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Michigan Auto Law:

Gursten, Koltonow, Gursten, Christensen & Raitt, PC Where Experience and Client Satisfaction Matter

By Lynette Carrington

Forget radio jingles, crazy catch phrases and unbelievable claims. When it comes to accident injury settlements, Michigan Auto Law continues to prove that they are the legal juggernauts in their area of law. For the past fifteen years, Michigan Auto Law has been listed with the highest reported auto accident injury settlements (as per Michigan Lawyers Weekly year end listings of the top settlements in Michigan) every year. And then there are the trial verdicts: Michigan Auto Law has claimed the top reported trial verdict for a car accident or truck accident in Michigan in seven of the past eight years; a stunning record considering there are over 50,000 lawyers in Michigan, including several thousand who say they specialize in personal injury law. But there is much more to a successful attorney/client relationship than just the highest settlement and trial verdicts. The dynamics that make up Michigan Auto Law have their roots in family, service to the client, and attention to detail.

A Legal Legacy of Results and Community Involvement

"We really are the top firm in the state in terms of serious

automobile and truck injury cases, and in relation to myself, this has been a nice career," said founding partner of Michigan Auto Law, Lawrence Gursten. Larry, who is listed in Best Lawyers in America, began his legal career by receiving the highest score on the Michigan Bar Exam more than forty years ago. He continues to propel the firm forward and inspire those who work alongside him. Michigan Auto Law now has eighteen lawyers, and the firm receives referrals from lawyers all over Michigan and the nation. But more important than the number of attorneys, are the type of attorneys they have at the firm. "It's a very special type of attorney that we have hired," said Larry. The firm has four attorneys that are 'Best Lawyers in America' (limited to the top 2.4% of lawyers in America) and ten lawyers who are 'Michigan Super Lawyers' (representing the top 5% of all lawyers in the state).

"We are hiring very special talent, including our paralegals. They are all 3.5 average/four years of college. So you're getting a very sophisticated, special type of law office with very specialized knowledge in this area," Larry explained. But it is the client service that matters most at the firm and this is where Michigan

Auto Law separates itself most from its competition. "Lawyers as a profession are notoriously bad at client communication. They don't return phone calls. They are slow to respond," said Larry. "But here we have a team of lawyers and paralegals for each client so each person we help gets the individualized attention they deserve. More than anything else, that attention to the client helps to ensure the best possible settlement for their case. "There is always constant communication as a team...we are all trying to do one thing - help the client," Larry stated. "The law firm has a 24 hour call back rule, no exceptions - and most calls are returned within minutes. That seems to be one of the most important things for the people we help. They are in pain, they are worried, and it is tremendously comforting for people to know they can always talk to their attorney and they can always get an immediate answer to their questions."

Remarkably, the law office is fifty years old and Larry Gursten carries on in the legal footsteps of his father and now, too, Larry's son, Steven Gursten (voted one of the top 100 lawyers in Michigan and a Michigan Lawyer of the Year). Steve is past president of the AAJ Truck Accident Litigation Group and is currently the president of the Motor Vehicle Trial Lawyers Association. He has received the top reported trial verdict in the state in four of the past eight years. A very important part of Michigan Auto Law is their support and giving back to many different charities and causes. Some of the organizations in which Michigan Auto Law is involved include: The Brain Injury Association of Michigan, University of Michigan Mott Children's Hospital, Consumer Vehicle Safety Alliance, Distracted Driving Awareness and Downtown Detroit Partnership. Additionally, Steven Gursten was named a Michigan Lawyers Weekly Leader in the Law for his efforts in forcing unsafe trucking companies into safety compliance with mandatory state and federal laws, making the

roads safer for everyone.

As an important facet of the firm, Steven also views their charitable and pro bono work as a special way they can give back to others and serve the responsibility of the profession. "We're really proud of that. We spend a lot of hours not just in terms of giving back financially, but in terms of pro bono legal work," Steven explained. He feels that often, due to the lack of bad faith laws and punitive damages in Michigan, good people often get taken advantage of by insurance companies and they want to help out by taking on cases that are not necessarily financially rewarding, but because people truly need legal help. "We believe in helping people and it's part of our mission," stated Steven. "The verdicts and the settlements, the awards and honors, all the things that we as a law firm are known, they all come from wanting to really help people."

