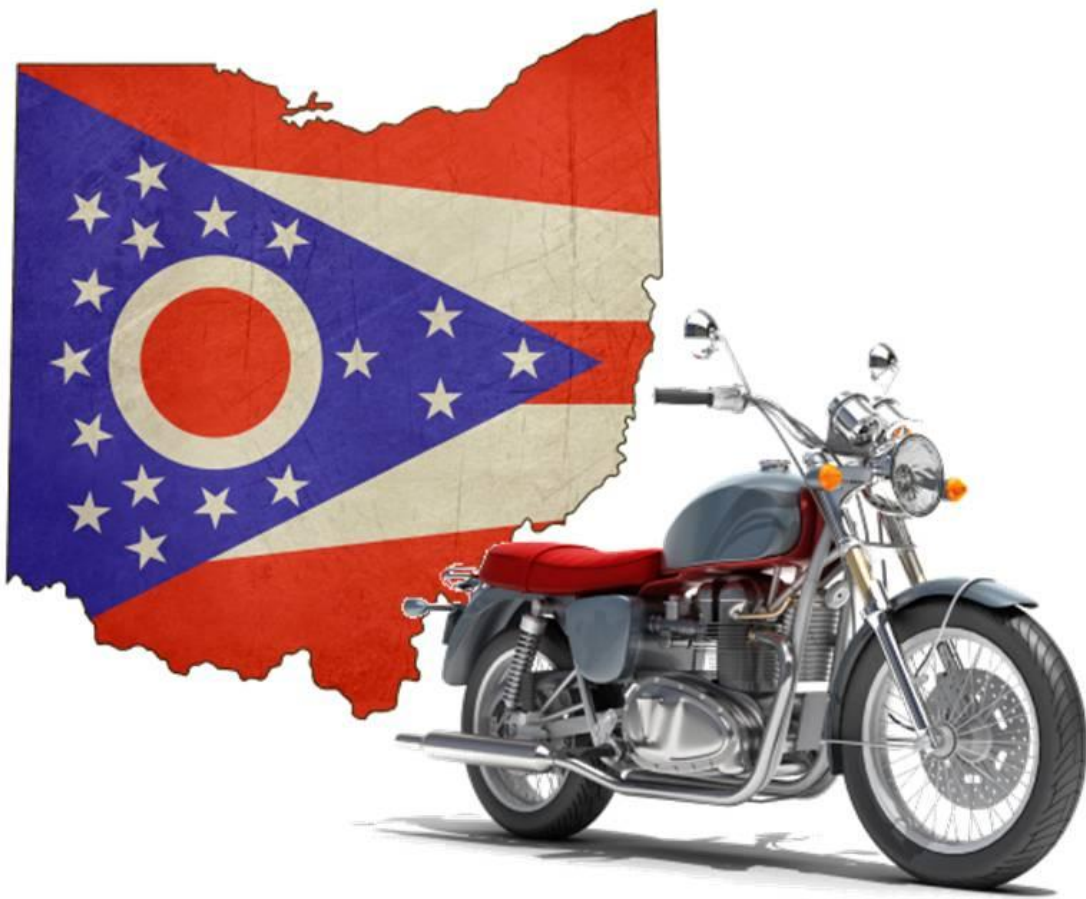


Guiding You Through An Ohio Motorcycle Accident

A Discussion Of Liability, Injuries And Important Steps To Take After A Crash



**Rittgers & Rittgers,
Attorneys At Law**

© 2014 Rittgers & Rittgers

TABLE OF CONTENTS:

- I. INTRODUCTION**
- II. THE DANGER OHIO MOTORCYCLISTS FACE**
 - a. A REAL-LIFE MOTORCYCLE ACCIDENT**
 - b. CAUSES OF MOTORCYCLE ACCIDENTS**
 - c. COMMON MOTORCYCLE ACCIDENT INJURIES**
- III. CURBING THREATS AND HEDGING BETS**
 - a. CURBING THREATS (AWARENESS OF MOTORCYCLING HAZARDS)**
 - b. HEDGING BETS**
 - i. INSURANCE**
 - ii. HELMETS AND GEAR**
 - iii. A TRUSTED ATTORNEY**
- IV. STEPS TO TAKE AFTER A MOTORCYCLE ACCIDENT**
 - a. BIAS AGAINST BIKERS.**
 - b. CONTROL YOUR EMOTIONS**
 - c. PRESERVE EVIDENCE**
 - d. GET MEDICAL ATTENTION**
 - e. NOTIFY INSURER**
 - f. FIND YOUR MOTORCYCLE INJURY LAWYER**
- V. AFTERWORD FROM RITTGERS & RITTGERS**





Motorcyclists are 26 times more likely to die in a traffic accident, per mile traveled, than four-wheeled motorists.

