having an experienced board certified lawyer guide you through the process. If you decide to hire me to help you with your case, I will do so without any out-of-pocket expenses from you and I will do the following:

1. Give you a free, no obligation initial consultation to discuss and evaluate your accident or wrongful death case;
2. Help you find the best repair facility for your damaged bike;
3. Assist, if necessary, in determining which medical professionals can best diagnose, treat, and heal your injuries and those who will accept payment for the treatment of your injuries after your claim has been settled with the insurance company;
4. Have investigators assist in locating eye witnesses and taking photographs of the accident scene and the vehicles involved;
5. Help you complete the insurance forms;
6. Protect your interests if you must give a recorded statement;
7. Review all releases and forms that you sign;
8. Answer your questions, and guide you through the maze of resolving your claim;
9. Meet with you at your home or in the hospital if you cannot come to my office;
10. Negotiate with the insurance companies for you and, if necessary, I will file suit for your damages.

When you choose me to represent you, you can count on my experience in dealing with insurance companies. You can learn whether you are eligible to receive compensation for your lost wages, inconvenience, pain and suffering, future disability, future lost wages, and future medical bills. If I accept your case, it will be on a contingency fee basis. This means that I will not be paid for my legal services or costs unless a recovery is made for you!

Another very important thing to consider is this: The Billion Dollar Insurance Corporations use thousands of lawyers in order to protect their own interests. Therefore, when an insurance adjuster offers you an unfair, substandard amount of money for your damages, injuries, and pain and suffering, and you protest their offer, they can say, "Take it or leave it." Then what do you do? I know exactly what to do, I will sue the irresponsible parties that caused your injuries and see that a Jury of your peers decides what is fair for your claim, not the insurance company.

24 QUESTIONS TO ASK A LAWYER BEFORE YOU HIRE THEM

1. Are they Board Certified by the Florida Bar as a civil trial lawyer?
2. Are they Nationally board certified by the National Association of Trial Lawyers?
3. Are they a specialist, are they board certified as a civil trial lawyer?
4. Have they taken a wrongful death case all the way through trial?
5. Have they tried a case like yours before and won?
6. How often do they actually stand in front of a jury and ask the jury to award money for injuries?
7. When was the last time they stood in front of a jury to try a case like yours?
8. How many million dollar jury verdicts do they personally have?

9. Have they taught other lawyers how to try wrongful death and catastrophic injury cases?
10. How many books have they written on the subject of personal injuries?
11. Do other lawyers refer them cases instead of using referral sources such as 411 pain, or Ask Gary?
12. Will they take your case on a contingency fee basis?
13. What types of experts will they likely use to help maximize your recovery?
14. How many cases have they recovered over the policy limits?
15. What is their strategy to deal with low policy limits?
16. Ask if other lawyers refer them wrongful death and catastrophic injury cases to try because the lawyers don't have the experience.
17. Do they file lawsuits on most of their cases or do they just settle?
18. Are they willing to go all the way to trial if the insurance company won't offer fair compensation, or will they try to settle because they are afraid to fight?
19. Ask the lawyer if they ride motorcycles.
20. Do they specialize in injury law, or do they do other things like divorces, criminal law, and bankruptcy?
21. Do they have the resources to take your case all the way to trial and hire the needed experts to prove your case?
22. Ask them if they graduated from law school with honors.
23. Ask them if they have ever represented insurance companies in the past, or do they still represent insurance companies today.
24. Ask if they are admitted to practice before the United States Supreme Court.

WHAT TO EXPECT YOUR ATTORNEY TO DO FOR YOU

At my law firm we offer highly personalized, individual legal services to our clients. We meet and consult with each client personally and follow his or her case through every stage. Since we concentrate on the quality of each case, rather than on high quantities, we are highly selective and do not accept every case. We work toward maximizing each and every client's settlement or verdict. Substandard offers are immediately met with the threat of a lawsuit. Clients are kept informed of all aspects of their case so they will have sufficient information to make informed decisions. Of course, you, the client, will make the final decision as to accept or reject a settlement offer or to take the next step and file suit for your damages.

We provide guidance and advice about every aspect of your case. I have created educational videos to help you better understand each step in the process of your case.

