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PRESENTS

**A GUIDE TO
NAVIGATING YOUR
PERSONAL INJURY
CLAIM**



PERSONAL INJURY: A GUIDE TO NAVIGATING YOUR CLAIM

Disclaimer:

This guide is intended for informational purposes only. It is not legal advice. Every case presents its own unique facts and issues.

Consult an attorney before making any decisions regarding important matters in your own case. This content is designed to help you understand your case and assist you in making informed decisions when consulting with an attorney, or making a decision to hire an attorney.

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HOW TO MAXIMIZE YOUR PERSONAL INJURY SETTLEMENT

1. CONTACT THE POLICE AFTER YOUR CRASH TO ENSURE A POLICE REPORT IS FILED.
2. TAKE PICTURES OF THE SCENE OF THE CRASH.
3. ASK FOR AND KEEP TRACK OF ALL MEDICAL BILLS AND RECORDS.
4. CONTACT A PERSONAL INJURY LAWYER EARLY.

Call (877) 209- 9452

When dealing with serious or severe personal injuries, you likely need an experienced personal injury lawyer working for you.

By not hiring a lawyer who is working only for you, you tip the scales in favor of the insurance company.

There are steps you can take on your own to maximize your compensation from the motor vehicle accident.

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INTRODUCTION

WHAT IS A PERSONAL INJURY?

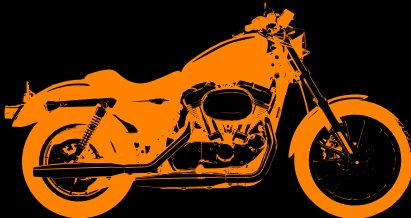
A personal injury is a physical injury to a person's body, caused by someone else's fault, that qualifies for compensation.

This compensation usually comes from the at-fault person's insurance policy.

Someone who makes a personal injury claim is called a plaintiff.

The person or company that harmed the plaintiff is called a defendant.

The plaintiff files a lawsuit. The defendant, well, defends.



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WHO IS AT FAULT?

Any injury you suffer because of the fault (negligence) of another is a personal injury.

Negligent actions are basically stupid decisions that have no excuse and then result in harm.

STOP



For example: if Bob runs a red light crashing into your motorcycle, Bob would be negligent, or at fault, for the injuries he caused.



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WHAT IS A "SERIOUS" PERSONAL INJURY?

This is a question of degree.

Any personal injury that disrupts your life, costs you money, saddles you with medical bills, causes you lasting pain and suffering, creates physical or mental disability, or puts you out of work is a serious personal injury.



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WHAT IS A "SEVERE" PERSONAL INJURY?

Severe personal injuries typically involve the need for surgery, maybe multiple surgeries, months without the ability to work, loss of mobility, and isolation.

With severe personal injuries, the effects often last for years, perhaps a lifetime.



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HOW MUCH CAN I SUE FOR PERSONAL INJURY?

"How much is my case worth?"

Personal injury lawsuits vary quite a bit in terms of what their value is.

We've had cases worth less than \$10,000 and cases over \$5,000,000. The question you're actually trying to find the answer to is **how much your case is worth.**

The amount you ask for in a personal injury lawsuit needs to be realistic, based on the facts of your case. Asking for too little is rarely a good idea, however, asking for too much won't be effective either.

The key is to fully evaluate every piece of your case before putting a dollar amount on it.

Your attorney's job is to do that evaluation, then get you the most money possible for your personal injury damages.

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"DO I NEED INSURANCE?"

STOP

UNINSURED MOTORIST
COVERAGE

UMBRELLA
INSURANCE

UNDER INSURED
MOTORIST COVERAGE



ARE YOU
COVERED?

Unless you happen to be injured by someone wealthy, your road to recovery is pretty much limited to insurance.

Now, in a motorcycle collision where you aren't at fault, the idiot who caused the crash has their insurance applied first.

So, if Bob smashes into your motorcycle with his car by running through a red light, that's when his insurance policy will apply.

However, let's say Bob lives paycheck-to-paycheck and doesn't have much in the way of insurance. Now let's say your hospital bills are over \$100,000 already and you're still actively treating your injuries.

What then?

