



**SINAS  
DRAMIS  
LAW FIRM**

# Law Letter

**SINAS, DRAMIS, BRAKE, BOUGHTON & McINTYRE, P.C.**

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*Bryan Waldman*

## Governor Appoints Bryan Waldman to the Michigan Civil Service Commission

Bryan Waldman, a partner with the law firm, was appointed by Governor Granholm to serve an eight (8) year term on the Michigan Civil Service Commission. After his appointment by the

Governor, Bryan was elected to be chairperson for the Commission. The Michigan Civil Service Commission is a bipartisan group consisting of four non-salaried persons appointed by the Governor and empowered by the State Constitution to regulate all conditions of employment for the classified service of the State of Michigan.



*George Sinas*

## George Sinas Elected Director of Brain Injury Association of Michigan

The Brain Injury Association of Michigan (BIAMI) recently announced that our senior partner, George T. Sinas, has been elected to a 3-year term on the organization's State Executive Board.

BIAMI is a large statewide organization serving the needs and advocating the causes of Michigan citizens who have sustained an acquired brain injury. The Association has been at the forefront of

medical, legal and political issues confronting the Michigan brain injury community. Election to the State Board of BIAMI is a great professional honor and evidences the organization's recognition of the work that George Sinas has done over the last 30 years protecting the rights of persons who have suffered traumatic brain injury. We extend our congratulations to George for this accomplishment along with our best wishes to him as he begins his tenure as a member of the BIAMI State Executive Board.



## Two Personal Injury Attorneys Added

The law firm is pleased to announce that two new lawyers, Mark Harper and Steve Sinas have joined our personal injury group. Steve represents the third generation of lawyers in his family to practice with the Sinas Dramis law firm. Tom Sinas, Steve's grandfather, founded the law firm in 1951, with Lee Dramis. Tom's son, George, joined the firm in 1973. Mark Harper is originally from Jackson and joins the law firm having already practiced for several years, first, with a local insurance defense firm, and then, out-of-state with a real estate investment company where he served as in-house counsel. Below is more detailed background information about our two newest additions to the personal injury group at the law firm.



**Steve Sinas**

Steve Sinas received his bachelor's degree in Economics and English Literature from the University of Michigan in 2004 and his Juris Doctorate degree from Wayne State University Law School in 2007. While in law school, Mr. Sinas was a member of the Wayne State University Law School National Mock Trial Competition Team and served as President of the Wayne State University Law School Student Chapter of the American Association for

Justice (formerly the Association of Trial Lawyers of America). At the end of his law school career, Steve was awarded first place honors in the statewide American Constitution Society / State Bar of Michigan Negligence Law Section Law School Writing Competition. Steve joined the Sinas Dramis Law Firm in the fall of 2007. Steve will concentrate his law practice in the field of personal injury and automobile no-fault insurance law. He can be contacted by e-mail at [stevesinas@sinasdramis.com](mailto:stevesinas@sinasdramis.com).



**Mark Harper**

Mark Harper received his bachelor's degree in Communications from the University of Michigan in 1996 and his Juris Doctorate degree from the Detroit College of Law at Michigan State University in 1999. After graduating from law school, Mark practiced law with a local law firm handling civil litigation, primarily in the personal injury field. He then served for two years as vice president and in-house counsel for a real estate investment company in Bonita Springs, Florida. In the fall of 2007, Mark returned to the private practice of law and joined the Sinas Dramis Law Firm. He will concentrate his law practice in the field of personal injury and automobile no-fault insurance law. Mark can be contacted by e-mail at [markharper@sinasdramis.com](mailto:markharper@sinasdramis.com).

## Firm Presents Two Day "Total No-Fault" Seminar

The law firm, in conjunction with the Case Managers Society of America (CMSA), Detroit Chapter, held a two day seminar on no-fault law in Novi on February 1st and 2nd, 2008. All of the partners and senior attorneys in the law firm's personal injury group lectured on no-fault topics of interest to case managers and other medical professionals. Topics included residential accommodations, special vehicle transportation,

and attendant care claims, as well as payment and enforcement of claims and independent medical examinations. Over 200 case managers and other medical professionals attended the Total No-Fault Seminar. Continuing education credits were awarded to attendees who qualified to obtain them. The law firm hopes to hold more no-fault seminars with friends in the medical field in the future.

