

go to our home page:
milawyersweekly.com

MICHIGAN LAWYERS WEEKLY

August 27, 2001

Up And Coming Lawyers

Steven M. Gursten

By Lynn Patrick Ingram

At an age when most trial lawyers are still just hoping to see some playing time, Southfield attorney Steven M. Gursten was already tearing it up in the big leagues.

"I have been told that, at 28, I was the youngest lawyer in Michigan history to receive a verdict of over \$1 million," Gursten said. "The case was notable because it was an Allstate 'soft tissue' case where the insurance company was only offering \$10,000 before trial to a 64-year-old man. There was no economic loss and no contested liability. The verdict was for pain and suffering only. The case had mediated for \$25,000."

For some, this would be a "career" win. For Gursten, however, it was just the beginning.

"One year later, at age 29, I received a \$4.2 million dollar verdict in a closed-head injury case where the defendant was only offering \$100,000 to settle," he explained.

"In addition, our law firm has had four excess verdicts against State Farm and Allstate and now six verdicts of over \$1 million dollars in the past 3 years," he observed. "Three of these million-dollar verdicts were on mediations of \$25,000."

Needless to say, things have been going well for Gursten, but it should be noted that his success is a result of his determination.

From the beginning, he took it upon himself to learn everything he could learn about being a great trial lawyer.

"In my first year or two of practice, I asked the lawyers in my firm to give me their absolute worst files that they thought would go to trial," he explained. "Of course, most cases still settled, but with some insurance companies taking a tougher stance on settlement these days, it gave me an opportunity to get a lot of trial experience quickly."

Gursten got what he bargained for, and his firm got even more.

"There was never any downside because everyone expected that I was going to lose these cases anyway," he said. "When I won [all of them], everyone was that much happier."

Staying Ahead Of The Game

According to Gursten, it is the approach of some insurance companies that has allowed him to become so successful at such a young age.

"Ironically, the tougher stance that many insurance are now taking gave me the opportunity to try cases and make a name for myself," he said. "If everything was settling like 10 years ago,

no one would probably know who I am today."

Gursten also noted that personal injury law today is a much more difficult area than it has been in the past.

"I have found that many lawyers who used to dabble in personal injury 10 years ago now refer these cases out because of increasing problems meeting threshold and harder times trying to settle these cases on their own," he said. "Cases are more expensive and take longer to resolve than ever before."

Gursten observed that his referrals from other lawyers, "including other personal injury lawyers," are a direct result of these tougher times.

He also said that, because of the way personal injury law has changed, lawyers have had to change their style.

"I probably practice law very differently today than many lawyers practicing 20 years ago," he said.

Gursten pointed out that lawyers need to keep up with the latest findings and technology in order to stay ahead of the game.

"I am a strong believer in the new social science and jury research that is out there today," he explained. "I believe in focus groups and mock jury trials."

He paid particular attention to the importance of understanding juries and jurors.

"I believe that jurors respond to important themes like responsibility and accountability, and to be successful we have to adopt these themes for our cases and our clients," he observed. "I believe jurors are less sympathetic overall and less likely to identify with plaintiffs."

According to Gursten, it is essential for personal injury lawyers to take advantage of the knowledge that is out there for lawyers.

"I am very active in the MTLA and ATLA," he said. "I try to read and study the medical literature and focus on emerging trends in the treatment and diagnosis of traumatic brain injuries and spinal cord injuries. I still try to go to as many seminars as I can. There are so many great resources today that simply did not exist 20 years ago and I try to learn something new everyday."

Learning From The Best

Finally, Gursten recalled his experience working with "the most successful" personal injury lawyer in America.

"I was fortunate enough to work for a lawyer in New York City named Tom Moore during law school," he said. "He has successfully achieved more million-dollar verdicts than any other lawyer in America. His firm is considered the most profitable personal injury law firm in the United States."

Gursten called it a "terrific opportunity" to learn how a highly successful trial firm handling

catastrophic personal injury cases prepares for trial.

"It was a wonderful way to learn directly from [Moore] by spending time in the courtroom with him during trial and in the war rooms before trial," he said.

Is Gursten the next Tom Moore?

Only time will tell. At this rate, however, do not expect anything less.

Name: Steven M. Gursten

Age: 31

Graduated: Fordham University School of Law, 1995; University of Michigan (Phi Beta Kappa), 1992

Position: Partner, Gursten, Koltonow, Gursten, Christensen, & Raitt, P.C., Southfield

Professional affiliations: Michigan Trial Lawyers Association (executive board); State Bar of Michigan (Representative Assembly); Association of Trial Lawyers of America; Oakland County Bar Association

Most valuable lesson from law school: Law school does a terrible job teaching lawyers to communicate and connect with normal people. We spend time in law school learning how to talk "like a lawyer" and we lose our credibility and likability with juries.

On the younger generation of attorneys: Younger lawyers are learning by fire and trying more cases today as insurance companies take tougher stands. This is creating a generation of better trial lawyers. For those of us not afraid to try cases, or who have the opportunities to try cases, this can only better serve ourselves and our clients in the future.

Goal upon graduating law school: Becoming an expert in trial advocacy, traumatic brain injury, Michigan no-fault law, and spinal cord injuries; becoming the type of lawyer that clients can depend upon and lawyers can trust.

On pain-in-the-neck lawyers: It is really sad, but it is a sign of the times that many insurance carriers are putting pressure on defense lawyers to behave in a less civil manner. My philosophy is that you should always try to be civil and treat everyone with respect and courtesy. However, I have to admit that with some lawyers you have to give as good as you get.

On what kind of reputation he'd like to have in the legal community: That I am a person of my word. That I will fight very hard for my clients and treat other lawyers with courtesy and decency. I believe in trust and respect and having lawyers and clients being able to trust me.

Role model(s): My father. Frankly, I never really knew how smart my father was until I started working with him. He has been an incredible teacher and mentor.

On the practice of law: We are in a major flux right now. The pendulum has swung very far

to the right. Many lawyers have lost faith in our higher courts. Precedent seems increasingly to be replaced by political expediency. It remains more true now than ever before as times continue to get tougher that if you are excellent and trustworthy other lawyers will seek you out to refer you cases.

On where he'll be in 10 years: I believe very passionately in our civil justice system and in the right to trial by jury. I want to play a role in society in forcing insurance companies and corporations who wreak havoc on people's lives to become accountable. I want the public to understand what is really happening today. Insurance companies are spending millions of our premium dollars on tort reform propaganda to mislead the public about a crisis that does not exist.

Advice for young lawyer wannabes: There are a lot of lawyers out there and the supply continues to grow. Unless you can distinguish yourself in some way and build the skills necessary to become an expert in a field, or develop the general skills necessary to become a very good trial lawyer, you will face increasing difficulties. Also, if you don't genuinely like people and want to help them, don't even think of practicing plaintiff personal injury law.
