

Auto Safety: Why do car and motorcycle accident cases take so long to conclude?

By: Steve Lombardi

Motorcycle Safety - Negligence takes many forms

Why do lawsuits take so long to conclude? That's a question you may have asked before. Perhaps you've sat around the local diner complaining about the weather and as often will happen sooner or later the conversation turns to the lawyers or court system. Well let us explore what I consider to be a simple case of a car accident and perhaps you will better understand this system. Keep in mind above every other consideration we are after the truth. And the truth isn't what everyone is saying at the table, the truth is about the facts as they actually happened at the time and place where the incident occurred. You weren't there, I wasn't and no one at the table was either.

Back on [October 30, 2008 there was a report of a motorcycle accident involving two Monona men](#). The one was driving his motorcycle south on Golden Avenue, when a truck being driven by an elderly man turned left of center going into his own driveway, and the two crashed. The motorcycle struck the truck in the left front side. The man on the motorcycle was killed.

How then do we evaluate the facts and apply them to the concept of negligence? Negligence is behavior, or in this instance driving on the public roadway in a manner, that violates the law. The law in Iowa, the rules of the road, that a person can not turn left of center without making sure the lane is clear and that they can make the turn in a safe manner. It's what you most every time you turn left of center.

The accident happened around 4:50 p.m. so we know the sun could not have been a factor. Because this is the man's driveway we know he must have been familiar with the area, probably having performed this turn a hundred or more times. I don't believe there was any snow or ice on the road and we wouldn't expect there to be at this time of year. There is nothing in the article about snow and ice so we can assume for the purpose of this evaluation there was none. There is no indication of any emergency.

As lawyers we must look at the condition of the car, the motorcycle, the road, the weather that can affect the car-motorcycle and road, and lastly the drivers of either the car or the bike.

We see nothing wrong with the roadway; nothing indicates there was a problem with the bike or the car. Everything so far points us in the direction of examining the drivers.

The statements by the truck driver are certainly important, but for several reasons he might not give a statement. One, he could be so upset that is unable to talk. Or, he might choose to not give a statement for legal reasons. The sobriety of the drivers is certainly a fact we would need to know. In this instance we don't have his statement, or at least it wasn't reported and without the Iowa State Patrol's investigative report I can't venture a guess as to why he turned.

One fact we can't ignore is the truck driver's age. It's reported that at the time of the collision he is 73 and the motorcycle rider is 46. Age should make the lawyer consider aspects of aging that could have been a factor. Does the truck driver wear corrective lenses of any kind? Eye glasses or contact lenses and were they being worn at the time of the wreck? What was the vision challenge that corrective lenses made better? Was the driver supposed to be wearing glasses while driving? Was he? What about the motorcycle driver? What are the answers to these questions for him?

Several facts we don't know that would help us draw conclusions about negligence or fault would be skid marks, whether lights were on for either vehicle or the speeds of either. It would be interesting to note if the driver of the truck ever stopped before he turned. If we had a witness we wouldn't necessarily need to talk with the driver although his confirmation or refuting of what the witness had to say might prove helpful.

Without leaving our office it would be nice to see what this location looks like. The [city or town of Monona on WikiMapia](#) doesn't show up with the kind of detail we will need. So let's check Google Earth and see if it can provide more detail. Google Earth gives us access to Wikipedia which provides both a brief description and a full article on Monona.

[Monona is in northeast Iowa](#) and is a small city in Clayton County, Iowa, United States. The population was 1,550 at the 2000 census. Wikipedia demonstrates clearly that Monona is not a densely populated place. The population density is 1,344.6 people per square mile. The map on Google Earth provides no better detail than did Wikimapia. But it did allow access to city demographic information that gives us some idea about the population density. Of course living in Iowa I pretty much knew this already. Comparing Monona to New York demonstrates the contrast. The New York metropolitan area's population is also the nation's highest, estimated at 20,090,000

people over 6,720 square miles (17,400 km²). The [population of the City of New York](#) is 8,274,527 people with a density of 27,147/sq mi.

"As of the [census](#) of 2000, there were 1,550 people, 659 households, and 432 families residing in the city. The [population density](#) was 1,344.6 people per square mile (520.4/km²). There were 706 housing units at an average density of 612.4/sq mi (237.0/km²). The racial makeup of the city was 98.65% [White](#), 0.06% [African American](#), 0.58% [Native American](#), 0.39% [Asian](#), and 0.32% from two or more races. [Hispanic](#) or [Latino](#) of any race were 0.06% of the population."

As you can see, determining negligence or fault, as we refer to it in Iowa, is a multifaceted evaluation and one not quickly decided. Even with all of the online tools available to us today, there is still shoe leather and face time a lawyer will need to commit too. Get out visit the accident scene, take photographs, talk with witnesses and the police officer. Now do we do that in every case; not necessarily. Not every case will be tried. After 28 years of being a trial lawyer I've got a sense of what is required to conclude a case and that too is a multifaceted mental evaluation.

This is only the preliminary evaluation. The insurance company has to be contacted and provided information. The medical records, autopsy report, police accident investigation report, the medical bills, doctor's reports for those physicians who treated the patient or examined, in this case the dead body. There will be more than one set of photographs to examine. Claims will be asserted by competing parties about what they saw or heard and how that changes perceptions of fault. The Petition and Answer along with interrogatories and requests for production that will have to be drafted, served, answered and responded to. There are depositions to take of the driver and the coroner. At some point a settlement letter will be drafted, served, evaluated, discussed and responded to. There is much more than this but this gives you some idea of what is involved.

So, if you wonder why lawsuits take so long to conclude it's because law requires the right decision to be made, it's not easily or quickly done. There is no express lane in trial work.