



Hog Law - Accident Checklist

IN CASE OF ACCIDENT ... A CHECKLIST OF THINGS TO DO AFTER A MOTORCYCLE CRASH

Call 911 For Police & Paramedics

Those who call the police to investigate an accident or crash typically obtain more information, including a crash report on record. Likewise, be sure to give all of your complaints of injury to the first responders so they may examine, treat; and if necessary, transport you to the best emergency room possible.

Other Than Talking With The Investigating Officer, Do Not Speak With Others At The Scene About How The Accident Happened.

Statements made to others at a crash scene are admissible. For example, others may use your own statements to deny fault for the accident or may have a defense lawyer telling a jury about the four letter words you may have used. Such statements may cast you in a bad light, damage your credibility or hurt the value of your case.

Go To The Emergency Room & See A Doctor Immediately

Don't let an insurance adjuster choose a doctor for you. You have the right to see any doctor of your choice. Delay in seeking medical care could hurt your case. Keep copy of all medical records, prescriptions, treatments, and receipts.

Notify Your Insurance Company As Soon As Possible

Avoid delays. They may hurt your case later. Have a paper trail showing you were timely and responsible in taking the necessary steps to protective yourself after a crash. If you have insurance, report the accident to your own insurance company. The carrier assigns a claim number for the date of loss and a claims adjuster who may be a contact person for submitting medical, lost wage or other claims. If they ask for a recorded statement, we recommend you decline until having legal representation present, if even required by the written terms of your insurance agreement.

Do Not Sign Or Give A Statement Without Legal Representation

After an accident and emergency treatment, the first thing you should do is call the law firm of Bradley D. Souders, P.A. and speak with Brad about your rights. If you speak with anyone else, you may be signing your rights away to future compensation. If an insurance adjuster requests a statement, politely decline and advise of your attorney's name and contact information.

Contact Biker Attorney BRAD SOUDERS

Consider hiring a true biker attorney, someone who actually rides and provides personal service. Factors to consider when hiring an attorney is whether the attorney is available, experienced, reputable and trustworthy. Time may be of the essence. The attorney may need to hire a private investigator to supplement the crash investigation, you need to quickly be informed of your rights and other important steps may need to be taken quickly. Do not hire an attorney based upon advertisements alone.

Obtain Pictures

Injuries, Property Damage & Scene Taking pictures of your injuries, bike and the accident scene are important. Pictures are sometimes worth a thousand words. Save extra copies and forward a set of pictures to your attorney's file for safekeeping and use.

Crash Witnesses

Record the names of all eyewitnesses, making sure to write down their correct contact information, including address, telephone numbers and email address, as they may be called as a witness. Provide such information to your attorney for drawing the witness list and for safekeeping this valuable information.

Damaged Personal Property

Keep or maintain items of personal property damaged by the crash such as helmets, goggles, jackets, shirts, gloves, jewelry, pants, boots or any other items of personal property. These items may be needed or used as trial exhibits later during your claim.

Provide Copy Of All Insurance Policies

Provide copy of all existing insurance policies in the household at the time of the crash to your attorney for review. People are sometimes surprised automobile insurance policies may provide uninsured or underinsured motorist benefits that may apply to damages suffered as a result of a motorcycle crash. This also holds true for providing copy of the insurance policies of relatives you reside with, as their policies may also provide additional benefits.

Obtain Appropriate Medical Care

Your health is most important. After the hospital, discuss with the attorney the importance of obtaining appropriate medical care for the best examination and treatment of the injuries; and, for documentation of the injuries. The better the injuries are documented, the more such injuries are appreciated by all interested parties, including the insurance companies, for obtaining the compensation you deserve.

Be Complete & Truthful With Your Doctor

At the initial consultation with any new doctor, if asked, make sure you provide them the complete prior medical history, noting any prior motor vehicle or other accidents resulting in injuries. You always want to give the appearance of being honest and forthright, not trying to hide anything or not trying to blame the crash for causing any prior problems. Also, knowing your prior history, if any, the doctor will be in the best position to give opinion as to whether you suffered any aggravation to

any prior or pre-existing condition. By Florida law, an aggravation to a pre-existing injury is also compensable.

Tell Your Doctor Of All Complaints Of Injury

When seeing doctors, make sure to tell them all of your complaints or injuries caused by the accident or crash. For example, should you forget to mention a knee complaint until another six months after the accident, the other side may argue the injury was not caused by the crash.

Follow Your Doctor's Treatment Plan

Follow your doctor's treatment and prescription plan and make sure not to miss scheduled appointments. The better you follow his or her plan, the better recovery you may have from both a medical and legal point of view.

