

A VERY IMPORTANT GUIDE
INCLUDING BONUS CHECKLIST TO KNOW
IF YOU HAVE FOUND THE RIGHT ATTORNEY

THE MISSOURI MOTORCYCLE ACCIDENT INFORMATION KIT



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TABLE OF CONTENTS

INTRODUCTION	1
<i>Who is behind this guide and why should I listen?</i>	
WHY A FREE SPECIAL GUIDE?	5
FACT NUMBER 1	9
<i>It is important to hire an attorney to represent you when you've been injured in an accident involving a motorcycle.</i>	
FACT NUMBER 2	13
<i>Do not let the cost of an attorney or the cost of a lawsuit prevent you from pursuing your case.</i>	
FACT NUMBER 3	15
<i>Don't wait too long before hiring a motorcycle accident attorney.</i>	
FACT NUMBER 4	19
<i>Never settle your case directly with the insurance company.</i>	
FACT NUMBER 5	23
<i>Early accident investigation is vitally important in a motorcycle accident case.</i>	
FACT NUMBER 6	27
<i>Never give an oral or recorded statement to the insurance company representative.</i>	
FACT NUMBER 7	31
<i>As a motorcycle accident victim, you may be entitled to receive compensation for your injuries and damage to your motorcycle.</i>	
SPECIAL 15 POINT BONUS CHECKLIST	35
<i>How do you know if you have found the right attorney?</i>	
CONCLUSION	39

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INTRODUCTION

*Who is behind this guide and
why should I listen?*

I want to thank you for requesting this special motorcycle accident guide. I think this information will help you in your quest to obtain the best possible result in your motorcycle accident case.

My name is John Page and I am a personal injury attorney at Page Law in St. Louis, Missouri. I represent individuals who have been seriously injured in motorcycle crashes.

I only represent personal injury victims. If you need a will or you have a traffic ticket, I can't help you.

I represent people who have been injured by the negligence of others. I also represent families in wrongful death cases when they lose a loved one in a motorcycle accident.

Though each case is different and past results cannot be used to predict future results, I can tell you that I have been privileged to help my clients, and their families, recover millions of dollars as compensation for the hurt and pain they suffer.

I have written this guide so consumers can have solid information before hiring an attorney to deal with the insurance company. There are a lot of books you could buy or internet sites you could visit that have great information, but I want you to have this valuable information right now, for free, to read in the comfort of your own home or office.

I work on cases with a variety of experts in the fields of trauma, neurology, toxicology, orthopedic surgery, life care planning and accident reconstruction, to name a few. I make sure our clients' cases are properly and completely prepared for settlement or trial in an expeditious, yet thorough, manner.

Representing motorcycle accident victims is one of the most challenging – and rewarding – areas in the practice of law. I actively handle every aspect of the litigation process, from client intake through trial. I have represented motorcycle accident victims living all over the country.

I am a member of the Missouri Bar, the Missouri Association of Trial Attorneys, the American Association for Justice, the American Trial Lawyers Association, the Association of Plaintiff Interstate Trucking Lawyers of America and the Million Dollar Advocates Forum. In addition, I have been honored with Martindale-Hubbell's AV Peer Review Rating. This is the highest rating a lawyer can achieve from their peers.

I enjoy what I do a lot. I do not simply "handle" cases. I set a limit on the number of cases I accept so that every client receives the personal and proper attention they deserve. I take great pride in representing real people with real problems on an individual basis.



WHY A FREE SPECIAL GUIDE?

I am tired of large insurance companies taking advantage of motorcycle accident victims. It irritates me that insurance companies immediately contact motorcycle accident victims before the injured person has a chance to speak with an attorney.

I recently went through the claims process for myself. It was unbelievable the things the insurance company tried to do. They had no clue I am a lawyer and they handled the case as if I was a layman. They were really nice up front, but then they turned sneaky, and, finally, just plain mean.

For years, one major insurance company (who shall go unnamed here) encouraged injury victims to not hire an attorney. Hmmm. Why would an insurance company encourage people to not get a lawyer? I believe the answer is self evident.

It's almost never in the financial best interest of the insurance company to have accident victims receive competent legal advice.