Introduction

Today, there are more than 421,500 registered motorcycles in Ohio, nearly twice as many as in 2010. Despite the surge in motorcycle ridership, most Ohio drivers fail to look for motorcycles on the roadways.

Our law firm has helped many motorcyclists wrongly injured. We understand how devastating a motorcycle accident can be, so we created this eBook.

Whether your family has already been impacted by a motorcycle crash or you are a rider who wants to learn more about preventing an accident, this resource will help answer some of your questions.

Thank you for reading. Feel free to pass this eBook along to family, friends and co-workers.

A handwritten signature in black ink that reads "Charlie M. Rittgers". The signature is fluid and cursive.

On behalf of the
Rittgers & Rittgers Law family



In 2012, 4,957 motorcyclists were killed in the U.S. and another 93,000 were injured.



In Ohio, 162 people died while riding a motorcycle or scooter during 2012.

The Danger Ohio Motorcyclists Face

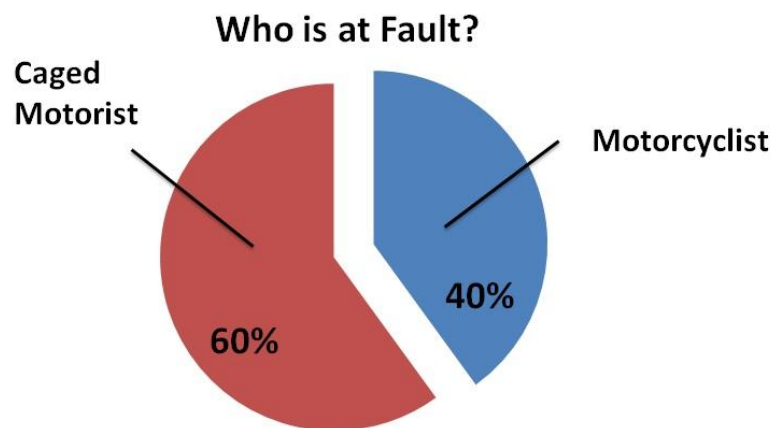
A 50-year-old man was enjoying a highway ride on his custom Kawasaki when a young driver seemingly looked right at him, then drove her Volvo into his path. There was nothing the motorcyclist could do. He collided with the car at approximately 60 mph.

The damage was mind-blowing. The biker suffered fractures in his hip, collarbone, ribs, hand and toes and compound fractures in both legs. His spinal cord was fractured and riddled with nerve damage.

After seven weeks, bed rest, and numerous operations, the victim regained his ability to walk, but has limited mobility and fights through pain on a daily basis.

This crash is an example of why Ohio motorcyclists need to prepare for the possibility of a serious accident.

Who and What Causes Motorcycle Accidents?



© 2014 Rittgers & Rittgers, Attorneys At Law
Data from Florida Department of Transportation

The common ways caged motorists, or cagers, cause cycle wrecks:

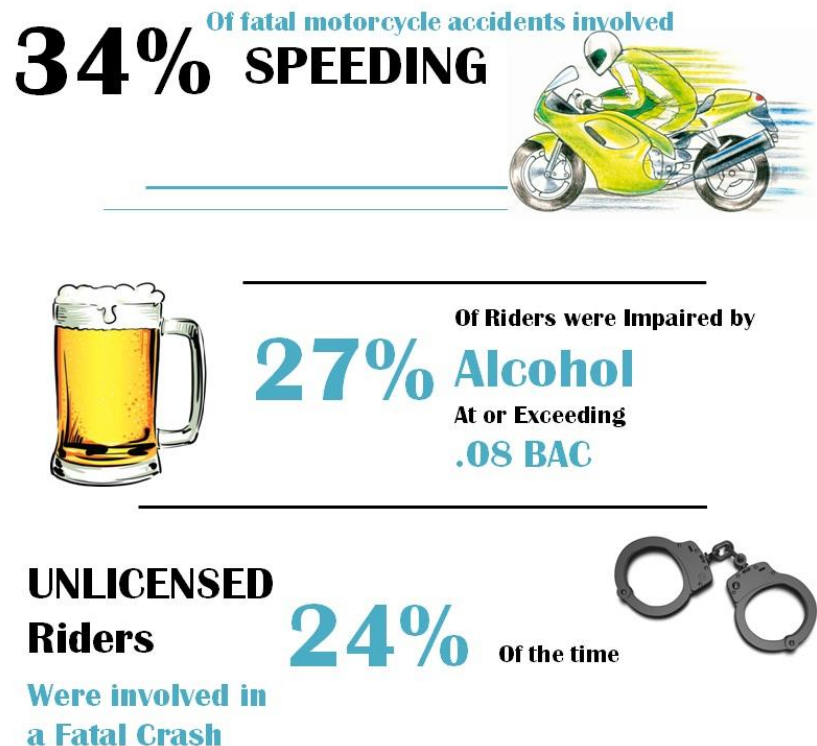
- **Distracted driving**, via cellphones, GPS devices and passengers
- **Failure to yield** because the driver does not "look for" and "see" the motorcycle
- **Drunk driving**, even legal amounts of alcohol can cause wrecks

