

Law Letter

Winter 2010



Sinas, Dramis, Brake, Boughton & McIntyre, PC
3380 Pine Tree Road • Lansing, Michigan 48911

In the Pursuit of Justice Since 1951
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Attorneys Donovan, Finn and Graves among "Best"

George T. Sinas first attorney to achieve Best Lawyers "Lansing Personal Injury Litigator of the Year" designation

A new, prestigious designation by *Best Lawyers* was awarded senior shareholder George T. Sinas, when he was named "Lansing Personal Litigator of the Year" for 2009. He is the first Lansing attorney in his specialty to earn the honor.

Best Lawyers established the award as a way to honor only the highest-performing attorneys in six high-profile legal specialties in large legal communities nationwide.

Annually, *Best Lawyers* compiles lists of outstanding attorneys through an exhaustive peer-to-peer review process, whereby thousands of leading lawyers confidentially nominate and then evaluate their peers, for—among other things—each attorney's abilities, professionalism and integrity.

Selection was limited to those attorneys who, like Sinas, received particularly high ratings from their peers in the last two annual surveys. *Best Lawyers* further limited the honor to no more than one lawyer in each of the specialty areas for each identified geographical area.



George T. Sinas

Besides Personal Injury Litigation, other specialty areas with attorneys named "Lawyer of the Year" include: Banking Law, Bet-the-Company Litigation, Corporate Law, Family Law and Real Estate Law.

Three other Sinas Dramis attorneys—Timothy J. Donovan, Bernard F. Finn and James F. Graves—have also earned recognition as "Best Lawyers in America," appearing in the annual publication, also in consecutive years: Donovan (2001-2010) and Graves (2006-2010) in the field of personal injury litigation; and Finn (2001-2010) in the area of domestic relations law.

George T. Sinas has been recognized as a "Best Lawyer in America" for 22 consecutive years, from 1989 through 2010, in the field of personal injury litigation.

phone 517-394-7500

email sinasdramis@sinasdramis.com



**SINAS
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In separate trials, State Farm and negligent motorist, insured by Farm Bureau, held accountable for payment, compensation

Two Sinus Dramis attorneys—Stephen H. Sinas and James M. Hofer—recently earned hard-fought victories for their clients. Sinas’ case was a first-party cause of action against State Farm Insurance Company for its denial of benefits under Michigan’s no-fault law; Hofer’s was a third-party case where his client was denied adequate compensation for her pain and suffering damages by Farm Bureau, the insurance company for the at-fault driver.

State Farm’s “frivolous denial” further harms injured boy

Steve Sinas prevailed on behalf of his client following 17 months of litigation—and 15 minutes of jury deliberations.

It was, he says, not a matter of a frivolous lawsuit but, rather a “frivolous denial.”



Stephen Sinas

The case involved State Farm’s refusal to pay medical providers less than \$14,000 in expenses for brain injury behavioral management services for a northern Michigan boy who had suffered a traumatic brain injury (TBI) in a 1997 motor vehicle accident (MVA) when he was five years old. Following the MVA, the youngster manifested severe behavioral problems, which his doctors attributed to his brain injury. During adolescence, those behaviors worsened: he became violent toward his mother and showed suicidal tendencies.

In 2006, after another attempted suicide, the boy was institutionalized for nine months in a neurological-rehabilitation center and then transitioned home. Orders from his medical providers included a strict behavioral management program, to be provided by counselors trained in brain injury behavioral management and to include in-home therapies to assist the mother in managing her son’s behavior and in helping him to maintain a regimented daily schedule and a non-threatening, non-violent relationship with her. Counselors also arranged a summer job for him.

These services continued for about five months, during which time the youngster successfully remained at home.

The total amount incurred was less than \$14,000. But when it came time to pay, State Farm balked.

State Farm said the victim had already received these same therapies in the past and, therefore, they were not obligated to pay for ongoing treatment. Yet not a single medical professional supported the insurer’s position.

