

California Motorcycle Law

“How to Handle Motorcycle Accident Claim”

by

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You may think it strange for a motorcycle accident attorney at a motorcycle law firm to give advice to people on how to handle their own claims. However, we believe that some cases may be handled by the individual motorcyclist, motorcycle accident victim, or family on their own without the need or expense of a motorcycle accident attorney. Based on my twenty years of experience with thousands of motorcycle and injury cases in California, I believe I have the knowledge to advise you of the information and resources to assist you in properly handling, negotiating, and successfully settling your motorcycle accident or injury claim.

Now, some may say that self-representation may not be the smartest thing to do; they believe that it is best to let a motorcycle injury specialist handle their motorcycle accident case to get it done right. However, in certain cases, it may be the most efficient and effective way to resolve your motorcycle case or claim.

Before you consider handling, negotiating or settling your own motorcycle accident or injury claim, you should carefully read this information before deciding to take the important step into self-representation in your motorcycle accident or injury case.

If you are reading this, you may be frustrated, even mad. The insurance company has failed to pay for your motorcycle repairs, medical bills, or lost wages, and may even be denying liability. Even with the most minor motorcycle accident, there can be serious injuries accompanied by uncertainty about the future. Even though you are not at fault for the accident, the insurance company may be denying liability or, worse yet, delaying their decision on liability with the hopes that you will give up on your claim or case.

You have already suffered the effects of a violent motorcycle accident and painful injuries. After surviving that frightening experience, you are now faced with an equally frightening trauma – fighting the insurance company.

Now you are probably without a rental car, your body has been injured, and you are out of work, but your obligations and bills do not stop. You may have a temporary or long-term disability and no paychecks coming in. Your obligations and bills are mounting.

What do you do? Where do you go? Who do you ask for help? How do you handle your claim?

Motorcycle Property Damage Claim Process:

Statistics inform us that a motorcyclist, on average, has a 50% higher likelihood of being involved in an accident than an automobile driver. A recent survey stated that motorists are twenty times more likely to die in a motorcycle accident than a car accident. That risk increases in motorcyclists over 45 years of age.

If you have been injured in a motorcycle accident, your first priority is to obtain competent, “medically necessary” care. We always recommend that you either go to the emergency room and obtain a complete physical or go to your Primary Care Physician, as soon as possible, if you have any injury symptoms.

Often, those with motorcycle-related damages are either in the hospital or at home recovering from their serious injuries. If you are one of them, what can you do? Who do you call? First, you need an active representative to act on your behalf so that you do not have the headache of working on your property damage claim while you are trying to recover from your injuries.

Next, you need to start working on your motorcycle property damage claim. We recommend that you at least make calls to your own insurance agent or insurance company to request their assistance in your property damage claim.

Damage to your motorcycle can be as traumatic, painful, and expensive as your personal injuries. If your beautiful motorcycle was damaged in the accident, you need to find the proper help and information necessary to obtain a prompt, fair, and reasonable repair or replacement value for your motorcycle.

Towing:

After an accident, the first questions most people ask are *where is my motorcycle? How will it be moved?*

Generally, your motorcycle will be towed to a wrecking yard or tow yard and they will attempt to hold it hostage and keep it there for as long as possible. Under California law, only you as the registered owner can “release” your motorcycle to have it moved to a fee-free storage location. Sometimes our clients’ motorcycles are inoperable and require additional towing to a fee free lot.

We always recommend that you mitigate your damages by having your motorcycle released from the tow yard moved to a “fee-free” location. “Released” means that you simply call the tow yard and “release” your motorcycle to the insurance company. You may have to pay for your towing expenses and the storage expenses, but you will mitigate or reduce your out-of-pocket expenses by moving your bike ASAP.

If your motorcycle is towed, you are personally responsible for the towing and storage bills. The towing company will take your motorcycle from the scene of the accident and expect you to provide payment. Therefore, you may have to pay for your motorcycle to be towed out-of-pocket and then seek reimbursement for those expenses. Nothing gets you reimbursement faster than a good strong letter from a motorcycle attorney.

Most of our motorcycle clients do not have rental or towing insurance coverage. In California, all a motorcycle rider needs is an M1 Motorcycle Endorsement on their license and liability insurance for their motorcycle. However, some of our clients do not have liability insurance because it is a new bike, the insurance is expired, or they are riding an uninsured motorcycle owned by friend. The mere fact that you have no towing coverage or liability insurance does not preclude you from getting compensation for your medical bills, property damage, rental, and towing expenses. (You may, however, be precluded from obtaining compensation for pain and suffering. This will be discussed later.)

If you are injured in the accident and are unable to drive or if your motorcycle cannot be driven because of extensive damage, your insurance company may offer to arrange to have your motorcycle towed to a repair shop. The repair shop will then add the towing bill to your repair bill and will become part of the charges to be reimbursed by the insurance company for the driver at fault. This is called a subrogation action.

After we receive your towing and storage bills, we will seek reimbursement from your own insurance company (if you have towing and storage coverage) or the negligent party's auto insurance company, or, if no coverage, we may seek payment directly from the negligent driver at fault.

Storage:

Once your motorcycle has been towed to a storage facility, the charges begin to add up. Generally, the driver at fault is responsible for reimbursing you for storage of your motorcycle from the time of the accident up until the insurance company releases your vehicle from repairs. Please note that if you postpone repairs of your motorcycle because of a dispute with the insurance company, you may be held personally responsible for any storage or towing expenses incurred. The California law requires you to "mitigate" or reduce your own damages. Therefore, you cannot abandon your motorcycle for one, two, or three months in storage expecting the insurance company to compensate or reimburse you for those charges. A motorcyclist must be active and knowledgeable about where his bike is and where it should be.

A competent attorney can assist you in your property damage claim. As California motorcycle attorneys, we will locate, photograph, inspect, and evaluate your property damage claim and assist you in expediting the repair or replacement of your motorcycle.

When you are granted access to your motorcycle by the storage facility or tow yard, it is important that you obtain accurate, detailed receipts for every item that you remove or have on your motorcycle.

Sometimes, clients will be refused access to their motorcycle because the facility does not want to assume responsibility for what might happen to your motorcycle and items and equipment. It can be frustrating facing off with a wrecking or tow yard.

At the Reinecke Law Firm, as aggressive motorcycle attorneys, we send our “evidence preservation” letter to the tow yard. We advise them that it is an actionable tort to destroy or remove property from the vehicle and we request immediate access to inspect, photograph, and itemize our client’s motorcycle to again preserve and protect the bike during the property damage claim process.

The important thing to remember is that while your motorcycle is in a storage yard or tow yard, daily charges are accumulating. It is very important that your legal representative contact the driver at fault’s insurance company immediately to make arrangements for the repair of your motorcycle. If you have insurance coverage, you must make a prompt claim and work in good faith to expeditiously have the motorcycle repaired or replaced. It is to your advantage to actively negotiate with the insurance companies and therefore reduce those added storage charges and towing charges that you were obligated and responsible to pay for.

Next, when your motorcycle is at the storage yard, you have an absolute right to remove personal belongings from your motorcycle upon showing proof that you own the motorcycle (registration) and a valid California driver’s license for identification. Sometimes, shady tow yards will rummage through vehicles or motorcycles to remove valuable items or parts from stored vehicles. We had one client with a Harley Davidson that had over \$6,000.00 in chrome that mysteriously was removed within one week of the accident. You must contact an aggressive motorcycle attorney to ensure that your bike is preserved, protected, and that you are not taken advantage of.

Establishing Liability:

But first, let’s talk about who is responsible for paying for what and how to go about making sure that you are reimbursed for those towing and storage expenses. Who eventually ends up paying depends on proving liability – who is at fault for your motorcycle accident.

Generally, if any driver breaches any legal duty or California Vehicle Code, that person may be held “liable” for another’s damages. Next, we need to confirm insurance coverage for the negligent auto driver and to make a claim to have their insurance pay for your out-of-pocket towing and storage expenses.

However, as a former service officer for a police department in Los Angeles, as a former traffic judge pro tem, and an attorney for over fifteen years, I have learned that there is an inherent bias against motorcyclists even though they are not at fault for the accident.

90% our clients’ cases are “Failure to Yield” cases ie. violations of the California Vehicle Code § 21403(a). Where the auto driver fails to yield and turns left directly in the motorcyclist path

causing the accident. The other types of cases we have are red light violations, unsafe speed cases, (rear-enders), and unsafe lane changes, where the auto driver merges directly into the biker among other cases. However, the facts of each case is unique and requires a detailed legal liability analysis.

In almost all of our cases, the auto insurance company representative or later, the defense attorney, will allege and argue that our motorcyclist was driving at an “unsafe speed” (even though the police report indicates that he was driving well within the posted speed limit) or was “inattentive” and therefore could have avoided the accident by having the proper reaction time and observance of the traffic conditions.

Unfortunately, with our motorcycle cases, many motorcycle accidents are caused by actions and circumstances that can have disputed liability and may lead to frustrating, long legal battles, just to prove which party is at fault.

Sometimes, our motorcycle accident cases can be complex or disputed from the initial stages of the investigation. If, for example, the investigating Police Officer will not determine a “cause” of the accident. What happens when your matter has a liability dispute? We first recommend that you mitigate your out-of-pocket expenses and damages until the liability issues can be resolved. You may need a good competent motorcycle attorney to represent you who knows the law, application of the law, and is aggressive in supporting and promoting their bikers’ rights to establish liability.

Lien Sales:

Sometimes, motorcycles will be towed more than once, from the accident scene to a wrecking yard and then from the wrecking yard to an auto shop or storage yard. These towing charges will add up, so if your motorcycle sits at a wrecking yard for any period of time, storage charges will grow day-by-day, week-by-week. After a certain time period, the tow yard will do one of two things. They will put the motorcycle up for a lien sale. A “lien sale” is a sale that is done pursuant to statute in which there is an outstanding amount owed for the towing and storage charges. It is technically an open auction; however, we have learned that they sell these motorcycles to their buddies for pennies and then they charge you for the difference between the sale price and the storage charges. So at this point, bikers become two-time losers. They lose their bike, may not be salvaged and can be repairable, and they still are required to pay for the towing and storage charges. As such, it is important that you may need a competent, aggressive attorney that knows the “ins and outs” of these games tow yards play to prevent further and future harm.

Motorcycle Repairs:

In a rare amount of cases, where the other driver admits liability at the scene, if cited by the police officer, or the insurance company admits liability early on, you may have the choice of either having your vehicle repaired by the other party’s insurance company or your own insurance company. The difference is that if you have your vehicle repaired by the other party’s insurance company, you may not have to pay your deductible, but you will be required to pay

property damage release, thereby releasing the insurance company and the driver at fault for any property damage that may occur in the near future.

In our motorcycle cases, we found that this is not a good way to go as sometimes the motorcycles may have substantial frame, faring, or mechanical damage which is not repaired or discovered during the repair process. As such, our motorcyclist will be precluded from going back to the insurance company as they have signed a settlement release.

In the alternative, if you have property damage coverage, we recommend that you have your motorcycle repaired through your own insurance company. They will provide prompt, fair, and equitable settlement for your property damage claim and usually provide a “guarantee” of the work done. Furthermore, you will not be required to sign a “property damage release” and you may return the motorcycle back to the repair location for repairs if any exist in the near future.

As such, it is important that you contact your insurance company immediately after the accident and prepare a detailed written or recorded claim. Some insurance companies have requirements that a claim be reported within ten (10) days of an accident. You may be precluded from getting your prompt damage repairs or from coverage if you do not timely file a claim.

Important questions to ask your insurance company or your insurance company representatives is if you have rental car reimbursement coverage, collision coverage, medical payment coverage, or other coverage that will reimburse you for towing and storage charges.

Most of our motorcycle clients do not have adequate coverage. Unfortunately, they do not find out until after they have had an accident. So, while the other driver’s insurance company is taking time to evaluate the accident and investigate liability, it could turn out to be costly bag of costs, towing, storage, and other expenses that could easily have been handled through their own insurance company had they initially obtained adequate coverage in the first place.

As such, whenever you purchase a new motorcycle or used motorcycle, you must get new liability coverage for the motorcycle to protect you and others in case of an accident. In rare occasions, the driver at fault does not have any insurance. We will have to go directly against the driver at fault for reimbursement of the towing and storage charges. This may mean we may be required to go to court against the negligent driver to obtain reimbursement for your property damage, or you may be required to file a small claims lawsuit against the negligent driver seeking reimbursement or repayment for the money paid out-of-pocket by you.

In California, the limited jurisdiction for small claims court is \$5,000.00. The filing fee is usually anywhere from \$20.00 to \$30.00, and you can have a marshal or sheriff serve the complaint on the defendant or driver at fault for an additional \$20.00 or \$30.00. Normally, you will get a trial within three to four weeks. At that time, you will be before judge or judge pro tem, similar to the job that I formerly had in Orange County. A judge will hear the facts of the case and he will be able to use a Traffic Collision Report without additional foundation to establish liability. You may then obtain a judgment for your out-of-pocket expenses, which may include your property damage, towing, storage, and other motorcycle-related expenses.

The difficulty is enforcement of judgment after the judgment has been rendered. If the person did not have insurance, he may not have assets to pay for your judgment or satisfy your judgment. As such, you need the consultation of a good attorney to do a limited assets search to determine if the driver at fault has any assets, real property, or other income that may satisfy your judgment.

Furthermore, you may determine whether your small claims court would preclude you from filing a bodily injury claim for an amount more than \$5,000.00. Proper consultation from a qualified motorcycle lawyer is necessary to determine what steps should be taken to seek reimbursement or obtain justice.

Selection of a Repair Shop:

You have the right to have your motorcycle repaired by any motorcycle repair shop you choose. Insurance companies typically try to avoid sending your motorcycle to a motorcycle dealer as they are generally more expensive than other repair shops. We have learned over the years that some insurance companies have affiliations with repair shops that they call “qualified” repair facilities. We believe that there is a backroom deal where the insurance companies promise to send the vehicles to these repair shops for doing the repairs at a discounted rate. The reason we say this is that we have a vehicle inspected by three other locations that have all of the estimates at a certain amount, say approximately \$5,000.00. Then when the motorcycle is taken to the “qualified” repair location, the estimate comes back at \$2,000.00. This either means that they are not doing all the work, or using used parts, or simply undercutting the cost of repairs. We believe it is the former, that not all of the repairs are done or, that used parts are being used.

Over the years, we have also heard many “motorcycle repair nightmares.” As such, we know and have a list of reputable motorcycle repair shops in the area. We also have references from friends, co-workers, and other bikers who have used certain shops and recommend them. The Better Business Bureau may also assist you in selecting a reputable motorcycle repair location in your neighborhood.

If you decide to have your insurance company pay for the repairs, they will send a property damage adjuster to the repair shop. The property damage adjuster and the repair shop will then inspect the motorcycle and estimate the appropriate cost of repairs. The property damage adjuster and the repair shop representative will then compare their estimates of damage and set the appropriate guidelines at the prevailing rates. The work will then begin on your motorcycle.

As you are the insured, your insurance company or the driver at fault’s insurance company will send a check with you named as an “additional payee.” However, you may be required to sign a letter transferring your rights to the property damage draft directly to the motorcycle repair location. Your insurance company will then request and obtain reimbursement also called subrogation from the driver at fault for the money they have spent to repair your motorcycle.

As stated before, if you requested the negligent driver’s insurance company pay for the cost of your motorcycle repairs, they will work with the repair shop directly to determine the fair repair

cost, and they will also pay the repair shop costs directly for the repairs of your motorcycle. However, as stated above, your work will not be guaranteed, and you will be required to sign a property damage release forever discharging your rights from seeking re-repair or re-inspection of your motorcycle if you have any problems in the future.

Motorcycle Repair Charges:

The motorcycle repair shop will also coordinate repairs to your motorcycle that may not be made at their facility. They may send the bike out to a specialist for electrical work, upholstery, or metal or chrome work or paint that needs to be replaced or repaired as a result of the motorcycle accident. They will then add these charges from these other facilities to your repair bill and submit all charges to the insurance company.

