

# The Rights Advocate



## WE ARE YOUR RIGHTS ADVOCATES.

AT LISS & SHAPERO IT IS OUR MISSION TO PROVIDE CLIENTS WITH

QUALITY LEGAL GUIDANCE AND MEANINGFUL RESULTS.

To the everyday person the name *Kreiner* has no significance. But, to people who have been injured in an auto accident, this name has become a painful reminder of a day that may never be forgotten.

As one of the most notable court rulings in recent years, *Kreiner v. Fischer* has seen much support and—not surprisingly—much opposition from auto accident victims, the medical community, and personal injury attorneys alike.

*Kreiner v. Fischer* is the 2004 Michigan Supreme Court decision that states that in order to meet the “serious impairment of body function” threshold of Michigan’s No-Fault Act, the injuries of an auto accident victim must affect their general ability to “live his or her normal life.”

Before the *Kreiner* decision was released, a person injured as a result of a motorist’s negligence was entitled to two separate types of recoveries: economic and non-economic. Economic refers to personal injury protection

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## Premises Liability Law

Premises liability law determines the responsibility of property owners when someone is injured on their property. It's commonly known as a "slip and fall." Here are some frequently asked questions in regards to what a premises liability claim is—and how you can make sure your rights are protected.

### What is a premises liability claim?

If you're injured on somebody else's property, you may be able to file a premises liability claim and obtain recoveries if the property owner is found to be responsible for your injury.

For example, if you fall down a staircase at a restaurant and break a leg, you might have a case if the restaurant failed to fix a known problem with the stairs, such as a broken step (unless found to be an "open and obvious" danger). "Special aspects" to a defect are considered in determining liability.

However, if it were found that the staircase was in perfectly good condition, and you fell because you were being careless and didn't look to see where the step was, the restaurant wouldn't be responsible for the injury.

### What sort of claims can fall under premises liability?

Any injury that occurs as a result of a property owner or manager's negligence may be grounds for a premises liability claim.

It is important that injured persons can prove they were on the property legally, that the owner or manager had a duty of care, and that their injury was a result of negligence. Premises liability claims can include slip, trip and fall cases, other direct injury cases, and cases in which victims were injured due to a lack of reasonable security measures such as violent crimes.

### I was injured at someone's house and I want to file a claim. How do I start the process?

First, it is most important to consult our offices for advice on how best to proceed. Premises liability law is very complex.

It is important to get the feedback of an experienced attorney who can make sure you are not compromising your rights.

The process begins by having a summons delivered to everyone involved. This is the legal notification to those people that they're being sued. It also tells them the deadline to answer the summons and complaint. It's usually delivered by a process server.

### What are some common locations where premises liability-type injuries occur?

At Liss & Shapero, we understand that injuries due to unsafe areas can occur anywhere and at any time. Here are some of the common locations where unsafe conditions exist. They are:

- Shopping Malls
- Parking Lots
- Ramps
- Public Walkways
- Stadiums
- Hotels / Motels
- Supermarkets
- Warehouse Stores

*For questions about premises liability law, please contact our office at 248.584.1300.*

## In the News

Anthony Shapero recently paid a visit to the Fox 2 News Morning Show to discuss the dangers associated with the rising number of Michigan motorists scrimping on auto insurance as a way to save money.

Liss & Shapero represents clients in auto accident cases where one or both motorists don't have the appropriate coverage, leaving them with sky-high medical bills.

To avoid this, Mr. Shapero suggested to viewers that motorists be aware of four important types of coverage when choosing auto insurance to ensure they are fully protected. These include: liability insurance; broad-form collision; and underinsured and uninsured motorist coverage.

*For the full story, visit our Web site at [www.liss-shapero.com](http://www.liss-shapero.com).*



# Michigan No-Fault “Know-How”

“No-Fault” insurance is one of the most misunderstood terms used in the automobile insurance business. Michigan is only one of 12 states that require No-Fault coverage.

**When purchasing insurance, we often hear the words No-Fault, but what does this mean?**

No-Fault insurance can best be described as self-insurance coverage that insures a driver—regardless of fault in an accident.

**What items are covered under No-Fault?**

- Lifetime medical benefits, including nursing care by a non-professional relative or friend;
- Mileage reimbursement to medical facilities;
- Lost wages incurred within the first 3 years of the accident;
- The limited reimbursement of household help incurred within the first 3 years of the accident.

