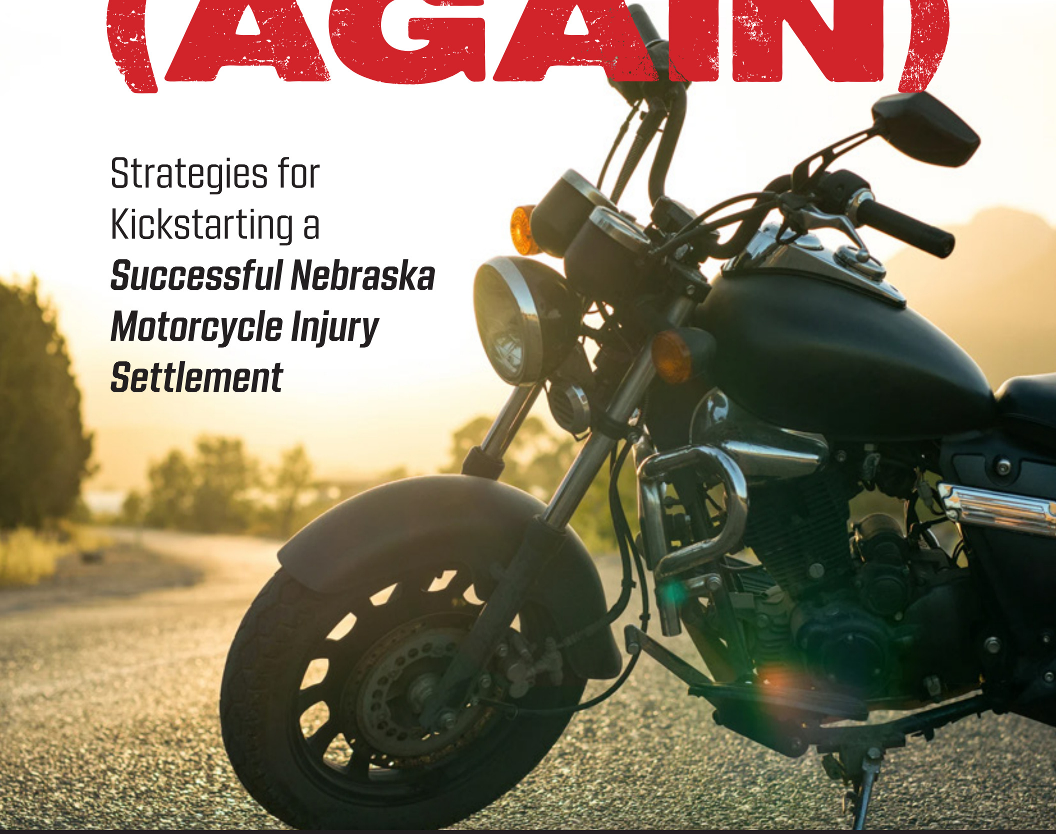
BORN TO RIDE (AGAIN)

Strategies for
Kickstarting a
Successful Nebraska
Motorcycle Injury
Settlement



JAY SCHRECENGOST

STEFFENS LAW OFFICES, P.C.

LINCOLN, OMAHA, GRAND ISLAND, KEARNEY, BROKEN BOW, AND NORTH PLATTE, NEBRASKA

CALL TO SPEAK TO AN ATTORNEY WHO RIDES! PHONE: 402-787-4713

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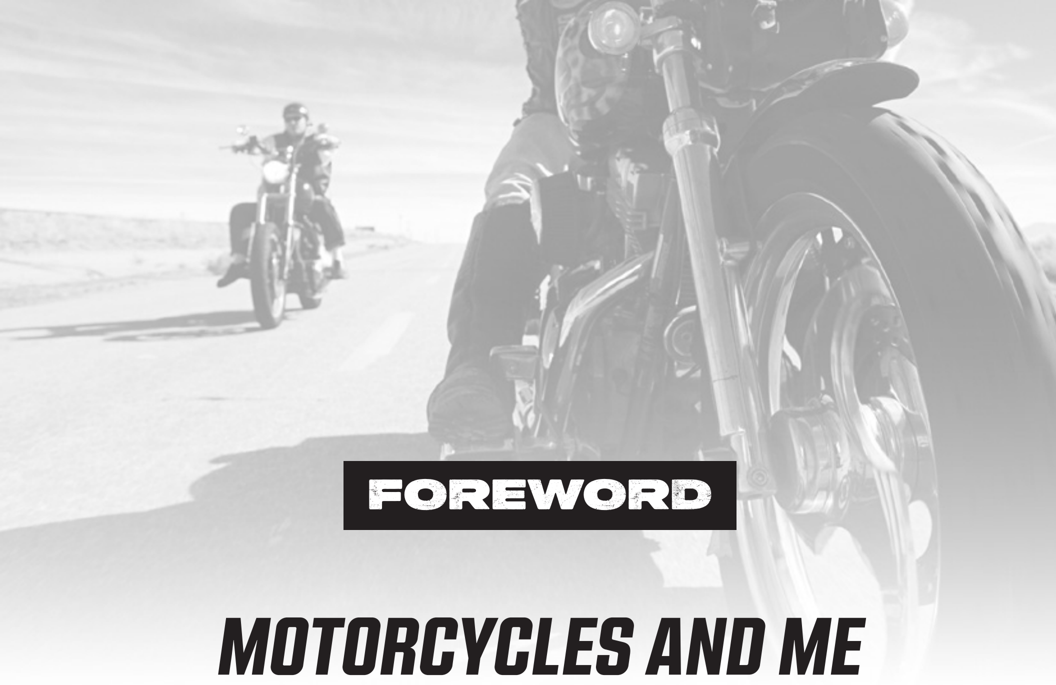


FOREWORD

MOTORCYCLES AND ME

The road to the small alpine town where I grew up, Lake Arrowhead, Ca., is a white-knuckle windy stretch of blacktop through the San Bernardino Mountain range known as "The Rim of the World", California's Highway 18. Motorcycle riders come from all over the world to experience it.

As a kid, I was mesmerized watching motorcyclists traverse through the Rim – even then, I knew someday I too would ride free on two wheels.

Destiny arrived during my second year of law school when I purchased my first bike: an Indian made, Royal Enfield 500. It was not a reliable machine, but when it cooperated, I would ride the Pacific Coast Highway to work and school. Those rides hooked me on riding motorcycles forever.

My family and I have made our home in beautiful Lincoln, Nebraska, where I work as an attorney for Steffens Law Offices. Our law firm was founded more than 30 years ago to help Nebraskan injury victims. We have a different approach to serving our clients. We blend cutting-edge technology with our small-town roots to enable open communication and a streamlined settlement process. We have found that this approach leads to excellent results for our clients, usually without them having to spend a day in court.

I head up the Lincoln branch of the law firm's personal injury practice. As a father, husband, and personal injury attorney, I don't get to ride motorcycles as often as I used to. But if you ride (and you probably do because you are reading this book) you know well that Nebraska provides a wonderful backdrop for us motorcyclists to enjoy. My hope is that we get to share a ride together when you have recovered, and we have resolved your case successfully. If you are not yet working with us, we look forward to getting you back in the wind; just promise me you'll keep the rubber side down from now on!

MOTORCYCLE ACCIDENT CASES ARE UNIQUE.

Steffens Law has represented many motorcycle injury victims over the years. Since I've joined the firm, a few consistent themes come to mind regarding these types of cases:

MOTORCYCLE ACCIDENTS OFTEN LEAVE RIDERS WITH SERIOUS, LIFE ALTERING INJURIES.

Speaking from my own personal experience, falling off a motorcycle hurts, regardless of the speed. But collisions with another vehicle typically leave riders with permanent injuries, often due to another vehicle turning left in front of a motorcyclist, causing a "head on" collision. Whether a rider has sustained a serious injury to the head, spine, or extremity, recovery often takes months or longer, and the medical treatment necessary to heal is always expensive.

MOTORCYCLE SETTLEMENTS ARE COMPLICATED T O GET RIGHT.

Do not make the mistake of thinking a motorcycle collision is the same as a car accident. The physics, weather, roadway, and the scene in general are especially vital with regard to the success of your motorcycle injury case.