Sometimes, the cost of additional added parts will not be paid for. This will be discussed in future parts of this article. They will determine the life expectancy of the motorcycle parts to be factored into the cost of the repair. For example, if you place new chrome on your motorcycle including new mufflers that were installed two years prior to the accident, and they consider that the muffler's value at 50 percent and will provide a 50 percent reduction or "depreciation" of the replacement cost of a new muffler.

Another problem that we have with our motorcycle clients is custom paint. The motorcycle repair shop will typically repaint only those sections of the motorcycle that suffered damage. If the motorcycle was more than a few years old, they will probably be able to see the differences between the new and original paint. If there is custom paint, they will not repaint the custom paint, i.e. because it is custom, and they may not provide reimbursement for the custom paint. As such, it is important that you maintain receipts for the custom paint so that you can have the motorcycle put "back to new."

Taking Delivery of your Repaired Motorcycle:

Under California law, when you pick up your motorcycle, it should be the same condition as it was before your motorcycle accident. We recommend that the motorcyclist thoroughly inspect and ride his motorcycle to determine whether there are any defects or continued problems with the motorcycle. Sometimes, there is frame or faring damage that will provide a high-speed wobble, which may not be discovered under the rider is going over 60 or 70 miles per hour. Other times, we have found out that the transmission or gears are not working through the full course and will require major engine work. As such, before any motorcycle is accepted, a thorough inspection must be conducted. If for any reason you find that the motorcycle is not in the same condition, it is important that you return it to the motorcycle repair location for a re-inspection with the property damage adjuster.

You also have the right to have your motorcycle inspected by a professional motorcycle appraiser at your expense, to evaluate and document the condition of your motorcycle following repairs. Such an objective evaluation may be worth the expense (estimated \$300) if you find yourself in a dispute with your own insurance company and the body shop over the quality of the motorcycle repairs.

Do not wait one, two, or three months before you make a request for a re-inspection. They will then allege that there was some subsequent accident or damage to the bike that was the cause of the problem. As such, it is important that you timely and promptly advise your property damage adjuster of any problems with the motorcycle. You have a duty to inform the insurance company of any problem as soon as you find out. They will allege normal wear and tear of some pre-existing condition or other subsequent accident that may substantially reduce your possibility of a claim for a re-inspection and supplemental property damage claim.

Rental Vehicle:

When your motorcycle is damaged in an accident, you are entitled under California law to a replacement vehicle. Most of our motorcycle clients do not have rental car coverage; therefore they are entitled to seek reimbursement from the driver at fault, after establishing liability for their rental car expenses.

Once your motorcycle has been moved or towed to a repair location, you are entitled to a rental car up until the time of repairs if you have rental car coverage or, under California law even if you do not have rental car coverage and we have confirmed liability and coverage for the driver at fault.

As you are a motorcyclist and riding a motorcycle, you are entitled to a “similar vehicle”. As you are probably injured and not able to ride, you may use a car for transportation necessary for work or making appointments to and from your doctor’s appointments.

We always recommend the use of Enterprise Rental Car at (800) 736-8222), who has locations in almost every California town. They will pick you up and take you to their location to sign the rental contracts and they charge reasonable fees for quality cars.

As you were on a motorcycle, we do not recommend that you get an SUV, Escalade or Cadillac but that you get the smallest, cheapest car for transportation. Typically, you can be reimbursed between \$16.00 to \$20.00 per day for a rental car.

PLEASE NOTE: You are entitled to a rental car only from the date of the accident up until the completion of repairs or, if your motorcycle was determined to be a total loss, up until a property damage settlement offer is made. Then Return the car or you will pay for the extra days!

This can provide some issues and actual disputes as one day you are told that your motorcycle is a total loss and it cuts off your rental car reimbursement. As such, if you believe that your motorcycle is a total loss, you should begin to look for a replacement vehicle immediately. Then, when your vehicle is determined a total loss and you obtain the total loss documents, you will have the check promptly and already have a vehicle selected to replace your old motorcycle.

As California motorcycle attorneys, we also cover the issues regarding insurance coverage when you seek to get a rental vehicle. Many rental companies will not rent to minors under 25 and

many require proof of valid automobile liability insurance. In addition, many rental car locations require or demand payment by way of credit card, to ensure payment.

Please note: the insurance company for the driver at fault is not obligated to pay for your rental car if you do not meet the rental contract requirements. In addition, the insurance company for the driver at fault is not required to make advance payments or have them billed directly by the rental company.

As such, we recommend to our motorcyclists if there is an issue, have someone else rent a vehicle for them and add you as an additional driver under the contract. Failing that, you may have no choice but to accept the rental reimbursement and rely on the good graces of friends or public transportation.

Some body shops provide rental cars on their premises; however, with our motorcycle cases, we found that none do. When you drop your motorcycle off, we recommend that you make arrangements to get a replacement vehicle. Many of our clients have a second vehicle that is just a car instead of a motorcycle that they can use. You are still entitled to the reimbursement of approximately \$16.00 to \$20.00 per day for use of that additional car. However, you need a competent motorcycle attorney to assist you in seeking rental reimbursement.

What if my Motorcycle is a “Total Loss”?

The worst news is that your motorcycle is determined to be a “total loss.” This means that the cost of repairs is over 70 percent of the actual cash value of your motorcycle. The actual cash value is the “fair market value” of your motorcycle before the accident.

Generally, if the costs of repair of a motorcycle are over 70 percent of the actual cash value, they will consider the motorcycle a total loss and not repair it. Sometimes, after the initial repair or breakdown of the motorcycle, they will determine or discover additional damage which may make the cost of the repairs exceed the value of the bike. Therefore, they will call or write you and tell you that your vehicle is now a “total loss.”

Pursuant to the terms of your insurance agreement, it is the insurance company’s prerogative and choice to determine whether your motorcycle is considered to be a total loss. As such, you have “no say” in the matter. You cannot accept or reject your total loss decision.

After your vehicle is determined to be a total loss, the next big issue in my motorcycle cases is what is the actual fair market value.

Many of our motorcyclists have bikes that are special and unique. This may include Screaming Eagles, custom chrome, or one-of-a-kind type motorcycles. It is difficult to determine what the “fair market value” of these specialty motorcycles, choppers, and street bikes are. As such, you need a competent California motorcycle attorney who has the computer system to determine the value of the bikes. An independent appraisal may be required to evaluate the cost or replacement value of the vehicle.

Do not settle for less. If the insurance company offers you \$17,000.00 on a bike that you believe is worth \$27,000.00, do not accept it. Spend the \$300.00 for a motorcycle appraisal to determine the actual cash value or fair market value of the motorcycle.

Motorcycle Salvage:

If the insurance company declares that your motorcycle is a total loss, you may still want to keep your motorcycle and you can make an offer to the insurance company to keep it. Generally, they will establish the “salvage value” for the parts of your motorcycle. It may be worth it for you to reduce your net property damage claim by the salvage value usually between \$200.00 and \$500.00 so that you can buy the motorcycle for parts, or attempt to repair the motorcycle yourself. You can do that, but you end up effectively “buying” your motorcycle from the insurance company. The motorcycle will then have a salvage registration with the California Department of Motor Vehicles. This means that you may still have a good bike that has been repaired, but you will have difficulty if not an impossible task of selling your bike at some time in the near future because it has a salvage registration. If you have no incentive to repair your bike or try to salvage parts, we recommend the “no hassle” approach to accept the property damage draft and have the insurance company sell your bike for salvage, thereby giving you the salvage value.

Motorcycle Depreciation:

Under California law, if the driver at fault has caused the accident, you may also be entitled to the depreciation or diminution in value of your motorcycle.

This means that even though your motorcycle has been repaired for \$7,000.00, your motorcycle may now be worth less than what it was before because it was damaged in an accident.

Similar to the depreciation of a vehicle when it leaves the showroom, there is depreciation to a motorcycle after it has been involved in an accident. Even though the repairs may have been done in an excellent manner and guaranteed, you have an affirmative duty to tell any potential future buyer of your motorcycle that it has been involved in an accident. This will dramatically reduce the value of your motorcycle due to the damage in the accident.

How do you go about proving there has been a diminution or depreciation or reduction in the value of your motorcycle? You can determine the value of your motorcycle immediately before the accident and the value of your motorcycle after repairs. We always recommend that you hire an independent appraiser to evaluate your motorcycle to provide a fair market value. The appraiser can examine your motorcycle, evaluate the present market value, with a comparable sales for similar motorcycles and most importantly determine the value of your special motorcycle before the accident and after the accident. Insurance companies use independent appraisers, so you should too in establishing the value of your motorcycle, especially if it is a custom bike or one-of-a-kind motorcycle.

Motorcycle Evidence:

From the get-go, and the beginning of any motorcycle case, preservation of evidence is important. This may include photographs of your motorcycle, photographs of your injuries, photographs of the accident site, saving and preserving your motorcycle apparel including damaged helmet, leathers, and other riding apparel, and any other evidence that is important to your case.

In addition, the motorcyclist should produce and keep repair bills, photographs, letters, documents from motorcycle dealers attesting to the value of your motorcycle, any service records showing the model, mileage, repairs, maintenance, and condition of your motorcycle and other important documents.

We are a strong believer in the use of Cycle Trader and Cycle Trader.com published through Trader Publications to offer reasonable motorcycle classified ads for comparison and evaluation of motorcycles like our clients. Comparable motorcycle ads for similar bikes are the best way to determine the fair market value.

The Insurance Company Mentality in Motorcycle Property Damage Claims:

As a former insurance company attorney, I know that the insurance companies want to settle your property damage claim quickly and for the least amount of money as possible. Every dollar they do not pay is a dollar that they saved for their company.

As such, you and your counsel or qualified motorcycle attorney must provide convincing documentation and evidence establishing liability in your property damage claim.

With proper documentation, you can show the highest value for your motorcycle and, most likely will receive the highest payment for your motorcycle. It is worth the time and effort to obtain proper documentation in negotiating your property damage claim with the insurance company.

To obtain the prompt, fair, and equitable value of your damaged motorcycle, you need to have the proper documentation to establish the fair market value, the depreciation, the additions to the bike that increased the value, and other necessary documents.

The California motorcycle attorneys at the Reinecke Law Firm have represented thousands and thousands of clients and obtained the best property damage recovery.

If you do not agree with the insurance company's initial property damage evaluation of your motorcycle, you must negotiate with the insurance company. Always remember, documentation and evidence wins.

Bad Faith Insurance Practices:

The insurance company is also obligated to act in "good faith." This means that if you have property damage coverage, your own insurance company must be prompt, fair, and reasonable in

your property damage claim. However, there is a duty to cooperate and also act in good faith with your own insurance company. This means timely filing of claim, communicating with your insurance company as to the location of your motorcycle, giving a recorded statement if necessary to establish liability, and doing any other activity required by your insurance company to assist them in expediting the resolution of your motorcycle property damage claim.

If your own insurance company fails to act in a prompt, fair, and reasonable action, you may have a separate cause of action for what is called “bad faith.” This means that the company has failed to affirm or deny insurance coverage or failed to act promptly with your property damage or injury claim. If weeks or months have gone by and you have not had your property damage claim resolved by your own insurance company, you should contact a competent motorcycle lawyer to assist you in expediting your property damage claim and investigating whether there is any bad faith actions on behalf of your insurance company.

Furthermore, your own insurance company must provide the fair market value for your motorcycle and all of your losses to make you “whole” again. This is to quote one insurance company “put you back to where you were before.”

Sometimes, your own insurance company may fail to timely affirm or deny insurance coverage, delay in the processing of your property damage, bodily injury, or medical payment claim, or flat out deny coverage altogether.

Under California law, there is something called First Party Bad Faith, whereby the California Insurance Code 790.03(h) codifies the actions that are considered unfair claims practices.

Even though most insurance companies act in good faith and do their best to provide prompt, fair and reasonable processing of claims, sometimes, they do not and they are slow to confirm coverage or pay on your claim. Rarely, but at times, they fail to pay on a claim entirely, which may be grounds for a separate cause of action or lawsuit for bad faith.

You, as an insured, are required to pay your premiums on time or else your insurance policy is cancelled. Now, when you are involved in an accident, and fully cooperate with your insurance company, they delay, and delay, and delay, and finally deny your claim. As a result, you may suffer additional damages in addition to the motorcycle accident, which include loss of income, loss of your business, or worse yet, bankruptcy because you cannot return to work and your claims have not been timely paid. Under California law, if there are facts sufficient to support cause of actions for unfair claims practice, you may be entitled to compensation for both your financial and emotional harm caused by the insurance company’s action, or for that matter inactions.

If your own insurance company has failed to pay on your claim, or denying your claim, you should contact a California motorcycle accident attorney to discuss how to expedite payment on your claim.

Motorcycle Accident Claim-“Get It Done!”

After a motorcycle accident, attending to your injuries is the most important thing that you need to do. However, attending to the inspection, repair or replacement of your motorcycle is also important.

We recommend that you devote your energy and time to obtaining the property medical care and using your energies to get the full physical recovery to get back to work, to get your life back on track, and to get to the point of good health and physical ability to get back on your motorcycle and enjoy riding.

If you have been injured in a motorcycle accident, we recommend that you contact the California motorcycle attorneys to let them work on your behalf to get your motorcycle inspected, repaired or replaced. Let the Reinecke Law Firm and the California motorcycle attorneys make your property damage claim “no hassle” to ensure that your property damage claim is satisfactorily handled and that we with our knowledge can handle all the details of your motorcycle damage claim.

The California motorcycle attorneys at the Reinecke Law Firm know that your health and well-being are the most important thing and that your motorcycle can be repaired or replaced. But we will promise to work to provide the maximum recovery for your bike and your property damage claim.

Motorcycle Insurance:

I get hundreds of calls from motorcyclists and injured persons who have been involved in accidents. One of my first questions to them is “what type of insurance do you have?”, and the response is normally, “I have full coverage.” Unfortunately, too many of my motorcyclists colleagues find that they do not have “full coverage” or, for that matter, have any coverage whatsoever that may provide coverage for their accident. Many people do not know the ins and outs of their insurance, whether it be home, health, or automobile, in the event of a motorcycle accident.

In California, motorcyclists are required to carry minimum amounts of liability insurance coverage. This is \$15,000.00 per person and \$30,000.00 per accident, also called a “15/30” coverage. Motorcyclists are not required to carry property damage coverage, medical payment coverage, rental coverage, or any other coverage. Sometimes, when a person buys a new motorcycle, they will purchase insurance coverage usually from a company called Pacific Specialty, where the coverage is only for covering the loan on the motorcycle. This means that there is no liability coverage afforded to the driver, motorcyclist, and only coverage for the motorcycle itself in case it is damaged. In other words, Pacific Specialty and the motorcycle sales location is protecting themselves and their assets in case the motorcycle is damaged. Sometimes this is false security and the motorcyclist will believe that he has liability insurance, when in fact he does not.

In California, each motorist is required to carry liability coverage of \$15,000.00 per person. If a person does not have the proper liability coverage, they may have their license suspended and receive a citation for failing to have proof of liability insurance at the time of the accident. As a former judge pro tem, I recommend that each and every driver carry the requisite liability insurance to avoid the expensive ramifications of failing to carry liability insurance at an accident. In addition, if you do not have proper liability insurance, you may be personally responsible for a judgment.

But when it comes time to making a claim against the insurance policy, too often we find that our motorcycle clients do not have the coverage that they thought they did, adequate coverage or, worse yet, have no coverage at all.

I will try to outline below, the different types of insurance coverage and the benefits which you, as a motorcyclist, are entitled to after an accident. After an accident, it is important to obtain the name, address, and telephone number of the driver at fault, witnesses, and the other party's insurance information.

Many times, our motorcycle accident victim clients are placed on a backboard with a C-spine support and transported by ambulance to the emergency room. They never have the opportunity to talk to the other driver and exchange insurance information. When they attempt to obtain the insurance information, they are told by the California Highway Patrol or traffic officer that the insurance information will be on the "Traffic Collision Report" and that that Traffic Collision Report will take the famous "7 to 10 working days" before it is completed. As such, for 7 to 10 days, the motorcyclist is "in limbo" as he does not know whether the driver at fault had any type of insurance whatsoever. As such, without the information as to insurance coverage, it is difficult to make those important decisions regarding rental car, towing, or healthcare choices for our clients.

