

NEWS YOU CAN USE

PERSONAL INJURY



Two Wheels Versus Four – What It Can Mean to You

Motorcycle accidents are similar to other vehicle accidents in many ways. However, they are unique in several ways – the causes of motorcycle accidents, the injuries resulting from motorcycle accidents, and the liability issues surrounding motorcycle accidents can be very different from other vehicle accidents.

Some of the risks unique to motorcycle riding include:

- **Less visibility to cars.** Because motorcycles are smaller and more easily hidden by objects on or off the road, cars are less likely to see them, especially at intersections.
- **Road hazards.** Things that have little effect on a car, like debris, uneven road surfaces, small objects or wet pavement, can cause a motorcycle to crash.
- **No barrier between rider and road.** Unlike passengers in a car, bikers are not protected by a container of metal. Motorcycles also don't have seatbelts, and most

don't have airbags (although manufacturers have recently introduced airbags into some models). Wearing a motorcycle helmet can offer some protection to bikers, and motorcyclists who don't wear helmets are more likely to die in an accident than those that do.

- **Less stability.** Vehicles with two wheels are less stable than those with four, especially during emergency braking and swerving. Also, some motorcycle accidents are caused by front wheel "wobble" that can occur at high speeds.
- **Skill level and difficulty.** Riding a motorcycle requires more skills than driving a car. Unskilled riders account for a disproportionate number of motorcycle accidents.
- **High-risk behavior.** Lighter and more powerful motorcycles such as sport and supersport bikes can encourage speeding, fast accelerating and other high-risk behavior.

Liability in Motorcycle Accidents

Liability in motorcycle accidents is governed by the law of "negligence." A person is

negligent when he or she behaves in a thoughtless or careless manner and causes injury to another person. A driver must use care to avoid injuring other motorists, passengers or pedestrians – basically, anyone that they encounter on the road. If a driver is not reasonably careful and injures someone as a result, the driver is liable for injuring the accident victim.

In many motorcycle accidents, it is the driver of another car or truck that is responsible for causing a motorcycle accident. Very often, motorcyclists are caught in another driver's blind spot. It is important that the other driver check mirrors when changing lanes.

Elements of a Negligence Claim

There are four elements to a negligence claim:

- **Duty of care.** The law requires drivers on the road to be reasonably careful. In car and motorcycle accident cases, this is a given. All motorists must exercise care when riding or driving.

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Letter From Jan

July is the month dedicated to freedom, independence, and celebrations of independence. Prior

to that, June 14th is World Blood Donor Day. We hope that our readers will honor both!

In this particular newsletter we discuss vehicular accidents. Ones we think about often, but perhaps not often enough – truck and motorcycle accidents. In most cases, these accidents are more complicated than a car accident. It takes an expert to ensure clients the compensation they need and deserve. As always, our

team's first consultation is always free, and we don't get paid if you don't win. Please don't let the insurance companies take serious advantage of you and your family. Contact us at **877.526.3457** or **jandils.com**.

After 2020, we hope that you and your family get back out on the road and are able to finally give vaccinated grandmas and grandpas a big hug! Travel safe and be safe.

Sincerely,

Jan Dils brings her expertise to issues that affect you and millions of other Americans every day. While her knowledge spans the critical areas pertaining to Personal Injury, Veterans benefits, Social Security disability benefits and related appeals and claims, her practice remains focused on people, making sure you get the right answers and results.



Mindful MATTERS

Improving your mood can be as simple as going for a walk in the woods. However, we know that not everybody is capable of getting out. So, we've put together a few alternatives to get your daily dose of nature and/or ways to feel better without even leaving your home. We call them "Tiny Habits" to slowly, but surely change your mood and provide a greater outlook on life. Simply put, making small changes to your daily routine can lead to a huge impact on your day-to-day being. Here are just a few more tiny habits to improve your way of life.

Start your day with these five habits:

- Make your bed
- Stretch your body
- Be grateful
- Keep your body hydrated
- Exercise your body AND mind

Try these simple daily habits and let us know how you've managed to incorporate them or others into your routine. Send us an email: **information@jandils.com**, or reach out on social media.



RECREATIONAL SPOTLIGHT

Thomas & Davis, West Virginia

With every season, there is much to love about West Virginia. This summer, however, feels extra special as we all begin to see a light at the end of our collective "COVID Tunnel." If you're looking for a delightful, yet relaxing, trip, treat yourself to a stay in Thomas, West Virginia.

Let's start with the heart of the village – the Purple Fiddle – for live, nationally touring, Appalachian-based music. It offers an intimate, family-friendly vibe and amazing menu (can you say "locally made ice cream"?) that are just the cherry on top of the tunes! Call before you settle on dates, as the schedules and policies of venues will vary in relation to safety concerns around the virus.

Make sure to look up the Fiddler's Roost on Airbnb. The building was previously owned and operated by the Purple Fiddle, and the new owner has retained its charm, comfort and value.

There are three clean, lovely rooms, decorated by local artists.

Now that you have a place to hang your hat, relax and take a walk, the view along State Highway 32, the Appalachian Highway, is a real delight. Trees and the North Fork Blackwater River nestle on one side of your stroll, while on the other, unique shops and galleries tempt you to step inside.

One of my favorite spots is a gallery called "Creature," a world of whimsy, color and deeply joyful visions. The artist/owner, Seth Pitt (theartofseth.com), contributed some of his amazing art.

For delicious food and drink, stop at the Tip Top Coffee Bar or Mountain State Brewing. Just a few minutes' drive to the neighboring town of Davis will give you more dining options than you could fit in your itinerary.