The best analogy I can think of is this: driving a car is much different from riding a motorcycle; experience with one affords none with the other. The same is true of your motorcycle injury case – while many personal injury attorneys have car accident experience, not every attorney has the right experience, knowledge, and intelligence regarding motorcycles necessary to bring your injury case to a successful conclusion – which brings me to theme three, and the purpose of writing this book.

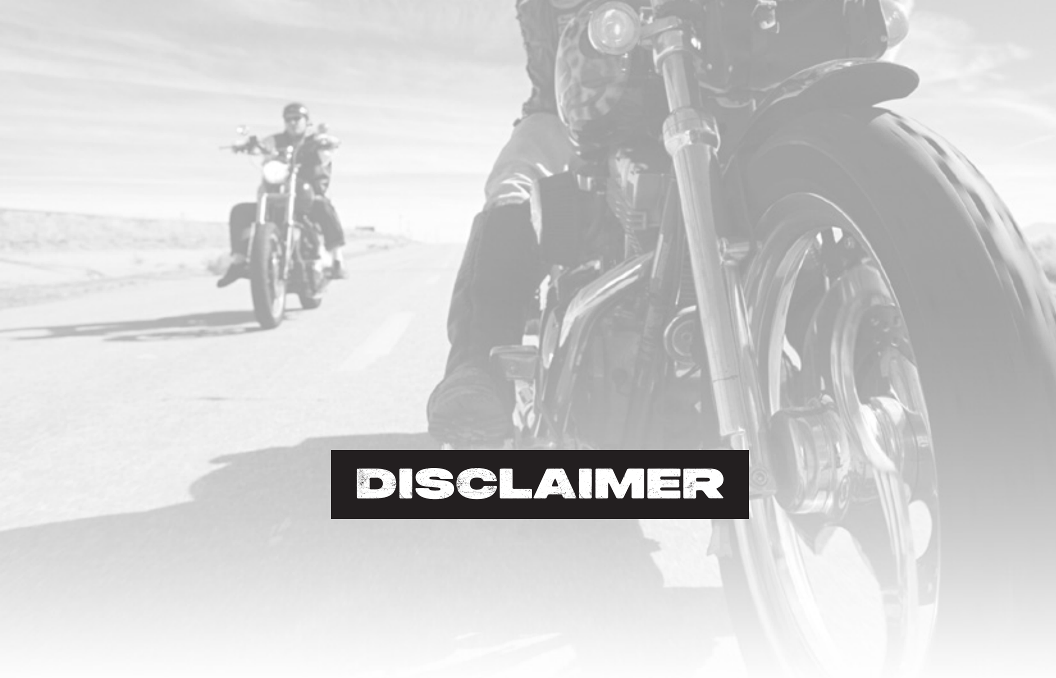
MOTORCYCLE ACCIDENT INJURY VICTIMS ARE BEST SERVED BY ATTORNEYS WHO RIDE AND HAVE BEEN HURT THEMSELVES.

WILLIAM "BILL" STEFFENS, the founder of our firm and our leader, says it best:

> After handling many motorcycle injury cases over the past 30 years, I've learned the unwritten rules. What works, and what does not. This experience is what levels the playing field for us. Large insurance corporations have vast resources, and they can give people (and inexperienced attorneys) the runaround

for a long time. That is where we come in, and why Jay wrote this book: to help you understand the issues that an injured rider faces following a serious motorcycle accident, and to avoid the most common problems motorcycle injury victims confront. The strategies needed for a successful outcome are all addressed here in these pages.

-Bill Steffens



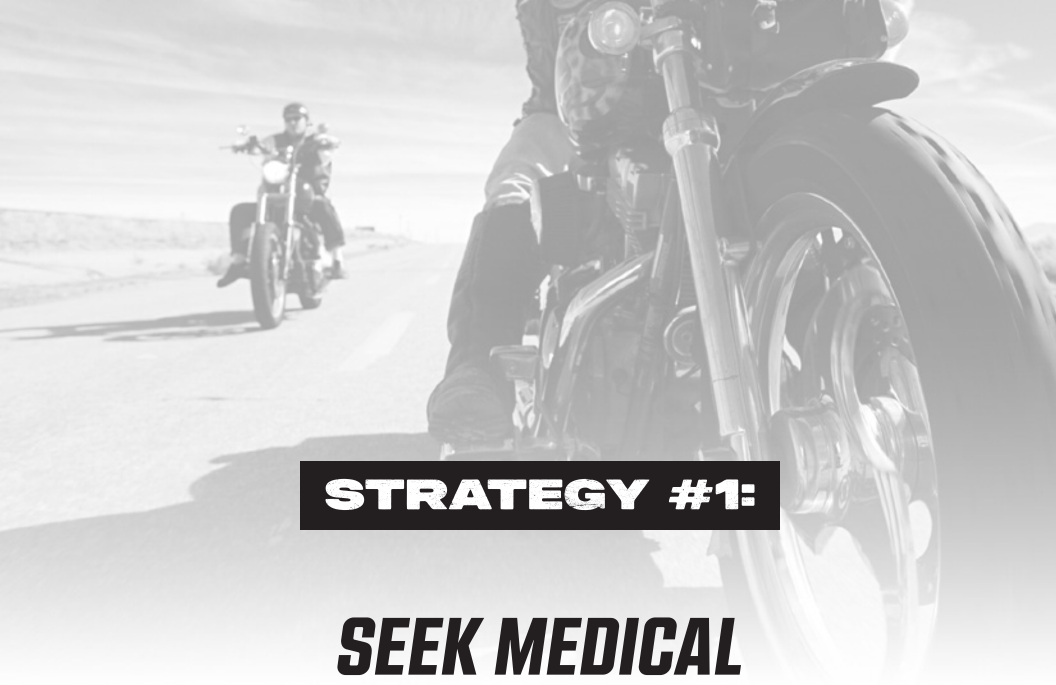
DISCLAIMER

NOTHING IN THIS BOOK IS LEGAL ADVICE.

You will find a wealth of information about handling a motorcycle personal injury claim in this book, but every injury case is different, and the general information found in this book may not specifically apply to your particular case.

I can only offer suggestions and identify some common pitfalls riders often face. Please do not consider anything in this book to be legal advice until you have agreed to work with our team, and I have agreed, in writing, after reviewing the facts of your case, to represent you.

Call my team now, or anytime, 24 hours a day, 7 days a week, at our main office number: (308) 872-8327. We are always ready, willing, and eager to help you. If for some reason you do not reach a live team member, call me directly: (310) 890-9844 (don't judge the California area code, old habits die hard).



STRATEGY #1:

SEEK MEDICAL TREATMENT IMMEDIATELY

AND FOLLOW DOCTOR'S ORDERS

You should seek medical treatment immediately following an accident for your own well-being as well as for the success of your injury case.

FIRST

Get to an emergency room.

If the ambulance does not take you, have someone drive you. You may be hurt worse than you know. But you will not know if you don't go. Motorcycle riders act tough, but this is no time to try to "walk it off."

In the emergency room, tell the doctor about the accident and where you hurt. This is not the time to suffer in silence or earn your patch. Describe your pain in as much detail as possible so that it later appears in the emergency room medical record. We want you to obtain all the imaging necessary to discover and understand your specific injuries (Xray, CT scans, MRIs). Worry about the costs later, right now, your focus should be on enabling the medical professionals to understand and treat your injuries by all means necessary.

If you wait too long after the accident before seeing a doctor, the insurance company of the person who caused your injury will argue that your injuries happened later and did not result from this accident, or that the medical treatment was not necessary at all, because you didn't seek treatment immediately.

SECOND

Follow the emergency room physician's advice regarding pain medication and therapy. Your most precious asset is at stake – your health. What you do in the first few days and weeks following your injury can impact you for the rest of your life. Be smart about this and follow the doctor's advice for your health and your case. The sooner you receive treatment and the more comprehensive the medical records, the easier my job is.

THIRD

Follow up with your own doctor about your injuries.

The emergency room physician may not suggest this, but you need to do it. Your doctor knows you best and is the best person to refer you to any specialist you may need.

Be sure to tell your doctor about the accident, where you hurt and what your pain level is.

Follow your family doctor's recommendations as if recovering fully is your new job – it is, really. Proper and thorough medical treatment early on is the best chance you have to heal 100%.