At the Reinecke Law Firm, we have experience in obtaining insurance coverage, as early as possible. We can normally talk to the officer and get the "face page" of the Traffic Collision Report and begin our investigation immediately. However, we must normally meet with the motorcyclist client from the onset to obtain the Traffic Collision Report number and the name of the officer.

In addition, if the motorcycle accident victim has a license number of the vehicle, we can run a DMV search, or do a DMV SR19 Form to obtain the insurance information for the driver at fault. Sometimes, we are required to hire an investigator to determine and locate the driver at fault and his assets and insurance.

The motorcycle attorneys at the Reinecke Law Firm need to learn the identity of all available insurance sources, policies and coverage. We know how to read and decipher insurance policies, submit insurance claims to the proper insurer, and pursue the prompt, fair and equitable payment of claims.

Motorcycle Insurance Issues:

The motorcycle attorneys at the Reinecke Law Firm receive many questions from our clients, including the type of coverage they have, the type of coverage that the other party has, whether they are covered for towing or rental expenses, property damage, medical payments, and the amount of coverage. In addition, we receive questions regarding disability payments, medical care, and other insurance inquiries regarding any other insurance inquiries.

Sometimes our clients say that they have “full coverage” only to learn that they only have liability coverage. Liability coverage, provides coverage if you cause an accident to someone else. It is important to determine the types and expense of your liability coverage, uninsured motorist coverage, underinsured motorist coverage, towing coverage, rental car coverage, and medical payment coverage, to be adequate in your specific claim and case. A motorcycle attorney must review your insurance policy to make sure that what types of coverage you have. We can also make recommendations as to what types of insurance coverage we would recommend in the future knowing your own financial requirements and needs, as well as types of coverage that you may require.

In order to answer questions about insurance coverage and limits, we are required to read the actual language in the insurance policy, determine whether the insurance policy was in effect or in force at the time of the accident, and review the applicable case law and statutes regarding insurance coverage. Sometimes, there can be specific exclusions for types of vehicles, including motorcycles, or exclusions as to certain drivers, or motorcyclists.

Sometimes, we determine that there is adequate or nonexistent insurance coverage. As stated before, we have learned that many of our younger motorcycle clients go on to purchase sport bikes and sign contracts which they believe are providing liability coverage for their motorcycle through companies, including “Pacific Specialty.” When, in fact, they are not receiving liability coverage as required by the State of California, but are only signing and paying for the additional costs of insurance to cover the equity or cost of the replacement value of the motorcycle itself. In other words, they are not purchasing any protection for themselves, only protection for the lienholder, or person carrying the loan on the motorcycle. Normally, it is important that the purchaser of a new bike read the purchase installment contract closely. There should be a large blocked portion of the purchase contract stating that the insurance purchasing is not liability insurance coverage, but is only for protection of the lienholder.

The most important part in any motorcycle accident is to discover and determine the insurance company for the other party at fault involved in the accident. A competent motorcycle attorney will provide a preliminary review of the case at no cost. We will advise you of the merits of your claim, insurance coverage and determine whether there can be compensation for your injuries or damages.

If you need our firm to review your insurance policies after the accident, please call us at 1-800-275-8326.

Motorcycle Insurance Investigation:

After meeting with your clients, one of the first things we do is to get our investigation as to insurance coverage. We look at any and all possible sources of insurance coverage, including the motorcyclist's own insurance coverage, and the other drivers involved in the accident. This means that we investigate their insurance coverage, the coverage limits, and any exclusions or amendments to any policy. There are certain types of insurance coverage in California.

Uninsured Motorist Coverage:

In addition, most insurance companies in California, offer uninsured motorist coverage. This means that if the driver at fault does not have insurance coverage and you have uninsured motorist coverage, you may still be entitled to reimbursement or compensation for your injuries. Technically, your own insurance company steps into the shoes of the driver at fault to establish their defenses as to liability, causation and damages in your uninsured motorist claim. Unlike a first party claim against a driver at fault, your own insurance company has a duty to act in good faith under the California Insurance Code, Section 790.03(h) and provide a prompt, fair and reasonable settlement of your claim.

Underinsured Motorist Claim:

If the driver at fault has liability insurance that is insufficient to pay for your damages, you may make an underinsured motorist claim if you have underinsured motorist coverage. This is tricky. Say, for example, the driver also has a \$15,000.00 policy. If you have a \$15,000.00 underinsured motorist coverage, there is no applicable underinsured motorist coverage. However, if you have a \$25,000.00 underinsured motorist policy, you will then have \$10,000.00 in additional insurance coverage to pay or compensate you for your damages. A prerequisite to filing a underinsured motorist claim is to settle or resolve your underlying claim for the bodily injury policy limits, obtain a declaration page from the driver at fault indicating that they have tendered the entire bodily injury limits, show a settlement release proving you have accepted the bodily injury policy limits, and sometimes, they may require that there be a declaration indicating that the driver at fault had no additional or excess or umbrella insurance coverage that may be applicable to the accident.

Most motorcycle clients do not have uninsured or underinsured motorist coverage. As such, the UM or UIM coverage will not kick in to pay for additional damage that you have suffered at the hands of the uninsured or underinsured motorist.

Medical Payment Coverage:

Medical payment coverage provides for reimbursement or payment of medically necessary and reasonable medical expenses to the insured. Medical payment coverage may be \$1,000.00, \$2,000.00, or \$5,000.00, or even more depending on the type of coverage purchased by the motorcyclist or insured.

There are two types of Medical Payment Coverage, "Primary" and "Excess." "Primary" insurance coverage is where the insured can send the medical bills directly to their own

insurance company for payment of their own policy of insurance. Again, the insurance companies will only pay for medically necessary and reasonable medical bills. They may not pay for the costs of duplicative X-rays or medical reports.

The second type of Medical Payment Coverage is called “Excess.” This type of medical payment coverage is excess to primary insurance coverage. As such, the medical bills must be sent or submitted to the primary care health insurance for payment. Then, the primary health insurance company may pay part or all of the medical bills. If any of the medical bills are unpaid or rejected, you are required to get an Explanation of Benefits (EOB), showing that the medical bills have been submitted to the primary health insurance company and rejected. You then send the medical bills and the rejection or EOB to your own insurance company for payment under the Excess Medical Payment Coverage.

There is also reimbursement for the payment of medical expenses. Most medical payment coverage seeks reimbursement if there is any recovery from a third party case. This means, if your own insurance company pays \$5,000.00 in medical payment coverage for your outstanding medical bills, upon settlement or judgment or award from any third party or driver at fault, you will be required to reimburse your own insurance company for those medical bill payments advanced earlier. As such, this is truly not free money as you have an obligation contractually to reimburse your own insurance company for payment of the medical bills.

Sometimes, a qualified motorcycle attorney can negotiate the reimbursement with your insurance company reducing the reimbursement by thousands of dollars.

Health Insurance:

After a motorcycle accident, many of our clients are transported by ambulance to an emergency room at a local hospital. They receive diagnostic and emergency room care, may even stay overnight or for weeks in a hospital. As the medical bills are mounting, their health insurance will pay the medically reasonable and necessary bills.

If a motorcycle has health insurance, the health insurance company will receive the bills and provide payment to the healthcare provider based on their contractual obligations.

In California, any healthcare insurance companies, such as Blue Cross or Blue Shield, Kaiser or other health insurance companies, will seek reimbursement for any benefits paid to or on behalf of their insureds. This means, that if you have \$100,000.00 in medical bills, and you recover \$100,000.00 from the party at fault’s insurance company, you have an obligation to reduce or reimburse your own healthcare insurance company for the amount of benefits or costs they have paid. As such, there technically would be a net zero settlement to the client, as all the money would go directly to the health insurance company.

A California motorcycle attorney may negotiate with the health insurance company to dramatically reduce their amount of reimbursement on their behalf to seek compensation for the reimbursement. It is important that you contact a qualified California motorcycle attorney to assist you with any health insurance reimbursement claim.

There are also complications with health insurance if the employer of the motorcyclist is self-insured and governed by ERISA. Under our Ninth Circuit Court of Appeals, there is changing case law regarding whether the health insurance company is entitled to reimbursement. The investigation and evaluation of a California motorcycle attorney is necessary to determine whether a self-funded health insurance organization is entitled to reimbursement for medical benefits paid on behalf of their insured. This is very important. Please contact your California motorcycle attorney if you are employed by a self-funded company such as a union, railroad, school district, or other large employer that is a self-funded health insurance program.

It is also important that you submit and ensure that all of your medical bills have been paid for by your health insurance company. Your health insurance carrier may pay for treatment of injuries, including the cost of physical therapy, in-home care, medical equipment, prescriptions, surgery, and other services.

Sometimes, even if you have health insurance, you may receive medical bills or collection notices from the separate healthcare providers, whether they are radiologists, pathologists, emergency room physicians, or even the ambulance. It is important that you submit all of your medical bills to your health insurance for payment and ensure that the payment made by your health insurance is accepted as full payment by the other healthcare providers.

Statutory Hospital Liens:

Another important issue that has been coming up recently is Statutory Hospital Liens. Many of our motorcycle clients are transported by ambulance to an emergency hospital. In California, a hospital may file a statutory hospital lien seeking direct payment from any third-party recovery. Therefore, even if you do have health insurance, they may not submit their bill to health insurance which may only pay part of the bill, and, instead, file and serve a Statutory Hospital Lien seeking full payment of their emergency room bill.

For example, we had one client who had a medical bill from Western Medical Center for \$17,000.00. Blue Cross had agreed to pay \$1,800.00 on the bill and they agreed to accept it. However, after determining that there was a third party at fault, they paid back Blue Cross Insurance the \$1,800.00 paid and filed and served by certified mail a Statutory Hospital Lien on the patient. They are, thus, statutorily entitled to reimbursement from any settlement for the entire balance of \$17,000.00.

As such, a qualified California motorcycle attorney or California motorcycle lawyer is necessary to evaluate the requirements and satisfaction requirements of the Statutory Hospital Lien, and to attempt to have the lien reduced, or paid by health insurance. This is important as if there is a Statutory Hospital Lien, they may be entitled to be added as a “additional payee” on any settlement draft. This would dramatically reduce the net recovery to the motorcyclist, or motorcycle accident victim.

Homeowners Insurance:

Homeowners insurance is another potential source of insurance coverage in a motorcycle accident claim or case. There may be coverage for payment of the injuries or damages to the motorcycle accident victim. The language of the specific homeowner's policy must be carefully reviewed to identify whether coverage exists for damages caused by a motorcycle or automobile accident. Many people assume that the word "homeowners" means that the accident or injury must have occurred within the home. However, many policies provide coverage even if the accident did not occur in the home. Review by a motorcycle attorney with experience in insurance coverage may be necessary.

Business Liability Insurance:

Many of our motorcycle accident clients were injured by drivers who were operating within the course and scope of their employment at the time of the accident. If a vehicle is owned by a business or the driver at fault is an employee of a business, the motorcycle accident attorney must evaluate and investigate the business liability insurance. In addition, the California motorcycle attorney must investigate whether the accident occurred on public or private property and whether there exists a business liability policy in effect at the time of the accident that is applicable, or may provide potential coverage for the motorcycle accident.

Disability Insurance:

A person involved in a motorcycle accident may file for California State Disability if prescribed by and approved by a medical doctor. Please consult your doctor if you are entitled to disability insurance. In addition, many motorcyclists have credit cards that may provide additional disability or unemployment coverage that is added to their monthly credit bill for coverage. Sometimes, these policies will make the payments on the outstanding balance of your credit cards while you are placed on disability by a medical doctor and unable to work or pay your bills, keeping your credit history good, and providing for payment of these bills while you are out of work.

If you are a homeowner, there may also be additional disability insurance coverage purchased through your mortgage or loan. Please contact your mortgage company to determine if you purchased additional disability insurance coverage. This may provide coverage for payment on your mortgage or house payment during your disability.

Government Claims:

In addition to private liability insurance coverage, there may also be insurance coverage by a public entity for an accident caused on a public roadway or property or involving a government agency or employee.

In other words, a competent California motorcycle accident attorney must investigate the insurance policies covering not only the person or entity involved in the accident, but also whether there was any equipment, hazard, road design defect, lighting defect, governmental liability or even a products liability defect that may have caused or contributed to your

motorcycle accident. A qualified California motorcycle law firm must investigate all possible insurance coverage, including government claims and product liability claims.

Furthermore, it is important that if you believe that an accident was caused by a public entity, such as a defective road design, pothole, improper lighting, defective traffic control device, one must file a proper governmental claim within six months of the accident. PLEASE NOTE: The specific statutory deadlines and government claim deadlines for your case or claim are not addressed here and will require the examination and evaluation by a qualified California motorcycle lawyer. If you have or believe you have been involved in an accident where there was a potential liability that caused or contributed the accident by a governmental entity, such as city, county, school district, or the state, please contact a California motorcycle injury lawyer today at 1-800-275-8326.

A California motorcycle accident lawyer will determine whether your insurance policy is current, whether the policy was in effect at the time of the accident, the types of coverage, the amount of coverage, the deductibles, the exclusions, limitations and amendments to the policies, and research and identify additional tortfeasors and coverage that may provide compensation for the motorcycle accident injury.

In our years of experience as California motorcycle injury lawyers, we have had numerous cases in which numerous parties were at fault for the accident. As such, we made claims or filed lawsuits against multiple parties and tortfeasors for negligent acts that caused or contributed to our motorcycle accident clients. In cases like that, the multiple parties might file cross-complaints against each other and may seek indemnification or reimbursement from each other for the negligent acts. A case such as this requires the experience of competent California motorcycle lawyers who have experience in insurance coverage, negotiations, litigation and the ability to determine and distinguish coverage. If you have a case that involves multiple parties, please contact the Los Angeles motorcycle accident lawyer at 1-800-275-8326.

Additional Insurance Coverage Issues:

Under California law, our motorcycle accident clients may be entitled to payment of medical bills, future medical bills, lost wages, loss of future earnings, out-of-pocket expenses, vocational rehabilitation and training, and general damages including, but not limited to, pain, suffering, inconvenience, disability.

However, we sometimes incur coverage issues as to limitations of coverage which require the expertise and additional work of a qualified California motorcycle law firm. At times, we run into issues where the driver at fault carries only \$10,000.00 in property damage coverage. However, the cost of repairs to the motorcycle are \$7,000.00 and the cost of repairs to the defendant's vehicle, or party at fault's vehicle, are \$6,000.00. As such, the total property damage claims exceed the driver at fault's property damage limits. In cases like this, an aggressive motorcycle lawyer is needed to obtain the maximum property damage coverage for their client.

Do not let the insurance company simply pay their insured's property damage claim first and give you the remaining balance, requiring you to pay a property damage release saying this is all there is. There are other alternatives, including negotiating to obtain the maximum recovery, not settling and moving forward with trial, arbitration, or settling the entire claim, or filing a separate lawsuit to recover your entire property damage.

There are many other insurance coverage issues that may or will arise during any motorcycle accident claim. A competent and qualified motorcycle accident injury lawyer will assist you and provide proper legal representation to examine, investigate, and obtain insurance coverage.

Motorcycle Accident- Disputed Liability:

Over the years, we have seen a growing trend of insurance companies disputing or denying liability for a motorcycle accident that is clearly the fault of another driver. Many times, we receive the Traffic Collision Report, which has the other driver at fault, or, worse yet, has the other driver cited and receiving a ticket for violation of the California Vehicle Code.

Nonetheless, the insurance companies may delay in accepting liability, or deny liability altogether. The insurance companies are taking a "scorched earth" mentality against motorcyclists because of the inherent bias against motorcyclists in California. At Reinecke Law Firm, we fight bias every day.

We have an experienced team of investigators and support staff that investigates liability in each and every of our motorcycle accident cases. We understand that determining and establishing liability may become a complex process of facts, circumstances, personalities, witnesses and evidence.

We understand that liability is the initial hurdle to any claim or case regarding motorcycle accidents. Liability must be determined and established before any insurance company will pay any money to our client.

Even if it is an Uninsured Motorist claim, your own insurance company will step into the shoes of an uninsured motorist to fight tooth and nail their liability in the claim. As such, it is even more important that you get a California motorcycle lawyer to fight for your rights.