This is why you need Uninsured Motorist (UM) Coverage.

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WHICH INSURANCE COVERS PERSONAL INJURY?

This question is trying to figure out what insurance applies in which situations. As there are too many situations to cover, we'll give you a couple of examples you might find helpful instead:

Situation One:

You're the victim of a car crash, the defendant has no insurance, you have insurance but no under-insured/uninsured motorist coverage (UIM coverage). Your insurance would not be used for the lawsuit, surprising as that might be to hear. You need UIM coverage in order to apply your insurance to lawsuits where you're the victim.

Situation Two:

You're the victim of a car crash, the defendant has \$100,000 in insurance, you have \$50,000 in UIM Coverage on your insurance.

The defendant's insurance is responsible for all damages up to \$100,000. After that, your insurance would come into play for up to an additional \$50,000.

Situation Three:

You're the victim of a car crash, the defendant has no insurance, but you have \$100,000 in UIM Coverage.

Your insurance would be the first to cover your damages, up to the policy limits of \$100,000.

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UNINSURED MOTORIST (UM) COVERAGE

One in ten motorists has no insurance at all.

Most of the rest don't have enough insurance to fairly pay the personal injury damages they cause.

We don't like to think about it, but when we take to the road, especially on a motorcycle, we are taking a risk. If you become involved in a personal injury crash, you don't want to rely on the other person to have enough insurance to cover your damages and losses. We recommend having at least \$250,000 of UM/UIM coverage on every vehicle you own.

UM/UIM coverage will pay for your personal injury damages after you've maxed out Bob's policy limits of \$20,000.

If you don't have UM/UIM coverage, your recovery will almost certainly be limited to Bob's \$20,000 insurance limits. If you have \$20,000 of UM/UIM, your recovery will likely be \$40,000. While this may sound like a lot of money, many personal injury crashes, especially those involving motorcycles, have many times more personal injury damages than \$40,000.

This is why it's important, not only to have UM/UIM coverage but to have A LOT OF IT!

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"UMBRELLA" INSURANCE

The next level of self-protection is called “umbrella” insurance. An umbrella policy (usually \$1M or \$2M) kicks in to pay your personal injury damages if the other driver’s insurance plus your UM/UIM isn’t enough to pay for your losses.

UM/UIM is very inexpensive insurance, and umbrella insurance is even cheaper.

Pro Tip: Make sure you tell your insurance agent to have your umbrella insurance apply not just to your liability to others, but also to your UM/UIM.

This is the only way you can drive with confidence, knowing that if disaster strikes, you and your family will receive fair compensation.

Keep in mind that Umbrella Insurance Coverage comes in two speeds:

1. UM/UIM- In case someone hits you and doesn't have enough insurance
2. Liability Umbrella - In case you hit someone

When you speak to your agent, make sure you REQUEST UIM!

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WHAT ARE THE TYPES OF DAMAGES?

Personal injury damages categories include:

- **Past medical expenses**
 - These expenses are mostly about what your medical bills are by the time of trial.
- **Future medical expenses**
 - The continued medical care after your case is over. For example, chronic pain requiring continued treatment. For this category of damages, a doctor's opinion is often important in determining how much treatment you are likely to need and the expected cost for future treatment.
- **Loss of income**
 - The income you couldn't make because you were injured. There are many ways to calculate this damages category, as people earn money doing all sorts of different jobs that pay in many different ways.
 - The most common loss of income is when somebody can't report to work because of injuries, and misses several paychecks. Some people have their own businesses, and lose income because an injury prevents them from running the business. Others may have employment contracts where bonuses are lost for jobs delayed by injury.
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WHAT ARE OTHER TYPES OF DAMAGES?

Other Personal injury damages categories include:

- **Loss of Future Earning Capacity**
 - This takes into consideration how much money you could've made in the future if not for the injuries you've suffered.
 - For example, let's say you used to drive a truck for eight hours a day, but now you have low back pain, and your ability to earn money as a truck driver is gone.
 - If you are no longer able to get a job where you make as much as you did before the injury, that missing income (minus the money you are still able to earn) is your future loss of earning capacity.
- **Punitive Damages**
 - Punitive Damages are awarded strictly to punish the defendants who have done more than simply making a mistake.
 - This is for when a person or business selfishly decided to put you at risk, essentially gambling with your wellbeing. It is rare, but important because it punishes others for ignoring your rights and doing you harm.

