



ST. PETERSBURG BICYCLE ACCIDENT GUIDE

*What To Do If You're Seriously
Injured In A Bicycle Accident*

SALTER, HEALY, BASSETT & RIVERA



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PERSONAL INJURY TRIAL ATTORNEYS



It is often a convenient form of transportation to use your bike to get around. It's good for the environment, your health, and often times your wallet as well. What you are probably already aware of are the hazards that come with riding your bike. The roads aren't easily sharable with cars and bikes and it can lead to some

pretty horrific events. If you have been seriously injured in a bike accident, you're probably feeling scared and frustrated. If you're missing time from work and you have a lot of medical bills, then the frustration is probably amplified. We are here to guide you through your bike accident claim every step of the way. Our Florida bike accident attorney would be glad to set up a free consultation to go over your case with you. Please read and learn a bit about your case, then give us a call.

HOW TO WIN THE MOST COMPENSATION

Luckily for some people, in Florida, you can receive compensation for your injuries even if you are deemed to be mostly at fault for causing the accident. You could have swerved into the road and gotten hit and still receive an award. The downside with this is that it is not without consequence. If you share any fault, you will have a reduced award. For example, if you were to be deemed as 10% at fault for causing the accident, you will have to have your award reduced by 10%. Let's say you were awarded \$10,000. You would be able to collect \$9,000. If you are deemed 100% at fault for causing the accident, then you will be barred from receiving compensation. Our goal is to prevent you from being blamed for causing the accident.

NOT TALKING TO THE INSURANCE COMPANY

The people who will try to blame you for the accident include the liable party and the insurance company that represents them. The insurance company will reach out to you shortly after the accident and ask you to give them a recorded statement. It is in your best interest not to give them one. You should let your attorney take over all communications. If you were to talk to them, they would be asking you all of these weighted questions that would give you no option but to answer unfavorable. They will take advantage of the fact that you are probably still recovering from these injuries and they will do whatever they can to reduce what they owe you or be able to throw away their case.



WHAT TO DO AFTER THE ACCIDENT

Seeking medical attention is going to be the most important thing that you do. The injuries that you suffer from an accident like this can be severe. They include traumatic brain injury, broken bones, spinal cord damage and more. Immediately after the collision, if you are conscious, you may have a ton of adrenaline that will mask the pain you will most certainly feel when it wears off. Don't use that as a reason not to see the doctor.

At the scene, if you are able to wait for the police to show up, there are a few steps you might want to take to get evidence. You can talk to witnesses and get their contact information, get insurance information from the driver involved in your accident, and take photos of everything on the scene that seems relevant. It is also very important that you do not say it was your fault to anyone no matter if you think you caused it or not. You might be wrong. If you are unable to stay on the scene or your were taken away on an ambulance, you can have a friend or

family member come collect evidence for you. You may also consider hiring an attorney right away who can step on the scene for you and collect the evidence.

HOW LONG YOU HAVE TO FILE A CLAIM

If you want to ensure that your case is going to have the best possible chance of success, you need to make sure that you get everything done on time. Florida law states that you need to have filed your claim or settled it in civil court within four years from the date of your bike accident. That means if you wait four years and a day to try to file a claim, you will be barred from receiving compensation altogether. You'll want to ask quick after your accident so that you don't risk losing precious evidence and witness statements. The sooner you get an attorney, the better off you will be.



FREQUENTLY ASKED BICYCLE ACCIDENT QUESTIONS

How Do I Pick the Best Attorney?

Last month, a gentleman came into our office who'd been seriously injured in a bicycle accident. Because his injuries were so serious, he was insistent on finding the best qualified attorney in the St. Petersburg area. The first thing I told that gentleman was he needed to find an attorney who handles only personal injury cases, and specifically bicycle accidents. There are a lot of attorneys out there that, if you walk into their office, they'll be happy to take your case, but they handle all types of cases – from family law issues, to bankruptcies, to real estate – and they don't have the experience to handle a bicycle case best or how to maximize a recovery based on your serious injury. The first step is hiring an attorney who only handles personal injury.

The second step is to find an attorney who is board certified in civil trial law. That's a certification by the Florida Bar, and less than 1% of the attorneys in the state have obtained it. The only way to obtain it is to go to trial, and have judges and attorneys give reviews to the Florida Bar that the attorney has the expertise and skill to be called a specialist in civil trial law.