Sometimes, establishing liability can take weeks, months, even years, and can ultimately depend on accident reconstruction experts in court. If your case is not one that is "cut and dried," you may well encounter complex liability issues and a denial of insurance coverage for your damages.

Even in cases where it appears to be clear-cut liability where the other driver as turned directly in front of you causing a sudden and violent collision, insurance companies are recently denying or delaying their admission of liability. We recently had a case in which a motorcyclist was stopped at a stop sign and got rear-ended by a moving truck traveling 20 mph causing substantial severe injuries to our client. Even though the police report indicated that there were no "associated factors, and that the truck driver was the sole cause of the collision," the insurance

company delayed and delayed and delayed their acceptance of liability, stating that our motorcyclist suddenly stopped, and they even went to the point of saying that he was pushing his motorcycle back from beyond the limit line and he caused or contributed to the accident.

These types of faceless defenses have to be fought by an aggressive motorcycle attorney. We understand that there is an inherent bias against motorcyclists and we have to fight it every day on the streets and in the courtrooms.

We take the time and have the resources to do the investigation necessary to evaluate and support our clients. Depending on each case, we may review the police report, photograph the accident scene, depose the police officer, obtain witness statements, conduct an aerial photograph of the site, do an accident reconstruction or video reconstruction, or other liability analyses that is necessary to prove fault. Unfortunately, the final proof of liability may only be determined by jurors in a courtroom or by an arbitrator or judge.

As such, we work to get the best possible information, evidence and evaluation of your case prior to going to the trier-of-fact. Do not settle for less, get the best, is our theme. The motorcycle attorneys at the Reinecke Law Firm are always in there fighting...for the biker.

If you are reading this, by now, your claim or case has already been delayed or denied and you are seeking legal assistance. However, if you have not been involved in an accident yet, or have recently been involved in an accident, we always recommend that you do not give a written or recorded statement to any insurance company, including your own, without proper legal counsel.

As a former attorney for a major insurance company, I know the type of questions they ask and how they can twist and turn one's statements to establish some defense for comparative negligence. For example, they may ask questions as to your distances, speeds, or what you were looking at just before the accident. They may try to establish inattention. Furthermore, they may ask questions regarding what you did immediately after the accident, or how long it took you to go to the hospital or doctor trying to establish a "gap in treatment." (A) If the accident was so bad, how come you waited two days before going to the hospital? (B) And if it was so "acute," why didn't you go immediately to the emergency room? These types of questions conduct a harness in negotiations and settlement or in the trial of any case.

Do Not Give A Written or Recorded Statement to Anyone Without Legal Counsel :

Furthermore, the insurance company representative may contact you, and, in a real friendly voice, ask you to draw a diagram how the accident occurred. This will also hurt if not kill your case. The best recommendation is to not even meet with the insurance company without the assistance of proper legal counsel. Get a good California motorcycle lawyer to assist you.

Next, the insurance company representative for the driver at fault may also ask you to sign the Medical Authorization. Do not do so. They may not fulfill the requirements of privacy and, they will allow the insurance company to obtain any and all of your medical records, employment, other personal information, which they may not be entitled to if this case proceeded to court. In

other words, you are opening up your entire life to the insurance company. Rest assured, they will find something that will mitigate their exposure or liability or damages in their case or point.

Next, the representative for the insurance company for the driver at fault may also ask you to undergo a medical examination by what they call a “Independent Medical Examiner.” Trust me, they are truly not independent and they are paid for directly by the insurance company. I have taken many, many depositions of these “Independent” healthcare providers, and they are not all independent. In fact, I could probably tell you what they would say about any patient not even having examined someone. As such, you should avoid a “medical examination” and seek the assistance of a motorcycle attorney. Under No Circumstances Should You Attend a Medical Examination Without Legal Consultation!

Motorcycle Injury Medical Care:

If you are injured in a motorcycle accident, you were most likely transported by an ambulance and paramedics to a hospital emergency room. The emergency room physicians quickly diagnosed your injury and gave treatment as medically necessary and required. Afterwards, the doctors determined whether you are facing a life threatening condition and may admit you to the hospital, “ER” or “ICU” for emergency medical care. If you do not have life threatening injuries, the emergency physician may discharge you with an appropriate referral for follow up care with your primary care physician, physical therapy or, in most circumstances, prescribe a conservative course of treatment including pain medication and follow up care, only if there are continuing symptoms.

After a motorcycle accident, you will be released from the hospital with a diagnosis of your injuries. You will be given pain medication, anti-inflammatory and perhaps a prosthetic device such as a soft cervical collar, leg splint or arm splint to help alleviate the pain and discomfort caused by your motorcycle injuries. The emergency physician may also provide a referral to a medical specialist for follow up care. We have learned over the years that emergency room medical physicians will often refer individuals to colleagues in their same medical network.

If you have a primary care physician, you may be recommended to return to your primary care physician “PCP.” It is important that you follow up with your primary care physician, referred doctor or healthcare professional for prescribed and recommended medical examinations and follow up care.

Many times, after being released from the hospital our motorcycle clients have continuing pain, bruising, swelling, instability in their joints, inability to move, headaches, nausea or other symptoms as a result of the injuries that were not originally diagnosed in their initial visit to the emergency room. If you have any continuing or new symptoms, it is not improper or unreasonable to return back to the emergency room immediately for follow-up care. While emergency rooms are primarily equipped to handle life-threatening emergencies, you should not hesitate to return to the emergency room if you have unmanageable pain, discomfort, difficulty in transferring which is a medical term for walking, getting out of your vehicle or moving with

daily life activities. You can also get immediate help from other sources including after hours medical clinics or urgent care locations.

Naturally, your own pain threshold will dictate when and if you go to the emergency room and you are not required or expected to endure unreasonable or unremitting pain while you are awaiting a scheduled appointment with your primary care physician or waiting for a weekday to see a healthcare professional. If you have new symptoms or intolerable pain ... go to the emergency room now.

First Report of Injury Symptoms:

Normally when you are at the emergency room, you will tell the emergency room physician your primary complaints of pain. Sometimes this may simply be “neck pain” or “knee pain.” They are a triage type of facility that handles your most acute pain and you are not expected to give them a laundry list of all your pain symptoms from head to toe.

Furthermore, after an accident, the body is filled with adrenaline and shock and you may not feel all of your injury symptoms until you try to “wake up the next morning and feel like crap.” Many of our clients have difficulty waking up the next day or even moving the next day after their motorcycle accident.

After returning home, they attempt to make an appointment with the referred doctor or their primary care physician and sometimes, they cannot get into their primary care physician or referred doctor for days or weeks. Especially if you have an HMO, it may be difficult for you to see your primary care physician. If this is the case, we request that you go to the emergency room or to your primary care physician location such as Kaiser to see any doctor for your pain. If you wait a day, weeks or months to seek treatment for injuries received in a motorcycle accident, you may endanger your health, or, you may not get the proper care for your injuries.

Furthermore, any delay in seeking delay in seeking medical treatment for your motorcycle injuries may reduce the chances of being able to prove that the injuries were caused or related to the accident. As time passes, the causation between accident and injuries becomes more remote.

As such, we recommend that you seek immediate follow up care with your primary care physician for your motorcycle accident injuries. Then, during your initial visit with your primary care physician, chiropractor or healthcare professional, you should advise your doctor about the mechanics of the injury, how your body fell and hit the pavement, and what parts of your body are injured. At this time, it would be good to go with a laundry list from head to toe of all parts of your body that hurt whether they are major or minor. You may also be asked to rate your pain on a scale of 1-10. Your primary care physician should then request and receive your emergency room records and X-rays to avoid duplicative X-ray charges. Your primary care physician will then perform a full examination, provide the appropriate diagnosis and treatment plan. This may include a conservative course of physical therapy, prescriptive anti-inflammatory pain medication, or other medically necessary prescribed care.

In many cases, your primary care physician will refer you to physical therapy or to another specialist for follow up care.

Motorcycle Injuries

Our clients from motorcycle accidents sustain physical injuries including broken bones, spinal cord injuries, bruises or road rash, lacerations, and other physical injuries. These types of injuries are normally immediately visible to the naked eye or in the form of imaging technologies such as a CT scan, X-rays or MRI. These physical visible injuries can also be documented by your doctor or emergency room physician and are the most treatable types of injuries. They are easily identified and responsive to health care treatment plans.

In our motorcycle accident cases, the most obvious and quite often times the most difficult types of injuries to treat are those invisible injuries, especially spinal cord injuries or closed head injuries. These types of invisible injuries may not be evidenced by irrefutable objective, tangible proof such as an MRI, X-ray, or CT scan. A strange muscle, torn ligament, cervical disc herniation, or closed head injuries are examples of these types of serious motorcycle injuries with serious physical damages to our clients' bodies that can be difficult to diagnose or document by objective graphic proof.

Motorcycle accidents often result in what is called soft-tissue injuries. This is usually caused by an acceleration/deceleration or twisting or torquing movement of the muscles or tendons in the body. The exaggerated twisting, jerking, or distortion of your head, neck, or spine upon impact may cause tremendous forces upon your spine and neural-muscular system that supports your entire structural framework. Immediately after an accident, there is normally shock or adrenaline that goes into the body that keeps you from immediately feeling the effects of an injury. As such, at the accident scene, when a police officer asks you if you are injured, you may, while in shock, say "no." And the police report will document that you were not injured in the accident, and be typed up as a "non-injury traffic collision report."

Often, it is not until several hours or sometimes several days after a motorcycle accident that the serious debilitating effects of one's injuries makes themselves prominent or known. Normally, they make themselves known with severe pain, impaired mobility, or partial or total disability.

Motorcycle Injuries to the Head and Brain:

Motorcycle injuries to the head, spine, and brain can disrupt or damage the fragile neurological system that controls your brain and bodily activities. The traumatic stresses can seriously injure your neck, spine, brain, and other parts of your body to cause serious injuries to the neck and brain, which can result in permanent life-long damage.

In many of our motorcycle cases, our clients suffer from “closed head injuries” even though they were wearing a helmet in which the symptoms may include, but are not limited to:

1. Headaches;
2. Nausea;
3. Loss of short-term memory;
4. Dizziness;
5. Ringing in the ears;
6. Increasingly aggressive personality.

Even though the MRI are negative, there may be symptoms of a closed head injury which may need further neurological testing. Seek professional medical help immediately.

Sometimes closed head injuries do not have obvious physical symptoms such as bruises, cuts, or fractures at the base of the skull. Injuries of the head may not be immediately visible at the time of the accident and there may be no bruising, swelling, bleeding or tearing of the brain or related membranes evident at first.

These types of motorcycle injuries can cause extremely serious and life-threatening symptoms that may have a profound effect on the quality of your life after a motorcycle accident. Injuries to the head and brain will require immediate and intense medical care and treatment and ongoing care to ensure maximum recovery.

Following a motorcycle accident, the emergency room physician performs a minimal examination to identify, diagnose, and treat life-threatening head injuries. As injuries to the head and brain may be considered “invisible injuries”, they may be undetected by a normal glasgow scale or objective radiological examination.

These serious head and brain injuries may affect cognitive or thinking abilities and they may affect one’s abilities to compute complex reasoning problems or to remember certain tasks. Closed head injuries and brain injuries may affect one’s short-term memory and cause a change in personality and attitude.

If you or a loved one believe that you may have incurred a minor head or closed head injury as a result of a motorcycle accident after the motorcycle accident, you should consult with a doctor immediately. Complexities, confusion, and frustration often occur after a closed head injury.

Specific brain injuries may also be the result of problems in muscular coordination, vision, speech, and your senses of taste, smell, and touch. You must seek a qualified neurological specialist to diagnose and treat any closed head or brain injury. If you or your primary physician suspect any sort of closed head or brain injury, it is important you seek a specialist immediately for the diagnosis and treatment. Head injuries, especially if left undiagnosed and untreated, can

create frustrating and sometimes permanent disabilities, or worse yet, blood clots that may affect your ability or that may cause death.

Neck and Back Injuries:

In some of our cases involving motorcyclists that are in their 50s, their initial complaints are neck or low back pain. Only after being referred to a specialist, including orthopedic surgery or neurologist do they determine that they have a serious spinal cord injury, disc herniation or disc bulge. It is sometimes difficult to distinguish between a soft-tissue neck or back injury which may result in spasms and pain to the cervical, thoracic or lumbar region. Pain symptoms from a cervical, thoracic or lumbar disc injury may include:

1. Pain – constant and degree varying, depending on activity;
2. Radiating down the extremities, feeling like hot water or heat; and
3. Causing numbness or tingling to the hands, feet, fingers or toes.

Normally, the radiating pain is predominantly to one side but may be bilateral or to both sides of the extremities. Consultation by a qualified healthcare professional is necessary to diagnose and treat spinal cord injuries. Seek professional medical help immediately.

Knee Injuries:

One of our motorcycle clients recently was being treated for neck injuries but continued to have knee injury symptoms that included:

1. Pain to the knee;
2. Instability;
3. Swelling with use.

These were classic symptoms of an internal derangement or tear to the ACL that were noted and observed by the treating physician but there was no referral to an expert. As such, the client must take the bull by the horns and ask the treating doctor for a referral to an orthopedic specialist. Seek professional medical help immediately.

Once you have seen your primary care physician, specialist or chiropractor after a motorcycle accident, the healthcare professional prescribes a conservative course of treatment over a specific time period. For example, your doctor may prescribe six or ten visits to physical therapy and a follow up examination to see how the therapy is relieving the pain symptoms.

The treatment plan for a motorcycle injury should be communicated to the insurance adjuster so that the insurance company can anticipate and set aside an anticipated settlement or “reserves” for the settlement of your motorcycle accident case. For example, if you have substantial emergency room bills of \$20,000.00, \$30,000.00 or \$40,000.00, the insurance company should be aware of that to set aside appropriate reserves and to determine if there is adequate insurance coverage to pay for the loss. Once they are informed of the extent of your injuries and the

amount of your medical bills, they may give you the bodily injury policy limit information which may be important information in determining whether to settle your case or the options you have as to surgery or future treatment.

Choosing the Right Doctor after a Motorcycle Accident:

After a motorcycle accident, for that matter any accident involving injuries, you must select the right doctor as well as the right lawyer. This means that you may have to do research on a doctor who will provide you with the proper medical care. A motorcycle accident patient needs the appropriate care and a legitimate and justified effort on your part to successfully manage an optimal recovery. Do not doctor shop to get a result. This may be considered insurance fraud in seeking financial gain.

We recommend that you follow your doctor's advice as far as physical therapy, medication and referral to specialist. It is your right and your responsibility to seek out the best possible medical care and treatment for your motorcycle-related injuries. Sometimes, you may have to see numerous doctors for second opinions especially, if a doctor has prescribed surgery or you have a medical history of a pre-existing condition. What you do not want is a history of shopping from doctor to doctor for treatment without any commitment on your part to follow their prescribed treatment plan or to truly seek recovery for your injuries sustained in your motorcycle accident.

Furthermore, the insurance companies will look at gaps in treatment between the different healthcare professionals. In other words, if you go to the emergency room, and see a follow up doctor and then wait three months to see the specialist, they will argue that the injuries were not that acute or important to you and therefore this will dramatically diminish the value of your claim or case.

In addition, you should explain your medical history to both your doctor and your attorney. Nothing is worse than having a client go through a conservative course of treatment and medical care only to find out that there was a prior accident or previous condition that would dramatically diminish the case. With today's computer systems, there are what is called Index searches that insurance companies run to determine if someone has been involved in a prior accident. These Index searches by insurance companies will determine and show what parts of the body were injured, the date of the accident and the amount of the damage incurred. They may also show the amount of settlement of prior accident or injury claims. As such, one must tell the doctor of any history of prior accidents and whether there were any continuing symptoms at the time of the motorcycle accident. Worse yet, if the medical history shows a wide range of unrelated inconsistent complaints to different doctors at different times and there is no verifiable medical proof to back up your bodily injury claims, your demand for settlement in your motorcycle injury case may appear to be suspect and denied by the insurance company. A professional personal injury motorcycle attorney is likely to decline to represent a person who doctor shops because they suggest either a poorly documented and losing case or an attempt to commit insurance fraud. This is strongly dissuaded and avoided by the Reinecke Law Firm, The California Motorcycle Attorney.

