

# What Factors Affect a Motorcycle Accident Settlement?

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# Factors Affecting a Motorcycle Accident Settlement

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Vehicle drivers often do not understand how to safely share the road with motorcyclists, leading to an unnecessarily high accident rate. After an accident, you may be left facing expensive medical bills, rehabilitative therapy, lost wages, and other expenses that make it difficult to provide for yourself and your family. If you choose to file a lawsuit against the negligent driver who was responsible for your motorcycle accident, it can be helpful to understand some key factors that might affect your settlement.

## What Factors Affect a Motorcycle Accident Settlement?

### 1. Biases

There are a variety of factors that should play a role in compensating an injured motorist, but personal biases or preconceived judgements should not. There is a common, yet unjust, distrust of motorcyclists and juries are more likely to favor a driver or passenger of a car than a motorcyclist. Insurance companies are aware of such biases and often reduce their settlement offer appropriately. For these reasons, an injured motorcyclist must understand the importance of proving a concrete case and key issues.

### 2. Value

Each party in a lawsuit thinks that their case is valuable, but for this conversation, “valuing” refers to the process of identifying the potential sum of money that the jury might award the plaintiff, and guessing the amount of money the defendant would be willing to pay. Valuing a case also includes determining if the plaintiff would be willing to settle the case before going to trial. Two key factors that affect the value are the extent of the plaintiff’s damages and the likelihood that the defendant will be found liable.

### 3. Damages

When evaluating a case, it is often difficult to estimate the amount a jury might award the plaintiff. The award is often dependent on concrete costs, those that the plaintiff can prove he/she spent (i.e. medical bills, lost wages, etc.) and subjective costs, which include pain and suffering. Although it

is impossible to accurately guess the total subjective costs a plaintiff has experienced, legal counsel often turns to previous motorcycle accidents that have similarities to the case at hand.

#### **4. Liability**

The value of a case is directly related to the likelihood that the defendant can be proved liable. If determining fault proves to be difficult, the defendant may be less willing to settle, taking his/her chances by going to court. On the same note, the plaintiff may be more willing to accept a small settlement instead of risking a court hearing and receiving nothing.

Understanding that juries often look unfavorably upon motorcyclists allows us to better gauge the likelihood that a motorcyclist would be found liable.

#### **5. Insurance**

In many cases, the plaintiff cannot receive more than the defendant's auto insurance liability limits. However, if the defendant has other valuable assets, and the verdict amount exceeds his/her insurance liability limits, the defendant may be required to liquidate his/her assets to pay the full verdict amount.

If there is no other way to collect the full amount, the plaintiff may settle for an amount that equals the insurance coverage limits, regardless of the actual cost incurred by the plaintiff.

## **Contact Us**

If you or someone you love were injured in a motorcycle accident due to someone else's negligence, contact the Kansas City personal injury attorneys at **The Pottenger Law Firm, LLC**, at **816-531-6006** or visit **[www.PottengerLaw.com](http://www.PottengerLaw.com)** to begin your pursuit of justice.