

# Motorcycle Justice

**Q** I WAS RECENTLY involved in a motorcycle wreck, and was *not* at fault. The man who totaled my bike is covered by Westfield Insurance. I ended up with a broken foot and have been off work since the crash. Next month I go back to work. I'm wondering what's the maximum amount of money I can go after?

The man that hit me was driving a company truck, and he admits he was at fault. I'm wanting to ask for \$75,000 or better. Is that too much or too low?

Thanks,

Jason Lassiter

*The amount that you should request depends upon the extent of your losses. As a starting point, the amount of your claims should be larger than the hospital bills and lost wages incurred if you have suffered permanent injury, scarring or any impairment of future wage earning ability.*

*If it is properly presented, a diminished ability to enjoy pursuits that you enjoyed prior to the crash and other intangible factors can also enter into the equation for the insurance adjuster who must evaluate and potentially pay your claim.*

*Keep in mind that the assigned insur-*

*ance adjuster will also evaluate your realistic ability to successfully pursue the claim. That assessment will be further weighted by whether or not your attorney has credibility based upon past experience as documented by insurance company files. The adjuster will also look at your own "jury appeal" (will a jury like you or not?).*

*If your case cannot be settled and therefore proceeds to trial, the final evaluation as to all points will be made by a jury*

*Unfortunately, in motorcycle cases other factors come into the equation as well. Regardless of fault, the insurance company will employ a defense attorney who will find subtle elements that prejudice the jury against you. For instance, the insurance lawyer will employ an "expert" who will cite the Motorcycle Safety Foundation course materials during the jury trial to hold the motorcycle rider to a higher standard than the vehicle driver.*

*In the final analysis, a jury made up of people who do not ride motorcycles or have close friends or relatives who ride, will inherently tend to place the rider in a negative light. The insurance adjuster knows this and if you cannot except yourself from the stereotype, the value of your claim will*

*plummet. If you have credibility, likeability and have suffered tangible harms and losses, the value of your claim is higher.*

*Is your \$75,000 target too high or too low? That depends upon what six or twelve people who don't know you and probably don't ride motorcycles will eventually decide. If you have a motorcyclist or family member of a motorcyclist on the jury, you probably have a better chance. But guess what: You won't know that until you get to the courthouse and start the trial.*

*My advice, find a well-qualified attorney to fight for you.*

—Harry Deitzler

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