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WATCH FOR MOTORCYCLES
Hupy and Abraham s.c.

Biker Newsbrief

Fall 2015

Motorcycle Therapy: Veterans Find Relief from PTSD

Post-traumatic stress disorder (PTSD) is diagnosed in thousands of veterans every year, with thousands more going undiagnosed in the United States alone. With one in three returning servicemembers being diagnosed with serious PTSD symptoms, it's heartbreaking to learn less than 40 percent of them ever seek professional treatment. Fortunately, a new form of supplementary treatment for PTSD is gaining ground and recognition, the kind that requires a twist of the throttle and an open road.

Technically an anxiety disorder, the symptoms of PTSD occur after the experience of a traumatic event in which intense fear, helplessness or horror is experienced. Symptoms include reliving the traumatic event, emotional numbness, sleeplessness and exaggerated emotional responses. For veterans suffering from combat

trauma, two out of three marriages are failing, with relationship damage being a serious side effect of the disorder.

PTSD treatment is long and often grueling, with approaches ranging from cognitive to chemical and often including some form of re-exposure to the traumatic event. The stress of treatment combined with feeling alone in their experiences often discourage veterans from continuing or even seeking treatment.

However, a new form of encouragement for sufferers is now gaining traction. "Motorcycle Therapy" is a form of supplemental PTSD treatment that offers a chance for community and peace. Riding helps by creating an opportunity for veterans to refocus some of their mental energy on a positive outlet.

The constant processing and awareness that riding requires help many veterans to channel their hypervigilance. Additionally, the community offered by clubs and riding groups provides a vital support system, termed "protective affects," that helps during PTSD treatment.

Motorcycles can mean many things to many people. For some they're an outlet, to others a challenge or even an art form. To those suffering from PTSD, motorcycles can offer much needed quiet in the storm.



Milwaukee Bar Association Presents Attorney Michael Hupy with Distinguished Service Award

At its 157th Annual Meeting in June, the Milwaukee Bar Association presented Attorney Michael Hupy with its 2015 Distinguished Service Award. Among the things for which Hupy was commended included being a founding member of the Milwaukee Justice Center, being a major donor to Marquette University Law School's Eckstein Hall, contributing to the University School of Milwaukee's Expansion Fund and the Northwestern University Building Fund and sponsoring more than \$250,000 of motorcycle awareness through the "Watch for Motorcycles" campaign.

Women Riders: A Growing Trend

Women riders are currently the fastest growing riding demographic in the United States. Motorcycle ownership by women has increased 28 percent in the last five years alone and is currently roughly 12 percent of all motorcycle owners in the United States and 25 percent worldwide.

Some fascinating statistics accompany this growth. In a study commissioned by Harley-Davidson, roughly 2,000 women, half riders and half non-riders, were interviewed and compared. The findings of the study provide more reasons now than ever for women to get involved in riding.

Female riders feel confident nearly twice as often as non-riders (35 percent versus 18 percent), feel attractive nearly four times more often (27 percent versus 7 percent), report nearly twice as much satisfaction with communication in their relationships (60 percent versus 38 percent) and, perhaps most importantly, report a rate of happiness twice as high when compared to non-riders (37 percent versus 16 percent).

To cater to this growing market, many dealerships and manufacturers are creating motorcycle products tailored to women. This includes not only gear, but also motorcycle designs and even websites for women motorcycle riders. With the growing trend and receptive market, it's a great time to ride!



Hupy and Abraham, S.C.
motorcycle specialist **Melissa Jurantich**. Listen to her radio podcasts, Turn One, at <https://www.youtube.com/playlist?list=PLz6JsTE2cfSBVvJ67S a66Cvx1pE62ziyd>

Reflections on the Sturgis 75th Anniversary

There was a lot of hype leading up to the 75th Anniversary of Sturgis Bike Week. Some sources estimated the crowds would surpass one million in attendance. I arrived on Saturday evening, Aug. 1, to a nearly deserted I-90 near the two Sturgis exits. By Monday, those same exits had motorcycles backed up on the freeway for at least one mile as frustrated riders waited their turn to enter the even more congested Lazelle Street and Junction Avenue routes into the city. That seemed to be the norm for the remainder of the week during the peak hours between 11 a.m. and 3 p.m.