The cause of a motorcycle accident – and who is at fault – is not always apparent. A thorough investigation may take weeks, months or years, but the most important thing is that blame falls on the proper party.

In auto collisions involving motorcycles, the caged motorist is at fault in three of five accidents.

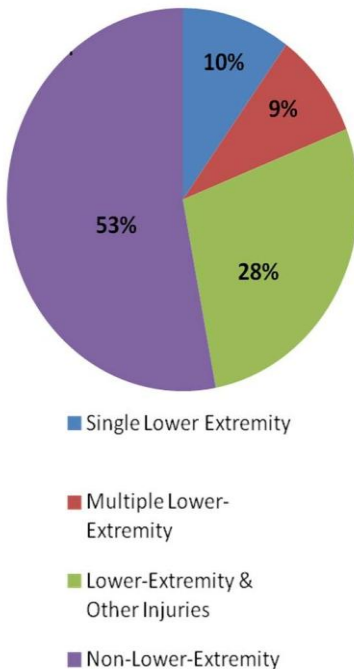
While studies show that the caged motorist is at fault in the majority of motor vehicle accidents, we must acknowledge that the motorcyclist is partially or wholly to blame in 40 percent of multiple-vehicle collisions.

Below is an infographic on the causes of fatal crashes in which the motorcyclist is wholly or partially at fault for a single- or multivehicle accident:



© 2014 Rittgers & Rittgers, Attorneys At Law
Data from NHTSA

Weighted Percent of Injury Types



Ohio motorcyclists face a significant risk of death or injury each time they ride. This raises the question: What type of harm are the accident victims suffering?

What Are Common Injuries From Motorcycle Accidents?

According to the U.S. Centers for Disease Control and Prevention (CDC), the most common body part injured in nonfatal motorcycle accidents is the leg or foot, which suffers injury in nearly one-third of all motorcycle crashes. The head or neck suffers trauma in approximately one in five motorcycle accidents.

The pie chart illustrates where motorcyclists commonly suffer injuries.

Note that 47 percent of all motorcycle accidents involve serious trauma to lower extremities.

While lower-extremity injuries do not involve internal organs, they expose motorcycle riders and passengers to amputation injuries and potentially fatal blood loss.

The most feared of all motorcycle crash injuries involves damage to the head or neck. A brain injury can quickly end a motorcyclist's life – or, perhaps worse – leave him or her in a vegetative state or permanent coma. A neck injury may also prove fatal or leave the motorcyclist paralyzed.

Approximately 15 percent of motorcycle riders or passengers suffer a head or neck injury when an accident occurs.



Motorcyclist injuries to the upper trunk or torso are common, occurring in roughly 25 percent of motorcycle wrecks resulting in physical trauma. These injuries may be deadly because they can damage vital organs such as the heart, lungs, stomach or kidneys.

As discussed further below, a rider and his or her passenger should wear helmets and protective gear to minimize physical injuries suffered in a motorcycle crash.

Common factors contributing to motorcycle accidents include:

- Early-season riding
- Alcohol
- Nighttime riding
- Dusk and dawn: glare and visibility issues for car drivers
- Weather: rain, puddles and oil
- Dangerous roads
- Parking lot hazards
- Animals: dogs and wildlife
- Lack of intersection awareness



Curbing Threats and Hedging Bets

To protect yourself from a life-changing wreck, it is best to follow a two-pronged approach. The first step, “curbing threats,” describes an awareness of dangers to motorcyclists and taking steps to minimize their threat.