Oh, Tucker County! In less than an hour's drive, there are countless places to hike, boat, bike or take pictures. One of my very favorite spots is Blackwater Falls – no matter the season.

For a great guide to Thomas and the surrounding areas, just visit canaanvalley.org and be sure to tag us on social media if you visit the area.

–Darcey Hile

Medical Records Specialist



On the Road with the Big Rigs

as failing to provide backup warnings or object detection systems) can lead to crashes. Failure to properly maintain equipment can also lead to trucking accidents. A few common failures that often lead to mechanical problems are:

- Removing or depowering the front brakes (to minimize the expense of tire and brake wear and replacement costs)
- Failing to maintain the brakes
- Improper loading or securing of cargo, contributing to truck rollover
- Defective steering
- Failure to maintain tires, leading to a blowout, and
- Improperly attaching the trailer, increasing the risk of jackknifing.

If you get into an accident with an 18-wheeler, delivery truck, or any kind of commercial vehicle, any injury claim you make is likely to be more complicated than a standard car accident claim might be. The biggest question is, who is responsible? Is it the truck driver, the driver's employer, or the owner of the truck? If the accident was caused by the truck's freight, is the shipper responsible?

Common Causes of an Accident with a Truck

A lot can go wrong in the operation of a semitrailer truck. Truck driver error is the leading cause of car accidents with big rigs. Common scenarios involve (among others) driver fatigue, drug use, driver error and equipment issues.

Truck Driver Fatigue and Drug Use:

- Significantly lessen a driver's ability to control the truck
- Impair judgment
- Reduce reaction times, and
- Prevent the driver from making safe driving decisions. A tired driver might fall asleep, be inattentive or misjudge driving conditions.
- Controlled substances can have a similar impact. Federal regulations require trucking companies to test their drivers for alcohol and drug use as a condition of employment. Carriers also must conduct periodic random

tests of drivers who are on duty, and test any driver involved in an accident involving a fatality.

Truck Driver Errors

Driver errors such as taking a curve too fast, exceeding the speed limit and failing to monitor blind spots can also lead to collisions.

Tractor-Trailer Equipment Problems

Another common cause of truck accidents is equipment or mechanical failure. Manufacturing problems (like defective tires) or design errors (such

Let's face it, most of us passing or riding along with the big rigs – sight limitations and the sheer size of these vehicles – can cause anxiety. But it takes caution on both sides. As stated, if you're in an accident with a truck, it is more complicated than most car accidents. You need an experienced lawyer on your side. Call the Personal Injury team at Jan Dils, Attorneys at Law. We won't take "NO" for an answer®.

Source: www.nolo.com/legal-encyclopedia/truck-accident-lawsuits.html

Cheesy Baked Mashed Potatoes

Comfort food is a year-long pleasure – especially as we spend more time at home in isolation. There will always be a time, place and craving for this recipe by **Alex Spaur**, Medical Records Specialist.



INGREDIENTS:

- 5 pounds russet or Yukon Gold potatoes
- 16 oz. sour cream
- (For a low-carb option, try cauliflower or turnips instead.)
- 1 bag of shredded Colby Jack cheese

DIRECTIONS:

- Preheat oven to 400 degrees.
- Peel, boil and cube potatoes.
- Strain potatoes, place in bowl and mash.
- Add in the sour cream and about half a bag of Colby Jack cheese to the bowl; mix it all together.
- Spoon mixture into a 9x13 baking dish and top with remaining cheese.
- Bake until the cheese on top has browned.



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- **Breach of duty of care.** When a driver is not careful. In determining if another driver was careful, the law compares the driver's conduct to that of a "reasonable person."
- **Causation.** The driver's conduct is the cause of the motorcyclist's injuries.
- **Damages.** The motorcyclist is injured or suffered losses. If the motorcyclist didn't get hurt or can't prove any damages, he or she can't recover anything, even if the other driver behaved in a careless manner.

Defenses in a Motorcycle Accident Case

Of course, the motorcyclist could be the negligent one in an accident or could have contributed in some manner to the wreck. In such cases, the vehicle driver might raise the motorcyclist's behavior as a defense to the negligence claim. In some states, such a defense, if proven, might reduce the amount of the motorcyclist's recovery. In others, the motorcyclist's behavior might prevent the motorcyclist from getting any monetary recovery from the other driver.

Rest assured that the other driver's insurance company will try to make an argument that the motorcyclist was at fault or contributed somehow to the accident. Insurance companies might allege that the motorcyclist was speeding, under the influence, reckless or noncompliant with helmet laws.

Some people assume that motorcyclists are thrill seekers and that motorcycling is just a dangerous activity. Some states do not require wearing a helmet while riding a motorcycle. Nevertheless, insurance companies will still try to contribute fault to the motorcyclist for injuries they sustained in an accident simply because they were not wearing a helmet.

Even if you are cited with a portion of fault, you may still have a Personal Injury case. Please take the right steps no matter the circumstances of the accident.

Steps to Take After a Motorcycle Accident

- Don't leave after a motorcycle accident. This might seem obvious, but it is very

important and worth emphasizing. Exchange information with the driver.

- Call the police. Having a police report will be helpful to your case later on.
- Take pictures of the scene.
- Take pictures of your injuries during different phases of the healing process including any scarring.
- Seek medical treatment right away and follow the doctor's orders. This will play an important role in your health and documenting your injuries in a medical record will help your case.
- Contact the Personal Injury experts at Jan Dils, Attorneys at Law. All consultations are free. An experienced lawyer is your best chance to receive a fair settlement, pay your medical expenses and to compensate you for the injuries you sustained in the motorcycle accident. Contact us at **877.526.3457** or jandils.com.