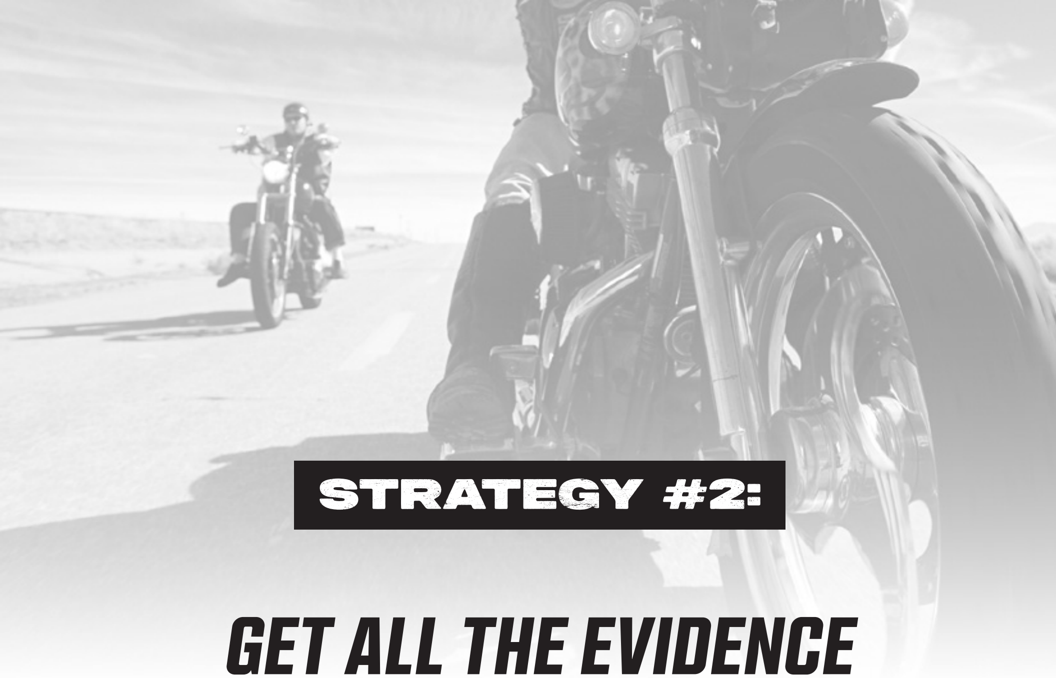
Continue regularly with your family doctor until you are released or referred to a specialist. You should visit your doctor at least once a week, at least until the extent of your injuries are determined and understood, and a recovery plan is put forth.

Remember that some motorcycle accident victims initially hurt all over and then have very specific pain in certain areas later. It may even be possible to be in no pain (Thank you, Adrenaline) until hours later. Stay away from pain medication or alcohol until you visit the hospital or doctor, and your injuries are identified.

Every time you see your doctor, refer to your motorcycle accident and honestly describe where you hurt and your pain level.

If you stop medical treatment early, the insurance company will presume, and later argue that you are no longer injured. Therefore, continue with the treatment plan until the doctor declares you at maximum medical improvement.

Your family doctor is probably someone you have known over the years and have come to trust. Therefore, I strongly suggest you listen to and follow through with your doctor's orders for the sake of your health and your case.



STRATEGY #2:

GET ALL THE EVIDENCE YOU CAN RIGHT NOW

Your injury case will probably take some time to resolve. We are talking months here, not days or weeks. You must preserve evidence now which might become pivotal and not be available later.

FIRST

Before the driver's insurance company considers settling your case, you (or my team and I) will need to prove that the driver who hit you negligently caused the accident.

Preserve how the accident scene looked with a few mobile phone pictures. You would not be the first accident victim to return to the accident location a few days later only to discover changes in the weather, roadway, or surrounding area. For example: the corner gas station or witness's dash cam may overwrite video footage that caught the collision,

Take pictures of the vehicle that hit you before it's sold or fixed. Take pictures of your bike, your gear, and especially your helmet. Don't forget skid marks or other indications of braking or road debris which may indicate how the collision took place. Take pictures of any witnesses and be sure to get their contact information.

If you are in an ambulance on the way to the hospital, if you can, call your friend/wife/or anyone else to take pictures and speak with anyone they can who witnessed the accident. It is hard to overstate how many times we have obtained evidence from the scene which didn't seem important at the time, but later proved crucial to our theory of what happened or who caused the accident.

Do not depend on law enforcement officials to take the photos you might need. Law enforcement officers are great, but they don't always get the photos you need, and they are not required to keep the photos for a long period of time. So, take your own pictures, get your own statements, and ask for your own copies of the video if any exists. This includes checking for traffic cameras or businesses video cameras that might have captured the event. If the collision happened near any homes, a Ring Camera or other doorbell camera very likely captured some or all of the accident – knock on that door and request a copy – my experience is that most people are friendly and glad to lend a hand or share a video clip – this is usually powerful evidence and hard to discount.

SECOND

Even if you are able to prove negligence, you must also prove "pain and suffering" before receiving compensation.

Take pictures of your physical injuries. Here is where pictures are "worth a thousand words." For instance, it is one thing for medical records to say your head required 24 stitches for closure and quite another to produce a color photo showing the severity of the injury and the obvious pain it caused you.

While no one likes having their picture taken under these circumstances, these pictures are invaluable later when the insurance company is arguing that your injuries were not that bad.

Trust me, this happens 100% of the time.

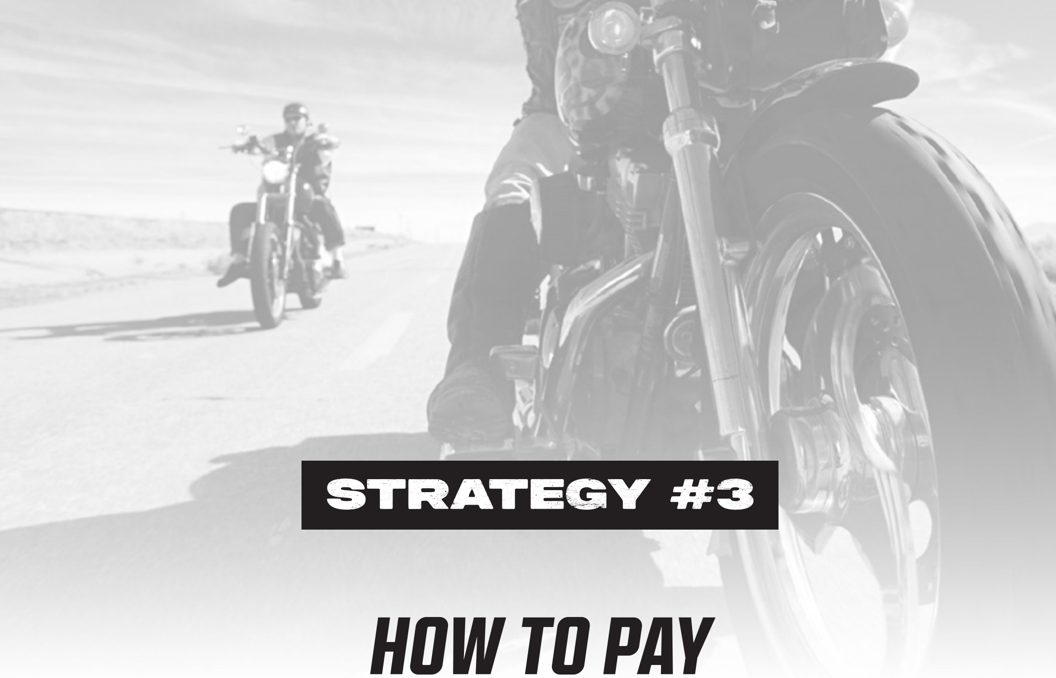
THIRD

If you are in pain, keep a journal.

Later, if you are asked how many headaches you suffered through and the degree of your pain, you will then have physical evidence.

You can use whatever feels comfortable. A tablet with dated pages, a diary or even boxes on a wall calendar. Our office can provide you with a simple 'Pain Diary" to help you document the frequency and severity of your symptoms.

You will not remember all that happened months from now when you need it, so write it down now. You'll be glad you did, and so will I.



