



ST. PETERSBURG MOTORCYCLE ACCIDENT GUIDE

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

SALTER, HEALY, BASSETT & RIVERA



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PERSONAL INJURY TRIAL ATTORNEYS



Being involved in a motorcycle accident is a terrible scenario. These accidents are brutal and in many cases lead to fatalities. If you were lucky enough to survive your accident, you still may feel anxious, frustrated, and confused. Your life is probably flipped on its head right now and you may not know what you need to do in order

to get compensation. Our Arizona motorcycle accident attorney is here to help you along the way. You have every right to contact our firm and hire our services to get you the compensation you deserve. Please read up about your case, then give us a call to set up a free consultation.

COMMON MOTORCYCLE ACCIDENT INJURIES

Due to the lack of protection from impact, the potential for serious injury in a motorcycle accident is great. You do not have the metal frame that someone in a car has, or the airbags to take some of the impact from the collision. The most common types of motorcycle accident injuries include:

- » Traumatic brain injury
- » Concussion or contusion
- » Broken bone or fracture
- » Internal organ damage
- » Spinal cord and neck injury
- » Paralysis

What you need to know is that your health is more important than anything else. You have to make sure you get your injuries looked at right away. You can visit an urgent care center, see your primary doctor, or go to the emergency room if need be. Do not delay this procedure as you run the risk of making your injuries worse. You also run the risk of the insurance company who represents the liable party trying to throw out your case or reduce your compensation. They

will try to say that your injuries were not bad enough to get immediate medical care or that you got these injuries elsewhere.

IMPORTANT FIRST STEPS AFTER THE ACCIDENT

If you are not physically able to stay on the scene to collect evidence, you can have a friend, family member, or your attorney get on the scene to do it for you. If you are too injured to be there, get on the ambulance and let someone else take care of this for you. The evidence that needs to be collected includes photos of all vehicles involved, photos of the scene around the motorcycle, contact information from any and all witnesses, as well as the insurance information from the driver or drivers who were involved in the accident. It is important to have all of this so that your attorney can build you a strong case.

FLORIDA STATUTE OF LIMITATIONS

You have four years from the date of your accident to bring your motorcycle accident claim. If you wait longer than four years, you will be barred from receiving compensation. It is better to talk to an attorney early on so that you do not have to worry about that. You also have the added benefit of having your witnesses' memories be fresher and your evidence less likely to disappear. Giving your attorney time to build you a strong case makes it more likely that you will get the compensation you deserve.

HOW COMPENSATION WORKS

Florida is a pure comparative negligence state. That means you can receive compensation even if the insurance company were to blame part of the accident on you. Florida is more lenient with their cutoff for compensation. You will be barred from receiving an award if you are deemed 100%. For any other percentage, you will be able to get an award, but it will be reduced. For example,

if you are deemed 10% at fault for your accident because you were speeding, and you were awarded \$100,000 for your damages, it will be reduced to \$80,000 to account for your role in causing the accident. We work very hard to keep you from getting pinned for any of the blame so that you get full and fair compensation.

DO NOT TALK TO THE INSURANCE COMPANY

The most detrimental mistake you can make is giving a recorded statement to the liable party's insurance company. It is almost guaranteed that you will be receiving a phone call from them in which they will claim to be helpful if you give them a statement. It is never wise to do so as they are trained to ask you questions that put you in a position to say the wrong thing which could ruin your case. The best thing you can do is tell them that your attorney will be taking over all forms of communication.



FREQUENTLY ASKED MOTORCYCLE ACCIDENT QUESTIONS

How Do I Find the Right Attorney?

I was speaking with someone who was catastrophically injured in a motorcycle accident in St. Petersburg, Florida. The family was most concerned about how to know if they were hiring the best motorcycle accident attorney for their family member. There are a number of things that are important in determining if you have a good, qualified motorcycle accident attorney.

The first one is if this attorney handles only motorcycle accidents and personal injury claims. Certainly, it doesn't make sense to go to a general practitioner

such as someone who handles real estate, foreclosures, or bankruptcies when this is an important and serious injury claim. You need to make sure that the attorney that you hire handles only personal injury claims and has significant experience with serious motorcycle accident injuries.

One way to check whether the attorney is qualified in this field is to look with the Florida Bar and see if the attorney is board certified in civil trial law. That requirement to become certified is based on the attorney going to trial on a regular basis, getting the approval of judges and other attorneys about their qualifications and expertise. It allows them to tell people that they are a specialist in civil trial law, which is what a motorcycle accident involves.