The boy’s treatment team—three specialty physicians, two psychologists and a nurse case manager—vehemently disagreed with State Farm. Each testified that ongoing brain injury behavioral management services are typically required for someone suffering TBI,

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especially a brain-injured boy going through adolescence. As such, they said, the services provided were reasonable and necessary for the boy's care, recovery and/or rehabilitation, as allowed under the Michigan No-Fault Act.

Prior to trial, State Farm offered to pay 40 percent of the unpaid medical bills. The client refused, opting to let a jury decide the matter. In his closing, Sinas asked jurors to consider the promise of Michigan's no-fault law, if all it takes to break that promise is one insurance adjuster denying a claim with no basis or authority to do so. After deliberating for only 15 minutes, the jury awarded the full amount of medical expenses owed, plus penalty interest.

Despite the trial's outcome, though, Sinas says the insurer's actions continue to impact the victim. He went on to explain that State Farm's denial of payment led to the termination of services from medical providers no longer willing to go unpaid. Without treatment, the boy's behaviors regressed, eventually landing him in trouble with the law and, subsequently, resulting in court-ordered institutionalization or jail time. The teen now undergoes intensive inpatient treatment at a neuro-rehab facility.

"State Farm forced this to litigation. Even more egregious is the additional harm the company's actions brought to an already seriously injured victim."

"If not for State Farm's denial of this victim's rights under the law," says Sinas, "the outcome could have been much different, much better, for him."

Jury says Farm Bureau's assessment of "age plus injuries" doesn't add up, awards 89-year-old woman \$90,000

In the case tried by James M. Hofer, another jury determined all citizens—even the elderly—deserve equal protection when injured by the negligence of another motorist.

In that case, Attorney Hofer represented an 89-year-old woman in a third-party automobile suit against the at-fault motorist who was insured by Farm Bureau. Three years prior, Hofer's client had been involved in a motor vehicle accident. Among injuries the woman sustained were a fractured rib, fractured sternum, and musculoskeletal damage.

Farm Bureau, the defendant's insurer, had determined the injuries did not seriously affect the quality of the woman's life, especially, according to the insurance company's claims adjuster, since she had not required any surgery for her injuries and, too—in large part, because of her age.

Farm Bureau also believed that a conservative jury in a conservative county would agree with its position and ultimately deny a substantial award to the plaintiff on those grounds. When the company did

not want to settle for an amount Hofer and his client considered reasonable, Farm Bureau gambled—and lost.



James M. Hofer

Hofer said the jury not only vindicated his and his client's view that the quality of her life had been adversely affected by her injuries, but that she also deserved just compensation as a result.

Equally if not more important, said Hofer, is that the jury sent a clear message to insurance companies that even a vulnerable citizen—in this case, an elderly woman—is entitled to the same protections and benefits under the state's no-fault law as any other injured person, regardless of age.

“Heads Up for Safety” helmet giveaway aims to prevent brain injury to kids

Hands-down, the 2009 Heads Up For Safety bicycle helmet giveaway was another rousing success.

The Michigan Association for Justice (MAJ) kick-started the helmet safety campaign in southwest Michigan in 2000. It's since provided an estimated 20,000 free bicycle helmets to kids throughout the state.

In 2003—and in concert with MAJ—the Origami Brain Injury Rehabilitation Center, ABC-3 and the Sinas Dramis Law Firm partnered to bring the program to Lansing. Dubbed “Heads Up For Safety,” the local event has furnished upwards of 2,600 free helmets to area children—a record 600 this year alone. WFMK-99.1 joined the effort the last two years. The station produced and aired public service announcements, and also provided a live feed from the Lansing Fire Department's Marshall Street Fire Station, “home” to Heads Up since 2007.

In prior years, the program rotated locations among Lansing-area schools. Once the LFD joined the initiative, participation doubled.

Organizers say the area businesses that provide raffle prizes, goods and services, and the volun-

teers donating their time, are crucial to the effort. Some organizers see the tragic consequences when children suffer bicycle-related trauma: the Origami rehab team helps kids and their families put their lives back together; Sinas Dramis attorneys represent them in legal cases.

