



JACKSONVILLE MOTORCYCLE ACCIDENT GUIDE

*What To Do If You're Seriously Injured
on a Motorcycle*

Edwards  Ragatz, P.A.

Personal Injury and Commercial Trials



Being in a motorcycle can really turn your life upside down if you are seriously injured. Not only that, you may be out a vehicle if it's damaged in the collision. All of your injuries and damages will be covered by the liable party in your accident. We understand if you are feeling frustrated and overwhelmed by all of this. We will take

over this for you and deal with all of the legal aspects so that you can put your energy into your recovery. After you read more about your motorcycle accident case, please give our Jacksonville motorcycle accident lawyers a call to set up a free consultation.

FLORIDA STATUTES OF LIMITATION

It is important that you hire an attorney right away after your accident so that they can get to work on your case to make sure it is as strong as it can be. We urge you to do this despite the four year time frame in which you are allowed to bring your case. Florida statute of limitations allows four years to do this, but we do not encourage you to wait to do so. Working quickly after the motorcycle accident to get the ball rolling is only going to benefit you. If you were to wait years to call an attorney, you may not have the same evidence or witness statements. Always be aware of how much time you have to file your motorcycle accident claim. If you were to wait four years, we will not be able to help you seek compensation any longer. For the best results, act quickly after your accident.

HOW PURE COMPARATIVE NEGLIGENCE RULES WORK

Pure comparative negligence has to do with shared fault in relation to your compensation for your injuries. The insurance company for the liable party will work with us to determine who is responsible for the accident. We work diligently to prevent you from getting blamed for your accident. In Florida, you get

to collect a compensation award even if you are 99% at fault. If you are 100% at fault, you will not receive compensation. When you are deemed 1-99% at fault, your compensation will be reduced to account for your role in the accident. For example, if you are deemed to be 30% at fault for the accident, and have been awarded \$100,000 for your injuries, then you are going to be allowed to collect \$70,000.

IMPORTANT STEPS TO TAKE AFTER YOUR ACCIDENT

Number one most important thing you can do is get medical attention. If the ambulance shows up, get on it and head to the emergency room. You can worry about everything else later once you know you are stabilized and on the way to recovery. If you are not in critical condition and are able to stay on the scene and collect evidence, then make sure you get to an urgent care, emergency room, or primary physician as soon as you can. You do not want to wait to seek medical attention because the liable party's insurance company will try to claim you were not seriously injured if you waited to see a doctor. Or they will say that your injuries came from something else that happened after your motorcycle accident with their insured.

After you have taken care of your medical needs, you can worry about collecting evidence. That would include taking photos of all of the vehicles involved, the scene around it, debris, your injuries, tire marks on the road, and anything you think may be significant to your accident. You will also want to get contact information from any and all witnesses as well as insurance information from the other driver(s). On the scene, be sure you do not say this accident was your fault. You do not want to tell anyone that it was your fault. You may think it was, and then later find out more details that show that you were not responsible.

DO NOT TALK TO THE OTHER PARTY'S INSURANCE COMPANY

The worst thing you can do for your case is give the other party's insurance company a recorded statement. They will be reaching out to you shortly after the accident and will want to ask you a few questions about the accident. You have no legal obligation to give them anything. What you should do is have your attorney take over all communication.



FREQUENTLY ASKED QUESTIONS | JACKSONVILLE MOTORCYCLE ACCIDENT GUIDE

What Should I Do After a Motorcycle Accident?

We care about you getting help as soon as you can, and that's going to come in the form of medical help, initially. Once you get that initial medical treatment, what I would tell you is to always follow your doctor's recommendations.

The next thing to do after you get treatment, and this is what we tell anybody, is you need a lawyer. Motorcycle accidents are different than other types of accidents. Your injuries from a motorcycle accident tend to be more severe because you don't have the protection that a car would provide you. You need to get somebody that knows what they're doing, that's tried cases, and that can navigate the complexities that these motorcycle accidents can cause.

There's a difference with our firm. Our firm is a trial firm. We look at every case as if it's going to trial. Other firms may not do that, but it works to your benefit as a potential consumer because we look at every aspect of your case like

we're going to present it to a jury. If we don't look at it that way, then we won't be ready when it's time for the case to go to jury trial. Your case may settle before trial, it may not. If it doesn't, you need to have an attorney that knows what they're doing, who has been to court, and can navigate the court room and everything that entails.

How Do I Choose a Motorcycle Accident Attorney?

One of the most important things is consistency. One thing that sets our firm apart from other firms is you're with the same attorney from start to finish, all the way through trial, if necessary.

There is no shifting responsibility to other attorneys or different paralegals. You're with the same team, and that gives you consistency and builds a relationship. One thing that is so important is for your attorney to get to know you so ultimately, if you have to go to trial, that attorney is able to tell your story. Creating a relationship for that length of time is highly important and it makes for a very successful and effective case.