STRATEGY #3

HOW TO PAY FOR MEDICAL EXPENSES AFTER YOUR ACCIDENT

(EVEN WITHOUT INSURANCE OR MONEY)

Many of our clients find themselves in dire financial straits after a motorcycle accident. When you cannot work because of injuries and your medical providers want payment now, but you are struggling to make ends meet, you are likely thinking "I didn't cause my injuries. Why doesn't the other guy's insurance pay for my medical treatment?"

This is a completely natural and reasonable reaction. But I'm sorry to say the liable driver's insurance corporation will avoid paying for any medical treatment or expense until your case is settled.

The good news is that there are ways to receive top-notch medical treatment even if you have no health insurance and have no extra money to pay for treatment.

FIRST

Seek "MedPay" from your own auto insurance policy. "MedPay" is insurance money, available under most auto policies, to pay for your medical bills. It is typically available in amounts of $2,500 or more.

If your injuries are minor, you may want to seek "MedPay" by yourself. Call your insurance agent and ask how much "MedPay" is available on your policy. Next, submit your medical bills to your agent and request payment using your "MedPay." Do this in writing and save a copy of your letter as well as copies of the bills you send to your agent for your own records. Also, ask for written confirmation when these bills have been paid.

If your injuries are serious, "MedPay" will not cover all the medical expenses. You may need to tap into another form of insurance that Medpay does not cover.

SECOND

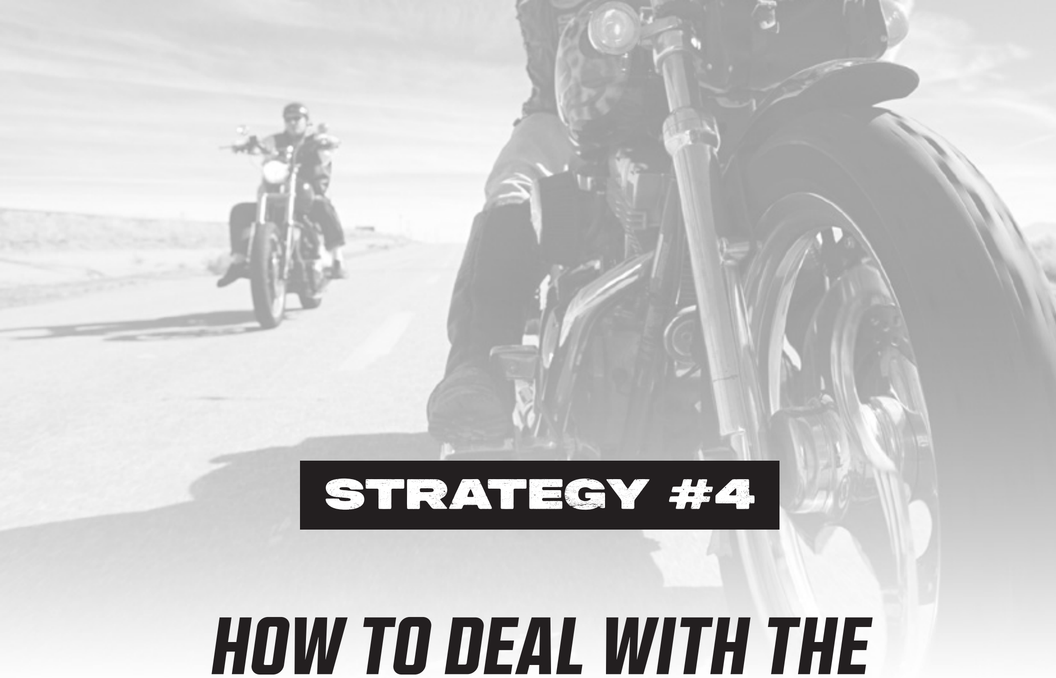
Contact your medical providers and ask them to file a "medical lien." The law provides that if a medical provider submits a "lien" in your personal injury case, they get paid before you do. Doctors like that (who wouldn't).

Many medical providers want to know that you are working with an attorney before agreeing to a "medical lien." They want assurance that you are working with an experienced lawyer who will recover medical expenses in your case. At Steffens Law Offices, we will contact any reluctant medical provider and encourage them to file a "lien" with us when necessary. We have even gone as far as to prepare the "lien" for them.

THIRD

The critical mistake you must avoid is delaying your medical treatment of your injuries or the "other guy's" insurance agent will say, "You must have gotten better." In the insurance world, "I didn't have the money to pay for medical care" is not an excuse. To be successful, you must follow all doctor's orders for medical care until your doctors say they can do nothing more for you. This is called "maximum medical improvement." If you quit medical treatment prematurely, you usually do more damage to yourself and your case.

Contact Steffens Law Offices if you need additional ideas for paying your medical bills.



STRATEGY #4

HOW TO DEAL WITH THE INSURANCE COMPANY

(WITHOUT HURTING YOUR CLAIM)

FIRST

Insurance companies exist to make money. Period. The goal of almost any personal injury settlement is to take money from the insurance company and pay you. So, it follows that every settlement dollar an insurance company pays out to you, by necessity, it becomes less profitable. It really is that simple. Therefore, you are now in a battle with the insurance company. Whether it is the liable insurance carrier or your own insurance company, no matter how pleasant the insurance company's representative may be (and they often are) or how many times the agent tells you they can help you settle your claim quickly – they are not a friend, but the enemy. Insurance company employees are paid well to find ways to reduce or negate the value of your claim. At our firm, we get out of bed every morning excited that our life's work is to help you beat the insurance company and to obtain full value for your injury case.

SECOND

Recognize that right from the start, insurance companies have the upper hand. Their employees are well-trained professionals that handle many cases at any one time. They have vast resources that you don't – like legal advisors, doctors, and legions of other people to assist their cause. Also, they know the things to look for to weaken your claim. They are under no obligation to help you, inform you of the law or advise you as to what to do to help your cause. Again, this is where we come in and why this book was written.

So, if you have been seriously hurt on your motorcycle, it is not helpful to communicate with the insurance carrier at all or sign anything it gives you until you have consulted with a knowledgeable attorney.

If you choose to communicate with the agent – be careful, assume that EVERYTHING you say will be used against you.

THIRD

The insurance carrier will likely record anything you say about the accident and your medical care. They may alert you to this fact before the agent or adjuster begins the questioning, or you may only receive an automated anecdotal notice such that "this call is recorded for quality assurance." Either way, assume everything you say is recorded, analyzed, and carefully weighed for later use against you.

The best course of action will always be to refuse to speak to the insurance company until you have an attorney with you on the call.

A book could be written about this interview process. But with some help, you can tell the complete truth and avoid hurting your claim. We at Steffens Law Offices have a series of pointers we give clients. We always prepare our clients and are present with them on the call.

FOURTH

If the insurance company asks you to sign any papers, again, approach this with extreme caution. You should seek legal advice first. Whatever you do, do not sign anything you don't completely understand or haven't carefully thought through.

Bottom line: the negligent driver hurt you, do not let the insurance company trick you into hurting your case.

STRATEGY #5

DO YOU NEED A LAWYER?

(IF YOU DO, HOW TO CHOOSE A GOOD ONE)

FIRST

You may not need, or want, an attorney involved in your claim. If you have experienced minor injuries, have less than $5,000 in medical expenses, have recovered completely and have lost little or no time from work, you probably have a "small claim." In a small claim, the attorney fees (typically one-third of your settlement) and costs might leave you little or nothing after your medical bills are paid. That really would not be fair to you.

If you are not sure if you have a claim that needs an attorney, just call us. We will always help you analyze your situation for free.

Don't base your decision to use a lawyer on what the insurance agent says or the amount of money they initially offer you. No matter what, the agent will always discourage you from using an attorney and the first offer will always be low. In addition, you may not know how serious your injury is for weeks after the accident, long after the insurance agent's initial offer.

SECOND

If you decide you need a lawyer, how do you make sure to choose a good personal injury lawyer?

I suggest the following:

Find an attorney with motorcycle knowledge and experience. How many motorcycle accident claims has the lawyer actually handled? Personal injury is a specialized area of law, and it requires years of education, training, and experience. Even if the lawyer is seasoned, if they dabble in many different areas of the law without focusing on personal injury and motorcycle accidents, look elsewhere.