Though you may not need an attorney to represent you in every situation, you should at least have some basic facts at your disposal to help you decide whether or not you need professional legal representation.

Most attorneys require you to make an appointment to get the information that you have here. Some others pressure you to sign a contract before they will answer basic questions. I believe you should have this information right now and without any pressure.

Hiring an attorney to represent you is an important step that should not be taken lightly, nor done under pressure. I want you to be educated about the process and possible pitfalls so that you don't fall victim to an unscrupulous adjuster or insurance company. I see it all the time.

Please, do not take the contents of this guide as a substitute for legal advice. Each case is different, with its own subtle complexities and nuances. It's beyond the scope of this book to take every

possible consideration into account. I am not in the position to give you legal advice until I have accepted your case in writing and have had the chance to learn all the facts pertinent to your specific situation.

I hope you find this special guide helpful and informative. If you have any questions going forward after you have read this guide, please feel free to call me on my cell phone 24 hours a day, seven days a week, 365 days a year at 314.322.8515.



FACT NUMBER 1

It is important to hire an attorney to represent you when you've been injured in an accident involving a motorcycle.

If you've been seriously injured in an accident involving a motorcycle, you should consult a motorcycle accident attorney right away. The same is true if you have a relative who was injured or killed in a motorcycle accident.

If you've been injured in such an accident, you may be seriously hurt and have a long recovery ahead filled with doctor visits, physical therapy, missed work and maybe even permanent injuries. In addition, there are often emotional side affects – depression, anxiety and feelings of inadequacy are all common as the result of having been injured. Most tragic are the accidents that result in the death of a loved one.

Immediately after an accident, there are so many questions running through your mind. Do I need to see a doctor? Who will pay the medical bills? How will I get my bike fixed? Who will pay for it? What if I can't work? How can I prove the accident wasn't my fault? These are honest questions that deserve honest answers from someone who knows these types of cases inside out.

A motorcycle accident is not a car accident. That may sound obvious, but a lot of the time they get lumped in the same category of accidents. There is a huge difference between driving or riding down the highway inside an enclosed vehicle and being on a bike with nothing between you and the road except the clothes you are wearing. And though riding a bike down the open road may be one of life's great pleasures, there are risks involved to which car drivers are not exposed. Many people – and many lawyers, for that matter – don't always understand the differences.

So, just what is a motorcycle injury case? A motorcycle injury case occurs when a motorcycle driver or passenger suffers physical or emotional harm as a result of someone else's negligence. Negligence usually comes into play when people do something they shouldn't have done or don't do something they should've done. It is the responsibility of all licensed drivers to adhere to the rules of the road and look out for the safety of not only themselves, but others as well. But in the real world, that doesn't always happen.

Motorcycle accident law is a very specialized area of law that requires the experience and expertise of a motorcycle attorney with a proven track record. The attorney will help you sort everything out. Your attorney is your friend. They will be on your side from the very beginning to protect your rights, to investigate and preserve critical evidence, to help you navigate the medical world as you undergo what may be a slow recovery, and to give to practical advice about how deal with everyday life in the face of serious injuries. And as your friend, your attorney should be accessible all the time.

It has been our experience at Page Law that most motorcycle accidents are caused by the other party. Yet, it is not uncommon for the at-fault driver's insurance company to suggest you don't need an attorney. However, you should take into consideration not only how you are feeling today, but how you will be tomorrow, next week, next month and so forth. Don't be swayed by the insurance company's offer to pay your first few medical bills or lost wages. Though accepting the insurance company's offer may give you a bit of money to cover some of your medical bills, that's about as far as it goes. If you settle your case too early or sign anything from the insurance company, you may be signing away your right to further compensation should your injuries worsen over time.

And while you are being strung along, the statute of limitations on your case is running out, evidence is disappearing and you may not be getting appropriate or adequate medical care.

Page Law is recognized as one of the top personal injury law firms in Missouri with great experience in handling motorcycle accident cases. We are very aware of the great bodily harm a motorcycle accident can cause and our lawyers and legal staff will do everything possible to get you through the physical, financial and emotional challenges of your accident.