It is also important to show that there is no bias between the lawyer and the doctor. This means that the lawyer and the doctor are not working together to inflate your treatment, exaggerate your injuries, or obtain an unjust recovery.

Your doctor is the only person that can prescribe, diagnose and give you a prognosis on your motorcycle accident injuries. The doctor will provide only medically necessary medical treatment and his bills must be medically reasonable. Reasonable means that the treatment was provided for an appropriate amount of time and cost and is reasonable within the medical community. Necessary means that the treatment was referred and monitored by the attending physician and that it was needed to treat the patient. If your medical care is unreasonable or unnecessary, it may be successfully refuted by the insurance company or their defense lawyers.

Motorcycle Injuries – Getting Well:

It is the goal of both your doctor and our office that our clients get well and recover. If you are injured in a motorcycle accident, you are in a two-lane road to recovery both physically and financially. The primary concern to be your physical recovery for your injuries sustained in the motorcycle accident. The choice of your doctor, medical team and the management of your medical care play a large part in your physical recovery for your motorcycle injuries. You must follow your doctor's advice and recommendations and take all prescribed medicine as indicated. Remember, through every step of managing your medical recovery, you are the ultimate manager who must assume the primary responsibility for your healthful recuperation, recovery and getting back on your feet.

We also recommend that the client mitigate their damage and get back to work as soon as possible. As stated previously, we represent "copers not whiners." If the doctor places you on a work restriction or places you off work, you are entitled to take time off from work. However, if you can return to work, we recommend that you do return to work.

You must manage your physical aspect of your recovery as well as your financial management of your recovery so that it does not interfere with your life and your ability to pay your financial obligations. With a balanced approach to healthcare and financial management, you can manage your physical and financial recovery from a devastating motorcycle accident.

In the real world, there may be complications with your doctors and employers. Your doctor may have no incentive to provide timely medical reports and bills for you to present your motorcycle injury claim and your employer may be unreasonable and even terminate you if you are involved in an accident and do not return to work.

It is difficult to coordinate the varying aspects needed to present a motorcycle injury claim. An experienced law firm with a support staff that specializes in motorcycle injury law can obtain all the appropriate medical records, bills, reports, insurance company EOBs and other documents needed to provide a settlement evaluation and demand in your claim.

Many times, our motorcycle injury clients are on crutches, in a wheelchair or bedridden for days if not weeks. They are unable to do the management of their physical recovery and financial

recovery at the same time. Only the client or patient can advise us as to whether they can do all these tasks simultaneously. This multi-tasking of getting well and getting financially back on your feet is difficult depending on the extent of your injuries. For example, if you are a spinal cord injury victim or have a fractured leg or broken arm and are unable to return to work, it will be difficult if not impossible for you to make ends meet as well as while you are trying to follow the doctor's advice and orders and get well with your physical recovery. If you are having difficulty physically, financially or mentally, it may be an appropriate time to seek professional help by calling a motorcycle accident lawyer.

If you choose to hire a motorcycle accident attorney to assist you in managing your recovery and your case, your attorney will assume most of the important duties of managing your medical care, obtaining your medical records, obtaining your billing and wage loss documents and presenting your settlement evaluation and demand in your motorcycle accident claim. A full time professional may be needed in your case to assist you so that you can concentrate on your comprehensive medical management and, in plain language "getting well." Together, a team with an experienced motorcycle accident lawyer and cooperative client can work together to reach the goal of physical and financial recovery.

Talk to Your Doctor:

When you see your primary care physician or healthcare provider, it is very important that you communicate clearly and consistently with your doctor or physical therapist about your injuries and how those injuries have affected your daily life activities, physical well being and mental status.

On your first visit to your doctor you will give a detailed description of your injuries including how you received them, the mechanics of your injury and the impact that it has had on your body. An important part of any case is the mental aspect of any injuries. You should discuss the mental affects as well as physical affects of your injuries with your doctor. Disclose everything about your injuries including where it hurts on your body, when it hurts, how long it lasts, what makes it better, what makes it worse and whether it is getting better, worse or staying the same since the date of the accident. After receiving this information, your primary care physician can prescribe a treatment plan to deal with your injuries.

Medical Records:

During your physical recovery, your communication with your treating doctors is most likely made through their nurse, physician's assistant or directly with the doctor. Everything that you tell the doctor will be transcribed or written into your medical records. These medical records or medical chart become an official record and part of your case or claim. What is written in your medical chart is important and will be read to a decider of fact or jury in the future. As such, it is important that you tell the doctor all of your injury symptoms and any other problems that you are having.

Just think, six months from now, what you say to the doctor may be blown up to a 4'x4' chart saying what symptoms you do or do not have. In addition, in the future the defense attorney may

make reference to things in your chart that you may not want to hear such as references to drug use, subsequent accidents or other things that may be embarrassing. As such, when you see your primary care physician after a motorcycle accident, tell your doctor of your symptoms related to the accident and things that are related to your injuries.

What you tell your doctor will go into your official medical record and will become evidence in the future regarding your claim for pain and suffering. If you submit a claim for injuries that are not related to your accident, on your visits to your treating doctor, they will also be criticized by the defense attorney or insurance company. For example if you have an acute back or neck injury and you go to the doctor on numerous occasions for a skin rash, that is unrelated to the accident, naturally, these bills will not be part of your case and the insurance company will move quickly to dismiss those claims or bills for treatment.

Every time you speak to your doctor, you should give a full and candid explanation of your injuries and how those injuries have affected your life. Without proof of injury, pain and suffering evidenced by official medical records, you will be left without any evidence to support your claim for pain and suffering. In short, “Talk, Talk, Talk” to your doctor.

Sometimes, your treating doctor will not be experienced in a specialty to which you need additional medical attention. For example, if you are seeing a chiropractor for your neck and back complaints but you continue to have knee complaints, you may need a referral to an orthopedic surgeon. Even though your treating doctor is seeing you for only your neck and back, you need to ask your treating doctor for a referral to a specialist.

If you are sent to a neurologist for a neurology evaluation, is it necessary to advise the new doctor of your medical history and all of your complaints? ABSOLUTELY. You cannot communicate too much with your doctors. Your doctors do not know your medical history and you may be required to “recreate the wheel” and tell them of the facts of the accident, mechanics of your injury, and all of your medical symptoms. Sometimes, they do not have your entire medical chart during your appointment, which can be added later. However, the best evidence in any case is your medical records.

The information obtained in your medical records and reports is the most critical component of your medical documentation package that will support your motorcycle injury settlement claim. All of your medical records are important.

Keep in mind that doctors have hundreds of clients and they do not know your medical history or complaints. As such, it is even more important to tell the doctor of your complaints each and every time that you go to your doctor. If you are required to fill out medical forms, fill them out and complete each and every box regarding your medical complaints. This is very important if you are to successfully manage your motorcycle injury claim and obtain the best medical treatment. Your physical recovery is the most important aspect of your motorcycle injury settlement claim.

The worst case scenario is that you have been released from your doctor and, months later, you have pain radiating down your legs causing permanent paralysis and numbness to your feet.

After seeing a neurologist, the doctor advises you of a spinal injury. However, you have already signed the settlement release with the insurance company forever discharging them from any further or future obligations to pay for your medical care incurred as a result of your motorcycle accident.

Because you settled the case too early, before obtaining a complete medical analysis and determination of your physical health and recovery, you will not be entitled to any future or further financial recovery. This can be disastrous. As such, we recommend that you seek all medically prescribed treatment and care for your injuries and see specialists if even recommended.

One should never compromise on their physical recovery by the temptations of an early settlement or by the hard-headed approach that they will get better on their own. You must trust your doctors and your health care professionals to provide you with the best possible medical care to allow you to make educated determination and choices as to your physical condition and alternatives you have as to care, surgery, or settling your case. Your quality of life is the most important to your future and if you make the incorrect decisions, your future may be damaged beyond recovery by early, insufficient, and unfair motorcycle accident settlement.

The “Good Patient” Goal:

Nobody likes to see a doctor or go through painful or protractive physical therapy. However, your doctor or health care provider knows what is best for you and sometimes making those follow-up appointments, physical therapy appointments on a regular basis or taking medication is what is in your best medical interest.

Furthermore, you do not want to have gaps in treatment or be considered a difficult patient. You must trust the good advise of your health care providers in developing a successful plan for your recovery. This includes having a good attitude, discipline, commitment, consistency, and relationship with your doctors and health care providers. If you have been involved in a motorcycle accident, and sustained injuries, you must make and keep all your doctors’ appointments. Furthermore, you need to balance your daily life with your schedule for health care and treatment. We all have obligations including family, work, friends, and social commitments. You need to make the time to see your doctor and to make your appointments so that you can get well. As in sports, if one rushes back onto the playing field without a full recovery, you are more susceptible to re-injury or, worse yet, permanent injury.

There are many difficult parts of your motorcycle accident case. Insurance coverage, the legal jungle, and the contracts with the medical industry. It can be both frustrating and frightening, and at times, painful and protracted. But working together with your doctors, lawyers, and you, as a cooperative patient, you can design and obtain the best medical treatment plan to allow for your full physical recovery. Once you achieve your physical and financial recovery, you will be on the road to getting back to where you were before your motorcycle accident. The key word here is teamwork.

Everyone will work to getting you back to where you were before your motorcycle accident, and the best way to fulfill this obligation is to carefully, diligently, and skillfully select the right lawyers and doctors. It will be your responsibility to make sure that your team communicates and stays on track.

Motorcycle Accident Injury- The Recovery:

If you or your loved one has been involved in a motorcycle accident, you may suffer physical pain, mental exhaustion, emotional distress, depression, anxiety, and the financial setbacks of both lost wages, and the recovery and recuperation process. Here, we will talk about some of the mental, physical, and emotional challenges that our motorcycle accident clients sustain after a motorcycle accident. Together, we can identify and work to obtain the results to obtain a successful resolution both physically, mentally, and financially. You, the motorcycle client, are our number one #1 goal in this entire process. You need a team that will support you physically, emotionally, mentally, and financially to allow you to obtain the best recovery.

Future and Further Impact of a Motorcycle Accident:

Unlike automobile accidents where you are surrounded by a ton of metal, steel, and plastic, in a motorcycle accident, the impact is directly to your bike and body. Even a relatively low-speed motorcycle accident can result in serious and life-threatening injuries.

The truth is that people involved in motorcycle accidents usually sustain more serious injuries than those involved in car accidents, such as the plain facts of the mechanics of the accident. Our experience has shown us that insurance companies are more likely to settle bodily injury claims in automobile accidents because they are usually minor injuries. Sometimes, those involved in automobile accidents do not even take the initiative to file a claim for their medical bills, lost wages, or damages. Furthermore, most people that are involved in automobile accidents do not have physical, mental, or emotional injuries or the strength to successfully battle the large insurance corporations.

Additional Damages- Lost Wages:

After a motorcycle accident, you are physically, mentally and emotionally injured. In addition, most motorcyclists are employed at the time of the accident. Some of these folks are able to return to work immediately after their motorcycle accident with little or no interruption. Others are not so lucky and face continued medical treatment and prolonged physical recovery that either limits or entirely prevents them from returning to work. If your doctor has placed you on a total work restriction or limited your tasks at work, you will require a written copy of the doctor's work restriction for the insurance company. This puts the insurance company on notice that you will be making loss of earnings or loss of future earnings claim. The typical physician's work restriction order will include the date of the injury, the nature of the injury and how long you should be off work or the type of restrictions that you should have when you return to work.

If your doctor's orders change at any time, either shortening or extending the limitations on your ability to work, please obtain an additional work restriction note from your doctor and notify the insurance company immediately.

While you are recovering from your injuries, it is important that you document your lost wages. Please keep track of your days or hours missed from work without pay, and include sick or vacation days. If you are employed, the insurance company may eventually request your employment or payroll records, including time sheets or other attendance records to verify your claim or inability to work as a result of your accident or injuries. Do not depend solely on your employer's records or your Wage Loss Declaration. Keep your own personal records of the dates, hours and times that you miss from work without pay. Include copies of this calendar or diary with your lost wage claim.

You may be required to provide additional written documentation from your doctor as to why you took time off from work after your motorcycle accident. It is always our best policy to try and mitigate your loss of earnings damages by trying to return to work when you are able to. Sometimes, you will be able to return to work with different duties or reduced hours or restrictions.

If you are self-employed, proving your damages may be more difficult. You may be required to sign a wage loss authorization allowing the insurance company to obtain all of your personal financial records. Even though your tax returns are protected under federal law as private, these may be required to prove a loss of earnings claim. It may be difficult to provide substantial proof of the numbers of hours or days or clients you have missed as a result of your injuries and damages. It will be your responsibility for identifying, organizing and producing the necessary documents that verify and support your loss of earnings claim. Some of our clients are self-employed on a contractors or realtors where they get paid on a project-type basis. It is important for you to then contact these customers and provide copies of written contracts or agreements with past, current and future clients. You may have lost proposals or projects or sales as a result of your injuries. You will need witnesses and evidence to prove your loss of earnings claim. Furthermore, you will need to provide solid verified testimony and evidence from your primary care doctor stating why you were unable to physically conduct the proposed work. For example, if you are a construction worker and are in a wheelchair, common sense would tell us that you would be unable to physically do the work tasks required of you. But if you are a realtor in a wheelchair, you can still show houses and do the necessary tasks to sell property.

You are not entitled to speculative income. In other words, that you planned on getting a job soon or that you hoped to make more money in the business or you anticipated getting a project. You must prove beyond a preponderance of the evidence that your job was sound, secure and reasonably certain that you would have lost wages, but for the accident and injuries that you have sustained. There is also an argument that you took time off from work for medical treatment as opposed to injuries. In other words, the reason why you lost wages is because you went to

doctors' appointments. The defense may argue that you could have made your doctors' appointments around your schedule and that you are only entitled to lost wages as a result of injuries sustained that prevent you from doing the tasks required of your job. This is a minor technicality, but has a valid impact with the juries and decision makers. As such, you must argue that the reason you went to the physical therapy was because your injury symptoms prevented you from doing the work that is required at your job.

You are then required to prove your damages for lost wages. The only effective way to prove your case is to provide evidence, not just facts, that show that your claimed lost wages are fair and reasonable and have supporting documents.

If you have been involved in a motorcycle accident and lost wages, you must provide proof of the following:

1. How much money you earned each pay period during the six months or one year before the accident;
2. How much money you would have earned but for the accident;
3. How many hours you worked each pay period in the six months or one year before the accident;
4. How many hours you worked each pay period following the accident to date;
5. Documents from your medical doctor showing that you were medically unfit to do the job tasks required of you at your profession;
6. Documents of any anticipated raises, promotions, cost of living increases, or performance based salary increases that you lost because of the accident or injuries;
7. A list of all employment-related benefits, reimbursements, bonuses, profit sharing, sales commissions, gifts or awards that you would have received but for your accident and injuries;
8. A list of all employment-related medical or other insurance benefits that you have lost as a result of the accident or injuries and your inability to work; and
9. All medical records documenting the anticipated date of your return to work, or in the alternative that you will be unable to return to that same job that you had prior to the accident.

Loss of Future Earnings:

In addition to lost wages, as a motorcycle accident victim, you are also entitled to be compensated for your loss of future earnings. This is if you are unable to return to work as a result of your injuries.

It may also include damages if you are able to return to work, but at a different level, or unable to perform all the duties required of you at your specific job. For example, if you are a construction worker and you crushed your dominant hand in a motorcycle accident, you will most likely not be able to continue being a construction worker; however, you may be able to be retrained as an estimator or appraiser in the same profession.

In this case, you will need to prove that the pain, suffering and injury have forced you to change your profession. As a result of that change, you are entitled to the difference in income you would have received before the accident happened, less the amount of income that you would have received in your new profession. Normally, you will need the use of a vocational rehabilitation specialist to determine what specific skills you can have based on your likes and dislikes. Sometimes, in cases where you can be retrained, you may make more money than you did prior to the accident. Therefore, you may be entitled to simply your lost wages and the cost of the retraining or vocational rehabilitation. In our typical motorcycle cases, we have clients where the injuries they received as a result of their motorcycle accident places them on temporary or permanent disability and they are partially or substantially limited in their ability to perform their work after their motorcycle accident. For example, back injury can limit one to lifting more than 10 or 15 pounds, when before the accident, they were working in a distribution plant using a forklift and lifting cases of 50 pounds. A cervical trauma, on the other hand, may limit you from sitting more than 20 minutes. If you are a driver for a delivery company, this may dramatically affect your ability to do your job duties.