# State Farm Ordered to Pay Client Benefits



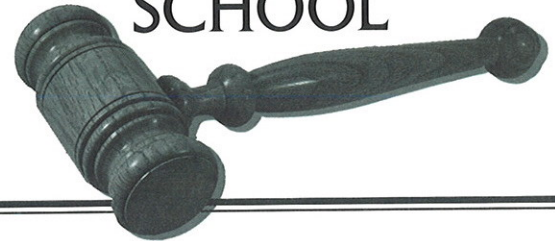
*Jim Hofer*

Jim Hofer recently won a jury verdict for one of the law firm's clients in a lawsuit against State Farm. After the client was injured in an auto accident, State Farm refused to pay no-fault benefits arguing that the client's claims were not related to the auto accident. The no-fault law requires that benefits be paid to persons who sustain injuries arising out of an auto accident.

The decision to deny benefits was made by State Farm's claims adjuster based on a one time medical evaluation of the client by a doctor hired and paid for by State Farm. Despite the fact that the client's own treating doctor did not agree with the medical evaluation, State Farm cut off payment of all no-fault benefits to the client, including reimbursement of her lost wages and payment for in-home care her doctor had prescribed. Due to State Farm's actions, the client had to borrow money from friends and family. Eventually, the client went out of the country to have the surgery her doctor recommended because State Farm refused to pay any of her no-fault claims, including medical bills.

The law firm filed suit against State Farm in Ingham County to hold State Farm accountable for paying the client's no-fault claims. Recently, the lawsuit went to trial before a jury. After a week of testimony, the jury held State Farm responsible for payment of the client's benefits. The jury did not buy State Farm's defense that the client's injuries were not related to the auto accident. They also did not believe that State Farm had properly handled this claim. State Farm was ordered to pay overdue benefits, including wage loss, in-home care and mileage incurred going to and coming from doctor's offices. The jury also awarded penalty interest because the benefits were overdue. Shortly thereafter, the case settled, without an appeal, and State Farm is now paying the client's full no-fault benefits.

## PEOPLE'S LAW SCHOOL



Time: Tuesdays, 7-9 p.m.  
Place: Cooley Law School Auditorium, 6th Floor

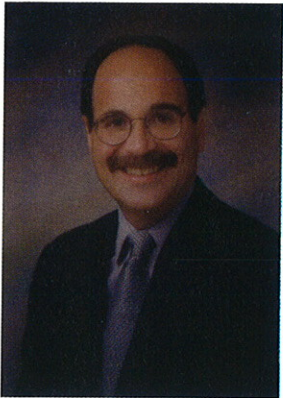
- 9/9.... Constitutional Law: Where Have We Been and Where Are We Going?
- 9/16.....Lawyers and Clients; Legal Ethics and Professionalism
- 9/23.....Divorce and Family Law
- 9/30.....Medical Malpractice and Other Causes of Action
- 10/7..... Estate Planning: The Probate Process and Mental Health Proceedings
- 10/14.....Michigan Automobile No-Fault Law
- 10/21.....Criminal Law: Know Your Rights

To Enroll, Go To [www.michiganjustice.org](http://www.michiganjustice.org)

**Admission is \$20**

# DIVORCE: WHO'S AT FAULT .....

## AND DOES IT REALLY MATTER?



**Bernard Finn**

Many clients seek legal counsel when the prospect of a divorce looms on the horizon. In nearly all initial meetings, the issue of fault for the break up of the marriage is discussed. The client is interested in pointing out the faults of the other spouse or is concerned about whether they may be held responsible for their own fault for the decline in their marriage. While the facts may be obvious to the parties, reality is seldom as clear. Fault comes in many forms, from general unkind behavior or mental abuse, to physical violence, excessive drug and alcohol use, excessive gambling, over spending, infidelity and many, many more. Determining who is at fault in a marriage is not as simple as who ran around on whom or who spent too much time shopping and not enough contributing to support the marriage. It is often unclear if such fault, even the obvious kind, caused the end of the marriage or if it was merely a symptom of an already long-standing and unsatisfactory marriage.

For the divorcing parties, assigning blame may be all consuming. For the most part, however, judges conclude that since it took two parties to make the marriage, both parties have some responsibility for its breakdown. Also, because judges are literally bombarded with allegations of fault, they often seem to lose interest in the subject of who was at fault.