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UNDERSTANDING PAST AND FUTURE DAMAGES

Some Personal injury damages categories
Consider time periods. They include:

- **Loss of Function of Body and Mind - Past**
 - This looks at the time you've spent from the date of injury until you recover as well as you are ever going to recover, and places a dollar value on that loss.
 - This is a category different from pain and suffering because it addresses what parts of you no longer work the same, whether it be physical or mental.
 - Typically, an Independent Medical Examination (IME) is used to fully diagnose your loss of full function of body and mind. If you used to lift weights, and now have severe nerve damage in your right arm, an IME would put a number on how much use you've lost from your arm.
- **Loss of Function of Body and Mind - Future**
 - This considers how your physical/mental impairment from your injuries will define the rest of your life.

Will the impairments (such as headaches) go away with time? Will the injuries (such as a blown disc in your back) be healed in the future? If things haven't healed, or will never fully heal, this damages category deals with compensation for the parts of your body (including your brain) that no longer work as well as they did before you were injured.

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UNDERSTANDING PAST AND FUTURE DAMAGES

- Physical and Mental Pain and Suffering - Past
 - Emotional distress, any physical pain that you've endured as a result of your injuries. This includes lost quality of life.

How bad is the injury? How long did the pain last? How has the injury changed your life?

- More than just you and your doctor will answer these questions. Your family, friends, co-workers, and neighbors are important too. These are the people who know you, who best understand how you have changed since being injured.
- Physical and Mental Pain and Suffering - Future
 - This deals with the problems you'll have to live with as life goes forward. For instance, if you used to love riding your motorcycle, but now have lasting PTSD or constant sharp pain that robs the joy from riding.
 - There are many ways a person can experience pain and suffering damages, so each person's life and life experience is vital to figuring this out for compensation. In determining the "future" part of this damages category, it is often necessary to consult with your doctor. Sometimes experts who examine you are able to give evidence on whether a given condition will last, how long it will last, and whether the condition will improve.

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IS PAIN AND SUFFERING A PERSONAL INJURY?

Yes. Pain and Suffering is a personal injury.

Pain and suffering is a category of damages that can result from an injury.

Other damages categories include loss of income, loss of future earning capacity, medical bills, future medical costs, and loss of physical and mental function. All categories of personal injury damages can be compensated with money settlements or trial verdicts.

Accurately measuring and proving each of these harms, and getting fair compensation, is a complicated process with many pitfalls. This is why it is important to have an expert working on your case.



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WHAT COUNTS AS PAIN AND SUFFERING?

The effects of physical and emotional injuries make up pain and suffering. For example, the pain you feel physically after a car crash, or the emotional suffering you face when you can't enjoy your life after a truck collision leaves you with a back problem.

Pain and suffering can go on for a lot longer than nearly any other category of damages. You may end up with chronic pain that lasts a lifetime. Think of the following medical conditions:

- Migraines
- Severe nerve damage
- Arthritis caused by injuries
- Blown discs in your back
- Traumatic injury to the neck, back, or brain
- Partial or full paralysis
- PTSD
- Anxiety
- Depression

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STEP



Each case is unique. Pain and suffering are based on how bad your injuries are, how long they will last, and how the injuries change your life.

No person's life is the same as another person's life, so the answers to this question are different for everybody.

There isn't a one-size-fits-all answer here. There is no formula, equation, or simple rule to determine the amount of money it takes to fairly compensate a person for pain and suffering in a personal injury lawsuit.



POST-TRAUMATIC
STRESS DISORDER

DEPRESSION

ANXIETY

MANY INJURED BIKERS CAN RECOVER FOR MORE THAN PHYSICAL INJURIES

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WHAT IS THE VALUE OF PAIN AND SUFFERING?

To answer this question, we need to consider a few more.

Here are some questions that are commonly asked:

- What kind of pain are/were you in?
- From what sort of injury?
- How long did the pain last?
- Is there still pain?
- Will the pain go away, or not?
- How does the pain change a specific person's life?
- Is it physical pain, emotional pain, or both?
- Where and how is the pain experienced?