Different injuries produce different results for different people. Every motorcycle accident person is different and, you need a specific medical team to discover what limitations you will have or will face in the future.

The critical aspect of documenting how your injuries affect your ability to perform your job is your medical records and your medical doctor's testimony. Your doctor must know what your job duties are at your job, as they existed before the accident and apply your current medical condition and prognosis and thereby placing work restrictions on you. As such, it is important that you talk to your doctor and tell him of your job and your job duties. You must clearly and consistently communicate those limitations to your doctor during each medical examination. In addition, as your medical condition improves, you must let your treating doctor know that your ability to work has changed. However, if your injury symptoms continue to prohibit you from doing your job duties required at work, you have two choices. Either change your treatment plan to provide a more successful treatment for your injuries, or change the type of work or work environment that you have. Your primary care physician is the person most knowledgeable about the appropriate course of action for you and the choices you can make.

According to the "Americans with Disabilities Act", your employer cannot discriminate against you because of your disability. This specific exception is if your disability prevents you from

doing the type of work that you have been hired to do. For example, if you are a carpenter, and cannot swing a hammer, it is not discriminatory to not hire you or rehire you.

Special needs may mean that the employer may need to make accommodation for you at your jobsite. You may return to work with certain restrictions as to lifting, sitting, or be required to have ergonomic changes at your desk. If you have been seriously injured in the motorcycle accident and are unable to return to your work, you need the team of doctors, lawyers and vocational rehabilitation specialists to help you learn of your alternative employment opportunities and choice that you can make.

In seeking a work restriction from your doctor, you should have the doctor include the following:

1. Your name;
2. The date of the accident;
3. The limitation to employment;
4. The length of your work restriction;
5. The date that you will be re-evaluated;
6. Whether your restriction is temporary or permanent in nature;
7. Whether your position requires retraining or alternate employment;
8. The types of functions at your job that you are unable to perform, such as lifting, bending, sitting, standing for prolonged period of time, or restrictions on the amount of weight that you can lift or carry;
9. Documentation of the limitations caused by injuries that may not be related to physical movement, such as memory loss, speech impairments, sight or other sensory impairments, closed head injuries, decrease in sense of smell or taste, or, most importantly, decrease in hearing that might affect the safety of others; and
10. A detailed list of work-related functions and activities in which you are unable to participate in as a result of the injuries sustained in your motorcycle accident. In other words, if you are unable to do certain activities or there are physical limitations.

Documenting Changes In Your “Quality of Life.”

At the California Motorcycle Accident Lawyers - The Reinecke Law Firm, we give each and every client a daily diary to complete. The daily diary allows the client to document the affects of the injury on their personal life and to quantify it in terms of a pain scale. Many of our

motorcycle accident victims find that this basic day-to-day diary is important in tracking the recovery from their injuries.

The daily diary does not have to be completed every day, but we recommend it. They also allow it to be given to their physical therapist or treating doctors to tell them how they are feeling without “recreating the wheel” every time they see their doctor. In the Quality of Life Checklist, it includes - The Daily Disability Diary will ask you to rate your pain and discomfort, activities, emotional state, personal care, medical treatment, results from treatment, out-of-pocket expenses, and miscellaneous notes. If you would like a free copy of all of our “Daily Disability Diary,” please call the Reinecke Law Firm at (800) 275-8326.

How To Handle Your Own Bodily Injury Claim:

The first question is whether you should represent yourself in your motorcycle accident case.

The insurance claim process and legal system is complex. Especially today, insurance companies do not voluntarily pay on their claims. In the old days, back in the ‘80s, insurance companies would typically pay three times their medical specials on any injury claim.

Today is different. Insurance companies have numerous systems to evaluate your claim or case. One is called “Collosus.” This is a computerized system used by insurance companies to evaluate all injury claims. What they do is, they input into a computer the facts regarding your specific claim, including your age, the amount of property damage, liability issue rating, injuries and CPT codes, and medical bills, as well as other information, and the computer spits out a range for any prospective settlement. The bodily injury adjuster will then call you after you have completed treatment and forwarded all medical records and itemized bills and offer you a settlement within the range. The insurance company adjuster will not go above the computer-generated settlement amount and you will be forced to either retain counsel, or to file a lawsuit to obtain an amount in excess of the computer settlement offer. This takes the negotiations with a real live person out of the picture and, therefore, “is forced to either take it or leave it.”

A second type of program currently used is called MIST, entitled Minor Impact Soft Tissue claims. In these types of claims, insurance companies are taking a “scorched earth” mentality, whereby they pay nothing on the claim, or may pay up to the cost of your medical specials. Because they believe that the injuries are not accident related and the medical treatment is unnecessary and unreasonable. Again, they are forcing you to “take it or leave it” and forcing you to retain counsel or file a complaint.

If you commit yourself to handling your own claim, you will also be faced with numerous personalities involved in the claim process. There will be roadblocks, setbacks, stalemates, delays, missed phone calls, letters, requests for medical records, and a constant barrage of communication seeking additional information necessary to evaluate your claim or case.

Once the insurance company or the representative or claims agent receives all of the information, then begins the tedious task of negotiations. To handle your own motorcycle injury claim, you

must have the time, and patience to work with seasoned insurance company professionals, who have their training and experience in claims adjusting.

The first issue is time, or what I would characterize as “deadly delay.” Insurance companies are not required to pay promptly on your third-party bodily injury claim or property damage claim. There is no state law or regulation or anything that says that they are required to pay now, next week, or a month from now.

As a result, they will hassle, badger, torment and just delay and delay and delay, until finally the claimant will either give up the good fight and say, “I can’t take it anymore. Just send me the check.” And their case will be settled. Insurance company representatives are trained in the tactics of delay and they know that there is atrophy with any claimant. They know that the check in the hand is worth a lot more today than it will be in six months. In order to handle your own claim, one must learn to be patient.

It is important to inform the insurance company in writing of the claim and damages. As such, it is the responsibility of the motorcycle accident claimant to establish liability, document injuries and damages, and make a demand.

They will be required to obtain all medical records and itemized bills in proper format, including CPT codes, so that the insurance adjuster can properly evaluate their claim or case. Once the insurance company representative has all of your information, then comes the important task of negotiating a settlement.

Do not expect an insurance company to contact you within a week or two after receipt of your settlement demand. In fact, they may never contact you with an initial settlement offer until you either threaten them with a lawsuit, or finally retain counsel. At some point in time, they will call you and offer you a nominal settlement offer. You then have to negotiate with your healthcare providers for payment of your medical bills and, do not forget, you have to reimburse your health insurance for any third-party recovery.

Usually, smaller cases can be handled on a “pro per basis” by an individual. However, larger complex cases that have issues regarding liability, damages, lost wages, loss of earnings, property damage issues, other issues, are required to be handled by a competent personal injury attorney and motorcycle accident professional.

If you do not know an attorney, it may be too late to hire one, assuming that your case has already gone past the investigation stage. Witnesses’ memories may be faded, evidence may be lost, and your case may be forever damaged.

Do I Need A Motorcycle Attorney?

Most motorcycle accident cases are not simple cases. They involve issues of liability, comparative negligence, medical liens, insurance reimbursement, disputed liability, extensive damages, and other factors that make the cases “complex.”

If your motorcycle accident claim has any issues that are not 100 percent clear-cut, you may need the representation of a personal injury attorney.

Should I hire any personal injury attorney or a motorcycle personal injury attorney? This is a great question. Generally, litigators or personal injury attorneys may handle many types of injuries, including slip and falls to dog bites. Some general practitioner attorneys may handle everything from divorces to contract work. In selecting your attorney, you should select one that has the experience and knowledge regarding your type of case. That makes sense.

For example, you would not hire a divorce attorney to handle your motorcycle accident case. Specifically, with motorcycle cases, they are a different breed than any other cases involving personal injury. He must be a competent litigator and know about motorcycles. It is not necessary that a motorcycle attorney be a former motorcycle racer, but he must know the mechanics of motorcycles, the type of riding motorcyclists do, the types of risks that motorcyclists take (i.e., the attorney should be a motorcyclist!). Furthermore, the attorney should be a competent litigator with years of experience in handling cases just like yours.

At the Reinecke Law Firm, Attorney Thomas G. Reinecke has been a motorcyclist since the age of 7. He is a former service officer of a police department, a former judge pro tem for the Orange County Superior Court, and has handled thousands of personal injury cases, including personal injury motorcycle cases. Furthermore, the attorneys at the Reinecke Law Firm have a successful reputation of handling motorcyclists and they understand the mechanics of motorcycle riding, the biomechanics of injury, the risks of being a biker, and they understand how motorcyclists think.

WARNING! Do Not Be Fooled By These Young Attorneys That Claim To Be “Motorcycle Attorneys” When, In Fact, They Are Only Motorcyclists. Just because someone can ride a bike does not mean they are a good, aggressive attorney. You need a specialist, a California motorcycle lawyer.

Next, when you call your motorcycle attorney, tell him about your case and ask for an initial consultation. Always confirm that the initial telephone conversation is free. If not, consider another attorney. At the Reinecke Law Firm, the initial consultation is always free. In fact, we can normally come to your house or home, or even office, within four hours or less.

The experienced personal injury attorneys and California motorcycle law firm will then meet with you regarding your motorcycle accident case in detail. Often, the attorneys at the Southern California Motorcycle Law Firm will advise you that you do not need legal counsel, it would be best for you to handle your case on your own, that you do not need the time or expense of a motorcycle attorney. Honesty is the best policy. The attorney will then be able to provide you with the basic guidelines for your self-representation and consultation that will help you to successfully settle or resolve your own case.

Sometimes, when the motorcycle attorney evaluates your case, he may tell you that it is too late for legal representation to have a significant impact or to assist you in your case. Perhaps the statute of limitations is run, or the evidence is destroyed. It may cause irreparable harm to your

case and you may be barred from pursuing your case or claim. It is important that you have your case or claim evaluated by a motorcycle law firm or motorcycle attorney to determine if you have been barred by the applicable statute of limitation. In California, there are certain time deadlines to file a lawsuit. Furthermore, if you intend to make a governmental claim, you must timely do so within a specific time period. This web site is not intended to give you any legal advice, including any legal advice as to specific statute of limitations for your particular case or government claim statute. Please take the time to talk to a qualified attorney to discuss the specific facts of your claim or case.

Sometimes, at the California Motorcycle Law Firm, we get calls from motorcyclists who have already received a settlement offer and they want our recommendation as to whether to accept or reject the settlement. However, again, honesty is the best policy, and we will not come into the case, for if the case settled for the same or similar amount, it would reduce the net recovery to the client. This would not be fair. We will give you a fair and honest evaluation of your case or claim on the information as provided to us. Please note, that without further investigation, we cannot give you advice or recommendations as to the total settlement or value of your case or claim.

However, in certain situations, in a motorcycle accident, you may be required to hire an attorney. Furthermore, you may be required to hire an attorney NOW!

When do you need to hire an attorney NOW?

1. **If You Have Been Injured In A Motorcycle Accident:**

If you have injured in a motorcycle accident and are now incurring medical expenses, you may need a motorcycle attorney now. You need a legal professional who is experienced in assessing motorcycle injury claims and the value of your injury and in managing your medical care, billing, future medical care, lost wages, loss of future earnings, and insurance coverage. Sometimes, even when it is thought to be initially minor injuries or road rash, may turn into major injuries with major medical expenses later on. For example, some cases where there are minor cervical injuries at the emergency room, shortly thereafter may turn into a fractured neck, or disc herniation, which may affect one's quality of life for life and his ability to provide a livelihood for himself and his family. Do not sell yourself short. If you have been injured in an accident, please seek the professional legal assistance of a motorcycle accident attorney.

2. **If there are Insurance Coverage Issues:**

After an accident, if the driver at fault insurance company is denying insurance coverage, you may need the assistance of a motorcycle injury attorney. Furthermore, if you have no insurance, but mounting medical bills, you may also be in the need for a legal professional who is experienced in insurance coverage. There may be applicable insurance for you and you may still be entitled to compensation for your medical bills, lost wages and property damage.

3. **Delay by any Insurance Company:**

After you have been involved in a motorcycle accident, if either your insurance company or the party at fault's insurance company is delaying in the investigation of liability, resolution of the property damage claim, or payment of your medical bills, you may need a motorcycle accident attorney NOW.

4. **When The Insurance Company Asks For A Written Or Recorded Statement:**

When an insurance company asks for a written or recorded statement, they are either planning to dispute liability or to seek comparative negligence or blame you for contributing to the accident. Your statement will not help but hurt you and diminish the value of your motorcycle injury claim. We recommend that you never give a written or recorded statement to any insurance company without proper and professional legal assistance. Please seek the support of a experienced motorcycle accident attorney or law firm NOW!

5. **When An Insurance Company Asks You To Sign A Settlement Release:**

Many time, the insurance companies for the driver at fault will ask you to sign a settlement release early, or a medical authorization to obtain all of your medical records and itemized bills. They will tell you that if you do not sign the medical authorization, they cannot evaluate your claim. However, you can obtain your own medical records and send them into the insurance company. Never sign a medical authorization for the party at fault. In addition, never sign a settlement release for your case until you have been told by a doctor that you are medically stable and that you will have no future medical expenses. If you sign a settlement release, you will be forever barred from coming back to raise a case for claim against the driver at fault for additional medical records, injuries or damages. Recently, we have had insurance companies, sweet talk our motorcycle accident victims into signing settlement releases for pennies on the dollar of the value of their motorcycle accident claims, only to find out later that they had serious injuries and that the settlement was insufficient to pay or reimburse their healthcare providers, pay their medicals bills, or reimburse them for their lost wages. Do not be fooled! Contact a California motorcycle accident lawyer NOW!

6. **If you have Continuing or Chronic Injuries:**

Sometimes, after weeks or months after an accident, you continue to have injury symptoms that are not resolved. The insurance company will say that it is a "soft tissue" neck injury and that it should resolve on its own within two to three weeks. They agree to pay you \$5,000.00 for your injury claim and call it day.

However, two or three months later, you continue to have neck pain, radiating down your arms, causing numbness to your hands, which may be classic symptoms of a disc injury or serious cervical injury. Do not settle for the nominal sum that the insurance company is attempting to offer you and seek the assistance of a qualified healthcare professional who may prescribe additional medical care, MRI, or further medical diagnostic tests.

If you have continuing symptoms that last over a few weeks, and you believe are chronic, please contact a motorcycle accident lawyer NOW!

7. **If you have a “Pre-Existing Condition”:**

Sometimes, the insurance company will say that your injuries are “pre-existing,” a degenerative disc disease, or another factor that was there prior to the accident. However, they fail to tell you that under California Law, you are entitled to damages for an exacerbation of a pre-existing condition. In other words, if you have a bad back, but the motorcycle accident made it a lot worse, you are entitled to the damages for how much it has made it “worse.”

Just because you had a pre-existing condition or prior injury does not mean that you are not entitled to damage or compensation for your motorcycle accident or injury claim.

Please contact a qualified legal professional, motorcycle accident lawyer NOW!

Finding the Right Motorcycle Attorney:

There are many types of “specialties” in the field of law or accident cases. Some attorneys limit their practices to business law, family law, divorce, or tax cases.

A great number of attorneys do not really specialize in any particular law. Just like doctors who are “general practitioners,” lawyers can also be considered “general practitioners.” They provide the legal expertise and advice to their clients on a wide range of legal matters.

Many of our clients have worked with attorneys in the past who have done an excellent job in giving them legal advice in their specific area of family law, divorce, traffic, or business law.

But if you or a loved one have been injured in a motorcycle accident, it is especially important that you consult with a motorcycle accident attorney who has years of experience both in the field of motorcycle injury law and motorcycle accident litigation. These attorneys are specialists in personal injury and are California motorcycle lawyers.