Despite how complicated motorcycle accident cases can be, not every case needs to have an attorney involved. In cases with minor injuries that require only minimal treatment and are not permanent, the cost of hiring an attorney may be more than the case is worth. But if you are reading this book, your case is probably serious enough to justify your hiring an attorney.

Remember this: It's not the job of the at-fault party's insurance company to pay you what your case is worth. Their job is to pay you the smallest amount possible. That way, they will show a maximum profit at your expense.



FACT NUMBER 2

Do not let the cost of an attorney or the cost of a lawsuit prevent you from pursuing your case.

What should you do?

First, you should contact Page Law. Your first consultation with us is free and without obligation. If you engage our firm to represent you, we will handle your case on a contingent fee basis. That means our legal fee is based on a percentage of the monetary recovery we make on your behalf.

You pay ZERO cash up front.

In the event we make no recovery or do not win your case, you will owe the firm no attorney fees.

Remember this: Worries about paying for an attorney should not prevent you from seeking an attorney's help.



FACT NUMBER 3

Don't wait too long before hiring a motorcycle accident attorney.

It is always wise to hire a motorcycle accident attorney as soon as possible after you've been seriously injured in an accident involving a motorcycle. You need an attorney who will investigate your case promptly, interview witnesses before their memories fade, preserve crucial evidence before it disappears, and help ensure you are getting appropriate and adequate medical care right from the beginning.

There is really no time to waste. One of the first things you should do following an accident is to notify your insurance company. But while you are on the phone to your company, the other party is doing the same and may even be calling their own attorney. Don't

let the at-fault party get the upper hand. Find an experienced motorcycle injury attorney as soon as you are physically able.

Once the other party notifies their insurance company, things will move quickly. Without an attorney in your court, you may be forced to deal with the other party's insurance company directly. And if you have no idea what you are doing, your case will be sunk before it has a chance of ever getting off the ground.

There are many tactics the insurance company will use to try to intimidate you, to wear you down, and to minimize your case or throw it out altogether. Beware of:

- Delay in the investigation of the damage to your motorcycle. Be wary when they tell you “we will get around to it soon” or “you are next on our list.” If they are putting you off, chances are they won't be getting around to it anytime soon and you are not next on their list.
- Refusal to authorize a rental car when the fault of the accident is clearly on their driver. Even while the accident is under investigation, you still need to have transportation.
- An unfair offer on your motorcycle if it is totaled. You bike was worth \$\$\$\$ before the accident, but the insurance company's top offer is only \$\$\$. At this point, you are wondering where on earth they got their figure.

- Failure to accept full responsibility for the accident. “Our insured said it wasn't their fault, so it must have been your fault.”
- Delay in confirming insurance coverage. “We'll look into it soon.”
- Refusal to consider all bills you have incurred when making a settlement offer. Many times, the insurance company will offer you an obscenely low settlement figure that doesn't even begin to cover the current doctor bills, let alone future medical expenses, missed work and other costs.
- Refusal to consider the type of medical treatment you sought when making a settlement offer. “Our computer program said that you didn't really need to see the physical therapist. Your family doctor should have been able to take care of everything.”
- An argument that you delayed seeing a doctor. The insurance company will try to make it look as though you didn't see a doctor for X amount of time, you are not really hurt.
- Insistence that your injuries were caused by a previous incident, even though you were pain-free before the accident.
- Apathy about your medical bills going to collection and your credit rating being ruined.

- Refusal to believe your claim of lost wages.
- Disrespectful treatment.
- Failure to return your calls and messages. “We never got the message.”
- Unprofessional treatment.

This list could be much longer if I included all that I’ve seen and heard over the years. Be proactive. Act quickly. Level the playing field. Contact Page Law immediately!

Remember this: There is no time to waste. Hire an experienced motorcycle accident attorney as soon as possible.



FACT NUMBER 4

Never settle your case directly with the insurance company.

Some motorcycle accident victims think they are better off not having an attorney represent them because they can save money on legal fees if they settle their cases directly with the insurance company.

In a case involving serious injuries and substantial wage loss, this is not a smart thing to do.

Unless you are highly skilled in personal injury law, trying to match your negotiating skills against those of the insurance company will surely be intimidating for you. The insurance company negotiates settlements in personal injury cases every day. They make their

living doing so. And though it's good to have confidence in your own abilities, some things are better left to professionals.

