

MICHIGAN LAWYERS WEEKLY

www.milawyersweekly.com

Stopping ‘ambulance-chasing’ lawyers is an issue that everyone should support

BY: Steven M. Gursten, Esq.

July 8, 2013

Dear Editor:

Accident victims and their families deserve to be protected against intrusive and insensitive attorney solicitation letters. These letters start arriving almost immediately after a family member has been involved in a car accident. These letters are increasingly being accompanied by aggressive phone calls and even by people knocking on the door.

Thankfully, two courageous members of the Michigan House of Representatives have stepped forward to provide some protection.

Leading the welcome, bipartisan charge to end this practice of aggressive attorney solicitation are Rep. Ellen Cogen Lipton, D-Huntington Woods, a respected member of the Michigan Bar, and Rep. Joseph Graves, R-Argentine Township.

Together, Lipton and Graves have proposed a package of bills, House Bills 4770 and 4771, which impose a 30-day restriction on access to the records containing accident victims’ contact information and which impose a 30-day prohibition on “direct solicitation” of accident victims by lawyers and non-lawyers.

Stopping direct solicitation by non-lawyers is just as important, as proxy groups that go by names like “Michigan Accident Services” and some medical providers and chiropractors are now also contacting people who were just involved in car accidents.

If passed, HB 4770 and 4771 will shut down the “direct solicitation” currently being engaged in by lawyers and non-lawyers.

Today, there are nearly a dozen law firms and injury lawyers who are inundating recent car accident victims with a barrage of mailers, brochures, and packages of glossy promotional materials. Some lawyers are working with non-lawyer proxy organizations and chiropractors to call these people up at home and ring doorbells.

It’s time to stop this. And, that’s what the bills by Rep. Lipton and Rep. Graves aim to do.

Under Lipton’s HB 4770, lawyers and non-lawyers working on their behalf who violate the 30-day waiting period for accessing records would be guilty of a felony punishable by up to 2 years imprisonment and/or a fine of up to \$15,000.

Under Graves's HB 4771, lawyers and non-lawyers working on their behalf who violate the 30-day waiting period on "direct solicitation" would be guilty of a misdemeanor, punishable by fines up to \$15,000 and \$30,000.

As excellent as both proposals are, I think they could be improved by increasing the waiting periods from 30 days to 90 days and by making the penalty for "direct solicitation" in HB 4771 a felony punishable by imprisonment, like the penalty in HB 4770.

Nevertheless, the bills are an important start to protecting the public, accident victims, and their families. It is equally important to protect the image of the legal profession in this state from being further tarnished with the ugly brush of "ambulance chasing."

As lawyers, we have a responsibility to protect the public. We can do better.

By encouraging lawmakers to pass House Bills 4770 and 4771, this is our opportunity to do so.

Steven M. Gursten
Farmington Hills