Getting the Best Results While Honoring Ethics

Steven Gursten obviously grew up in a legal environment, yet he recognizes the differentiating position in which Michigan Auto Law exists. "I think we're a very unique law firm. There really is not another law firm like ours because we do almost no advertising to the public ...no tv, yellow pages, no billboards... you won't find us on the sides of buses...but because of our results and our expertise, and because of the way we treat our clients, we have grown; we've actually tripled in size during a time when most other law firms have struggled," explained Steven Gursten. "We've actually taken on a very high end, very specialized type of law firm model where other lawyers refer us their cases based upon our results and the service we offer clients. Especially for an ultra-competitive area like personal injury, that's pretty unusual." Steven said.

"We really are a very ethical and caring law firm and I know that



Standing: (L to R) Law Partners Robert M. Raitt, Leonard M. Koltanow, David E. Christensen Sitting: Steven M. Gursten, Lawrence E. Gursten



Larry (left) and Steven Gursten are proud to be considered one of the elite law firms in the country helping people seriously hurt in motor vehicle accidents.

AT A GLANCE:

can sound like a cliché..., it's gotten incredibly ugly in Michigan with lawyers pouncing on accident victims, sending solicitation mail packages, all these services that are soliciting people by getting the police reports and calling them at home on the phone. I hear ugly stories about this every week from some of my clients," said Steven. He finds it very tragic and sad when in the event of a serious injury and death, families are literally being bombarded with legal solicitations. "I just think it is incredibly demeaning to the legal profession as well as a real hardship for these people. We as a law firm don't do any of that. I'm sure it works, that's why so many other lawyers are doing it, but we've gone a different route," Steven noted. "We want to be the type of law firm where people want to come to us; where other lawyers want to refer cases to us." He specifically cited the nearly immediate availability of police reports as something that other firms have taken advantage of in this cutthroat environment, but they simply will not do that. He explained that their firm is not "a settlement mill", rather every phone call is returned personally and they spend tremendous time on each case and with each client. The attorneys here place a strong value on great client communication.

How It All Fits Together

"When you are really known as the true subject matter experts, and you choose not to do the mass advertising with television and billboards and all that chasing of people, you're success can't be from just one thing. Yes, we've had great verdicts and settlements. And out of over 50,000 Michigan lawyers, maybe that says something," Steven explained. "And yes, we've won a lot of legal awards and honors among the attorneys at Michigan Auto Law, but it is the service that matters most. It all flows from that." Clients can always be certain they are receiving the finest legal representation.

Leadership for Today's Legal World and for the Future

Steven gives kudos back to his father for his overall guidance at the firm. "It has been such a wonderful gift working with my dad because I really never knew how smart he was until I started practicing law with him. He literally is an encyclopedia. He knows every no-fault case that has ever come down in this state. In terms of setting a tone and as a role model for the office; the way he returns every call, even on weekends and at night and the way that he really cares about his clients is amazing," finished Steven. It is that dedication to clients that serves to take Michigan Auto Law into their next fifty years of practice.

Partners: Lawrence E. Gursten, Leonard M. Koltonow, Steven M. Gursten, David E. Christensen, Robert M. Raitt

Practice Areas: Car, Truck and Motorcycle injury

Community/Civic Involvement:

- Mentoring law school students and offering annual scholarships
- Distracted Driving Awareness Campaign
- Donations to the Consumer Vehicle Safety Alliance (CVSA)
- Donations to the University of Michigan Mott Children's Hospital
- Donations to Brain Injury Association of Michigan
- Sustainable, Green Renovation at Farmington Hills Office
- Legal leadership: Steven Gursten, current president, Motor Vehicle Trial Lawyers Association, past-president, AAJ Truck Accident Litigation Group; Robert Raitt, past-president, Michigan Association for Justice; David Christensen, past-president, State Bar of Michigan Negligence Section

Pro-Bono Activities: Each year, our accident lawyers donate their legal services pro bono to many auto accident victims.