WHY YOU WANT TO HIRE A TRIAL LAWYER AND NOT A SETTLE-YOUR-CASE LAWYER

Why you want to hire a trial lawyer? Well, no one really wants to go to trial. Trials are fraught with stress, expenses, and risks. So if someone said, "Hey, don't hire a trial lawyer because you don't want to go to trial," they are doing you a big disservice. Here is how and why:

TWO SCENARIOS: Two identical cases with the only difference being the lawyers

SETTLE YOUR CASE LAWYERS: Lawyers who never go to trial are not much of a threat to the insurance companies. Imagine if you are an insurance company and your job is claims adjusting. You decide how much to pay injured people and your goal is to pay as little as possible.

You have two similar cases with similar injuries, liability, and the only difference is the lawyer who represents the injured people. Let's assume that one lawyer settles every case and the other is an experienced trial lawyer. As the adjuster who wants to save money, how should you pay these two identical claims (except for the lawyers)? What will the lawyer who never goes to trial say and do if the insurance company only offers 50% of the value of the case? Well, assuming he won't file a suit, or won't go to trial, he has no leverage to increase the value of the case. So the lawyers only option is to encourage his client to take the low offer, or else the lawyer has to tell the client to hire another lawyer and get less or no fee.

VERSUS

TRIAL LAWYER: Now in contrast, the adjuster must decide how much to pay the injured victim with the lawyer who consistently files suit and takes them to trial. If the adjuster offers this lawyer the paltry 50% of the value of the case, this lawyer knows exactly what to do; he will file a suit and seek the full value of the case. Now the insurance company has to spend money to pay a lawyer to defend the case. Now the case just got a lot more expensive with the costs of the defense lawyer and now they have to pay "Insurance Doctors" to examine the injured person, and pay the "Insurance Doctor" to come to court and testify that there is little or no injury.

The insurance company will likely end up paying the full value of the claim, and at the same time, incur the additional expense of defending the case. So from a purely pragmatic standpoint, it is in the insurance companies best interest to pay the trial lawyer the fair value of the claim because, in the long run, it is cheaper. So in these two scenarios, it is in the insurance companies' best financial interests to pay

the trial lawyers' client a fair settlement to avoid the cost and risk of a trial. It is also in their best financial interest to pay the settlement lawyer as low as they possibly can.

WHAT MAKES A LAWYER A GREAT TRIAL LAWYER?

They have very advanced skills, teach other lawyers how to try cases, conduct their own focus groups, attend advanced continuing legal educational classes, and they travel around the world to meet with, hire, and depose the top experts in the world.

What makes an athlete a great athlete? Time in the saddle. It is simple: the best fighter pilots are the best because they go into combat often and they get better with every experience. You want the same with your personal injury lawyer.

So, what makes a lawyer good at settling a case? Well, settling lots of cases. But what happens when the settling lawyer is offered less money than a case is really worth? Do they say, "Hey, this is not a fair offer, let me put on my combat boots, let me spend a lot more of my money for the legal costs to file a lawsuit and go all the way to a jury



trial?” Or do they call you and say, “Well, this is the best we can do. I think you should take the money. Sorry, but this is all there is.” Do they talk to you and explain why fighting will cost you more money in the long run?

Here is the straight scoop. It is hard to be a trial lawyer. It requires passion, dedication, courage, fortitude and a strong sense of leadership to face the adversity of billion dollar insurance company resources. But, as a trial lawyer, what I think is harder than fighting for my client, is the pain and the loss I see every day when lawyers just settle cases for less than they are really worth because they are either lazy, unskilled, or afraid to fight the good fight.

Some lawyers are there to fight for your rights and others are more interested in helping themselves. Find a lawyer who is not only willing to help you fight for your rights, but who also has the required knowledge and expertise to do so successfully. A specific lawyer may really want to help you, but if they are not an expert and they are not board certified by the Florida Bar, they may be more harmful than they are helpful. Personal injury lawyers who represent injured people do not defend against injury lawsuits, so make sure you choose the lawyer who only represents injured folks. You may ask, why wouldn't every lawyer try to be a “settlement lawyer” and just negotiate the best that they can and not take any risks or costs, or expend energy on a trial? Trial lawyers know that if they don't keep trying cases, the insurance company will start lowering their offers. Like the frog in the pot of water on the stove. When you put the frog in the water it is okay, then you turn on the stove and it gets hotter over time, but the frog does not jump out and eventually dies. Trial lawyers know that the jury is the only risk the insurance company faces in a personal injury case. As a lawyer, if you are lazy, and just take the easy money, as time passes, the

money becomes less and less. As a potential client, who would you rather have negotiating your settlement? A lawyer who is no threat to the insurance company? Or a lawyer who fights for his clients' rights and will go all the way if necessary?