Negotiating the roads surrounding Sturgis in the early morning hours or after 3 p.m. didn't seem to be any more congested than past rallies. Even the trek out to the Buffalo Chip campgrounds was tolerable, using the Junction Avenue/Harmon Street/Douglas Street/Nellie Street to Highway 34 route. As luck would have it, I also avoided the major storms that devastated some campsites at Glencoe campgrounds and dumped hail and torrential rains on unsuspecting revelers.

Preliminary numbers suggest attendance at this year's rally was somewhere above the 700,000 mark but probably didn't reach the

million people total as predicted. Unfortunately, one record broken was the number of fatalities, 13, attributed in part to the increase in attendance this year. Another record was the number of injury crashes, 152, but the number of DUI arrests was way below previous years. An increased police presence may have adjusted some people's behavior regarding alcohol consumption.

Some other totals to ponder include \$28,652 in cash seizures, 891 vendor licenses granted, 203 misdemeanor drug arrests and 99 felony drug arrests.

What did it cost some of those who breached the boundaries of civil peace and crossed the line of lawful activity? Indecent exposure resulted in fines of \$111. Carrying an open container of alcohol cost \$61, and if the container was in or on a vehicle that amount increased to \$94. If you were having a little too much fun at the expense of others, disorderly conduct charges resulted in a \$111 fine. If wheelies, burn-outs or excessive noise were your thing, you were penalized \$66 for exhibition driving. If your driving was reckless, it upped the penalty to custody arrest.

Being caught with marijuana or a controlled substance resulted in custody arrest, while possessing drug paraphernalia netted the local authorities \$244 in fines.

According to local law enforcement authorities, this year's rally was still a very peaceful event, and there were no reports of violence among the partygoers. No weapons were confiscated and no major problems surfaced among the many motorcycle clubs in attendance. There was a task force that spent months planning how to respond to any circumstances that could develop with that many people visiting the Black Hills. Cooperation between local, state and federal authorities will surely be credited, along with planning and very visible patrols, as the reasons there were no major crimes during the rally. Bikers might just think otherwise, citing the fact that, as a whole, bikers are a peaceful, fun-loving bunch who enjoy each other's company. The truth probably lies somewhere in between.



Main Street, 2015 Sturgis Rally

"When I was in a motorcycle accident my lawyer dropped my case because he didn't think he could win. Then I hired Michael Hupy and he got a jury to award me more than \$1,000,000."

Miguel Rivera

ABATE Told to Move "Look Twice! Save a Life!" Semitrailer Out of Sight

We all know the importance of motorcycle awareness. We have worked with ABATE of Wisconsin for years to get this message out.

This year, Hupy and Abraham, S.C. and Attorney Michael Hupy personally helped pay for the wrapping of both sides of a semitrailer owned by an ABATE of Wisconsin member and driven throughout the Midwest to increase awareness of motorcycles on the road. The front and back of the trailer have Hupy and Abraham, S.C.'s "Watch for Motorcycles" slogan.

Recently, the trailer was parked in Milwaukee on public property near a motorcycle event. A lawyer who bought a franchise to use a gimmick marketing name in Milwaukee argued with ABATE members about moving the trailer. Apparently, because he had a booth promoting his law firm at the biker event, he didn't want people to see the ABATE

message or the Hupy and Abraham, S.C. slogan. He has never done a motorcycle awareness campaign, and his actions say he is interested in promoting his law firm at the expense of reminding other drivers to "Look Twice! Save a Life!" or "Watch for Motorcycles." We have spent hundreds of thousands of dollars promoting motorcycle awareness through billboards, bumper stickers, television public service announcements with the sheriffs of two Wisconsin counties and newspaper ads.

Apparently, this lawyer does not understand the social responsibility of personal injury lawyers is to reduce the number of accidents and severity of injuries, and only when that fails is our secondary responsibility to collect money for injured victims.



ABATE of Wisconsin message on semi, sponsored in part by Hupy and Abraham, S.C. and Attorney Michael Hupy personally.