Awards

- Michigan Lawyers Weekly Lawyer of the Year, Steven Gursten
- Michigan Lawyers Weekly Leader in the Law, Steven Gursten and David Christensen
- 2 of the Top 100 Lawyers in Michigan, according to Super Lawyers
- Michigan Super Lawyers: 10 Michigan Auto Law attorneys are Michigan Super Lawyers.
- Michigan Auto Law was given an AV Rating by the Martindale-Hubbell organization, the highest rating for legal ability and legal ethics.
- Best Law Firm, U.S. News & World Report: Michigan Auto Law has been named among the Best Law Firms in America, and also has a Detroit First-Tier ranking.
- Best Lawyers in America: The lawyers at Michigan Auto Law have been chosen by their peers for inclusion in the Best Lawyers in America listing.
- Top 100 Trial Lawyers (National Trial Lawyers Association)
- Best Lawyers in Metro Detroit (DBusiness magazine): Lawrence Gursten and Steven Gursten
- Crain's Detroit Business Best personal injury Lawyers: Lawrence Gursten and Steven Gursten
- Detroit Free Press Best Lawyers, personal Injury litigation: Michigan Auto Law
- Michigan Lawyers Weekly Up & Coming Lawyer, Rising Stars Thomas W. James and Alison Tomak

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Michigan Auto Law:

How the Plaintiff Medical Examination (PME) Can Help Lawyers Prove Serious Impairment of Body Function and Maximize Damages in Auto Accident Cases

By Steven Gursten

I last wrote about what may happen if, after the Michigan Supreme Court election in November, there is a return to *Kreiner v. Fischer* in this state. If *McCormick v. Carrier* does get overturned, then one of the most important strategies that auto attorneys can use to survive defense motions for summary disposition on serious impairment will be the plaintiff independent medical examination, or PME.

Michigan lawyers, probably because of our no fault law, do not regularly use plaintiff medical examiners, but they are common in other pure tort states. But PMEs can have an important role in Michigan, with our “serious impairment of body function” injury threshold law — especially depending on which future justices of our court will be interpreting that law and how high the hurdles will be to non-economic recovery.

A PME can help prove serious impairment of body function and increase settlement value.

Here’s how:

- A PME can create a legitimate factual dispute concerning the nature and extent of a plaintiff’s injuries, allowing plaintiffs to survive defense motions for summary disposition.
- A PME can increase the value of the underlying auto accident case by offering medical opinions that will increase settlement value, especially for insurance companies that use Colossus and other computer claims software.

The PME can offer medical opinions regarding the impairment factors that the Michigan Supreme Court has previously created under *Kreiner* to evaluate whether the plaintiff’s “general ability” to conduct the course of his normal life has been affected.” The plaintiff’s independent medical examination can and should offer opinions on each of these factors:

1. The nature and extent of the impairment.
2. The time and length of treatment.
3. The duration of the impairment.
4. The extent of any residual impairment.
5. The prognosis for eventual recovery.

As for dealing with Colossus, a PME can fill in gaps that sometimes unhelpful treating doctors often leave in medical records. For example, each of the same five factors from above

are also important value drivers for the claims adjusters to input into Colossus. Opinions from a medical doctor (even one that is hired by a lawyer) on future challenges an auto accident victim will face on issues like residual impairment, future treatment and eventual prognosis, can multiply the settlement value of a case.

Keep an eye out for my future columns, where I will continue with my series of tips and suggestions to help attorneys better serve their clients — and prepare for the political challenges to the Michigan no fault law that lay ahead.



Steven M. Gursten is head of Michigan Auto Law. Steve is president of the Motor Vehicle Trial Lawyers Association and holds leadership positions in several other state and national trial lawyers organizations protecting accident and brain injury victims. He is a Michigan Lawyers Weekly “Lawyer of the Year” and “Leader in the Law.” Steve has also secured among the top-reported verdicts and settlements in the state for auto accident victims in the past 15 consecutive years,

as reported by Michigan Lawyers Weekly.

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