There are few good ways to find a good motorcycle accident attorney. There are also some pitfalls to avoid. The most effective way to find a good, reputable motorcycle accident attorney is to ask people you know and trust, including family, friends, and other bikers who have

personal experience working with the motorcycle injury attorney. When you ask a family member or friend to recommend a motorcycle accident attorney, ask them about their personal experience with the attorney and the results that they obtained for them.

At The California Motorcycle Lawyer – The Reinecke Law Firm, we pride ourselves in personal special attention to each of our motorcycle accident clients.

Things to ask the new motorcycle accident lawyer include:

Did the attorney keep promises to call back and keep the client fully informed?

Was the motorcycle attorney professional, efficient and available for telephone or in-person conferences?

Did the motorcycle accident attorney communicate with you on a regular occasion and provide informative phone calls, letters and reports?

Did the attorney win a satisfactory settlement in your motorcycle accident case?

Did the settlement process run smoothly and in a timely manner or seem to drag on without any resolution in sight?

Were the attorney fees and costs reasonable to other motorcycle accident attorneys?

Was the motorcyclist satisfied with the experience and happy with the motorcycle accident lawyer?

Would the motorcyclists refer another person to handle a similar personal injury or motorcycle accident claim?

In addition to family, friends and other motorcyclists, another excellent source of referrals for a motorcycle accident attorney would be your doctor or other lawyers. If you have been injured in a motorcycle accident and want to talk to an attorney about your case, ask your doctor or healthcare provider to recommend an attorney. Most likely, your doctor, therapist or healthcare provider has experience working with a good, experienced personal injury attorney or motorcycle accident attorney.

Remember that your doctor, physical therapist or healthcare giver and your motorcycle accident attorney will work together during your case as a team to obtain all of your medical records,

itemized bills, ensure that you receive the proper healthcare and diagnostic testing, timely receive reports and itemized bills and hopefully, negotiate a successful settlement of your motorcycle accident claim.

In addition, after you meet your attorney for the first time, your first impression is always very important. Was your attorney professional, courteous and competent or really aggressive in promising the world? Think of how your motorcycle accident lawyer would look to a jury or in settlement negotiation representing you.

Even though many of our clients may look different than conservative jurors, we want to present an image that we are copers not whiners, and not overreaching on our case at point. You need a conservative professional approach presenting your claim to obtain the maximum recovery for your motorcycle accident injury.

Your first point of contact with a perspective motorcycle accident attorney is likely to be by telephone call to his or her office. This first contact with the motorcycle accident lawyer is very important. Below please find a checklist of important questions to ask your motorcycle accident lawyer before you visit him with an in-person evaluation of your case.

The questions to ask a motorcycle accident lawyer may include:

Was the receptionist as courteous, professional and willing to direct your call promptly to the motorcycle accident lawyer or did you get transferred to a paralegal or legal assistant?

Once your telephone call was answered or transferred, did you speak to the attorney in person? Were you required to wait for a long period of time, put on prolonged hold or diverted to voice mail?

Did the motorcycle accident lawyer speak to you and give you undivided attention on the phone?

Did the motorcycle accident lawyer ask you specific questions about your case, for example:

1. What was the date of the accident?
2. How much property damage was involved?
3. Were you injured?
4. Outline the medical care you have obtained to date?
5. Do you require additional medical care?
6. Do you have health insurance or liability insurance?
7. Do you have any issues or concerns regarding liability or your medical care to date?

Did the motorcycle accident lawyer offer to set up an appointment with you or come to your house, home or office to discuss your case, free of charge, to obtain the necessary information to fully evaluate your motorcycle injury case?

If you have positive responses to these questions, then you are probably on the right track towards finding a qualified motorcycle accident lawyer.

Warning, Don't Be Fooled By Imposters

Many times, "general practitioners," will advertise as "motorcycle accident lawyers" but in fact the "general practitioner" is doing everything from dog bites to divorce. Do not be fooled by these so-called "motorcycle accident lawyers." Ask for their experience in the motorcycle accident field and how many cases they have handled. Also, when you visit the law firm, you can tell whether you have a qualified motorcycle accident lawyer or some young attorney who just happens to ride a motorcycle and calls himself a "motorcycle accident lawyer."

Was the office staff enthusiastic to help and seem convenient to you? Did you speak to a live person and get a prompt office, home or work visit by the actual attorney or by only an investigator or paralegal? Once you meet with the attorney, did he give you undivided attention and seem knowledgeable of motorcycle injury law or motorcycle accident law?

Did the attorney or paralegal wait for you to ask all questions without initiating a thorough preliminary screening of your case or was it a good relationship in which there was a give and take regarding questions and answers?

Most importantly, do not fall for the bait and switch in which the alleged attorney suggests a high dollar value for your case, making promises of fast cash in order to get you to sign up as a client.

Each case involves an intricate investigation of the facts to determine the liability, damages, and insurance coverage for each and every motorcycle injury case. It would be impossible for a qualified motorcycle accident lawyer to make such promises. Furthermore, it would be unethical and improper to make any warranty, guarantee or representations as to the outcome of your specific case without a thorough investigation. This is significant if you receive false hope, you will know that you are not dealing with a professional motorcycle accident lawyer.

Meeting with the Motorcycle Accident Lawyer:

Once the attorney has discussed your case on the phone, he will probably ask to proceed to a free initial consultation, probably held in the motorcycle accident lawyer's office, or, if he understands that you are injured or would be inconvenienced by traveling to his office, the motorcycle accident lawyer would offer to come to your house, home, or office. At The California Motorcycle Accident Lawyer – The Reinecke Law Firm, we normally can meet with our clients within four hours of our initial phone call. This is important so that we can preserve evidence, meet with our client and obtain the additional facts necessary to investigate the case, and get a head start on any other attorney that may be working on your case or claim.

When you arrive at the motorcycle accident law firm, you should ask about the lawyer and the law firm. Is the motorcycle accident law firm professional, clean and organized? Personal injury cases require a tremendous amount of paperwork, forms, reports, medical records and the like. Is the office organized or disorganized?

In addition, were you greeted professionally by a designated staff person at the motorcycle accident law firm? Was the receptionist able to greet you in a professional, personal manner? Or did they appear to be discourteous, disinterested and treating you like a “number?”

Were you made to wait beyond the designated appointment time in a crowded waiting room? Or were you treated with respect and promptly seen at the time of your appointment?

Does the motorcycle accident law office staff appear to be professional? Do they appear to be enthusiastic about their jobs and act in a professional manner? These people handle motorcycle accidents on a daily basis and know their clients, their cases and will learn a little bit about your personality.

They will be part of your “legal family” for weeks or months to come. It is good to have a good working relationship with your motorcycle accident law firm.

Once you have been introduced to the motorcycle accident attorney who will be conducting your initial motorcycle accident injury interview, the next thing you do is to assess the qualifications of the motorcycle accident lawyer. Some preliminary questions should be asked by you regarding the motorcycle accident attorney that will be handling your case or claim. Does he greet you by name? Was he interested in your case? During the initial interview, did he request detailed information regarding the accident and injuries? Did he ask about the mechanics of the motorcycle accident? Was the motorcycle accident lawyer’s office organized and private? You can tell a lot about someone by the way they keep their office. If the office is organized, usually the motorcycle accident lawyer is also organized in the way he conducts his business.

Was the motorcycle accident attorney familiar with the case law in California? Or did he not know what the California Vehicle Code was that was involved in the accident? Did the attorney provide a quick background of his or her qualifications and his history to practice motorcycle law in California? Many times, attorneys will tell you that they are motorcycle accident lawyer, but they have limited experience with motorcycle accident lawsuits. Some lawyers will claim to be motorcycle accident attorney, but will have very few claims, cases or trials with motorcycle accidents.

Did the attorney answer important questions regarding his qualifications as a motorcycle accident lawyer? Finally, did the attorney voluntarily explain what he can do for you in your motorcycle injury claim, the anticipated time for settlement, the attitude of the insurance companies towards motorcyclists and did he give you an overall picture of the settlement claim process or litigation process?

When meeting with your motorcycle accident lawyer, you must trust your gut instinct and feelings. During your initial meeting and telephone call you have a “first impression” about how you feel about the lawyer and his staff.

Is the attorney more interested in you than himself? Is he interested in what you say rather than what he is saying? And most importantly, do you like this person? You do not have to be best buds or friends for life but you must have a working relationship with your motorcycle accident lawyer. Some attorneys are aggressive, harsh and difficult to work with. They may not return phone calls or keep you fully satisfied as to the status of your claim or case. This is not who you want.

Furthermore, you do not want a biker who just happens to be a lawyer. You need a lawyer who just happens to be a biker. In other words, you do not want someone who runs their shop out of their house or subleases from some other attorney on a part time basis. And furthermore, you do not want a lawyer who just happens to practice whatever comes onto his desk and if a good divorce came in he would push your motorcycle injury case aside.

A successful settlement in any motorcycle case depends on retaining a successful motorcycle accident lawyer. You must have communications between the motorcyclist and your attorney and you must have a good feeling about your motorcycle injury lawyer. If the motorcycle accident lawyer does not answer your questions to your satisfaction or treats you with anything less than respect and professional courtesy, you should walk away as this person will not be a good attorney for you.

Remember, when you retain an attorney, the attorney works for you. He is your employee. You have the right to demand professionalism and excellence in his work. If you do not get it, then you may be hurt in the long run.

Qualifying a Professional Motorcycle Accident Lawyer:

How can you tell if an attorney who offers to handle your motorcycle accident case is “qualified?”

First thing is your initial meeting. Second, to review his office and see if he has professional qualified staff. Third is to do research and determine whether the attorney has the qualifications with prior cases to handle your specialized motorcycle injury lawsuit. You need a “specialist” who handles specifically motorcycle injury claims.

We have developed a qualification checklist for motorcycle accident lawyers.

Ask the motorcycle accident lawyer where he received his law degree. Thomas G. Reinecke of The California Motorcycle Lawyers received his law degree from Pepperdine University School of Law. He did his undergraduate degree at UCLA and received his Bachelor of Arts degree in 1982. Did the motorcycle accident lawyer work in any other fields before entering the field of law? This provides you with the opportunity to find out a little bit about the background of the motorcycle accident attorney. If he spent five years working in the insurance industry and has a

solid familiarity with the insurance business it is all to your benefit. However, if your attorney is now in his second profession and before that was in a profession that is unrelated to law, he may not assist you in your claim, and in fact may hurt you. Thomas G. Reinecke of The California Motorcycle Lawyers has a background working for a police department and in the justice system as chairman of the California Crime and Justice Committee.

How long has your motorcycle accident lawyer been practicing law? Every attorney needs experience in practicing motorcycle injury law if he intends to specialize in your case. Experience counts in the field of motorcycle personal injury. An attorney who has years of experience dealing with many different insurance companies as well as many different motorcyclists is going to provide you with the best legal representation you need to successfully resolve or settle your motorcycle injury case. Thomas G. Reinecke of The California Motorcycle Lawyers has “over 17 years of experience in personal injury and motorcycle injury law. He has successfully represented thousands of clients in recovering millions of dollars for his motorcycle injury and personal injury clients.”

How long has your motorcycle injury lawyer been practicing in the State of California? California motorcycle injury lawyer Thomas G. Reinecke has been practicing in California since 1987 and has established his personal injury practice in the State of California with three offices, the main office in Orange County, California and other offices in Riverside, San Bernardino and Los Angeles counties. Thomas G. Reinecke has experience in California motorcycle injury law which will give you the best opportunity to obtain the maximum settlement for your motorcycle injury claim or case. Do you specialize in certain areas of law?

At the Reinecke Law Firm, 100 percent of our practice is to motorcycle injury and personal injury claims. The California Motorcycle Lawyers does no other types of cases. Unlike those other so-called “motorcycle accident lawyers” if you look at their websites, they do everything from legal malpractice, medical malpractice, workers' compensation, business litigation and just happen to do “motorcycle injury law.” This is not the attorney for you. You need a seasoned professional motorcycle accident lawyer that has expertise to successfully resolve and settle your motorcycle injury claim.

What professional associates does your motorcycle accident attorney belong to? Organizational affiliations such as the California Trial Lawyers, now known as Consumer Attorneys of California, indicate a professional is dedicated to law and committed to training and professional development. Motorcycle accident lawyer Thomas G. Reinecke is a member of the American Trial Lawyers Association, Consumer Attorneys of California, Los Angeles Trial Attorneys and Orange County Trial Attorneys. Thomas G. Reinecke has been trained by the American Trial Lawyers Association Advanced Trial Advocacy College at Harvard Law School, and has received numerous awards for his work in personal injury litigation.

What are the hours of your motorcycle accident lawyer? If our office hours are a conflict with your work schedule, you may encounter difficulties scheduling an appointment with your motorcycle accident attorney. Thomas G. Reinecke at The California Motorcycle Lawyer has resolved this by having a 24-hour client availability policy. The client can call any time, any day, 24/7 at 1-800-275-8326. In addition, we provide after hour and weekend appointments. For

new clients, we can normally meet them within four hours of their first phone call at any location in California, including our Southern California Motorcycle Lawyer office, Northern California Motorcycle Lawyer office, Los Angeles Motorcycle Lawyer office, Riverside Motorcycle Lawyer office, San Bernardino Motorcycle Lawyer office, San Diego Motorcycle Lawyer office, Ventura Motorcycle Lawyer office, or Santa Barbara Motorcycle Lawyer office.

How can you contact your motorcycle lawyer after hours? While an attorney may not be willing to give you his or her home telephone number, a professional attorney will always provide an alternative method such as voice mail, answering service, pager, beeper or cellular phone to contact him, even evenings, weekends or holidays. You can always reach the lawyers and staff at the California Motorcycle Lawyer at 1-800-275-8326. How much of my contact will be with the motorcycle accident lawyer and how much will be with the staff or paralegal?

It is unreasonable to expect a good California motorcycle lawyer to conduct all the work on your case. Qualified paralegals and a support staff will provide and conduct much of the activity on your case.

It is important to know and to clarify in advance how much of your case will be handled by the attorney and how much will be handled by the motorcycle paralegal and support staff.

Thomas G. Reinecke, The California Motorcycle Lawyer prides himself on client communication and contact. He often returns phone calls after hours and at night to answer any questions his motorcycle clients may have.

Will you be handling my motorcycle injury case, or will it be referred to another attorney? This is the old bait and switch. At many attorneys you interview with the top dog at the law firm and sign a retainer agreement, only to find out that some young attorney or worse yet, some associate will handle your case. Even though, the Law Offices of Thomas G. Reinecke, The California Motorcycle Lawyer may associate a qualified attorney, Thomas G. Reinecke will normally handle all cases from beginning to end.

Once you have discovered some of these operational features of the motorcycle accident attorney's practice, it is time to talk precisely about how the attorney will help you and how much it will cost for handling your case.

Motorcycle Accident Lawyer Fees and Costs:

The next question that is asked of the California Motorcycle Lawyer is, how long will it take? How much and I going to get? This amount depends on your injuries, damages, insurance coverage, liability, assets of the other party. The settlement of any case can vary from client to client and the time for settlement may well be a factor due to the opinions and attitude of the insurance companies.

At The Reinecke Law Firm, the California Motorcycle Lawyer, our fees are handled on a contingency basis in which there are no attorney fees until we win your case, and we receive the successful settlement or judgment. As such, there are no out-of-pocket fees for attorneys until

your case is resolved. The attorney, at their own discretion, may advance costs in order to prosecute or promote your case.

There is no up front cost or out-of-pocket expenses or attorney fees in any of our motorcycle accident cases. Watch out, some of these “motorcycle accident lawyers” will charge an up-front fee for costs, fees or other expenses.

The California law requires a written fee agreement between any motorcycle accident lawyer and a motorcycle accident client. This agreement describes the actual terms of the retention of the attorney to do work on your case. The written fee agreement will contain specific language regarding payment of attorney’s fees, payment of costs, and other factors that are necessary for the adequate representation of the client. It is important that you read and understand all the terms of any written retainer agreement before signing.

No Recovery, No Fee:

Most motorcycle accident attorneys charge for their legal services on a contingency basis. This means that the attorney takes a certain percentage, usually one-third, prior to initiating litigation or filing a Complaint or making a demand for arbitration and 40 percent after the filing of the Complaint, demand for arbitration or demand for mediation. If you do not win a settlement, then the attorney does not charge an attorney fee for the time spent on the matter. Motorcycle accident lawyers are willing to take this risk because they do their job right and negotiate effectively. They will almost always be certainly paid for their efforts and the client will receive a fair compensation for their injuries.