Minimizing Threats

Some of the above risks are self-explanatory. Everyone knows that alcohol is a factor in many motorcycle accidents. Some of the threats, however, require a little more discussion.

Many motorcyclists are unaware of the increased dangers they face early in the riding season. Car drivers aren’t used to seeing many motorcycles on the road, so they fail to look for them before turning. Also, as the winter fades away, it leaves a calling card on Ohio roadways: Sand, gravel, dirt and potholes can make highways especially hazardous for motorcycles.

Nighttime riding brings its own unique threats. White-tailed deer, possums, raccoons, skunks and other animals can seemingly come out of nowhere, as even the best headlights don’t afford riders the visibility they get during the day. Drowsy or drunk drivers are also more likely to be out on the roads at night.

Approximately 40% of motorcycle accidents occur in intersections

Parking lots and intersections have high accident rates involving motorcycles. Car and truck drivers often turn into the path of a motorcyclist who has the right of way, causing

The Advanced Rider Course (ARC) is designed for experienced riders.



Good motorcycle insurance coverage may protect against:

- Medical bills
- Lost wages
- Disability
- Vehicle damage

a collision or forcing the rider to lay down the bike.

The aforementioned threats are discussed in detail during motorcycle safety classes.

People wrongly believe that motorcycle classes are just for the young and inexperienced. The Advanced Rider Course (ARC) is a one-day course for experienced and licensed Ohio motorcyclists. Even the most self-assured riders will improve the mastery of their machines.

All new riders should take a motorcycle safety course. Enrolling in a motorcycle safety course will get you on the path to receiving your full license to ride and likely get you a discount from your insurer. It's also a fun way to meet people and hone your skills.

Hedging Bets to Survive a Wreck

"Hedging bets" describes how you can physically and financially survive a crash that proved unavoidable.

Insurance:

If you are riding a motorcycle without insurance, then a citation is the least of your concerns. Riding without proper insurance coverage can be the biggest mistake you ever make. Motorcycle insurance is a means to help you get better and avoid financial ruin after a wreck.

An excellent motorcycle coverage policy can help pay your medical bills and the cost of repairing or replacing your bike. The right insurance coverage can also cover lost wages and compensate you if you become disabled.



Notable motorcycle helmet statistics:

- Helmets prevent an estimated 37% of motorcycle fatalities
- Universal helmet use is required in 19 states and D.C.
- Ohio is among the 28 states that has partial helmet laws

A full helmet offers the most protection, but *all* DOT-approved helmets protect you from head and neck injuries.

You need motorcycle insurance and you need more than the minimum state requirements. We recommend that all riders carry at least a one million dollar umbrella policy. An umbrella policy could cost less than fifteen dollars per month depending on your underlying policy limits and driving record.

Helmets and Gear:

This is not a sermon. Every biker already knows that a helmet reduces the chance of a debilitating head injury, but motorcyclists treasure their freedom. In Ohio, experienced riders have the right to choose whether to wear a helmet.

If you're a longtime rider who has never felt comfortable in a helmet, it may be time to take a second look. The growing motorcycle industry has spurred helmet and protective gear manufacturers to offer riders a seemingly endless array of options.



A helmet may save your life or save you from a life of reduced cognitive function. Even though helmets are not always required in Ohio, you should strongly consider wearing one.

A Trusted Motorcycle Accident Lawyer:

It is wise to have an idea about what motorcycle crash attorney you want to call *before* an accident occurs. If you have already wrecked and are in pain, the last thing you



want to do is begin researching Ohio motorcycle accident attorneys.

A Cincinnati Bell advertisement will not tell you which lawyers can best represent you, and most law firm websites will boast that their attorneys are elite and experienced. A referral from a family member or friend is a great way to find a good lawyer, but most riders do not get the benefit of a trusted referral.

We discuss what to look for in a motorcycle attorney further below, in our section discussing steps to take after a motorcycle accident.

Stereotyping Motorcyclists:

Although unfair, biker bias can influence a post-accident investigation and the claims process.



Steps to Take After a Motorcycle Accident

The moments after a motorcycle crash can be crucial. If the motorcycle rider's injuries are serious, emergency medical help can make the difference between life and death. The legal consequences of actions taken during the hours following a motorcycle accident are far less understood by the public.

You do not need a law degree to protect yourself legally after a wreck, but there are important steps you should take that will help you and your lawyer give your claim the best possible outcome.

Before we discuss these steps, we should acknowledge the elephant in the room: There is often a bias against bikers that may make you feel "born to lose" during the investigation.