The average person is not trained to properly evaluate their own motorcycle accident case. They have no experience comparing the value of their case with actual jury verdicts or settlements in other similar motorcycle accident cases. In my experience, motorcycle accidents often have large damages because being in this type of accident usually results in much more severe injuries. In addition, some riders say they never want to ride again and some say they get scared every time they get on their bike. This can be considered a form of post-traumatic stress, which is a type of damage also.

Adding value to your case helps maximize your recovery. However, it is only after you have reached maximum healing that your attorney will begin to place a value on your claim. To do this, the attorney will take into account not only the total amount of your medical bills and lost wages, but what damages you have suffered and will be suffering in the future.

All damages require evidence, not just your word that they happened. Usually, injuries are documented through medical records from the treating medical provider. Each time you have a doctor's visit or therapy session, the doctor or therapist will document the original problems and the progress being made in treating the injuries.

Another thing to consider is the likelihood of winning your case if you go to trial. It is important to weigh the odds of winning against losing. If your case ends up in trial, you and your attorney should consider the following:

- Juries in some venues are more conservative in their evaluation of motorcycle accident cases than juries in other, more liberal, jurisdictions.
- The jurisdiction (courthouse) and, thereby, the available jury pool where the case would be tried.
- The first impression you and your attorney will likely make on the jury.
- The first impression the at-fault party, their insurance company and their attorney will likely make on the jury.
- The impression that your health care providers will likely make on the jury, and the strength and content of their opinions as they relate to your injuries, their permanency and their etiology.

The settlement value of your claim is directly related to the risk ratio of all parties involved. As the victim, you want to receive as much as possible for your claim. The insurance company wants just the opposite. Insurance adjusters are not rewarded on how fair their settlements appear. The dollar figure that the insurance

company is willing to pay is based on the odds, as perceived by the insurance company, of being hit with a much higher pay out figure at trial. The dollar figure that you should be willing to take should, therefore, also be based on these odds.

Remember this: An experienced motorcycle accident attorney knows everything there is to know about handling your case, including the small details and nuances that would go undetected by the untrained eye. Trust the professionals.



FACT NUMBER 5

Early accident investigation is vitally important in a motorcycle accident case.

Early investigation can be key in an accident involving a motorcycle and severe injuries.

Accident scenes change dramatically over the minutes, hours and days after an accident. Accident debris is swept away. Tire impressions on the roadway, highway shoulder or adjacent grass fade. Skid, scuff and yaw marks disappear over time or are washed away by rain and snow. Vehicles involved in the crash may be repaired, sold for scrap or destroyed.

In addition, later roadway construction may alter the highway or traffic pattern in significant ways.

The more quickly your attorney can get to the scene of a crash, the more likely they can gather the evidence needed to tell the story of your accident and the more easily your attorney will be able to prove to a jury how it happened.

Remember that the at-fault party's insurance company will have its own investigators on the scene immediately after the accident.

You want your own investigator there. At Page Law, we will make that happen. In fact, I will personally go to the scene with the investigator. I am actively involved in your case from day one.

Most people are not thinking clearly immediately following a motorcycle accident. Still, there is important business that must be addressed at the accident scene. It is crucial to:

- Get the other party's name, home and work addresses, telephone numbers and e-mail addresses, and license, vehicle registration and insurance company contact information.
- Immediately seek out witnesses and ask them to give you a statement of their observations, along with detailed contact information such as work and home addresses and phone numbers, cell phone number and e-mail address. The opportunity to later identify witnesses at the scene may never come. There is usually only one chance to get all the details, which can make or break a case.

- Photograph all damage to the bike – top to bottom, from all angles. The amount of damage to a motorcycle is not always a good indicator of how badly its riders were hurt. But, that is not what the average person might think. So since there is probably some damage, you want to make sure it is photographed.
- Take pictures of the accident scene, including road signs, traffic lights and skid marks. Paying careful attention at the accident scene can alert you to decisive factors that can easily be overlooked, including by the police. If the accident occurred at an intersection or on a city street, make note of any malfunctioning traffic lights or missing, damaged or obstructed stop signs. Also, observe the other vehicle for apparent mechanical problems such as malfunctioning headlights, blinkers or any other parts that could later prove to be significant.
- Have someone else photograph your injuries. Aside from the fact that photos help document what you have gone through, photographing your injuries can serve as important evidence to help prove that the collision was the cause of your injury.

