

# Motorcycle Accident Cases - Overcoming Negative Perceptions

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## Don't Let Defense Attorneys Blame the Victim

Motorcycles are dangerous and as some NTSB statistics have shown, far too often a motorcyclist is drunk, speeding or has exercised poor driving judgment when involved in an accident. Yet when dealing with a motorcycle accident lawsuit, many people think all motorcyclists are drunk, speeding, or exercising poor driving judgment...even when some are not and are, in fact totally innocent.

[Personal injury attorneys](#) handling motorcycle accident cases should expect defense attorneys to blame bikers, even when they are completely innocent, because like it or not, most jurors who do not ride motorcycles have a propensity to blame the motorcyclist. In fact some evaluations of focus groups where there were members of a mock jury has shown that they were blaming the motorcycle driver, for no reason other than he was [riding on a motorcycle](#) when the crash occurred.

This unfair perception many people have of all motorcyclists (even one who is a safe and experienced operator) makes these cases very dangerous — especially for lawyers unfamiliar with [motorcycle accident laws](#) and accident reconstruction principles.

Aggressive voir dire on this subject is an absolute must for any lawyer going to trial in a case involving a serious injury from a motorcycle crash.

## What Can Motorcycle Lawyers Do?

Here are some important trial themes developed to prevent defense lawyers from unfairly blaming motorcyclists:

- \* The rules of the road apply to motorcyclists just as they would to anyone else on the road.
- \* Motorcycle riders are entitled to same protections as any other person or vehicle on the road.
- \* A car or truck driver has to see what is there to be seen, whether it's a motorcycle or car.
- \* A driver has to yield to a motorcyclist who has the right of way in the same manner as any other vehicle.
- \* Motorcyclists are entitled to an entire lane of traffic.
- \* Motorcyclists are entitled to the same three-to-four-second follow distance, just as with a car or truck.

Applying the rules and themes above can help an attorney prove that their client is entitled to the same protections and safeguards as anyone else.

One important thing to understand is that motorcycle cases are different from other types of cases. While there are the same physical, psychological and financial hardships as seen in car accidents, motorcycle injuries are usually more serious. In some state with no-fault auto laws, there are no insurance benefits to help pay for medical bills and wage loss. This, combined with juror suspicion and a predisposition to blame the victim, make these cases especially challenging.

Reiterating these themes at trial can help all personal injury lawyers protect clients from being unjustly blamed for causing a crash when they are not at fault.

To learn more about **Insurance Requirements, Accident Claim Types and Statute of Limitations** specific to Motorcycles, visit the **Motorcycle Accident Lawyers Resource Center** at <http://www.michiganautolaw.com/motorcycle-accident/index.php>.

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