A qualified motorcycle accident attorney knows how to work with you, your health insurance company, the liability insurance companies and others to obtain the maximum recovery and to negotiate any medical bills and liens. As such, we work for our clients to walk away with more money in their pocket than you would have normally received had you not retained a qualified motorcycle accident lawyer. An experienced motorcycle accident attorney can increase the value of your case or claim significantly due to their experience, skill in negotiating abilities, reputation, and professionally trained staff.

Motorcycle Accident Attorney Checklist:

When you first meet with your motorcycle accident attorney ask him to explain how his office will handle your motorcycle injury case and how the process will go. Some sample questions might be:

How long will my motorcycle accident case take to settle?

Are there any liability issues?

What is my potential settlement?

How often will you communicate with me?

Is my spouse to be involved in my case (See loss of consortium)?

Do I continue to communicate with my own insurance company regarding property damage or my medical injuries?

Should I return phone calls, inquiries and contacts from the other insurance company?

Should I give a written or recorded statement to the other side's insurance company to "help them?"

Will you send me regular written status reports or client questionnaires regarding the status of my case or claim?

Will you give me adequate written notice of any important dates, medical examinations or court appearances?

Can I receive a copy of my file if requested?

Will I be properly notified when an insurance company makes a settlement offer on my motorcycle injury case?

What am I expected to do when I receive a settlement offer on my motorcycle injury claim?

Who is responsible for costs of my case?

When can I expect to get some cash for my out-of-pocket expenses for injuries?

Finding the right motorcycle accident lawyer is a difficult and important task. If you have been injured in a motorcycle accident and are undergoing painful, protracted recovery, are out of work, or at home, you need the assistance to get through those "day to day" obligations required to promote and prosecute your claim or case.

The good news is that a qualified motorcycle accident lawyers are available. There are many to choose from and we appreciate your open ears and mind to hear about the Reinecke Law Firm. At the Reinecke Law Firm we pride ourselves in providing professional personal injury attention for our clients, support, management and guidance to help negotiate or litigate your motorcycle accident injury claim and obtain the maximum recovery for your injuries.

At the Reinecke Law Firm and The California Motorcycle Injury Lawyer, you have nothing to lose by calling our office for a free initial telephone conversation with our qualified personal injury motorcycle accident attorneys. Your issues will be reviewed and we will provide you with

viable guidance and advice on how to handle your motorcycle injury claim. Even if you decide to handle your case on your own or talk to another attorney, you will have the additional information and tools needed for making the proper decision and who will represent you regarding your motorcycle injury lawsuit.

By following some of our helpful guidelines and recommendations, we hope that you will ultimately decide to hire the Reinecke Law Firm as your motorcycle injury lawyer. We promise to work with you in your personal injury case to provide you with a productive and successful relationship as your motorcycle injury lawyer.

All of our clients complete client questionnaires regarding their satisfaction as motorcycle accident clients. Over the years, we have received a 90 percent settlement success rate in our motorcycle injury cases. We are one of the highest rated and most respected motorcycle accident law firms in California. We are there to provide guidance, advice and to aggressively represent our motorcycle clients to provide maximum recovery for their claim or case.

Settling Your Motorcycle Claim:

After gathering and organizing all of your medical records, reports and bills, you may now prepare your settlement evaluation and demand.

Starting from day one after the accident, you need to collect all of the medical records and bills from each and every medical provider who has provided treatment for your injuries. In California there are certain privacy requirements that require signed Medical Authorizations. Many times, hospitals or doctors will not produce their medical records without you signing a statutory lien or reimbursement agreement. Oftentimes, the hospitals will file a statutory Medical Lien, whereby you guarantee them payment of their outstanding medical bill.

In a typical motorcycle accident case, one must request and obtain the ambulance records, hospital records, Emergency Room records, records from radiologists, pathologists, Emergency Room physicians, physical therapists, chiropractors, orthopedists, and X-ray technicians. Hospitals and doctors often contract out to an independent medical document company to obtain their medical records for a certain fee or charge. It is not unusual for an attorney to spend \$1,000.00 or more for medical records.

Oftentimes after an accident, you will receive a letter from your health insurance company or a company retained by them, including Rollins Company, LLC, or other companies seeking information to obtain reimbursement for medical benefits paid to you on your behalf.

When requesting medical records, sometimes the doctors always send their itemized bill and report for the specific dates of treatment. However, for an insurance to evaluate your entire motorcycle injury claim, they will require all of the medical notes, correspondence, medical records and charts.

You may also need to request copies of your medical bills from your health insurance company. As stated above, they will seek reimbursement for benefits paid to you on your behalf. However,

they may not have paid all of your medical bills. You need to request the bills in writing and forward all of your medical bills to your health insurance company.

Apart from your medical records and itemized bills, you should request written narrative reports from your primary care physician or specialist. The reports should detail the nature and extent of your injuries, your initial complaints upon care, the estimate of cost for future treatment including surgery, and your prognosis for care.

Doctors' reports charges vary but most require you to pay in advance. It is not unusual to pay between \$200.00 to \$500.00 for a detailed narrative medical report.

The California motorcycle lawyer at the Reinecke law firm is an expert in identifying, requesting and systematically organizing your comprehensive medical records, medical reports and itemized bills. All of these records are necessary to produce a settlement evaluation and demand in any motorcycle injury case.

If you are unable to handle the organization and requesting of documents and the management and scope of medical record retrieval, or you cannot afford the cost of requesting records and narrative medical reports, you may seek the assistance of a qualified California motorcycle lawyer. Law office staff and their resources are geared to extensive document management and the costs of procuring the documents are typically advanced by a motorcycle attorney and deducted from the final settlement accounting when the case is resolved. This spares you the headache and hardship of obtaining medical records and paying out-of-pocket expenses during the processing of your motorcycle claim or motorcycle injury case.

Once you have all of your medical records, you need to review them to make sure that they are accurate, comprehensive and in chronological order. Many times, our medical records are reviewed by an expert to determine if the treating physician is qualified to be an expert should the case go to litigation or to review the case to see if a second opinion is required or further diagnostic testing.

It may also be important to obtain all of your past medical records, sometimes going back for ten years. The insurance company may request to review your entire history of medical care very thoroughly if it shows any indication of a pre-existing condition, such as a degenerative disc disease, discongenic disease, prior injury or accident to the same or related body part.

After you organize all of your medical records and bills in chronological order you may prepare a settlement evaluation demand going to the insurance company. It is not unusual to forward the documents directly to the assigned claims representative. Please make copies because at times they may say that the documents were not received. In fact, many insurance companies are currently going to a central documents control area such as the Farmers Insurance Company where all the documents are sent to the Midwest. No documents are sent to the local claims office. The documents are then scanned and then sent via email to the assigned claims representative.

At the Reinecke law firm, we pride ourselves in preparing a detailed settlement evaluation demand. Sometimes our settlement documents may contain hundreds of pages of medical records and itemized bills.

What is the Value of My Motorcycle Case?

This is the million-dollar question. However, there is an answer. Each case has a specific value. The value is determined on the client, facts of the accident, injuries sustained, medical damages, and cost of future medical care. In addition, the settlement demand will include information regarding lost wages and loss of future earnings. Finally, the settlement evaluation demand will include a narrative regarding general damages for pain, suffering and disability.

In California, there have been thousands of motorcycle accidents handled by the California motorcycle lawyers. The cases may settle or go to trial and obtain a puppet jury verdict. This is public record. As such, there is a case value range for each type of injury. No case is identical and no client is identical and there can be a general range of settlement for a specific type of injury.

When one asks an insurance company for a settlement that would fairly compensate you for your damages and losses, you will need to present a relatively accurate idea of the value or worth of your loss. You will need to specify the financial losses and how the injuries damage your quality of life.

There is no set formula or rule by which one makes a determination as to the value of the case or loss. Experts in insurance law spend years in developing the ability to evaluate claims and cases to come up with a consistent range or value for each case.

In determining the value of your motorcycle accident claim, insurance adjustors will base their initial settlement offer on their experience and their company resources as well as their bodily injury policy limits. Generally, the insurance companies have a good idea as to the reasonable value for a particular type of injury of injuries. If you are trying to settle your case on your own, you are at a distinct disadvantage as you do not have the wealth of experience and voluminous statistics upon which to base the value of your case.

Furthermore, as you were personally affected by the motorcycle accident and the injuries, you may have an unrealistic expectation as to the value of your case or claim. For example, we asked one motorcycle accident client what he thought the value of his case was and he said, "It is worth a million bucks." In reality, the value of a similar type of case was estimated at \$200,000.00. The case eventually stated for \$220,000.00.

If you are unsure or uncertain about the reasonable value of your motorcycle accident claim, do not hesitate to contact a personal injury attorney who specializes in motorcycle accidents. Normally, a motorcycle accident attorney will be able to give you a general “ballpark” idea as to the value of your claim or case.

Insurance companies will also take into consideration other less objective factors in reviewing your case or claim. They will look at the characteristics of your claim, you as a individual and, they will look at your attorney’s track record for obtaining successful judgment settlement awards on behalf of his motorcycle accident clients.

At times, one will be required to file a lawsuit and serve the complaint on the defendant or driver at fault to obtain justice. When this occurs, insurance companies may take into account the cost of litigation and the type of judgment that a jury would award should and would this case go to trial.

This “cost of litigation” may be an important factor in determining whether an insurance company will pay a claim or case.

Another important factor in determining whether your case will be resolved will be your prognosis. If your final answer filed by your treating doctor says that you obtained an excellent recovery and you have no residual symptoms, your general damages will be limited to the time of treatment. In other words, you will be entitled to pain, suffering and inconvenience damage from the time of the accident up until the time of your release from the doctor.

However, in the alternative, if the doctor’s report indicates that you have a guarded prognosis or, worse yet, have a permanent disability that will affect the quality of your life, the value of your case will be substantially more than had you had a good prognosis.

For example, if you simply sustain a soft tissue whiplash-type injury in your accident, and had a good recovery, the value of the case would be much less than if you had a fractured leg or arm and could no longer work in the construction industry, or, worse yet, if you required future surgery or in the near future that was reasonably certain and prescribed.

Another important factor in determining the value of your case is your loss of future earnings. If you just missed a few days from work, then there is a specific number that the insurance company could evaluate your case, for example if you missed three days from work they would simply give you an additional three days of pay added to your settlement. However, if a doctor says that you cannot return to work again, if you are a carpenter who lost his hand, then, the value of your case would be substantially greater. One would need the use of an economist and forensic rehabilitation expert to determine your loss of future earnings and your ability to return to your profession or alternative profession.

Recently, certain insurance companies, including AllState, Mercury and Farmers, use their computer systems to evaluate your claims. They also take into consideration the jurisdiction in which your claim may be filed. For example, if you were to file in a very conservative area, the value of your case may be less than if you were to file your lawsuit in an urban area, such as

downtown Los Angeles or San Francisco. Juries in each specific jurisdiction have different ideas as to the value of your case or claim. This all goes back to jury selection, and the types of jurors that are in each area. Generally the more conservative the area the less money they would award and the lower settlement values would be.

Another misconception is that each case is worth three times the medical specials. This is not true. As much as we may want to believe this, specific injury dictates specific settlement amounts. Your specific injuries are only valued at what they are worth, and not three times the medical bills. Medical bills may be unnecessary or unreasonable, therefore only justifying a lower settlement amount.

The insurance companies know the value of each claim and will pay an amount that would fairly compensate you for your damages or losses. If you accumulate medical bills that do not accurately reflect a typical type of treatment for your specific injury you received, the insurance company is under no obligation to pay more on your claim or, for that matter, even pay all of your medical bills. As such, one must have a keen knowledge of the types of cases and injuries and make a settlement demand appropriately. If you need assistance in evaluating your case or claim, call the California Motorcycle Injury Lawyers.

Making Your Settlement Demand:

If you are acting on your own, making your settlement demand may be simple and short. You collect all your medical records and bills and send them to the insurance company only to find that they are not willing to pay even your medical expenses. The reason for this is that you do not have the power of an attorney to file a lawsuit and obtain a judgment against their insured. As such, you have no hammer to force the insurance companies to provide a fair, just and equitable settlement offer. There is no incentive for them to settle your case or claim.

A California motorcycle accident attorney who has a successful reputation in obtaining large judgments and settlements for their clients will be in a better position to obtain a fair, just and equitable settlement resolution for their motorcycle accident client.

If you are lucky enough to get through the first round of settlement negotiations with the insurance company, you likely have made a very high settlement demand and they have come back with an initial nominal settlement offer. Sometimes they use this to instill a “shock” effect on the claimant where the claimant may think that their initial settlement offer is the value of their claim. Again, as an individual has no sword to fight the insurance companies with the threat of litigation, there is no incentive for them to provide their just and equitable settlement offer.

Being in control early on and keeping in control is what makes or breaks your claim for settlement of your motorcycle accident case. Competence, clear communications and a competent impression put you in control of negotiations. Be persistent, consistent and accurate in your documentation and you will be in a better position to obtain a fair settlement in your motorcycle accident claim.

The more serious your injuries and more medical damages you have, the more complex the settlement negotiation process will be. At the Reinecke law firm, in our serious injury cases, we have had settlement negotiations go for days and in certain circumstances, months. Normally, in larger cases, we use the services of retired judges or professional mediators to attempt to resolve claims. This is an efficient way to resolve cases or claims without the need or cost for litigation.

In order to prepare for extensive mediation, one needs to have all information at their fingertips including all medical records, itemized bills, wage loss documents, payroll documents, liability information, witness statements, photographs of property damage, photographs of the accident site, and perhaps demonstrative evidence including exhibits to show the extent of the injuries. A competent California motorcycle lawyer will be trained in presenting your case in its best light in a thorough and professional manner. As a California motorcycle accident lawyer, I have learned that negotiating a settlement of the motorcycle accident claim is similar to buying a car. It is an ugly experience but normally the outcome is good. The best strategy is to take emotional involvement out of the negotiation and to focus on compensation for our clients based on factual information, and reaching our objective of obtaining the maximum compensation.

As a California motorcycle injury lawyer, a settlement demand package may include background information, summary of the facts, liability including a copy of the traffic collision report and witness statements, property damage, injuries and damages, including all medical records and itemized bills, a section regarding general damages, a damage summary accounting and/or settlement demand.

The types of settlement options that can occur include:

1. Settling the case early - this is a bad alternative as it means that you lose and the insurance company wins.
2. Mediation - this includes using a retired judge or mediator to attempt to informally resolve your case or claim.
3. Arbitration - this is an alternative to litigation in which there is a mini-trial before a selected arbitrator.
4. Litigation - this should be the last alternative and it will include the filing of a complaint, discovery, and the delay in obtaining a jury verdict.

The different solutions to resolving your case depend on a thorough examination of the facts of your case, the amount of your damages, and your timeline in resolving your motorcycle accident claim or case.

If one can afford to wait, it may be in their best financial sense to mediate, arbitrate, or litigate their case or claim.

Either way, consult a qualified and competent California motorcycle lawyer to obtain their thoughts on the most efficient way to resolve your motorcycle accident claim or case.

Hopefully, you have now learned things necessary to successfully resolve your motorcycle accident claim on your own. We have also provided a few recommended alternatives, including arbitration or mediation and, in the alternative, litigation.

No matter how you decide to pursue your motorcycle accident claim, you are going to make the entire experience much less stressful and far more successful if you remember that this is a game and that your future is at stake. A professional motorcycle accident lawyer should help you obtain the maximum recovery for your motorcycle injury case without the frustration and delays of handling a case on your own. While the judicial system in the United States and California is highly respected, going through the maze of litigation and negotiations can often be confusing, frustrating and the heavy congestion in our courtrooms can lead to endless delays. A California motorcycle lawyer can successfully negotiate your motorcycle injury claim and settle it without the unnecessary stress and strains of litigation and without the additional costs or delays of court. Ninety-seven percent of our cases settle without the client ever having to go to court.

If you have any questions, feel free to contact the California Motorcycle Lawyers at 1-800-275-8326. And remember, at the Reinecke law firm, we are always there fighting... for justice!

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