When trying to handle their own injury case without an attorney, many accident victims fail to preserve or properly document evidence. But, the evidence is vital in resolving issues of liability

and damages. If the evidence is not retained, photographed or accurately documented, providing proof on important issues can be made more difficult or even impossible. As the claimant, you have the burden of proof of fault and damages. Therefore, the loss of important evidence can have a major influence on the value of your case.

Remember this: An experienced motorcycle accident attorney will never let these vital details slip away.



FACT NUMBER 6

Never give an oral or recorded statement to the insurance company representative.

In Missouri, you are under no obligation to make a statement to the insurance company until you are ready to do so. What can seem like an innocent remark at the time can later be given a sinister twist during cross examination in court or during the settlement negotiation.

But, at some point you will have to call your insurance company about the accident. Although your insurance policy most likely requires you to cooperate with the insurance company, it is crucial that you talk to an attorney before making this call. Your insurance company, like the other party's insurance company, is a business, and, as a business, it will always look out for its own interests before

it looks out for yours. That's why it's always a good idea to speak with an attorney before you speak with anyone else.

The sooner you notify your insurance company the better. Failing to notify them in a timely manner and/or failing to cooperate with your insurance company may be reason enough for them to deny you coverage.

Never give an oral or written statement about the accident to your insurance company, or the other party's insurance company or lawyer until you have talked with your own experienced motorcycle accident attorney. Even if your insurance company calls you first and suggests they take your statement over the phone, tell them you would prefer not to give a statement until you have had time to consult with your attorney.

Unless your attorney is present, never agree to dictate a verbal statement into a tape recorder over the telephone. Also, never agree to give a verbal statement when in the presence of an insurance adjuster, without an attorney.

Don't forget that the insurance company is not on your side. If they pay you anything, it is their job to pay as little as possible. Any statement you give can be used against you later. The insurance company is anxious to find something, no matter how insignificant, that they can use to protect their interests and derail your claim.

It is common for insurance representatives to ask questions that may confuse you or lead you to make unintended misstatements about your case and how your accident happened. These statements can be used against you when your case is tried.

Be polite when a representative calls, but be firm. Give no recorded or oral statement about your case without your lawyer present.

The police should always be called. You would be surprised how often the at-fault driver's version of an accident changes dramatically when a person harmed by the driver brings a claim. What is said at the scene to the police by the driver is admissible at trial. Also, others can testify to what they saw and heard. This can help corroborate your story. If the other driver changes their story after a claim is brought, it will be necessary to interview witnesses who were at the scene who either saw or heard what happened.

You want the police at the scene to document everything. Although good intentioned, every person in the world may tell you exactly what they saw the first time, but will tell a completely different version every time thereafter. This has been proven in countless scientific and anecdotal studies throughout history.

Having a police investigation and a police report will also help to establish who was at fault. Insurance companies rely heavily on the police report when determining who was to blame. If there

is no police report, the two sides must fight it out over who was at fault.

Remember this: Never give an insurance company a statement without consulting with your attorney first.



FACT NUMBER 7

As a motorcycle accident victim, you may be entitled to receive compensation for your injuries and damage to your motorcycle.

Depending on the extent of your injuries and the amount of damage to your bike, you may be able to recover compensation for the following:

- Payment of your medical bills. This includes all reasonable and necessary expenses for medical care that are directly related to the injuries you sustained in the accident. Some examples are bills from the ambulance company, the hospital, the surgeon, the physical therapist and the pharmacy. Out-of-pocket expenses for such things as co-pays are also recoverable.