- Do you ride a Harley-Davidson and wear leather? The police officer may unfairly presume that you were riding boldly and could have done more to avoid a collision.
- Do you own a performance bike or "crotch rocket"? Law enforcement will likely investigate the accident with a presumption that you were speeding and unlawfully passing other vehicles.
- Are you a young rider? The highway patrol may hold bias against you, believing you are a risk taker who could have avoided a collision by exercising more awareness.

Because you cannot change stereotypes, you may feel "born to lose." In reality, your actions after a motorcycle accident can help investigators to see the truth of the matter. If

Remember:

- Be calm
- Acknowledge and address injuries
- Accept help
- Preserve evidence



Do not discuss fault with the other motorist.

you hire a good attorney, you are on a winning track.

Keeping that in mind, let's move on to the important steps to take after a motorcycle crash.

1. Control your emotions

After a wreck, riders often feel a spike of adrenaline. This adrenaline surge can amplify your emotions. You may find yourself angry and emotional. Do your best to control your words and actions because someone could use them against you later in the claims process.

Another tendency might be to downplay harm. This is not a good time to grin and bear it. If you are hurting, do not hide it from witnesses or police officers. Insurance companies will attempt to use the fact that you were "okay" at the scene to downplay your injuries.

Do not discuss fault with the other motorist. You will get a chance to tell your story to the police and your attorney, but in the heat of the moment you could say something to the driver that could hurt your claim. Try to remain calm and seek any medical treatment you feel is necessary.

2. Preserve evidence

If you are able, take your own photos or videos of the motorcycle and accident scene. If you speak with good witnesses – people who saw the accident and believe the other motorist is at fault – kindly ask them if you could have their contact info, including a name and phone number.

If the police do not take your motorcycle as evidence, do not scrap it or repair it without first speaking with your attorney. Your bike can

Evidence may include:

- Wrecked bike
- Helmet
- Gear
- Clothing

Be smart.
Get checked out.



be valuable evidence and preserving it may be your best option for the time being. It is the same with the clothing or gear you were wearing when the accident happened. If it suffered damage, it could be beneficial evidence.



3. Get medical attention

Many riders choose a wait-and-see approach on whether they should go to the hospital or doctor's office.

There are two reasons you should not delay in getting medical treatment.

First, adrenaline can be so powerful that it allows accident victims to walk immediately after suffering great physical harm like broken bones. Do not let adrenaline trick you into thinking you have escaped your motorcycle accident with bumps and bruises. You could have injuries that require immediate attention that could get worse if they are not treated immediately..

Second, failing to get immediate medical attention can have a negative impact on your

Failing to get prompt medical attention may *lower* the value of your claim.



There is no need to immediately give your insurer a statement.

First, speak with your attorney.

motorcycle accident claim or lawsuit. The opposing party and insurer will ask why you didn't get checked out immediately if you were hurt so badly.

Another potential legal consequence is that the insurer or at-fault driver will claim that you failed to mitigate damages. This theory argues that the motorcyclist suffered noticeable injuries, but failed to get appropriate medical attention. If successful, it allows the at-fault party to reduce its liability for bodily harm.

Getting medical attention can benefit your claim immensely. It is often the first piece of evidence that convincingly documents your injuries.

4. Notify your insurer

Motorcycle insurance policies have strict time limits for reporting a crash. The specific deadline is outlined in your accident insurance policy.

The insurer may ask you for a statement on what happened. You are under no obligation to provide this – and should not – without first speaking with your attorney. Insurance adjusters, even your own motorcycle insurance adjuster, are not looking out for your best interest. Insurance companies train adjusters to settle claims as quickly and as cheaply as possible. Insurance adjusters use techniques and defenses to try to show motorcycle accident victims are exaggerating their injuries and/or partially or fully at fault for the motorcycle crash.

5. Find your lawyer

Of all the painful tasks a victim has to do after a motorcycle accident, many feel this is the worst. Unless you have the benefit of a referral

You should look for several things when selecting a motorcycle accident lawyer:

- **Experience**
handling other motorcycle accident cases
- **Case results:**
Has the attorney obtained big injury settlements and verdicts for his or her clients?
- **Testimonials:**
Have other victims given honest feedback about a lawyer?
- **Recognition:**
Has the law firm or its attorneys received prestigious awards? Ohio Super Lawyers, the Multi-Million Dollar Advocates Forum and the American Trial Lawyers Association give out exclusive and prestigious awards to deserving attorneys.

from a family member or friend, how do you find an attorney you can trust?

