

# MICHIGAN LAWYERS WEEKLY

**Steven M. Gursten**

## **Lawyer of the Year**



*In 2001, Michigan Lawyers Weekly named Steven M. Gursten as one of our "Up & Coming Lawyers." And, boy, were we right.*

*From the day he got his license to practice law, Gursten has impressed. He began his career by becoming the youngest lawyer in Michigan history to receive a million dollar jury verdict. Perhaps the most notable aspect of the verdict, though, was that it was in Oakland County—where juries are known to be more conservative—on a soft-tissue injury case in which Allstate was offering only \$10,000.*

*Gursten ultimately settled the case for more than five times the insurer's \$100,000 policy limits.*

*Gursten did not slow down after that. In fact, in the six year period from 1998 to 2004, he secured the largest reported auto accident verdict in Michigan three times. Considering the fact that approximately 4,000 Michigan attorneys say they handle personal injury cases as part of their practice, the odds of accomplishing this feat are astronomical.*

*Gursten is clearly doing something right. Perhaps it's the fact that his firm is the largest in the state specializing in serious car and truck accident cases. Perhaps it's the fact that he's willing to take difficult cases to trial and continues to receive spectacular results. Perhaps it's the fact that he practices law with honesty and integrity. Most likely, it's all of these things.*

*That said, what could he possibly do for an encore? Well, how about a year like the one Gursten had in 2005?*

*Among other things, he secured his largest settlement to date - \$9 million on an auto injury case that was anything but a slam dunk. When it was all said and done, the pain and suffering portion of the settlement turned out to be one of the largest in the state's history.*

*One might wonder why Lawyers Weekly waited until now to name Gursten as one of its Lawyers of the Year when he's obviously leading the way in his field every year. But when you consider the fact that he entered his 10th year of practice in November, and has grown from "Up & coming Lawyer" to arguably the best in the business, capping it off with his biggest year to date, our timing couldn't be better.*

**Q** When you settled the Norris case in July, it was the biggest auto injury settlement in Michigan in nearly 10 years. That distinction was short-lived, however, as we learned of an even larger verdict shortly thereafter. What can be learned from your experience?

**A** Practicing law is a humbling experience, and I am reminded of that every day. I handle cases with defense lawyers around Michigan, and some of them are among the brightest and best lawyers in Michigan. The other settlement was an outstanding settlement and the lawyers handling it did very good work. That case involved an out-of-state resident and they were going to blackboard economic damages, including a life care plan approaching nearly \$20 million that normally would not apply in Michigan because of our no-fault law. It was smart lawyering. They caught a huge break with an out-of-state resident and they were able to exploit it to achieve a great settlement. My own case was different because I was dealing with a Michigan resident, who had almost no economic damages, and the \$9 million was almost entirely pain and suffering. It was settled four days before trial.

**Q** Tell us a little bit about your other big victories this year.

**A** I don't like to call them victories. I help people. It is about my client, not me. I am helping people who have no one else to turn to, who often are disabled from work, not getting paid medical benefits or wages they are owed. You are dealing with insurance companies that insure the car or truck that caused these injuries to begin with that seem to do almost anything to avoid being held accountable for the injuries that they cause.

**Q** Unlike a lot of other plaintiffs' lawyers, you don't advertise to the public. As such, how are you able to get such big cases?

**A** It's funny. We don't advertise. We don't even have an ad in the Yellow Pages. We don't have commercials on television. With the exception of running some small ads in your newspaper and having an Internet website, we don't do any advertising, but we are the largest firm in Michigan specializing in handling serious car and truck accident cases.

Most of our biggest cases come from other lawyers. Success seems to build upon success. Ten years ago, when I received that million-dollar verdict for a soft-tissue case, everyone wanted to start referring me soft-tissue cases. Since then, I've had a number of million-dollar verdicts and settlements for brain injuries, so everyone wants to refer me brain injury cases now. My dad always says it doesn't matter how many lawyers there are out there, if you are excellent and get great results, lawyers will beat down your door to refer you cases. That's become our business model, so to speak. We guarantee lawyer referral fees, and we try to completely specialize in only one area of law. We only handle serious car and truck accident cases, and we try to do it better than anyone else year in and year out.

**Q** With the current state of the law, particularly *Kreiner v. Fischer*, are there enough good cases to go around? How do you continue to get the volume of cases you do?

**A** The sad thing about *Kreiner* is that there are so many good cases that are being lost unnecessarily because of lawyers who are not documenting injuries and impairments to succeed under our new law. That means that there are people who were hurt through no fault of their own who are being denied compensation for their injuries.

**Q** Our referrals from other lawyers have never been higher than right now, and we have never been busier than we are now. This is because of *Kreiner*. Handling auto accident cases successfully is harder now than ever before, more expensive, the law is worse, and the area is now far more complicated and complex with ERISA liens, Medicare liens and everything else. I think lawyers who have general practices and who used to dabble in a little personal injury work now and then no longer want to deal with all of this aggravation for the money they are making on these cases. More lawyers are referring these cases to specialists.

**Q** You've become one of the leading experts in the intricacies of *Kreiner*. How?

**A** Success always seems to build on success. And hard work makes luck. No one works harder than I do. I also think it helps because we are so sub-specialized in only handling serious car and truck accident cases, that the lawyers in our office will often see things sooner or are forced to deal with something sooner than most other lawyers. We already have the work product. But remember, law is a humbling profession and I deal everyday with some very smart lawyers. I am constantly seeing new things and learning new things. I am lucky that I work in an office with other excellent lawyers, and I am lucky that I am able to practice law with my dad. I'm third generation here, and it's a lot of fun working with him. There are a lot of outstanding trial lawyers here to bounce ideas off of.

**Q** Aside from *Kreiner*, what is the biggest challenge you face as an auto lawyer?

**A** (Laughing) Patience. You want to help everyone. I see so much injustice. You can't just be in it for the money, you have to really like people and want to help them. People really don't understand how bad it is here in Michigan. We have no bad-faith law, no punitive damages. Insurance companies treat people in ways, and get away with things here, that they can't in most other states.

I have a wonderful wife and beautiful little girl who I love to spend time with, and you have to be careful because with this job, you could easily work 24 hours a day, seven days a week if you let yourself. I believe good lawyers always find more to do on cases, not less, and there is always more you can be doing.

- Lynn Patrick Ingram