Look for someone with a good reputation for honesty and professionalism – so you can trust and believe them. There are several indicators:

a) Is the attorney accredited by the Better Business Bureau?

b) Do they have great reviews? Are former clients praising their results, communication, and professional conduct?

c) Does the lawyer sound "questionable"? Make promises to you early on about how much your claim is worth or give you inflated guarantees about the outcome of your claim?

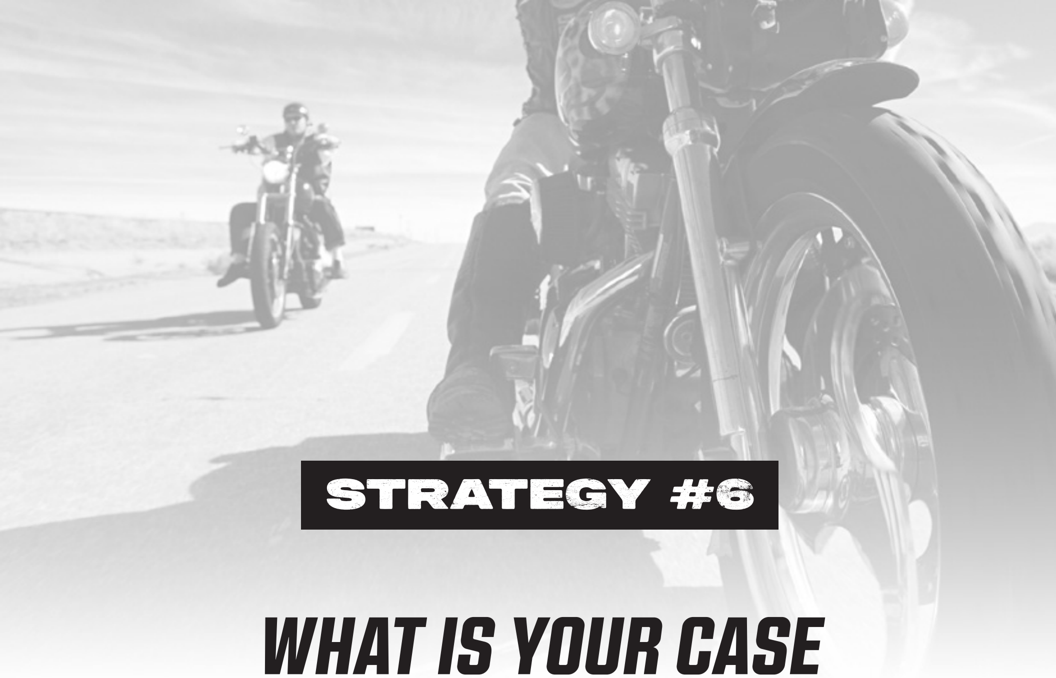
Experienced, knowledgeable, ethical attorneys simply do not do this.

Does the lawyer seem genuinely interested and compassionate about your medical condition? If the lawyer is directing you to "their doctor or chiropractor" and not encouraging you to get excellent medical care from your own doctor and medical providers or does not seem interested in how your condition is progressing – that's a problem. Your talks should not just be about "money." No amount of money will replace your good health.

Can the lawyer supply you with useful, free information about this area of the law and what issues you should be concerned about? You should not have to pay for this information or travel to the attorney's office to receive the initial information. Lawyers should be able to send you "information guides," a book, or blog posts upon your request. If the lawyer is pushing you to sign a contract for representation first, before answering your questions and supplying free information, I would be skeptical.

Does the attorney have a reputation for superior results?

There are a lot of attorneys out there who "tout" themselves to be personal injury lawyers – so take your time searching for a good one who can genuinely help you.



STRATEGY #6

WHAT IS YOUR CASE REALLY WORTH?

While no two claims are alike and it is impossible to tell you what your particular case may be worth without a genuine analysis taking all facts and records into account, there are specific criteria that will indicate the value of your claim.

FIRST

The nature and extent of your injuries or, simply put, how badly you were really hurt. This is key.

Was the injury extremely painful and for how long? Do you have evidence to support this in the form of medical records, witnesses, journals, or photographs?

Is your pain ongoing and how long is it expected to last? Do you have evidence supporting that?

Did your injury disfigure or scar you physically or emotionally?

SECOND

The type and cost of your medical treatment.

Don't expect your claim to have much value if you have never been treated by a specialist like an orthopedist, neurologist, surgeon, or ear-nose-and-throat (ENT) specialist.

The length of time you received medical treatment and the treatment cost will play a significant role in determining the value of your claim. However, your medical care will need to be viewed as reasonable and necessary for your condition.

Medical records showing that you need medical care or should expect medical care in the future will further increase your claim value.

THIRD

Wages lost as a result of your injury: how long were you out of work?

Lost time at work because you were receiving treatment or physically unable to work will add value. You will need medical records and employment records to support this claim.

If your condition is such that you will not be able to return to the same job or may not be able to work at all, the value of your claim will undoubtedly be increased.

FOURTH

Lost or diminished quality of life.

Such things as activities that you can no longer enjoy may influence value. The more important these lost activities were to your previous lifestyle, the more value they usually have.

Because there is no exact formula for determining "fair compensation," it is important to consult with an experienced personal injury attorney about your specific circumstances to determine the value level of your claim.

CONCLUSION

Hopefully, this book has answered a lot of your questions. Maybe you have even gained some insight that has changed the way you think about your motorcycle injury claim. I hope so.

The problem with a book of this kind is that the information found in it can only be general in nature. It cannot answer all the specific issues raised in your case, because every case is different, with different facts, circumstances, records, and variables.

Luckily, it is precisely these factors of the profession that we at our firm enjoy so much. No matter how many hundreds of cases I review in my career, no two cases will ever be exactly the same, because every human being we have the privilege of helping is unique and this keeps us coming back excited to begin each day!

As an injury victim, though, this has to be frustrating, and I certainly did not mean to leave you thinking, "Yeah, but what about…because that happened to me."

I cannot possibly impart all the information and experience I've learned in my years of practice in motorcycle personal injury law. The result would be a very long book that few would even attempt to read. This book is intentionally short so that, hopefully, no one will be intimidated by its size, or the time needed to read it.

If you still have questions, just call us, or contact our team on our website – www.steffenslaw.com. We will never charge you to answer questions. You might have a very simple case that you can, and should settle yourself without an attorney. Or you might not, in which case I look forward to working with you.

We are lucky in that we have the luxury of being very selective about which cases we accept. We only sign cases involving serious injury. Also, our approach is to get to know potential clients so that we are sure that we want to work together. Only then do we talk about legal representation and a written agreement.

Thank you for your valuable time. I look forward to serving you.

DISCLAIMER

Motorcycle injury claim results may vary depending on the facts and circumstances of your case.

Some of our recent victories for motorcycle riders:

$2,100,000 – MOTORCYCLE V. SEMI-TRUCK

T is a father and husband who was out for an early afternoon spring motorcycle ride on the highway when he collided with a semi-truck at high speed, leaving him with serious injuries that required surgery. The semi-truck's insurance company argued that T had a history of speeding, was going too fast, wasn't paying attention, and caused the collision. Our legal team sprang into action, collecting vital evidence at the scene, interviewing witnesses, and demanding an inspection of the semi-truck. We discovered that the semi-truck driver was "unfamiliar" with its automatic transmission. Within a few months, the defense insurance company paid its $2,000,000 policy limit to settle T's case, all without the need for an expensive, year-long legal battle.

