

# HURT IN A MOTORCYCLE CRASH?

These Factors Can Affect Your Settlement

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# HURT IN A MOTORCYCLE ACCIDENT?

## These Factors Can Affect Your Settlement

Motorcycles are often overlooked on the road by car and truck drivers, leading to an unnecessarily high accident rate. I have experienced this personally as a motorcyclist, and witnessed a crash where someone turned left in front of a motorcycle in broad daylight.

Motorcycle crashes are often devastating, and because you have less protection on a bike, the injuries are usually more severe, even after a low speed crash, than they would be in a car. After an accident, you may be left facing expensive medical bills, rehabilitative therapy, lost wages, and other expenses that make it difficult to provide for yourself and your family. If you or someone you love has been injured in a motorcycle accident and someone else is to blame, you should not be left struggling with the often-considerable costs of medical bills and other expenses.

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## What Factors Affect a Motorcycle Accident Settlement?

### 1. Biases

There are a variety of factors that should play a role in compensating an injured motorist—the extent of injuries and fault. Unfortunately, personal biases or preconceived notions about motorcyclists stack jury minds against bikers. Insurance companies are aware of these biases and often reduce their settlement offer because of them. For these reasons, an injured motorcyclist must understand the importance of having a skilled trial attorney if they want to be treated fairly. An experienced lawyer has approaches to remove these biases and help his or her client get a better result.

### 2. Value

Every injury victim thinks that his or her case is valuable, but for this conversation, “valuing” refers to the process of identifying the potential sum of money that the jury might award the plaintiff, and determining what the defendant

would be willing to pay. Your willingness and ability, through your attorney, to present your case at trial is also important. If the insurance adjuster doesn't think you can win at trial, they will lower any settlement offer by huge margins.

### **3. Damages**

Evaluating the value of your injury, your damages, involves knowledge of the law and what juries do in the jurisdiction where you were injured. The award is often dependent on concrete costs, those that the plaintiff can prove he/she spent (i.e. medical bills, lost wages, etc.) and subjective costs, which include pain and suffering. There is no set rule for this, and each case is different.

### **4. Liability**

Liability in a case means the degree of fault on each party, and also what damages can be traced to the negligent act. If determining fault proves to be difficult, the defendant may be less willing to settle, taking his/her chances by going to court. On the same note, the plaintiff may be more willing to accept a small settlement instead of risking a court hearing and receiving nothing. Understanding that juries often look unfavorably upon motorcyclists allows us to better gauge the likelihood that a motorcyclist would be found liable.

### **5. Insurance**

In many cases, the plaintiff cannot receive more than the defendant's auto insurance liability limits. However, if the defendant has other valuable assets, and the verdict amount exceeds his/her insurance liability limits, the defendant may be required to liquidate his/her assets to pay the full verdict amount. If the insurance company has an opportunity to settle within policy limits and refuses, they can be held responsible for the entire verdict, even if it exceeds the coverage that a driver purchased. We recently secured a \$550,000 judgment for an injury victim where the driver

only had \$50,000 in coverage. If there is no other way to collect the full amount, the plaintiff may settle for an amount that equals the insurance coverage limits, regardless of the actual cost incurred by the plaintiff.



## CONTACT A ST. LOUIS MOTORCYCLE ACCIDENT ATTORNEY

Filing a motorcycle accident claim or lawsuit in St. Louis for an injured motorcyclist requires expertise beyond that of simple automobile accident cases. It is important for a motorcycle accident attorney to establish negligence on the part of the other party, prove the injuries and damages to the victim, and prove that you suffered because the other party caused the crash. Your choice of a motorcycle accident lawyer will be one of the most important decisions you make. However, while on the scene of the accident, if possible, you should:



- Call 911 for help.
- Take photos of the vehicles involved and the scene of the accident.
- Gather the names and contact information of witnesses.
- Identify the driver of the other vehicle and gather insurance information.
- Speak with your St. Louis motorcycle accident attorney before you talk with an insurance company.
- Seek medical attention and follow-up with medical care as needed.

If you have been hurt in a motorcycle accident and have other questions, contact **The S.E. Farris Law Firm** at **314-A-LAWYER (314-252-9937)** or visit [www.FarrisLaw.net](http://www.FarrisLaw.net) today for a free consultation.

**CONTACT THE S.E. FARRIS LAW FIRM TODAY!**  
**314-252-9937**