So, why even discuss who was at fault in the marriage? Does it really matter who is at fault? After all, Michigan is a "no fault" divorce state. The term "no fault" in divorce law is misleading because it does not mean that fault cannot be considered in deciding a case. In truth, the no fault concept in divorce only relates to whether or not the court

has the power to finalize a divorce in a particular case. In Michigan, if the judge does not find that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and that there is no likelihood that the marriage can be preserved, then the judge is not empowered to grant a divorce to the parties. That finding does not require the judge to find one party or the other at fault. The judge can make that broad conclusion just by having one of the parties state that such is the case. **No less than 95% of all divorce cases are resolved without the court deciding who is at fault.**

So, does that mean that fault does not count at all? No, it counts..... but not for much. It is clear that as to the issues of property division, child custody, and even spousal support (alimony), the court is required by law to consider the issue of the fault and conduct of the parties as one factor in deciding those issues. However, the appellate courts have also indicated that while the lower courts may surely consider the issues surrounding fault in the marriage in deciding these important issues, there are many other factors to be considered. While fault may be relevant, it is not the only issue and it should not be overemphasized. In part, this result is a pragmatic one grounded both in the difficulty of ascertaining fault in the first place and also a view that both parties are responsible for the marriage ending. Implicit in the judicial posture not to place too much emphasis on the issue of fault is the recognition of the courts that protracting the battle about who is good and who is bad in a marriage does little but continue to embitter the parties and does even less to allow the parties to move forward in their lives and to start rearing their children as divorced parents.

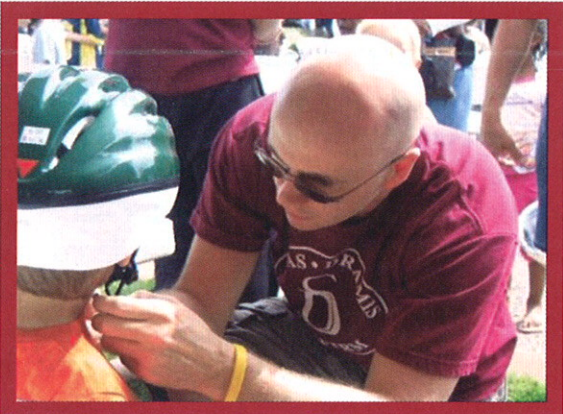
Bernard Finn is a senior partner and in the head of the family law practice group. He can be contacted by e-mail at [berniefinn@sinasdramis.com](mailto:berniefinn@sinasdramis.com).



# Law Firm Sponsors Bike Helmet Event

On Saturday, May 17, 2008, the 6th Annual Heads Up for Safety bike helmet event was held at the Marshall Street Fire Station in Lansing. The law firm was again a co-sponsor of the event along with Origami Brain Injury Rehabilitation Program and the Michigan Association for

Justice (MAJ), formerly known as the Michigan Trial Lawyers Association. The event set a new record this year by fitting 579 preschool and elementary school children with free bike helmets. Attorneys and staff members from the law firm and from the other co-sponsoring groups helped to make this event a huge success again this year!



## George Sinas Co-Moderates No-Fault Institute

The Michigan Association for Justice (MAJ), formerly known as the Michigan Trial Lawyers Association, hosted its 5th Annual No-Fault Institute on June 5-6, 2008 in Southfield. The No-Fault Institute is the leading educational workshop for attorneys practicing auto no-fault law in Michigan. George Sinas co-moderated

the No-Fault Institute. He was also a featured speaker on recent developments in no-fault law, including legislative efforts to change the threshold for pursuing a negligence claim. Steve Hicks also spoke about recent appellate rulings that have changed the practice of no-fault law in Michigan.

George T. Sinas  
Timothy J. Donovan  
Bernard F. Finn  
Michael E. Larkin  
James F. Graves

Bryan J. Waldman  
Steven Hicks\*  
James M. Hofer\*  
Janet A. Bradley  
Mark C. Harper  
Stephen H. Sinas

Barry D. Boughton  
(of counsel)  
Kenneth G. McIntyre  
(of counsel)

Thomas G. Sinas  
(1922-1985)  
Lee C. Dramis  
(1922-1981)  
Richard J. Brake (retired)  
\*also licensed in Illinois

## Four Partners Recognized as Super Lawyers

The Sinas Dramis law firm has acquired an excellent reputation throughout the state of Michigan in representing plaintiffs in wrongful death and serious personal injury cases. This reputation is evidenced by the fact that four partners in the firm, George Sinas, Tim Donovan, Jim Graves and Bryan Waldman, have now been recognized by the legal profession as Super Lawyers, according to the 2006 and 2007 editions of Michigan Super Lawyers. Aside from the honor of having four partners named as Super Lawyers, attorneys from the law firm have received numerous other honors and awards

over the years, including awards from the Ingham County Bar Association, the Michigan Brain Injury Association, and recognition in The Best Lawyers in America. The law firm has had three attorneys serve as President of the Michigan Trial Lawyers Association, two attorneys serve as Chairman of the State Bar Negligence Law Section, two attorneys serve as President of the Ingham County Bar Association. In addition to a widely recognized personal injury field, the law firm is also known for its excellent reputation in domestic relations practice.

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