$2,000,000 – MOTORCYCLE V. PASSENGER VEHICLE

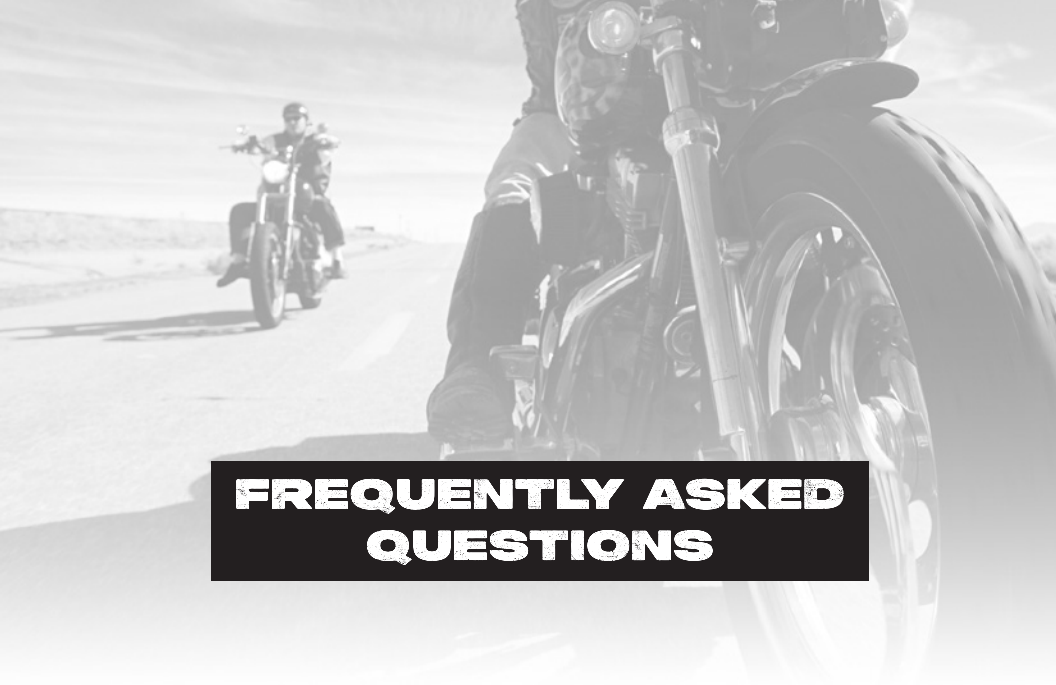
L was on his way home after work one night, riding his sport-bike along the highway and doing everything right when another driver ignored a stop sign and drove right into him, causing a violent crash and leaving L with life-altering injuries. After a month in the hospital and no word from the other driver's insurance company, L called Steffens Law to represent him. Within 100 days of the collision, our attorneys compelled the other driver's insurance company to offer its $2,000,000 policy limit.

$335,000 – MOTORCYCLE V. MULTIPLE DEFENDANT VEHICLES

A was on his way to visit his fiancé, riding his new Honda motorcycle on Interstate 80. Traffic was light, the weather was beautiful, and it was a great day to be alive. Suddenly, a commercial truck convoy with a pilot car pulled out in front of A and other vehicles in his lane, causing an emergency stop. A was rear-ended by the vehicle behind him and thrown from his bike, leaving him with spinal and knee injuries. After a week in the hospital and a months-long recovery, the insurance companies for the convoy and the other vehicles pointed the finger at each other and refused to pay one dollar to A. That's when the attorneys at Steffens Law fought back, using physical evidence and law enforcement photographs from the accident scene to argue that the convoy was negligent and that the vehicle that hit A was following too closely. Before a lawsuit became necessary, three different defendant insurance companies threw in the towel and each contributed to pay $335,000 to settle A's case. To help A even further, our legal team fought his health insurance company until it agreed to a 90% reduction of his medical bills, allowing A to keep thousands more of his settlement instead of paying it to doctors and the hospital.

$180,000 - MOTORCYCLE V. PERSONAL VEHICLE

R was commuting on Interstate 80 when another vehicle suddenly changed lanes into his bike, throwing him to the pavement and causing serious injuries, including a broken collarbone, fractured ribs, and a punctured lung. Before he called Steffens Law, the insurance company lowballed R, offering him a measly $25,000 for his pain and suffering—which didn't even cover his lost wages. That's when he called us. Our legal team brought color and clarity to all the damages R was saddled with, detailing his long-term recovery, medical expenses, likely impairment, and the mental distress caused by the high-speed crash and near-death experience. Within months, the other driver's insurance company "saw the light" and agreed to settle R's case for $180,000—nearly seven times their previous offer.



FREQUENTLY ASKED QUESTIONS

DO I HAVE A CASE?

An injured party is referred to as the "plaintiff." In Nebraska, the plaintiff has the burden of proof. This means the "burden" is on you to establish the legally required elements of the law in your case or you will not be entitled to any recovery. Simply put, the plaintiff must prove three basic elements to "have a case": liability, causation, and damages. While you should call us to fully evaluate whether these elements are met, the following will get you started:

Element #1 – Liability

In order to "have a case," the other party must be "liable" for your injuries. Typically, this means the other party has committed a negligent action that caused your injuries. In order to prevail on a claim of negligence, the facts must clearly show the other driver behaved in a way that created an unreasonable risk of injury to you upon the roadway, and the behavior did, in fact, actually cause the accident from which you sustained injuries (see #2, below).

Element #2 – Causation

You must be able to show that your injuries were directly caused by the accident. For example, in order to be compensated for a ruptured disc in your lower back, you will need strong evidence that this injury resulted from your motorcycle accident and not from an accident at home or at work which occurred before or after the accident. A doctor's medical opinion may be required to resolve this issue.

Element #3 – Damages

This can be defined as how the accident impacted you physically, emotionally, and financially. More specifically, your (a) pain and suffering; (b) lost wages; (c) lost or diminished quality of life; (d) present and future medical expenses, and (e) out-of-pocket expenses.

The harm or injuries you have suffered must be significant enough to justify spending the time, energy and resources that are required to bring a successful claim. Think of it this way: if the accident caused you a bruise and you jumped back on your bike and rode away without further issue, you have not been legally damaged. Contrast this with an accident where you suffered a serious hand injury that prevents you forever from twisting the throttle on a motorcycle ever again, you are very seriously damaged, likely have objective permanent impairment, and have a strong case against the other driver, assuming the other elements above are satisfied.

DO INJURY CLAIMS ALWAYS GO TO COURT?

Absolutely not. Most motorcycle injury cases are settled without need for court or trial. However, if the defendant's insurance company refuses to pay full compensation for your damages, the case may need to be decided by a judge or a jury. The decision about whether to settle a case or file a lawsuit is one of key importance. The right decision requires research, competent counsel, and careful consideration. The final decision belongs only to the injury victim.

DO MOTORCYCLE INJURY CLAIMS TAKE YEARS TO SETTLE?

Not usually. Settlement depends largely on the circumstances of the injury, the nature of the case, the insurance company, the insurance adjuster and the attorneys involved. There is a wide time frame for settlements, which changes substantially if a lawsuit is filed. The key in an injury case is not to settle until you have reached maximum medical improvement. Once a settlement is accepted, the victim can never again go back and ask for more money – so don't get in too big a hurry. Some injuries demand a long waiting period – like head injuries. My personal rule of thumb is never even to consider settling a head injury case for at least a year after the initial injury.

HOW MUCH DO MOTORCYCLE INJURY ATTORNEYS COST?

Generally, there is no fee for talking to a motorcycle injury attorney about your claim; initial consultations are typically free. Usually in personal injury cases, once an attorney makes a commitment to represent you and/or your family, you are only charged a fee if the attorney successfully obtains a recovery for you. This fee is calculated as a percentage of the recovery. In Nebraska, this percentage is typically one-third, or 40% if a lawsuit later becomes necessary. Expenses necessary for pursuing an injury claim may be advanced by the attorney. If an attorney is successful in obtaining a recovery for you, these costs are then reimbursed to the attorney from the settlement. If nothing is recovered on your behalf, you will generally not owe the attorney any fees or any case expenses depending on your circumstances (i.e., the attorney takes the risk). However, this may vary from one attorney/client contract to another. By the way, Nebraska law requires a written agreement between an attorney and client in a contingent fee personal injury case.

CAN I BE COMPENSATED IF I AM PARTIALLY AT FAULT?

If you are partially at fault, you may still be entitled to receive a percentage of the compensation you would have received if you were not at fault at all. The amount depends on the percentage of fault assigned to you. This is your "comparative negligence." Until that has been established by a judge or jury, you should seek the informed opinion of a personal injury attorney. If you are found to be 50% or more negligent, you are not entitled to recover anything.

WHAT INFORMATION SHOULD I GATHER AT THE ACCIDENT SCENE?