\$1,250,000 for Illinois Bicyclist

On a clear summer morning, an Illinois resident was riding his bicycle when tragedy struck. An inattentive driver ran into him as he passed a parking lot. Unaware he had struck someone, the motorist kept driving. The driver was eventually flagged down by witnesses after traveling some distance down the street.

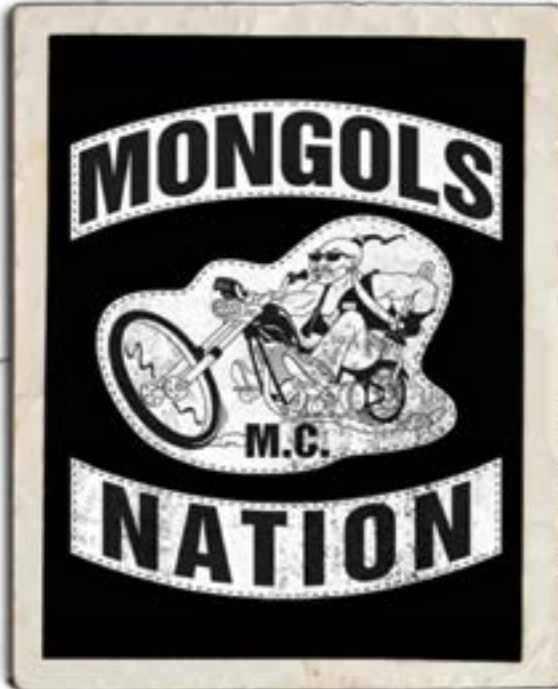
The bicyclist was left with severe injuries and scarring from the incident. Hupy and Abraham, S.C. demanded the \$1,250,000 policy limits be tendered within 30 days, and the insurance company paid.

The Feds Want to Own the Mongols MC Trademark

In 2008, 80 members of the Mongols M.C. were rounded up and arrested in a sting operation conducted by the Feds. The ensuing trial, United States v. Cavazos, was an attempt to paint the motorcycle club as a criminal enterprise, thus allowing the government to move forward with forfeiture proceedings aimed at eliminating the club's signature mark. Forfeitures are big business for the federal government, netting millions of dollars in cash and personal property from those convicted in Racketeer Influenced and Corrupt Organizations Act (RICO) prosecutions. Prosecutors identified for potential forfeiture the Mongols name, a home in West Covina, Calif., and at least \$5 million. Forfeiture would follow conviction. The money and home are conventional forfeiture targets. The trademarked name isn't.

Ruben "Doc" Cavazos, who was president of the club in 2008, ultimately cooperated with law enforcement and claimed ownership of the Mongols logo. That claim was rejected by the court, and a judge in Los Angeles ruled the prosecution had gone too far in its indictment. The judge ruled the trademark belonged to the organization, not to individuals. Unlike a traditional trademark, the Mongols logo represented a "collective membership mark" and was protected speech under the First Amendment. Unindicted club members should be able to use the logo any way they want, free from confiscation by federal agents. The government seeks to punish all the Mongols, more than 700 members in all, which is ridiculous.

In a new twist, another federal judge added that the Justice Department had to pay for



the trademark fight because the government "violated settled First Amendment and trademark law." U.S. District Judge David O. Carter said, "The novelty of the government's position did not make it substantially justified. Rather, it took unlawful action based on an ungrounded and unsubstantiated legal theory, and without sufficient factual support." He further stated that attorneys deserved the fair market rates of between \$525 and \$650 an hour for the excessive time spent challenging the government.

The government has been moving forward, ever so slowly, to gain control over the logo. It's a war of attrition of sorts, because it appears the government is in no big hurry to come to trial because the longer it drags out, the more money it costs the Mongols. It's a game of keeping them in legal turmoil until they go broke, and then the government wins by default.

Judge Carter, assigned to the new case known as the "Mongols Nation" case, isn't amused. He's pushing the prosecutors to get their act together and be ready for trial in November.

The importance of this case cannot be overstated. Every motorcycle club in the country, whether a mom and pop club or those commonly called outlaw clubs, should be interested in the outcome. If the government is successful in taking away the Mongols' logo, the identity and right to free speech, expression and association of every other club is in jeopardy. Associations could also be at risk, as we have seen from the fallout from the Waco tragedy affecting organizations' right to assemble for legislative meetings. All eyes are on the Mongols' trial in November.