What Common Mistakes Should I Avoid After a Motorcycle Accident?

Some of the common mistakes that we see prior to us being retained as an attorney is people giving a recorded statement to the insurance company of the individual who hit them. There is no duty for you to give a recorded statement to the other side. In fact, many times, it's used against you, and therefore we advise clients not to do that.

Another thing that we see is not immediately getting medical treatment and following up afterwards. We strongly encourage our clients to comply with all doctor requests because that's always documented, and that becomes an easier thing for us to work through when we're negotiating with the other side. The other thing we see a lot, especially in these types of cases, is that people delay getting treatment. Therefore, the other side tries to use that as a tool saying that you obviously weren't injured because if you were, you would've gone to the hospital. We always advise right after the accident to go seek treatment.

Another thing that I advise clients immediately after the accident is to not post anything related to the accident on social media. Don't post photos of you doing any sort of physical activity on Twitter or Facebook because the other side's attorneys and insurance adjusters are very well-versed on social media, and if they can find things that show that you were doing very active things after an accident, they can use that to drastically lower the value of your case.

How is a Motorcycle Accident Claim Different from a Car Accident?

From the onset, what I tell people is the injuries tend to be more severe. Unlike when you're in a car, you are exposed to the elements in a motorcycle. When you get a car or a truck hitting somebody on a motorcycle, those are very significant injuries.



Another difference is a lot of the injuries you'll see with motorcycle accidents come with road rash. That can cause nerve damage and loss of sensation, which is unique to a motorcycle case because you'll never get that in a car accident case. From the injuries and the medical treatment, and the prognosis moving forward, that's how motorcycle accident cases are different.

Motorcycle Accident Recorded Statement

Oftentimes people will ask me, after they've been in a motorcycle accident, if it's okay for them to give a recorded statement to the insurance company that represents the driver that hit them. In those types of scenarios, I always advise them that it is not smart to give a recorded statement to that insurance company. The insurance adjusters have much more experience in dealing with these types of claims than you do.

The insurance company is going to look out for their own interest, and in order to do that they will ask you questions that try to get you to commit to a position that could hurt you later. That's why it is imperative to speak to a lawyer, sooner rather than later, who can help you deal with these questions. You should have

an attorney present with you and actually on the phone call when an at-fault person's insurance company wants to take your recorded statement.

Can a Passenger Injured on a Motorcycle Make a Claim?

The answer is 100% yes. We have had cases with that exact same scenario — a husband is driving the motorcycle with his wife on the back and they get into an accident. Both the husband and the wife have a claim. If you are a passenger on the motorcycle, you have a claim just like the driver of that motorcycle. You will have a claim against the person that hit you, and more importantly, hopefully the person that hit you has insurance and you have a claim against that insurance company as well.

How Long Does a Motorcycle Accident Case Take to Settle?

As I always tell my clients, it all depends on your injuries and your treatment. I never want to prematurely settle your case if you haven't completed treatment. I have had cases in the past where there could be an injury pop up that we did not know about, and if I had settled your case early on, I wouldn't be able to get the full compensation for your case.

As far as time period, it really depends on your injuries and the amount of time it takes for you to reach maximum medical improvement. At that point, it's our cue to then start negotiating with the other side.

How Much is My Motorcycle Accident Case Worth?

There are several components when we're valuing the case. Your injuries are probably the top, along with your medical bills. Those are the numbers that we take to the other side to show what the value of the injuries are. We also take into account your pain and suffering – what type of medical treatment, how extensive and painful it was, and how it's affected your daily life. We take all that into account as we negotiate the value of your case with the other side.

PREPARED BY EDWARDS & RAGATZ, P.A.

Tom Edwards and Eric Ragatz have worked together for more than 10 years, and between them, they bring decades of experience to every case. Tom is a Board Certified Civil Trial Lawyer, the highest specialty recognition given to lawyers handling injury and death cases and has the highest rating of AV by Martindale-Hubbell, a national attorney rating service. Eric has represented many injured clients in complex personal injury, medical malpractice, nursing home abuse and product liability cases, and has the highest rating of AV by Martindale-Hubbell.

This experience, and the personal devotion to clients and the relentless commitment to pursue justice, is why Edwards & Ragatz, P.A. is recognized for excellence in the Jacksonville area, and throughout the state. We are a dedicated team of various fields of expertise that serve clients with compassion and the utmost professionalism, making us one of the most trusted law firms in Jacksonville. From seasoned trial lawyers to paralegals and registered nurses, you can rely on the Edwards & Ragatz, P.A. team to deliver the comprehensive service and personal care your case deserves.

If you find yourself in an unfortunate situation and need medical malpractice lawyers or a personal injury attorney in Jacksonville, we will use our legal experience and vast resources to get fair compensation for your injuries. Together, we'll put the law on your side.

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