Start & Maintain Your Own Accident File

Anytime you receive any papers, receipts or other records related to the crash, be sure to place them into your designated accident or crash file for safekeeping. Keep receipts for all household services you needed because of your injuries, like having the lawn mowed, laundry done, or food prepared. Once you have obtained most of your care from your doctors, you will want to provide the folder and all records to your attorney.

Medical Bills

Upon receipt of any medical bills, make a copy for your own file and forward the original bill to your attorney for safekeeping in the file at the law office. Making sure your attorney has copy of all bills equips your attorney with more information, for better representation and possibly a better recovery.

Lost Wages

Keep an accurate record with respect to any lost wages suffered as a result of the crash. Keep a separate journal or diary page noting the dates missed, the amount of time and the amount of monies lost due to the crash. Likewise, if the accident or injuries affected any bonuses or pay raises, document this too for having a record of such losses as well.

Keep Records In A Journal Of How You Feel After an Accident: A Pain & Suffering Diary

It may be difficult to remember in front of a jury or insurance adjuster several months later how painful it was to just to walk up the stairs or get dressed. Consider starting and maintaining a diary for a pain journal. Keeping a record of daily complaints of pain, changes or difficulties in activities of daily living or other restrictions may further document your injuries. By documenting such damages, such an exhibit may further document your damages and may increase the value of your injury claim.

Videotaping Injuries

In cases of severe injuries, it may be a good idea to also document the activities of daily living with such injuries by videotape. These are sometimes called "Day-In-The-Life" video(s) and may be used

later as an exhibit for a demand made to an insurance company or may be used as an exhibit for a jury trial.

Reaching Maximum Medical Improvement (“MMI”)

When your primary treating physician(s) have told you they have done all testing, examination and treatment possible; and, you have reached a maximum medical improvement, that is a good time to contact your attorney to advise your doctor(s) are ready to write final report(s) about your final medical condition. Afterwards, the attorney will order copy of all medical charts, bills and final narrative reports to compiling all records, summarizing those records for making your demand.

Avoid Gaps In Treatment

Even after your doctor(s) have finished, the doctor(s) may have told you to return to their office on an “as needed basis”. It is best to follow this advice and to see your doctor(s) for aggravations, exacerbations or flare-ups until the attorney has resolved your claim, especially if you have a condition needing future medical treatment. The last thing you want to hear from an insurance company is that you would not need future treatment because you have not treated or been to see any doctor(s) in a significant period of time.

Other Damages

Should you suffer any other damages such as towing or storage bills, out-of-pocket prescriptions, mileage, or other out-of-pocket expenses, keep all receipts and records of such damages in your accident file. After you have reached your maximum medical improvement, forward your file containing such items to your attorney so your claim may also include such added damages. Likewise, if necessary, these items may also be used as jury trial exhibits.

Before & After Witnesses

Consider those persons knowing you, who would make good possible witnesses, to testify at a jury trial regarding your condition before and after the crash, so the other side and jury will appreciate the extent of how the injuries have affected your life and to maximize the pain and suffering claims. After giving good consideration to picking your best two or three witnesses in this regard, make sure to provide their accurate contact information (address, telephone and email address) to your attorney. Such witnesses should be on your witness list and may be called to testify at trial.

Understand The Duty To Mitigate Damages

If there is something you can do to prevent excessive expenses, take reasonable steps to do so. You will not be able to hold the other driver accountable for unreasonable or excessive damages. For example, if a rental car is necessary, if you rent a luxury car instead of something more standard, you may not be reimbursed for the difference in rental charges. If you have options, you should rent a vehicle more comparable to the transportation you enjoyed before the accident.

Surveillance

During or after your treatment, before the settlement of your claim, the insurance company considering your claim may hire a private investigator to obtain secret or hidden surveillance of your outside daily activities at home, at recreational areas, at work or anywhere in between, at any hour of the day. Should you encounter such an investigator, it is best not to approach the person and to reasonably return to a safe place to avoid any confrontation or further photography or gathering of additional evidence for the other side.

Social Media Networks

Insurance companies or their adjusters have sometimes been known to review a person's social media page. Exercise caution about posting any accident or injury related information; as, the same may be used to defeat any claim later.

“Reasonable Person Standard”

Always conduct yourself as a reasonable person, doing what a reasonable person would do. This is the standard you are judged by and may answer many of your initial questions on what to do. Otherwise, call your attorney to ask any unanswered questions.

Changes In Contact Information

During your case, your address, telephone number or email address may change. If this occurs, be sure to advise the attorney's office of any new contact information so there will not be any difficulty reaching you.

Other Questions

Call Brad on his cell at (813) 220-7767.

The attorney and those in the office are here to answer your questions.

All of your questions are important. We are here to help you in your time of need.