If you are a trial lawyer, you know that you better work hard to sharpen your skills and learn as much as you can to become excellent at trying cases. If you are trying cases, and you are going to invest your time and money in your cases, you are going to fight extra hard to win the case; otherwise you will never make any money. The result of this hard trial work is the insurance companies know that if they don't settle your case, they will likely face a very talented trial lawyer in front of 6 jurors who will ultimately decide what is fair compensation. The risk of a fair jury is what motivates insurance companies to pay more to people who are represented by skillful, hard working trial lawyers.

WHY YOU WANT TO HIRE A BOARD CERTIFIED CIVIL TRIAL LAWYER

What is the big deal about Board Certified Lawyers? Board certification recognizes attorneys' special knowledge, skills, and proficiency in various areas of law, professionalism, and ethics in practice. Certification is the highest level of evaluation by The Florida Bar for the competency and experience of attorneys in the 24 areas of law approved for certification by the Supreme Court of Florida. Established in 1982 by the Florida Supreme Court, board certification helps consumers identify specialists in various areas of law. Board certified Florida Bar members are the only Florida attorneys allowed to use the terms "Board Certified," "Specialist," "Expert" or B.C.S. for "Board Certified

Specialist” when referring to their legal credentials. Only six percent of eligible Florida Bar members (approximately 4,600 lawyers) are board certified.

Here is what the Florida Bar says: “No matter how much experience a lawyer might have, only Florida Bar Board Certified Civil Trial lawyers may call themselves experts or specialists in this area. Board Certified lawyers: “Evaluated for professionalism, tested for expertise.”

OTHER KINDS OF ACCIDENTS AND INJURIES

Although the information contained in this book focuses primarily on motorcycle safety and crashes, it can also be helpful in other kinds of accidents or injuries as well. Whether you or a friend have been injured in a slip and fall accident, by a defective product, a dog bite, a bicycle accident, or even if a loved one is the victim of a violent crime or rape in an apartment complex or shopping center, the information in this book can be helpful in protecting you from a second “mishap” -- that being the mismanagement of your claim! By being prepared and documenting important events, facts and witnesses, you are improving your chances of making a full recovery.

HOW TO PHOTOGRAPH EVIDENCE

How to take great photographs to help preserve key evidence in your personal injury claim.

Depending on the circumstances, photographs can be the most valuable and easy to obtain items you can get to prove fault and damages in any injury claim. Whether it is a motorcycle crash, car accident, slip and fall or any other type of claim, pictures are worth a thousand words. Even if you think the fault is clear and obvious, you may later be surprised that the insurance company or the lawyers for the at fault

party may have a different theory or interpretation of who is at fault for your injuries. By taking lots of good photographs you may protect your claim and prevent later distortions of the truth about what really happened.

Here are a few tips to take better photographs to help protect your claim.

The first and most common mistake people make is they never take any photographs. They think that somehow someone else will take pictures, or they just don't think about taking them.

The second most common photography mistake is taking photographs too close to the subject. For example, a photograph of just the cracks in a windshield may have a lot of detail about the broken glass, but the picture lacks perspective. It is hard for a person who looks at that photograph to get a clear understanding of what happened and how big or small the damages are. So the first and second tip to taking good photographs is to start farther away from the subject and take lots of pictures going from the general perspective to the specifics. In other words, take general photographs from several angles to create a general overview of what you are documenting, and then get closer and closer to the important images.

The third most common mistake with photographs is they get lost, deleted, or the phone they were taken with is damaged or lost and so are the pictures. So, please, copy, save, or backup your photographs in a safe place where you can easily find them.