While you should always contact law enforcement to investigate your motorcycle accident, you should do your best to gather information and support documentation. Try to get as many of the following items as possible:

1. Name of the insurance company of the "at-fault" party.
2. Identity and contact information of all possible witnesses.
3. The make, model, year, color and license plate number of the other vehicle.
4. Pictures of damage to your person and property, and other property that was damaged as a result of the at-fault party. Take three times as many pictures as you think are necessary, from several different angles.
5. Accident report, if applicable.

WHAT WILL A MOTORCYCLE INJURY LAWYER DO?

An experienced motorcycle injury attorney will do all of the following:

1. Thoroughly investigates the accident and helps you memorialize important information with photos and interviews. Frames the facts into an easy-to-understand format which clearly establishes the other driver's negligence and minimizes or eliminates any percentage of your own fault.
2. Advises you to follow your doctor's recommendations or seek a second medical opinion.
3. Protects you from insurance companies which seek to diminish or eliminate the value of your case.
4. Obtains and interprets your medical records for accuracy and consistency with what your doctor is telling you. Assists you with obtaining permanent impairment ratings or other evaluations to determine any loss of your body's abilities.
5. Advises you to seek medical attention , if necessary, in order to achieve maximum medical improvement and to receive fair compensation for your damages.
6. Communicates with you often.
7. When the time is right, prepares a detailed "demand package" with the goal of settling your case for full value.
8. Attempts to negotiate a full value settlement for you.

9. Negotiates a reduction of your medical expenses so that the maximum amount of your settlement dollars goes to you.
10. Settles and pays all medical liens against your case.

WHICH DOCUMENTS SHOULD I BRING WITH ME TO THE LAW FIRM?

The more information the lawyer has about your case, the better. You should provide all documents that might be relevant. Accident reports, for example, contain eyewitness accounts and details about the auto accident. Copies of medical reports from doctors and hospitals will describe your injuries. Information about the negligent driver's insurer is extremely helpful, as are any pictures you have of the accident or of your injuries. If you do not have these documents in your possession, don't worry. Your lawyer will be able to obtain all paperwork necessary to present your case.

WHAT CAN I EXPECT AT MY CONSULTATION WITH A MOTORCYCLE INJURY LAWYER?

Most important, you should expect to obtain a sense of confidence in the lawyer. They should be able to tell you if you have a case with merit. If your case is one the law firm is willing to accept, you will likely be provided with a written agreement. All aspects of the agreement should be explained to you. A lawyer cannot represent you without a written agreement. Once that agreement is in effect, your counsel should start gathering the documents and information needed for your case. No competent lawyer would tell you exactly what your case is worth during the first visit. In order to arrive at a figure for damages, your lawyer will need to determine the extent of your damages, including injuries, pain and suffering, disability and disfigurement, the cost of medical treatment, and lost wages. Many times, damages cannot be determined without extensive research and consultation with expert witnesses. Your lawyer should be able to provide you with a proposed rough timeline for the various phases of your particular case.

HOW LONG SHOULD I WAIT BEFORE CONTACTING A LAWYER?

It is important that you contact a lawyer as soon as possible after your accident. In almost all cases, evidence gets lost, spoiled, or altered the longer you wait. Some of the evidence may be imperative. For example, the memory of a crucial witness will, over time, become cloudy or completely fade away. The sooner your lawyer can start working for you, the better. Remember, the insurance adjuster for your claim is also highly trained to convince you to settle for as little as possible. This typically includes their "friendly" advice not to get a lawyer because "you won't get as much money." That's a laugh. See the "Case Results" on pages X and Y. I cannot count how many times good people have called us after receiving the offer from the insurance company, only to receive an offer 10 times higher after we've settled their case. This is never guaranteed but happens <u>frequently</u>.

It is also important to find out your time limits for filing a lawsuit or claim, called the “statute of limitations.” Remember that the claim investigation can take time. So don’t sit on your legal rights too long or you will lose them – even if you don’t want to go to court. Once the statute of limitations runs out, the insurance company will close the file and stop returning your phone calls.

WHAT AMOUNT OF MONEY IS FAIR FOR MY MOTORCYCLE INJURY CLAIM?

Most people simply want fair compensation for the injuries they suffered in a motorcycle accident. They are not trying to “get rich” or “get something for nothing.” However, what really is “fair compensation”?

There is no exact formula for determining the amount of compensation you should recover. A variety of factors are in play. These factors include severity of the motorcycle accident, your injuries, the impact of the injuries on your employment and day-to-day life, and the extent of your medical care.

Fair compensation certainly includes more than just reimbursement for your medical expenses. Depending on the circumstances, a motorcycle injury victim may recover:

- Current medical expenses
- Future medical expenses
- Lost wages
- Loss of future earning capacity

- Physical pain and suffering
- Mental or emotional suffering
- Physical impairment
- Property damage
- Lost or diminished quality of life
- Loss of consortium (love and affection)
- Out-of-pocket expenses

In some cases, the injured person's family members may be entitled to compensation, depending on the severity of the injuries and their reliance on the injured person.

Determining the "fair value" of your claim is one of the critical issues in every case. If your injuries are substantial, you will need to consult with an experienced motorcycle injury attorney.

WHAT IF THE DRIVER WHO HIT ME DOESN'T HAVE INSURANCE?

If the liable party doesn't have insurance to cover your damages, you can make a claim against your own motorcycle insurance policy's "uninsured motorist coverage." In some cases, you can sue the liable individual directly, but often, their assets won't cover the damage. In addition, even if you manage to win a large judgment in court, they might just file bankruptcy and erase it. An "asset search" can be performed by our team to determine whether the negligent driver has sufficient property to warrant a lawsuit.

WHAT ARE UNINSURED/UNDERINSURED MOTORIST BENEFITS?

If you were injured on your motorcycle due to the negligence of another driver, you typically will seek compensation from the negligent driver's liability insurance company. However, don't expect them to pay anything until your case has been settled.

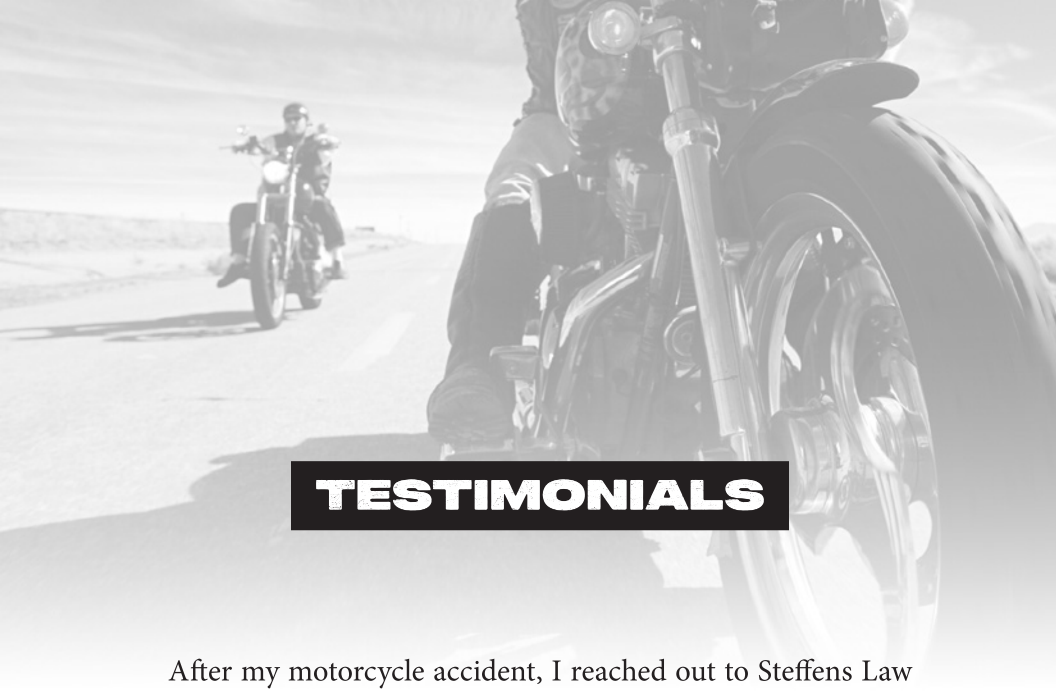
If you have coverage through your own auto insurance policy you can make a claim for these benefits, if the driver's liability auto insurance first pays you their policy limits, and those limits were not enough to make you whole again. This is often referred to as "UM" or "UIM" insurance coverage. Seeking these benefits should not affect your future cost of insurance since you were not the negligent party.

