

Watch Out For Motorcycles

ACCIDENT CHECKLIST

1. **Call 911 For Police & Paramedics:**
Those who call the police to investigate an accident or crash typically obtain more information, including having a crash report on record. Give all of your complaints of injury to the first responders so they can give you the proper treatment.
2. **Contact Your Insurance Company:**
Report the accident to your own insurance company. The carrier assigns a claim number and a claims adjuster. If they ask for a recorded statement, we recommend you decline until having legal representation present.
3. **Hire An Attorney:**
Consider hiring a true biker attorney, someone who actually rides and provides personal service. Consider 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, and other important steps may need to be taken quickly. Do not hire an attorney based upon advertisements alone.
4. **Obtain Pictures:**
Taking pictures of your injuries, bike and the accident scene are important. Save extra copies and forward a set of pictures to your attorney's file for safekeeping and use.
5. **Do Not Talk To Others:**
Other than discussions with your attorney and medical professionals, do not talk to others about how the accident happened.
6. **Witnesses:**
Record the names of all eyewitnesses, making sure to write down their correct address, telephone numbers and email address, as they may be called as a witness. Give the information to your attorney for drawing the witness list and for safekeeping.
7. **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.
8. **Do Not Give Statements Without Legal Representation:**
If requested to give a statement, advise you have representation and refer the insurance company to your attorney's office, providing the contact information of your attorney for all further communications.
9. **Provide Copy Of All Insurance Policies:**
Provide copies 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.
10. **Obtain Appropriate Medical Care:**
Your health is most important. Discuss with the attorney the importance of obtaining appropriate medical care of the injuries.
11. **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. By Florida law, an aggravation to a pre-existing injury is also compensable.
12. **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.
13. **Follow Your Doctor's Treatment Plan:**
Follow your doctor's treatment and prescription plan and make sure not to miss scheduled appointments.

14. ***Start & Maintain Your Own Accident File:***

Anytime you receive any papers or other records related to the crash, be sure to place them into your designated accident or crash file for safekeeping.

15. ***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.

16. ***Lost Wages:***

Keep an accurate record with respect to any lost wages suffered as a result of the crash. Keep a journal or diary page noting the dates missed, the amount of time and the amount of monies lost due to the crash.

17. ***A Pain & Suffering Diary:***

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.

18. ***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.

19. ***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 copies of all medical charts, bills and final narrative reports to summarizing those records for making your demand.

20. ***Avoid Gaps In Treatment:***

Even after your doctor(s) have finished, they may tell 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.

21. ***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.

22. ***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. Such witnesses should be on your witness list and may be called to testify at trial.

23. ***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.

24. ***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.

25. **“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.

26. **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.

DISCLAIMER: This checklist of things to do after a motorcycle crash is merely intended as a basic guide of suggestions after any accident. The suggestions by themselves are not intended and do not create any attorney-client relationship. We strongly recommend anyone who has been injured in an accident to *immediately* consult with an attorney to obtain proper legal representation, to maximize your recovery. You are welcome to contact our firm for a **FREE INITIAL CONSULTATION** at the contact information below. We also offer home, hospital and weekend appointments upon request.

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