The fourth most common mistake is using a crummy camera. Like the low resolution flip phone cameras. If this is all you have at the scene, then use it. But later when you have time, make sure a good digital camera is used to re-take the pictures so you and your lawyer will have high quality digital photographs that can be enlarged into a poster for use at trial. The old simple cell phones just don't have enough resolution to show blow ups or details of important evidence.

Taking good photographs and keeping them safe is very important to preserving the value of your claim. Again, we have all heard the saying that a photograph is worth a thousand words. It is true. Good pictures can make the difference in your recovery. The extra effort taken up front to save this evidence will result in a higher offer or verdict.

Photographs of the scene of the crash:

If you can, take photographs of the scene of the crash immediately after the collision, do so. Take photographs before the police arrive. Before the police asks everyone to move their vehicles. You want to take pictures that show where the debris (broken parts of the vehicles) from the collision landed on the ground. For example, broken glass on the road may be important to document the point of impact, where the glass fell onto the ground may be a key point of evidence. If you wait too long to take a picture, the broken parts may be run over by other vehicles, swept away, or moved. If you can safely take photographs right after the mishap, do so. If you can't, don't worry about it. Take care of your health and safety first.

If you have time to take photographs, take pictures of important traffic devices such as stop signs, traffic signal lights, etc. Try to take these pictures that include

the location where the collision occurred so that a person looking at the picture has some perspective of where the sign was located in relationship to where the accident happened. By including reference points in the photographs it makes it easier to see how and why some driver was at fault.

If there are items in or around intersections that block drivers views such as trees, signs, bushes, grass, hills, curves or anything that makes it harder for people to see other vehicles, try to take photographs of the visual obstacles. Also, take several pictures from the various points of view of each driver. Take pictures from each person's point of view, and try to show how these visual obstacles are in the line of sight. And move slightly in between each picture to help show that different positions and different angles can make it harder to see.

Photographs of property damage after the crash:

The next day after a crash may be the first opportunity you have to take any photographs, so here is how to make them count. The keys to taking useful photographs of vehicles are; 1) Take one photograph of each side of each vehicle. For example, the front of the car, the drivers side, the back of the car, and the passenger side. Each one of these photographs should show the whole car. 2) Take four more pictures standing back from the four corners of the vehicle. For example, the front drivers side corner. Stand back and take a picture of the front corner of the vehicle that shows the whole side of the car and the whole front of the car. Take this type of photograph from each corner. By taking these first eight pictures, you now have a great set of photographs that show the general condition of the car. After taking these

photographs, you can then start taking more pictures and closer photographs of the specific details that are important. If the vehicle was hit from behind, then take several photographs of the back of the car. You may need to take some photographs very close to the ground, or even under the vehicle to show frame damage. I suggest opening the trunk and taking photographs of the inside of the car because often times the car may look fine from the outside, but the inside may have damages. Don't forget to lift up the cover to the spare tire and examine and photograph the spare tire area. Examine and photograph the edge of the trunk lid also.

You may notice that the quarter panels of a vehicle are bowed in or out. Try to take pictures that show how the metal is damaged. Sometimes the space between a quarter panel and a door shows that it has been compressed due to a collision. You might want to photograph the space between the door and the panel and use some sort of marker, like a coin, or a ruler. Then take the same photograph on the other side of the car that is not damaged. By having one photograph on the damaged side and one from the undamaged side, it makes it much easier for some one looking at the pictures to see the difference.

Lighting is also important when taking pictures of property damage. Often times if the damage to the car is in the shade, it may be hard to see some of the detail. In this case, move the car to get more light on the damaged areas. Occasionally, the sun is too bright and the reflections may make it difficult to see damages. In this situation, move the car to a shady location to take the photographs.

Photographs of injuries:

Documenting the cuts, scrapes, bruises, broken bones, burns or any other type of injuries are useful and important photographs. Again, start from general photographs and work your way down to details of the injuries.

If the person needs bandage changes, it is a good idea to take photographs just as the bandages are being changed. This will preserve the actual cuts or burns, rather than just the bandages. When a cast is removed, take a few pictures immediately after the cast is removed.

Also, take pictures often. As time goes by some injuries will look worse, and others will look better. It is okay to document the healing process. It helps to track the date of these photographs so that later everyone will know how many days after the injury the photograph was taken.