WHAT IS PERSONAL INJURY MEDICAL PAYMENT INSURANCE (MEDPAY)?

Many auto policies often include a form of medical and wage coverage called medical payment coverage, or, MedPay. These benefits cover your medical expenses depending on the coverage amount in your motorcycle policy.

I HAVE MOTORCYCLE INJURY QUESTIONS THAT YOU DID NOT COVER

Please allow me to answer them by calling our firm anytime, 24 hrs. per day, 7 days a week: (308) 872-8327.



TESTIMONIALS

After my motorcycle accident, I reached out to Steffens Law Accident Injury Lawyers and got help from Jay and Tony. They treated me with a lot of respect and courtesy, and everything was handled very efficiently. I ended up getting a large sum of money, which not only covered my expenses from the accident but also gave me a bit of a head start towards achieving my life goals. I'd definitely recommend Steffens Law to anyone in need because they really take care of you and make sure your needs are met.

—*Wyatt,*
Lincoln, NE

From the moment I got in touch with Steffens Law, I felt truly supported. Their staff, especially Mr. Bill Attorney, were wonderful—they listened carefully to what I was going through and guided me through every step of my case. By the end of the day, I had a clear resolution and felt confident in their expertise. I feel so blessed to have connected with such a strong, fair, and professional law firm. Highly recommended!

—Khan
Lexington, NE

I reached out to Steffens Law after an accident and spoke directly with Bill Steffens. My experience during the call was great! Bill was very kind and helpful, and he made sure I understood exactly what my next steps should be. I would definitely recommend Steffens Law to anyone who needs clear and caring legal advice.

—Jamie
Lincoln, NE

I have used this firm for two cases now. And have had great results. They fought hard for my family and me to get what we deserved. I would recommend using them to anyone. They're a great law firm and have your best interest at heart.

—Steven
Lincoln, NE

Awesome lawyers, I would definitely recommend to anyone who is looking for their services in the type of cases they take, very friendly, very professional amazing staff.

—Crystal
Lincoln, NE

I was in an accident on August 3rd. The other guy's insurance wasn't very pleasant to deal with. I got hurt and it was extremely downplayed. I reached out and spoke with Jeremiah Luebbe and since then I've felt at ease. He told me to focus on getting my care and he'll take care of the rest and he definitely stood behind that completely! Ashley Bartak was the other person on my case. I am forever grateful for her. I called and asked more questions than I can even explain and she was amazing at explaining the process. They both gave me a clear timeline of how and when things would happen and not once have they fell short. I couldn't ask for a better group of people to trust! Call them you won't regret it.

—Daniel
Grand Island, NE

When I was in the hospital at University, Jay from Steffens Law really stood by me. He even came up to visit me during my stay to discuss my case, which shows how committed they are. I'm very satisfied with how everything turned out. If you're in a similar situation, I'd definitely recommend reaching out to them. Jay's support was exceptional.

—Anthony
Omaha, NE

I had a great experience with Steffen's office. They were very kind and explained the process and all documents with me and were able to help me throughout the whole process with my accident. Thank you so much for your help that was greatly appreciated.

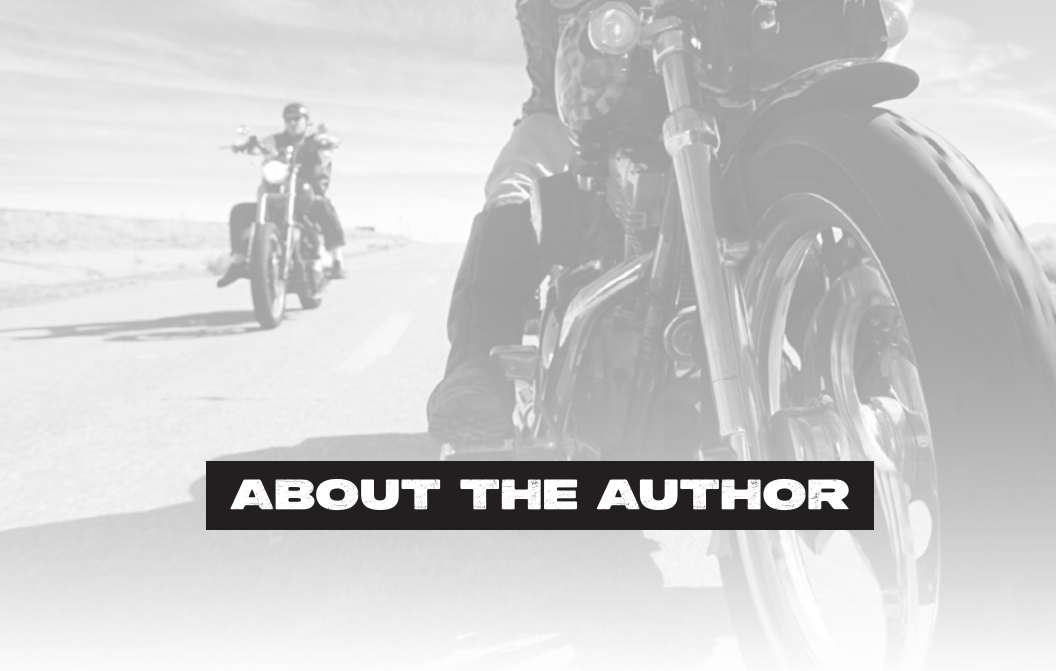
—Teresa
Grand Island, NE

When we had a serious accident, I reached out to Steffens Law for help, and I'm glad I did. Attorney Bill and our case coordinator, Janae, were incredibly supportive throughout the process. They were personally involved and genuinely cared about our situation, which made all the difference. I'm relieved that our case settled well without needing to go to trial. I would absolutely recommend Steffens Law to anyone in a similar situation because you can really trust them to take good care of you and your case.

—Tonnie
BROKEN BOW, NE

I am thankful for the support and service provided to me through Steffens Law Office. Any traumatic experience is more challenging to know how to handle the unusual circumstances pressed without warning. Steffens Law Office coordinated with the people necessary to bring about an exceptional outcome! Thanks to the team at Steffens Law Office for the assistance and competent legal advice and counsel!

—Mark
ORD, NE



ABOUT THE AUTHOR

JAY is from California, where he practiced consumer rights law and has won settlements from every major automotive manufacturer many times over.

He graduated cum laude from California State University Los Angeles in the top 5% of his class and graduated from Whittier Law School in the top 20% while working full time at Tesla.

His home is in Lincoln with his wife Becky and young daughter, Sierra. Jay works in the personal injury division of our Lincoln and Broken Bow offices and will travel anywhere in Nebraska to meet a client, anytime.

When he isn't working (rare), he loves mountain biking, snowboarding, and the five-string banjo. Jay is licensed to practice law in California and Nebraska.

"It's not called work if you love what you do."

WA

CALL TO SPEAK TO AN ATTORNEY WHO RIDES AND GET YOUR FREE CONSULTATION TODAY! CALL 402-787-4713

If you've been injured in a motorcycle accident, it's easy to feel like you're navigating unfamiliar territory. Serious injuries, mounting medical bills, lost time from work, and constant calls from insurance companies can quickly become overwhelming during a time when your focus should be on healing. Big insurance companies have the money, experience, and resources to delay, deny, and minimize legitimate injury claims.

Attorney and motorcyclist Jay Schrecengost has dedicated his legal career to helping injury victims stand up to insurance companies. As both a rider and a personal injury attorney, Jay understands the unique challenges motorcyclists face after a serious crash. Through his work with Steffens Law Offices, he has helped injured riders throughout Nebraska recover the compensation they deserve.

In ***Born to Ride (Again)***, Schrecengost shares the key strategies every injured motorcyclist should know, including:

- Why seeking medical treatment immediately after an accident helps your health and your injury claim.
- What evidence to gather before it disappears.
- What determines the value of your case.
- How to deal with insurance companies without damaging the value of your case.

Motorcycle Accident injury victims are best served by attorneys who ride and have been hurt themselves. While every accident is unique, the information in this book can help injured riders avoid costly common mistakes and make informed steps toward compensation.

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