If an attorney in your area meets the criteria listed on the left, it may be a good idea to schedule a consultation with him or her.

Reputable lawyers offer free consultations to discuss your case with no obligations attached. This is a good opportunity to ask the attorney questions about his or her practice, experience and accolades.

If the attorney cannot impressively tell you why you should hire him or her, then that lawyer might not be the one you need.

What About the Cost of a Motorcycle Accident Attorney?

Many of our clients have expressed concerns about the cost of an attorney.

In Ohio, reputable motorcycle accident attorneys work on a contingency basis. In this arrangement, injury victims pay their attorneys only if they help them recover money. A reputable lawyer will front all costs and will not be paid unless the claim is successful. If successful, the lawyer collects a percentage of the verdict or settlement– usually about 33 percent.

Insurance studies have shown that policyholders represented by attorneys collect significantly higher payouts that fully absorb and surpass the cost of a lawyer.





Insurance agents know the key to minimizing their payout is getting you to settle quickly, before you contact a lawyer.

Insurance companies try to settle claims quickly, at as low a cost as possible. It is important to partner with a lawyer who has a track record of holding insurers accountable for fully compensating the motorcyclist under his or her policy.

When insurance companies learn that a claimant is represented by an attorney with a reputation as a fierce advocate, they often find that settling the claim out of court is the most attractive option.





RITTGERS & RITTGERS

ATTORNEYS AT LAW

At Rittgers & Rittgers, our attorneys have received accolades that include:

- Membership in the Multi-Million Dollar Advocates Forum
- Recognition as Ohio Super Lawyers
- Recognition as a Top 100 Trial Lawyer by the American Trial Lawyers Association
- Newsweek has recognized Rittgers & Rittgers a "Nationwide Leader" in personal injury law.
- Top 25 Women in Cincinnati Super Lawyers
- Top 100 in the State of Ohio by Super Lawyers

Rittgers & Rittgers is a law firm that represents motorcycle accident victims in Cincinnati, Lebanon and West Chester and throughout southern Ohio. Founded by husband-wife duo Charles H. Rittgers and Ellen B. Rittgers, its staff includes their son, Charles M. Rittgers, and other accomplished attorneys who have the respect of other lawyers and a history of successful results.

While our past verdicts and settlements attest to our hard work, it is our clients' satisfaction that drives us. The client testimonial below strongly speaks about who we are:

A year after being permanently disabled due to a horrific accident, I contacted several law firms in the Cincinnati area. After considering several law firms, (some of which spend big money on television advertisement) I started to interview with many of my choices.

About half way through, I spoke to Charles Rittgers.

"I could tell right away that this firm had an integrity that I had not found in the others."

My case was not an easy one to prove on the surface. The Rittgers firm took the case on my word of the events that happened. Charles Rittgers got started right away.

With due diligence, our case started to unfold. The facts became more and more evident to all involved. During this time, I was introduced to my "team". The

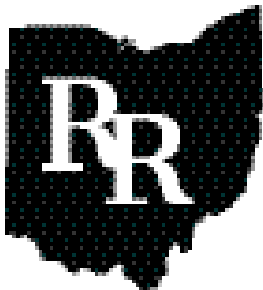
Rittgers & Rittgers helps motorcyclists throughout Southern Ohio.

Our office locations include:

- Cincinnati
- Florence, KY
- Lebanon
- West Chester

If you are seriously injured we can come to you.

We can visit your home or hospital room; whatever works best for you.



courtesy and care of those people were beyond my expectations.

Charles M. Rittgers, son of Charles H. was introduced to me early on. After all the evidence was gathered, it was clear to see the defendants were at fault, we tried to settle with them. That was futile. Not only were they unwilling to pay for my medical bills, \$500K, but also refused to accept any responsibility. We had no choice but to take them to court.

Both son and father worked on my case. Both were there to represent me at the trial. Charlie M. Rittgers presented my case during the summary jury trial.

“His articulation was brilliant, concise, and thorough.”

Although a summary trial is non-binding, it encourages both sides (in this case the defense) to come closer to settle.

“The jury came back with a \$15 million dollar award.”

This got the defense to settle within a day. Intelligent, professional, personable, knowledgeable, and caring are all words that come to mind when I think of my experience with the Rittgers firm. Anyone would be hard pressed to find an attorney or staff that could fill the shoes of the Rittgers.

- Darrell Rich.

To learn more about Rittgers & Rittgers, visit <http://www.Rittgers.com> or call **513-932-7375** for a free attorney consultation.