



Michigan court sets new standard in injury lawsuits

2004 decision in compensation case tossed out

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DETROIT - The Michigan Supreme Court has thrown out a 2004 decision and opened the door for more lawsuits by people seeking compensation after being injured in vehicle accidents.

The court, in a 4-3 decision, said conservative justices in the majority six years ago were too strict when they interpreted Michigan law about the impact of injuries on someone's ability to lead a normal life.

"This is huge," said lawyer Steven Gursten, whose specialty is auto cases. "The way Michigan law was changing, it was going to eliminate almost everyone who had been seriously injured in a car accident. That was not the intent of the Michigan Legislature."

An insurance trade group criticized the decision and predicted higher rates for motorists.

The court ruled in favor of a Genesee County man who suffered a serious ankle injury when he was run over by a truck at work. Under Michigan's no-fault law, people hurt in a vehicle accident can recover lost wages and money for medical bills from their own insurer but suing a third party for pain and suffering is tougher.

Lower courts, citing a 2004 decision by the Supreme Court, had ruled against Rodney McCormick, noting he still had a job at the same pay and was living a normal life.

But Justice Michael Cavanagh, writing for the majority, said state law "merely requires that a person's general ability to lead his or her normal life has been affected, not destroyed."

Cavanagh was joined by Justices Marilyn Kelly, Diane Hathaway and Elizabeth Weaver. In a dissent, conservative justices Stephen Markman, Robert Young Jr. and Maura Corrigan warned that Michigan's no-fault insurance system now could become financially stressed.

The Insurance Institute of Michigan, which represents more than 90 companies, said motorists will see higher rates.

"The decision rewrites the standards ... and will provide for additional litigation and could seriously undermine the viability of our no-fault statute," director Pete Kuhnmuench said.

Gursten, however, said the ruling simply moves Michigan law back to where it was before the court's 2004 decision.