Not only do you want to find someone who's board certified and only handles these types of cases, but you need to find somebody who regularly goes to trial. If your attorney doesn't regularly go to trial, they're going to be in a category of attorneys who are going to get lesser settlements, because every insurance company and every defense lawyer in the St. Petersburg and Tampa area knows which lawyers don't go to trial, and which do. Trial lawyers end up getting better settlements.

What Are the Common Mistakes?

A gentleman who had been in a bicycle accident was seriously injured and very concerned about recovering for his bicycle accident injuries. He was concerned about whether he was making mistakes and what advice I could give him about avoiding mistakes in his bicycle accident case, so I told him a few things.

If you're in a bicycle accident, the first thing you need to do is make sure that you call law enforcement and document the scene and what happened in the accident. The next thing you need to do, when you leave the scene of the accident, is get medical care immediately. That could be via ambulance, an emergency room, at a walk-in clinic, or other appropriate medical professional, but you can't wait a period of days or weeks. You want to get immediate medical care, because that's going to make a big difference in proving your case.

The other thing that you need to do is make sure that you do not call anyone at any insurance company, or speak with them if they call you. People often feel like that's something they need to do. The insurance professionals are trained to ask questions in a way that will minimize your claim going forward. You need an attorney to handle those conversations for you, someone who understands what needs to be done and what information does and does not need to be provided to the insurance company at that time.

The last mistake people make when they have a bicycle accident injury is they might hire the wrong attorney do. You could somebody on TV, but those attorneys may not practice exclusively in personal injury or handle bicycle accidents. Furthermore, those attorneys may not be board certified civil trial attorneys with the Florida Bar. If you hire someone who's not a board certified civil trial attorney, then you're hiring someone who doesn't have the additional qualifications that allow them to say they are a specialist in civil trial law and are in the top 1% of civil trial lawyers in the state.

What Steps Do I Need to Take for a Successful Claim?

Recently, someone came into our office regarding a serious bicycle accident that they were in, and they wanted to know what the steps of their case would entail. First, we want to make sure that our client is receiving the treatment that they need. If they have not already received medical treatment, we can assist with that.



Second, we want to gather evidence. If there are witnesses, we want to take those statements. If there are photographs of injuries, we want to make sure that we get those as quickly as possible. Sometimes evidence is lost and we want to make sure that that does not happen. Third, we want to contact the insurance company who ultimately will be liable. Part of our investigation is to find who is at fault for this accident and what insurance company is ultimately going to be responsible for our client's damages.

Once our client has fully recovered from their injuries, we submit a demand to the insurance company. That's when we submit medical records, medical bills, and evidence so that the insurance company can evaluate the case. Typically, the insurance company has 30 days to make an offer. Once we receive that initial offer, we will discuss that with our client and we would advise our client if the offer is fair or if it's unreasonable. If an offer is fair, then we can begin negotiations. More often than not, the initial offers are unreasonable. If an offer is unreasonable and an insurance company is not fairly treating our client, then we need to file a lawsuit on behalf of our client.

What Do I Do After a Bicycle Accident?

I was meeting with a client who was injured in a serious bicycle accident and, fortunately, she did everything right. If you're injured in a bicycle accident case, it's important that you do everything right, too.

The first thing that you should do if you've been injured in a bicycle accident case is to make sure law enforcement is called. Make sure that they arrive at the scene, assess fault, and document any evidence at the scene. The next thing that you should do is make sure that you get the contact information for any independent third-party witnesses. Often in bicycle accident cases, the drivers of cars deny that they're at fault. They claim that the bicycle shot out in front of them and that they had no opportunity to avoid it. Often, it is the testimony of these independent third-party witnesses that make our client's case a success when liability is disputed.

The next thing that you should do is seek immediate medical care. Don't try to tough your injuries out, because the insurance companies will use any gaps in treatment against you to claim that your injuries are not the result of your accident. The next thing that you should do is document any injuries. If you have cuts or bruises, make sure that those visible injuries are documented to help us prove your case.

The next thing that you should do is hire an experienced board certified civil trial attorney who specializes in personal injury law. Don't talk to the insurance companies first because insurance adjusters are trained to ask you questions designed to minimize any payout they owe you for your injury.

