



State Supreme Court Decision Restores Rights of Car Accident Victims, Michigan Attorney Says

Bloomfield Hills personal injury lawyer Thomas L. Stroble says a recent Michigan Supreme Court ruling will give car accident victims a better opportunity to recover full and fair compensation for their injuries.

Bloomfield Hills, Michigan ([PRWEB](#)) August 12, 2010 -- Thanks to a recent Michigan Supreme Court decision, car accident victims will get a fair chance to be fully compensated for injuries caused by negligent and reckless drivers, Michigan personal injury attorney [Thomas L. Stroble](#) says.

The high court's July 31 decision in McCormick v. Carrier (No. 136738) overruled a 2004 decision, Kreiner v. Fischer (No. 124120), which had made it nearly impossible for personal injury victims to recover non-economic damages, such as pain and suffering, under Michigan's no-fault insurance law, Stroble says.

"Because of Kreiner, [Michigan car accident victims](#) had been told by insurance companies that unless their lives were completely changed by an injury, they had no case," says Stroble, who practices at the Bloomfield Hills-based personal injury law firm, The Stroble Law Firm, P.C.

The McCormick decision brings the law back to what the state legislature intended when it enacted the no-fault insurance law in 1995, Stroble says.

"This decision gives auto accident victims the fair chance they deserve to recover damages for very real, very serious injuries," he says. "And any suggestion that this decision makes new law, or that it will lead to a flood of lawsuits and increased insurance premiums, is simply wrong."

Under the Michigan No-Fault Act, auto accident victims can recover non-economic damages only if they have suffered a permanent serious disfigurement or a "significant impairment of a bodily function."

The law defines significant impairment of a bodily function as "an objectively manifested impairment of an important body function to lead a normal life." In Kreiner, the Supreme Court raised the threshold by requiring the victim to show that the injury altered the "course or trajectory" of the victim's life.

In McCormick, a case involving a man who had undergone two surgeries to repair a broken ankle, the Supreme Court overruled Kreiner by throwing out the "course or trajectory" requirement.

"The auto insurance companies realized the 'course or trajectory' test was too high, and they were using Kreiner to force victims to file lawsuits they knew would likely be denied," Stroble says.

"But, hopefully, this practice will end under McCormick," he says. "Now, insurance companies will be forced to recognize legitimate claims and deal with innocent victims in a fair and just manner during settlement negotiations. McCormick may actually reduce lawsuits."

Stroble disagreed with auto insurance industry claims that McCormick will lead to an increase in insurance premiums.



According to the Michigan Association for Justice (MAJ), the state's trial lawyers' organization, auto liability insurance premiums typically represent only 20 percent of a person's total auto insurance premium. Also, auto insurance premiums did not drop during the Kreiner era, the MAJ states.

"This shows there is little, if any, link between the Michigan auto tort threshold and the cost of liability insurance," Stroble says. "However, instead of the premiums benefitting only the insurance companies, auto accident victims will have the chance to receive the benefits they are entitled to under their policies."

About The Stroble Law Firm, P.C.

[The Stroble Law Firm, P.C.](#) is a full-service law firm based in Bloomfield Hills, MI, which represents automobile accident victims and their families throughout the state of Michigan, including Macomb County, Warren, Clinton Township, Sterling Heights, St. Clair Shores, Mount Clemens, Utica and Roseville. The firm's personal injury practice areas also include truck accidents, motorcycle accidents, medical malpractice, birth injuries, slip and fall, dog bite and wrongful death cases. To learn more about The Stroble Law Firm, P.C. call (248) 454-0800 or (888) 454-0801 or use the firm's [online contact form](#).

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