92,700 Lawyers Barred from Advertising in A.B.A.T.E. of Illinois Newsletter

Purportedly because of an agreement with an Indiana lawyer, 92,700 lawyers in Illinois are prohibited from advertising in the A.B.A.T.E. of Illinois chapter newsletter or any other chapter newsletters if they advertise personal injury services. The restrictions go so far as to prevent A.B.A.T.E. of Illinois or any chapters from sponsoring, contracting with or promoting any person or organization on their so-called "non-preferred list." This includes all lawyers in Illinois who might want to support the organization by running an ad in the state newsletter or chapter newsletters, as Hupy and Abraham, S.C. did until the exclusive advertising privileges took effect some years ago.

Many A.B.A.T.E. of Illinois members and leaders are fed up with this policy because they say it hurts the membership, hurts the cause and deprives local chapters of much-needed revenue to run their organizations and print their newsletters.

Is it possible that laws against monopolies or the Sherman Antitrust Act are implicated? You decide.

Never hire a lawyer who uses a gimmick marketing name instead of his own

ABATE of Wisconsin Hosts MRF 31st Annual Meeting of the Minds

Hupy and Abraham, S.C. Sponsors Fundraiser for MRF A&E

The Motorcycle Riders Foundation (MRF) conducts regional conferences to educate bikers on political and motorcycle issues. The national conference each year is known as the Meeting of the Minds (MOTM). The various states' rights organizations take turns hosting MOTM. This year ABATE of Wisconsin is the host organization.

In 2008, the MRF formed a 501(c)(3) corporation named the MRF A&E to promote awareness and education. Hupy and Abraham, S.C. was the first to donate to this fund, and on Oct. 12, 2008, Attorney Michael Hupy presented MRF President Kirk "Hardtail" Willard a \$5,000 check at the ABATE of Wisconsin State Meeting.

Meeting of the Minds returns to Wisconsin Sept. 24 to 27. On Friday, Sept. 25, Hupy and Abraham, S.C. will sponsor a fundraiser for the MRF A&E by providing dinner and a band. The event will take place at Hal's Harley-Davidson, 1925 S. Moorland Rd. in New Berlin.

"When I was in a motorcycle accident everyone recommended the same lawyer. Everyone recommended I go with Attorney Michael Hupy as my lawyer. And that is just what I did. And I am glad that I did."

Michael Schmidt – Received a \$2,900,000 settlement

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WATCH FOR MOTORCYCLES

This is the law firm that has represented more than 3,000 injured bikers. Some have received multi-million dollar settlements. Prior results in an earlier case do not guarantee or suggest a similar outcome in future matters the law firm may undertake.

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We service the entire states of Wisconsin, Illinois, Iowa and beyond. Our offices are located in:

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ILLINOIS:

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Des Moines, Cedar Rapids, Quad Cities

Whether you've owned a bike for 50 years or five minutes, riding is a passion for which there is always room for continuous improvement. The concept of apexes is a lesson many riders miss early on and a vital one for staying safe. An apex is essentially the fastest, straightest line through a corner. Racers use this technique because it is the quickest, but with a slight modification it is also the safest. A lot goes into hitting the perfect apex. Concepts such as suspension compression, tire temperature, follow-through speed, corner type and camber and braking coordination all work together to create constantly changing variables. However, apex basics are fairly simple. The rider will start at the outside of a corner, braking straight, cut smoothly in to graze an imaginary point at the tip of the corner, then smoothly exit while accelerating to the

Apexing early can have catastrophic results, like sending a rider off course and into the other lane. Apexing late is traditionally considered the safest, when the rider cuts in to a point just past the peak of the corner before heading to the outside again. This technique allows for more error and adjustment and is typically considered the best for road riding.

Here at Hupy and Abraham, S.C. we work hard to promote the important message of motorcycle awareness and safety. Continuous learning is a responsibility for all riders, new and old, and a commitment to safety is one we all can get behind!

outside again — a technique cleverly termed "outside-inside-outside." This technique should take up the entire lane and is considered a safe approach to corners.

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Clients of Hupy and Abraham, S.C. have received settlements of over \$20 million. How many law firms can say that?

Early and late apexes