Only an experienced personal injury lawyer can begin to make an accurate analysis for the fair compensation of pain and suffering. This analysis can only be made when you have either reached the point where the doctors have helped you as much as they can, or at least gotten you close to that point.

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SETTLEMENT AND TRIAL FAQ

SOME CASES
SETTLE IN JUST A
FEW WEEKS



HOW LONG DOES A
PERSONAL INJURY
CASE TAKE?



SOME CASES
REQUIRE A TRIAL
AND TAKE 1-3
YEARS

Typically, a personal injury lawsuit resolves in settlement or trial within 1-3 years.

Some rare cases settle in just a few weeks, while other cases can take far longer than the usual 1-3 years for a variety of reasons.

Most of the time, you must be patient to get at the top dollar to repay you for your personal injury damages.

WHAT HAPPENS IF YOU REFUSE A SETTLEMENT OFFER?

Refusing a settlement offer means that the insurance company no longer has to keep the offer open to you in the future. In the majority of cases, the first offer an insurance company makes for settlement is far from the best offer the insurance company is willing to make to settle your case.

The best way to get a top-dollar settlement that pays out the most money to you is to consult an experienced personal injury attorney.

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IS IT WORTH HIRING A PERSONAL INJURY ATTORNEY?

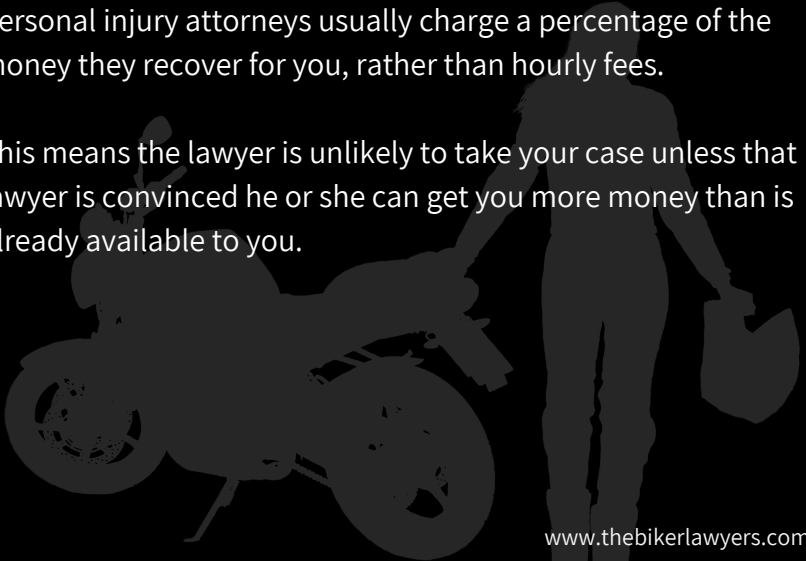
Nearly always, the answer is “yes.”

Since most personal injury attorneys offer free case evaluations, your best bet is to meet with an experienced personal injury attorney and discuss the facts of your case. Each case is different, so making use of free expert advice is the wisest course of action.

If you decide to hire a lawyer to help you get a fair settlement of your personal injury case or to take your case to trial, it will not break the bank.

Personal injury attorneys usually charge a percentage of the money they recover for you, rather than hourly fees.

This means the lawyer is unlikely to take your case unless that lawyer is convinced he or she can get you more money than is already available to you.



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FINDING YOUR LEGAL REPRESENTATION

Everybody thinks they're the best, or if not, they're in the wrong line of work. Yes, it's crucial to hire an experienced personal injury lawyer who has a proven track record of getting people great results. There are a number of personal injury lawyers who can meet this description.

Another very important factor is to find a lawyer you are comfortable with. After all, chances are, the lawyer you select will be representing you for over a year, maybe closer to two. If you're not comfortable with the lawyer you select, the time it takes to get to the end of your personal injury lawsuit will not be pleasant, in fact, it may be just the opposite.

Your lawyer should not only be a competent personal injury lawyer; your attorney should also treat you with respect, and be responsive to the questions you have. Remember, when you hire a personal injury lawyer, the lawyer is working for you!