Can We Avoid Trial?

I had a client ask me recently, "Are we going to have to go to trial on this case, or is there a way that we can avoid that?" I told her, as I tell every client, the main reason that we try cases is because the insurance company is not reasonably and fairly evaluating your case and offering what they should offer. If that happens, we'll try the case and we'll go ask a jury to do the right thing.

The way to avoid having to try a case is by being prepared. We will be thorough in our preparation for depositions and for discovery during the litigation process. Very importantly, we will have you thoroughly prepared for any depositions. If it comes to it and you have to testify in court, you'll be prepared, not only for talking about the facts and your injuries in that bicycle case, but also what sort of cross examination may be coming from the insurance company. We'll also have medical providers prepared and ready to go as well as any experts that we have to hire. If we do have to try that case, the insurance company will see that if they're not going to do the right thing, then we're going to be ready for a jury to do it for us.

How Much is My Claim Worth?

We met with someone who was in a serious bicycle accident. They were struck by a car and one of the questions they had was, "How do I determine the value of my case?" This is difficult to answer at the beginning of the case, but there are factors that we'll be looking at to make sure we prove your case and help you understand what the value of your bicycle accident case is.

The first is the medical care that you obtained. What types of doctors did you go to? What was the cost of that care? What injuries did those doctors determine you had? We'll make sure that you go to an appropriate medical professional who will take MRIs, x-rays, and provide treatment that will help you to get better. Also, we'll document those injuries so we can provide that information to the insurance company and the defense lawyers. We'll obtain the medical bills, so that we know what the cost of that care was, to make sure that those medical bills are taken care of.

We'll also work with the medical professionals to determine what you will need in the future for your medical care. Will you need to get more therapy? Will you be seeing the doctor the rest of your life because of these injuries? Are you going to need surgery in the future? Will you need multiple surgeries? Those are important questions, and we need to know from the doctors the value of those things so we can present those damages on your behalf.

A client of ours who was hit on a bike missed significant periods of work because of serious injuries in the bicycle accident. If you've missed work, we have to document those lost wages. We have to make sure that we recover those lost wages on your behalf and if you're going to miss work, or lose your job, that we can make that claim for you and present it to the insurance company or to a jury if need be.

Finally, we look at how this accident has affected interactions with family, and the activities that you like to do together. That's an important damage, although difficult to value, because it's the loss of enjoyment of life.

Is There a Requirement for Medical Bills to File a Claim?

Recently, a client who was involved in a bicycle accident came into our office and they were concerned that they would not be able to present a claim because they had minimal medical bills. They wanted to know if there was a certain amount of bills that they had to have in order to pursue a claim. The answer is that there is not a certain threshold that one needs to have to pursue a claim.

We first ask any potential client if they still have any ongoing problems or if they need further treatment. If someone needs additional treatment, we make sure that they get to the appropriate doctors for that treatment.

Who Will Pay My Medical Bills?

Recently, we received a phone call from someone who was seriously injured in a bicycle accident. They were riding their bike in the bike lane and they were still hit by a vehicle. They started receiving medical bills from the emergency room and they needed follow up care, and they had those bills piling up. They called us wanting to know who was going to pay for those. In every case, the person who caused the accident is going to pay for that. Their insurance company would be responsible for paying those medical bills. Not only would they be responsible for paying past medical bills, but also future medical bills and pain and suffering.

Do I Need to Give a Recorded Statement?

I met with a client who was injured as the result of a bicycle accident with a car. In the days leading up to speaking with me, the individual had been getting repeated calls from the car driver's insurance company asking to give a recorded statement, and the client was unsure of whether or not they had to give that statement. No one is obligated to give an insurance company a recorded statement, and no one should give an insurance company any type of statement without first talking to competent legal counsel, specifically a board certified civil trial lawyer, with a history of successfully prosecuting bicycle versus car accident claims.

The insurance adjusters are trained to ask questions and elicit responses from you that are designed to eliminate or minimize any payment to you for your injuries.

Should I Take the First Offer?

I had a client in a very serious bicycle accident ask me recently, "Should we take an initial offer that came in from the insurance company?" There are a lot of factors involved in answering that question, but typically, nine out of ten times, the answer is no. When that initial offer is made, we haven't pushed the case very far, and usually you have to litigate the case. You have to have depositions, discovery, and take it to the courthouse steps if necessary. If a reasonable offer doesn't come in at that point, then we'll try the case.