**Where do you seek No-Fault coverage if you are injured in an automobile accident?**

**If you are the driver:**

If you are the driver and owner of a vehicle you must go to the insurance policy on that vehicle. If that vehicle is not insured, you are not entitled to No-Fault benefits or pain and suffering damages against the party who caused the accident.

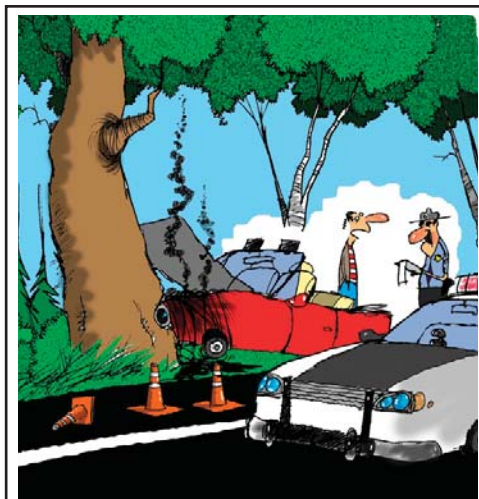
**If you are a non-owner driver or passenger, the priority of making a No-Fault claim is as follows:**

- Your own policy; (if none, then)
- The motor vehicle policy of any resident relative in your household; (if none, then)
- The motor vehicle policy of the owner of the vehicle you are driving in; (if none, then)
- The motor vehicle policy of the driver of the motor vehicle you are driving in; (if none, then)
- The State Fund

**If you are a pedestrian or injured on a bicycle, the priority of making a No-Fault claim is as follows:**

- You would go to your own motor vehicle policy; (if none, then)
- The motor vehicle policy of any resident relative in your household; (if none, then)
- The policy of the owner of the motor vehicle that hit you; (if none, then)
- The policy of the driver of the motor vehicle who hit you; (if none, then)
- The State Fund

*For questions about No-Fault insurance coverage, please contact our office at 248.584.1300.*



*“I was sending an email to a client from my laptop when I spilled the coffee I was drinking, while I was on my cell phone. So you see, officer, it wasn’t my fault.”*

www.cartoonstock.com



**Partners Robert Liss and Anthony Shapero.**

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(PIP) benefits, and non-economic—the focus of the *Kreiner* case—refers to losses, such as physical and psychological pain and suffering. While these recoveries are still available, the rights of injured people to non-economic damages have become increasingly difficult to obtain since *Kreiner*.

Following *Kreiner*, Michigan’s Supreme Court essentially rewrote the No-Fault statute, effectively legislating from the bench. The court said that unless injuries are severe enough to affect the “course and trajectory” of an injured person’s life, they are not entitled to those non-economic damages, even if they are hit by a drunk driver.

Additionally, the Michigan Court of Appeals has since ruled against 85 percent of motorists injured in auto accidents. This means that victims who have suffered permanent and life-changing injuries at the hands of negligent drivers have been unjustly denied compensation, further making their diminished quality of life an ever-present reminder of this undeserved court ruling.

This decision has made navigating the Michigan legal process—even for experienced attorneys—an uphill battle.

At Liss & Shapero we deal with this serious situation on a daily basis, fighting for the rights of our clients who suffer significant, life-changing injuries at the hands of careless and negligent motorists.

We hope you find this second installment of our newsletter informative. As always, if you have any questions, or would simply like to give us a call, please don’t hesitate to do so. We look forward to hearing from you soon.

*Robert Liss Tony Shapero*



**"I am surprised and satisfied with the professional service I have received from attorneys Liss & Shapero's office. I have not had previous experience with attorneys or law suits and I have let go of my stereotypes. The office of Liss & Shapero offered me educational advice and made me aware of my legal rights and have made me a satisfied client."**

**—M.S. Detroit**



**"Outstanding work on behalf of my case; courteous, respectable and a true friend to whomever seeks a lawyer. Liss & Shapero are here to help the little guy."**

**—M.A., Flatrock**

## **The Rights Advocate**

**At Liss & Shapero, our greatest reward is exceeding our clients' expectations and providing measurable results.**

With more than 40 years of experience, we are confident that we make a difference in the lives of our clients when they need it most. Please call our office today at **248.584.1300** to learn more about our specialized legal services.

2695 Coolidge Hwy  
Berkeley, Michigan 48072

**LISS & SHAPERO**  
ATTORNEYS AND COUNSELORS