Accident scene:

General photographs of where the accident happened.

Any marks on the ground, to property such as fences, trees, grass.

Any traffic signals, stop signs, yield signs, light poles, cross walks.

Any debris or broken parts of vehicles on the road or ground.

Any visual obstacles around intersections.

Any damaged objects around the crash site, such as guard rails, street signs, trees or grass.

Vehicles:

Take one photograph of each side of each vehicle. Front, back, left, right. Then take one photograph of each vehicle from the four corners of the vehicle.

Take several photographs of each area of damage moving slightly closer and closer.

Open doors, trunks, hoods and photograph any hidden damages.

Examine under the vehicle for any frame damages.

Injuries:

Take photographs of the whole person.

Take several photographs of the injuries moving closer and closer to document any details.

Take photographs over several days to show the changes in the healing process.

If bandages are used, or casts to broken bones, take photographs of the wounds just as the bandages are removed.

If the person is hospitalized, take pictures of them in the hospital bed with all of the wires and tubes connected to them.

Keep track of the dates you take the injury photographs (like using the date stamp on digital cameras) so that later you can explain when each photograph was taken.

By taking and preserving photographic evidence you dramatically improve the chances of making a full recovery for your losses caused by the negligent person or corporation. These are suggestions that you can use to help protect your rights. If you can't take any photographs, don't stress out. Just call my office and if we accept your case we can have our investigators take any and all pictures that might still be possible to take to help your case. If you are not sure what to do, call me, Matt Powell at (813) 222-2222 or (844) MATTLAW.

INSURANCE CHECKLIST FOR YOUR CARS, AND OTHER FOUR WHEEL VEHICLES

Bodily Injury Insurance or Liability Insurance

Carrier: _____

Limits: \$ _____

Policy Number: _____

Phone Number: _____

Uninsured Motorist Insurance:

Carrier: _____

Stacked or Non-Stacked: _____

(You want Stacked)

How many vehicles are covered: _____

Limits of Insurance: \$ _____

Policy Number: _____

Phone Number: _____

Comprehensive Insurance

Carrier: _____

Limits: \$ _____

Deductible: \$ _____

Policy Number: _____

Phone Number: _____

Collision Insurance

Carrier: _____

Limits: \$ _____

Deductible: \$ _____

Policy Number: _____

Phone Number: _____

Named Drivers: _____

Vehicles Insured: _____

make/model/year _____

Umbrella Insurance

Carrier: _____

Limits: \$ _____

Deductible: \$ _____

Policy Number: _____

Phone Number: _____

MattLaw®.com

INJURY ATTORNEYS

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Matthew Powell is Board Certified as a Civil Trial Lawyer by the Florida Bar

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(941) 888-8888 Sarasota, Manatee,
Charlotte and Desoto

(352) 888-8888 Alachua, Citrus,
Hernando, Lake, Marion, Levy, Dixie,
Putnam, Sumter, Bradford, Gilchrist
and Pasco

(863) 222-2222 Polk, Desoto, Glades,
Hendry, Hardee, Highlands, Okeechobee
and St. Lucie

HOW TO SELECT THE BEST LAWYER FOR YOU CHECKLIST

Important attribute or skill your lawyer should have	YES	NO
Board Certified by the Florida Bar as a Civil Trial Lawyer		
Board Certified by the National Association of Trial Lawyers		
Have at least 50 personal injury jury trials to verdict		
Has tried at least one personal injury case in front of a jury in the past 6 months		
Has tried a case like yours all the way to jury trial		
Has several million dollar jury verdicts		
Teaches other lawyers trial skills		
Has authored useful books regarding personal injury cases		
Hires top experts to help prove your case		
Knows the science of liability, causation and injuries		
Knows the medicine regarding your types of injuries		
Has handled wrongful death trials		
Has a record of settling cases above insurance policy limits		
Has graduated from a prestigious law school with honors		
Is admitted to practice law in the United States Supreme Court		
Will meet you at your home or hospital for a free consultation		
Will the attorney keep your file or refer it out to another lawyer		
Knows Motorcycle laws, science and physics		
The lawyer's name on the letterhead will work on your case		