If the attorney that you're speaking with does not go to trial on a regular basis, you are not hiring someone who's going to be able to handle your case as well as someone who does. All of the insurance companies know who the attorneys are who go to trial and if you hire an attorney who goes to trial on a regular basis, you're going to have a case that is handled more appropriately. The insurance company is going to take it much more seriously. The defense lawyer is going to be much more concerned about that attorney, and your likelihood of having a good settlement or an excellent trial result is much better.

What Do I Do After My Accident?

If you've been injured in a motorcycle accident, there are a few things that are imperative for you to do. The first thing is to contact law enforcement to make sure that they document the scene and issue appropriate citations. The next thing that you should do is gather all independent third-party witness contact information, so that, if there is disputed liability in that case, we can call those witnesses to trial to testify on your behalf.

The next thing that you should do is document any injuries that you've sustained. If you have road rash, bruising, or cuts, make sure that those things are photographed so that we can help prove your damages at trial. The next thing that you should do is to seek immediate medical care. Don't try to tough it out, because any gaps in treatment, from the time of your accident until the time you seek medical care, will be used against you by the insurance companies.

The next thing that you should do is to hire a competent attorney, specifically a board certified civil trial lawyer, who practices only in personal injury law. Do not contact the insurance company first, because the insurance company personnel are trained to ask you questions that will minimize or eliminate any payout that they have to make to you at a later date.

What Are the Steps in a Motorcycle Accident Claim?

Recently, someone called us. They were involved in a serious motorcycle accident. They wanted to know what the steps were in a motorcycle accident. First, we want to make sure that our client is getting the treatment they require. Oftentimes, I see the most horrific injuries when a motorcycle is involved. We want to make sure that our client is getting physical therapy and seeing any appropriate special lists.

Second, we do our investigation. We talk to witnesses, and gather evidence. Sometimes witnesses leave the state and evidence disappears. We want to make sure that we gather all that evidence and preserve it as quickly as possible. We also find out who ultimately is going to be responsible for our client's damages. Who was at fault for the accident? What insurance company is going to pay for our client's damages?

Once our client is stable and has recovered from their injuries, we do what's called a demand to the insurance company. That's when we submit the evidence, medical bills and medical records, so the insurance company can evaluate our client's claim. Typically, the insurance company has 30 days to evaluate the claim. After those 30 days, they will submit an offer to our office. If that offer is reasonable, then we can start negotiations. More often than not, insurance companies are not fair with their initial offers and it's necessary to begin the litigation process and file a lawsuit on behalf of our client.

How Do We Avoid Trial?

I had a motorcycle accident client ask me recently, "Are we going to have to go to trial on this case, and can we avoid going to trial?" Trials are stressful and

that's not something clients are usually looking forward to doing. The typical reason that we end up having to try a case is because the insurance company is not being reasonable. We go to trial if they're not offering an amount that is fair under the light of the evidence and the facts that they see. We ask a jury to then do the right thing for our client, and that's what I told him.

The way to avoid a trial is by being prepared, not only preparation through thorough discovery and depositions during the litigation process, but also thoroughly preparing our client for any deposition they're going to give for testimony at trial. We prepare medical providers to testify if we have to hire them. By the time we get to trial, the insurance company will see that we are fully prepared. If they won't do the right thing, then we're going to ask a jury to.

Can Preexisting Injuries Affect My Motorcycle Accident Claim?

A preexisting condition will not negatively affect you if you've been in a motorcycle accident and you've had injuries worsening or aggravating a preexisting condition. Preexisting conditions often explain why people suffer the extent of injury that they do. People who have preexisting conditions are predisposed to further injury as a result of their motorcycle accident.

We have extensive experience handling motorcycle accident cases and all the insurance issues involving motorcycle accident cases that involve preexisting conditions.

What Are the Most Common Mistakes?

You may be wondering what mistakes you can avoid. The first thing is, as soon as the accident happens, and it's documented with the law enforcement at the scene, you need to obtain medical care with appropriate medical professionals. You need to document those injuries that you sustained as a result of the motorcycle accident, either at the emergency room, the walk-in clinic, or another appropriate doctor, immediately. If you wait days or weeks, it's going to be used against you, and it's going to be more difficult to prove your case.

The other thing you need to do is make sure that you call an attorney before you speak with an insurance representative. Insurance representatives are highly trained, and their job is to make sure that they minimize what they pay to injured people in motorcycle accidents. They can do that in a simple conversation that happens the day of the accident by asking you questions that they'll use against you as the case continues. Don't let that happen. Call an attorney first, so that the attorney can deal with the insurance companies.

Make sure that you don't hire the wrong attorney. You need to hire an attorney who practices personal injury exclusively, and handles motorcycle cases regularly. If you hire an attorney who does family law, bankruptcies, or any other type of case, they're not going to be as experienced in handling these types of cases, and they're not going to be prepared to take your case all the way to trial if need be.