“If we save even one kid, it'll all be worthwhile.”

“We do this,” says George T. Sinas, “because we are all convinced we can do a lot more to prevent brain injuries to children. And we're able to do more because of the tremendous support we receive.”



Sinas Dramis staff were among dozens of community partners and volunteers on hand for the 2009 “Heads-Up” helmet giveaway event in Lansing.

People's Law School: A real-life, reliable & long-running legal series

In 1978—a full 12 years before *Law & Order* premiered on NBC—People's Law School made its debut in Michigan.

The former has nothing to do with the latter: while it may pass for art imitating life, when it comes to matters of the law, citizens are better off placing their trust in “real-life” legal experts—not those who play one on TV.

People's Law School (PLS) gives citizens a close-up look at the real deal. Credit the Michigan Association for Justice (MAJ) for creating the opportunity. MAJ launched the initiative in Detroit over 30 years ago; it's since spread to almost every state in the nation. PLS educates consumers about their rights in seven different areas of the law because, say legal experts, the more people know about the law, the more they can protect themselves.

In the early 1980s, MAJ and the Sinas Dramis Law Firm brought PLS to Lansing. When the Thomas M. Cooley Law School joined the partnership a few years ago, the locally-based program really gained steam, and attendance nearly doubled. The law school even opened its doors, providing space for increased class sizes.

By all accounts, interest remains high: when PLS 2009 got underway in September, for example, close to 300 area residents were in class. Three attorneys

from the Sinas Dramis Law Firm were there, too. James M. Hofer organizes and moderates the seven-week class in Lansing; senior shareholder George T. Sinas lectured on the Michigan automobile no-fault law at one session; and Bernard F. Finn led another class on divorce and family law. All attorneys, legal experts and law professors donate their time to the program. And MAJ, Cooley Law School, and Sinas Dramis underwrite all expenses, allowing organizers to keep this law school's tuition affordable for everyone. The course runs only \$20 per person. Hofer estimates there have been about 2,500 graduates from Lansing's PLS since he's taken over.

PLS meets once a week for a two-hour class that generally includes a lecture and/or presentation, and a question-and-answer period. Besides those topics covered by Sinas Dramis experts in PLS 2009, other sessions included: constitutional law, estate planning, long-term care planning and elder-law issues, unemployment benefits, and criminal law (know your rights). For information on PLS 2010, log on to www.sinasdramis.com.



Sinas Dramis attorneys author winning brief

An amicus brief authored by Sinas Dramis attorneys George T. Sinas and Steven A. Hicks took top honors among winning entries for the 2009 *Thomas L. Cooley Law Review* “Distinguished Brief Award.” Liisa Speaker of the Speaker Law Firm co-authored the brief, filed on behalf of CPAN (Coalition Protecting Auto No-Fault) in *United States Fidelity Insurance & Guaranty Company*

v Michigan Catastrophic Claims Association. Among issues argued: how and when no-fault medical expenses are paid, and how much.

The attorneys' work proved instrumental, when the Michigan Supreme Court recently rejected MCAA's position in support of CPAN's. Read more at www.sinasdramis.com.

Sinas, Dramis, Brake, Boughton & McIntyre, P.C.
3380 Pine Tree Road • Lansing, MI 48911-4207
Phone (517) 394-7500 • Fax (517) 394-7510
www.sinasdramis.com

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

Attorneys for Injured People

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Legal Representation Throughout the State of Michigan

George T. Sinas
Timothy J. Donovan
Bernard F. Finn
Michael E. Larkin
James F. Graves
James M. Hofer
Janet A. Mendez
Mark C. Harper
Stephen H. Sinas

Thomas G. Sinas • Lee C. Dramis • Richard J. Brake • Barry D. Boughton • Kenneth G. McIntyre
(1922-1985) (1922-1981) (Retired) (Retired) (Of Counsel)