- Payment of your future medical bills. An estimation of future medical bills is potentially recoverable as long as the doctor who provides the estimate will testify under oath that these medical expenses will reasonably occur.
- Pain and suffering. This element of damages can be the single-most important part of the claim in motorcycle injury cases. It can also be the hardest part of recoverable damages to get insurance companies and juries to understand. Your medical records will help support this claim because they will document your level of pain discussed at each doctor visit or therapy session. Family members, friends and riding companions can also provide detailed descriptions of how the pain has disrupted your life.
- Disfigurement. Scars and other physical changes in your appearance are very significant parts of your claim. Many motorcycle crashes result in road rash, which sometimes leaves serious scarring or disfigurement. A visible scar is a constant reminder of the accident that will be with you for the rest of your life.
- Lost wages. Whether you are self-employed or work for someone else, you can be compensated for all the wages you have lost as the direct result of the accident. You should be compensated for the full amount, even if you were paid through an employee benefit such a disability insurance or

vacation pay. If you work for someone else, you will need to provide paycheck stubs or W2 forms to verify your wages. If you are self-employed, your past tax returns can verify your pay. Any recovery for lost wages can be made on taxable income only. Therefore, in the eyes of the law, if you don't pay taxes on your income, you can't make a lost wage claim.

- Loss of earning capacity. You may also be able to recover wages you are likely to lose in the future because of your injuries. As with future medical expenses, you will need to provide proof that future loss of earnings will in all probability occur. Your attorney may consult with an accountant or economic expert to help calculate this figure because your future wages will need to be adjusted for inflation and will also need to take into account future lost benefits.
- Repair or replacement. You are entitled to have your damaged bike fixed to its condition just prior to the accident or replaced if it is totaled. If the motorcycle is being repaired, you are entitled to have access to a comparable vehicle while your bike is being fixed.

Remember this: An experienced motorcycle accident attorney will make sure you receive the maximum amount of reimbursement to which you are entitled. They are on your side.



SPECIAL 15 POINT BONUS CHECKLIST

*How do you know if you have found
the right attorney?*

Here is a list of 15 vital questions you should consider when choosing the right motorcycle accident attorney for your case.

1. Ask if they have information like this guide or a website. If not, ask why.
2. The most important qualification an attorney can have is experience dealing with the type of case you have. The real estate attorney does not practice personal injury law full time and vice versa. Ask the attorney how much experience they have handling motorcycle accident cases.

3. Will the attorney you meet with be handling your case on a day-to-day basis or will it be handed off to an assistant?
4. Can the attorney be reached outside of normal office hours? If so, how?
5. How quickly does the attorney return your calls, on average?
6. If the attorney appears in court on your behalf, when will you be notified as to the outcome of the proceedings? How? By phone? In writing? E-mail?
7. How often will you receive updates about the status of your case?
8. What types of cases does the attorney typically handle?
9. Will you have to call the attorney to get updates or will they automatically keep you informed on a regular basis?
10. How many cases does each attorney in the firm handle?
11. Are they trial attorneys? Have they participated in jury selection?
12. When was their last jury trial?

13. What was the last case they settled? For how much?
14. Why is your case worth their time and effort?
15. Can they recommend an attorney from whom you can get a second opinion? If the attorney can't give you the name of another attorney, are they truly confident in their own abilities?



CONCLUSION

I hope you have found this book helpful. Please let me remind you once more of the various and rigid deadlines relating to motorcycle accident claims. Please engage competent legal advice as soon as practically possible. As always, I can be reached 24 hours a day, seven days a week, 365 days a year on my cell phone at 314.322.8515.

All the best wishes!

If you or someone you know has been
injured in an motorcycle accident, contact:



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John J. Page
Attorney At Law

Attorney John J. Page of St. Louis knows the differences quite well. He has been helping individuals injured in vehicle-related accidents for over a decade. He thoroughly understands that a motorcycle accident is not a car accident and knows the subtleties that make motorcycle accident injury cases unique in the field of personal injury law.

A motorcycle is more than just transportation. Riding one is a way of life. But, along with that comes added challenges and responsibilities. If you’ve been in a motorcycle accident, you may be severely hurt and have a long recovery ahead. In *The Missouri Motorcycle Accident Information Kit*, Mr. Page examines the anatomy of a motorcycle accident injury case, from what to do immediately following the accident, to dealing with the insurance company, to placing a value on your case. Mr. Page explains in clear, concise language what you and your attorney need to do in order to recover fair and reasonable compensation for your injuries, medical bills and lost wages.

*The choice of a lawyer is an important decision and should not be based solely on advertisements.

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