How Long Will This Case Take?

I had a new client call me recently. She was riding on a bicycle and was hit by a car in a very serious crash. She wanted to know how long the case would take. I told her that, in all of these cases involving bicycle accidents there will be a pre-suit time period first before we file a lawsuit. During that pre-suit time period, she would be getting the medical treatment that she needs to treat her very serious injuries from that bicycle crash.

At the end of that time period, we would then submit a demand to any insurance carrier responsible for her damages. If they don't do the right thing and settle the case, then we would file a lawsuit. You have to be patient as lawsuits can

take time and can be extensive. There are depositions that have to be taken, paper discovery that has to be exchanged, and a settlement conference that will happen during that process.

At that conference, if the insurance company, again, doesn't do the right thing and settle that bicycle case, we would seek a trial date and go to trial.

Can Preexisting Injuries Affect My Bicycle Accident Claim?

We recently prevailed in a case involving a bicycle rider struck by a car, and the defense said that the injuries were preexisting. While my client did have significant preexisting conditions to the spine, her conditions were made worse as the result of being struck by the car. Insurance companies always claim that preexisting conditions are the real cause of a person's problem, rather than the aggravation of those conditions.

Florida law allows individuals who have been injured as the result of someone else's negligence, including bicyclists who are struck by cars, to make claims for aggravation of those preexisting conditions. We have extensive experience, and we have successfully handled many of those claims involving bicyclists who have been injured, even though they have preexisting conditions.

CALL OUR FLORIDA BIKE ACCIDENT ATTORNEY TODAY

If you want a strong, dedicated, and experienced Florida bike accident attorney, please do not hesitate to call our office today to set up a free consultation. We will put your case a priority and make sure we do not give up until we have the best possible result for you. Call us today to get the ball rolling on your bike accident claim.

ABOUT THE AUTHORS



Robert J. Healy

A lifelong resident of the Pinellas County and St. Petersburg area, Rob Healy is a founding partner of Salter, Healy, Bassett & Rivera and an accomplished trial lawyer. Rob honed his trial skills while representing big corporations and insurance companies for one of the largest defense firms in the state of Florida before teaming up with Brad Salter to found Salter Healy. Today, Rob continues to maintain his passion for providing ordinary people with extraordinary legal service. By only representing Plaintiffs now, Rob uses his past experience representing insurance companies to the advantage of his wrongfully injured clients.



Brad Salter

A founding partner of Salter, Healy, Bassett & Rivera, Brad Salter helped create the firm with the intention of providing effective legal service, along with compassion, those who are injured. Brad is a board certified attorney who has practiced in St. Petersburg for over 20 years. Brad honed his skills at a large insurance defense firm after graduating from law school. While with that firm, he earned his Board Certification in Civil Trial Law, which made him the youngest board-certified civil trial lawyer in the state at the time. Shortly after obtaining board certification, Brad decided to change the focus of his practice and represent the injured, instead of the insurance companies.



R. Evan Bassett

R. Evan Bassett is a Board Certified Civil Trial Lawyer who has practiced in Florida for nearly 20 years. Evan is a fifth generation Floridian. He attended high school at Berkeley Preparatory School in Tampa and has lived in the Tampa Bay Area all of his life. He attended Furman University where he obtained his Bachelor of Arts degree with a major in Spanish, and with minors in Political Science and Communications. While at Furman, Evan was invited for membership in the Phi Sigma Iota International Foreign Language Honor Society, and the Sigma Delta Pi National Hispanic Honor Society.



Daniella Rivera

Daniella Rivera is a bilingual attorney practicing in the area of civil litigation, with a focus on personal injury. She is first generation American from El Salvador; born in Baton Rouge, Louisiana, her college endeavors eventually led her to St. Petersburg, FL. Daniella joined Salter, Healy in 2007 and was able to hone her skills while earning her Juris Doctor degree from Stetson University College of Law. Daniella focuses on working closely with her clients and has a passion for providing ordinary people with extraordinary legal service. Daniella focuses her entire practice on fighting for the rights of those who have been injured in car accidents, motorcycle accidents, bicycle and pedestrian accidents, slip and falls, premises liability and other personal injury cases.



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