What I tell people in a motorcycle accident case is not to make these mistakes as they're very easy to avoid. Get immediate medical care. Call an attorney who is qualified and handles only personal injury and motorcycle accident cases before calling anybody from the insurance company.

How Much is My Case Worth?

I spoke with someone who was on the back of a motorcycle and was injured significant as a result of someone else's negligence when they turned in front of the motorcycle. One of the questions she had was, "What's the value of my motorcycle accident case?"

Some of the factors we look at in determining a fair value of a motorcycle case include the extent of the injury. If you've been in a motorcycle accident, there's a very good chance that you sustained very serious injuries – whether it's fractures, herniated disks, or tears to different parts of your body – and you may need surgery in a number of places. That care is expensive, and we would want to look at the cost of that care and make sure that you obtain the appropriate care.

With these serious injuries in motorcycle accidents, there's going to continue to be problems in the future. So in determining the fair value of a motorcycle case, we have to get that information as well from the doctor. Are you going to need therapy in the future? Are you going to need more surgeries in the future? Are you going to have permanent disfigurement or permanent injuries? We'll work with the appropriate medical professionals, who will obtain MRIs and x-rays, to document that information and provide that information to the insurance company.

The next thing is missing work. We have to document and make sure we make a claim for all those lost wages, both the lost wages that occurred from the day of the accident and those in the future. If this injury from this motorcycle accident means you can't do your job anymore, and you have to change jobs or go to some other type of employment arrangement altogether, we have to make sure that we recover that for you.

The last part is the pain and suffering and non-economic damages, like loss of enjoyment of life, that you're going to live with for the rest of your life. While those are difficult to value, they're very important to most people, how an accident, and a motorcycle accident specifically, impacts their life.

Do I Need to Have High Medical Bills to File a Claim?

Recently, we received a phone call from someone who was involved in a motorcycle accident. They wanted to know if there was a minimum amount of medical bills necessary to make a claim against the insurance company. There is no minimum amount of medical bills necessary.



When a client comes into our office for an evaluation, the first thing that I want to know is if they've recovered from their injuries and if they still have any ongoing problems as a result of this motorcycle accident. If they have ongoing problems, then we make sure that our clients receive the treatment that they need.

Who Pays My Medical Bills?

Recently, someone gave us a call. They were involved in a serious motorcycle accident. They were receiving a lot of medical bills and they wanted to know who was going to pay for these medical bills. When someone is involved in a motorcycle accident, we immediately begin our investigation. We find out how the accident happened, who caused the accident, and ultimately what insurance company is going to be paying for these medical bills.

Do I Need to Provide a Statement?

I met with a gentleman who was involved in a motorcycle accident and was injured. In the days leading up to meeting with me, he had been getting repeated calls from the insurance company, asking him to give a recorded statement, and he was unsure of what his rights and obligations were in regards to those requests.

If you've been injured as a result of a motorcycle accident, do not give any insurance company any type of statement until you've hired an attorney first, specifically a board certified civil trial lawyer, with experience handling motorcycle cases. The insurance adjusters are trained to ask questions and elicit responses that are designed to minimize any payment that they may ultimately have to make to you for your injuries.

Should I Take a Settlement Offer?

I had a motorcycle accident client ask me recently, when we received the initial offer from the insurance company, "Should I take it?" My response was that he should not, at this point. There's generally a process that has to occur in these cases. The insurance company has to see that that initial offer was low and unreasonable.

Through the process, we can demonstrate where the offer should be through depositions, discovery, a trial if we have to, and at the courthouse steps. If we're not able to get them to offer something that's reasonable and fair, then we'll try the case. Usually that's the process that has to occur, as opposed to taking that initial, lowball, offer.

How Long Will This Case Take?

The other day I had a new client call in. He'd been very seriously injured in a motorcycle crash. A question he had for me was, "How long will this process last?" I told him there are different stages.

The first stage is called pre-suit; it's before we file a lawsuit. During that time period, you would be getting the medical treatment you need to treat your very serious injuries from that motorcycle crash. At the end of that time period, we would submit a demand, asking that the insurance carrier do the right thing. If they don't, then we will file suit. You must be patient. It can be a lengthy process. Typically, we'll have depositions, we'll exchange paper discovery, and then we'll have a mediation, which is like a settlement conference. Again, if the insurance company doesn't do the right thing and settle the case at mediation, we get a trial date and we would try that case.

CALL OUR OFFICE TODAY FOR A FREE CONSULTATION

If you need an experienced Florida motorcycle accident attorney, please do not hesitate to give us a call to set up a free consultation. We will go over the details of your case and let you know what your legal options are as well as what your next step should be. We want to make sure you have the best chance at full compensation.



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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