

Category: Legal Rights and No-Fault

Auto Accident Victims: Stop, Look and Listen

By Stephen H. Sinas and Thomas G. Sinas

Sinas Dramis Law Firm

No one plans to be in an auto accident. Rather, auto accident victims are unwilling participants in a sudden and terrifying event that may change their lives forever. As Michigan auto accident victims attempt to learn about their legal rights, they must navigate through a maze of information — one that often makes it more difficult for them to recover injury benefits and move on with their lives.

One good piece of news in this maze is that auto accident victims are fortunate to have insurance coverage under the Michigan Auto No-Fault Law. This law provides the most comprehensive medical coverage for auto accident injuries in America. Yet, just as quickly as they learn about their rights, auto accident victims may be confronted with an overwhelming amount of misinformation, questionable tactics, and even criminal activity. This comes from a variety of bad actors.

One example is unscrupulous lawyers and medical professionals who attempt to directly solicit auto accident victims. These solicitations are typically to convince victims to become part of a scheme to pursue unnecessary medical treatment and work up frivolous lawsuits. Insiders call these “*runner and capper*” schemes. You may know it as “*ambulance chasing*.” This phenomenon was recently reported in Nancy Derringer’s column, “*An accident runner, a chiropractor, and the push to curb no-fault insurance*,” published by Bridge Magazine.

These types of schemes have no place in our society. The good news is that in 2012, the Michigan Legislature amended Michigan law to criminalize this conduct. Now, under Michigan law, it is a crime for anyone to directly solicit an auto accident victim within 30 days after an accident. In addition, for the first 30 days after an accident, a person or organization is prohibited from using a police report for any direct solicitation. These are good reforms that were supported by the plaintiffs’ trial bar and consumer groups like the Coalition Protecting Auto No-Fault (CPAN).

Unfortunately, these reforms haven’t deterred all the bad actors. It is common for us to see in our practice clients who receive direct solicitations. These solicitations often come in the form a phone call from a person who won’t fully identify themselves. These shadowy people usually promise a quick settlement, ask the victim to sign paperwork, or suggest medical treatment from someone that the victim has never met. Consumers should be wary of this potentially criminal conduct.

But the bad actors are not only lawyers and medical professionals. They also exist in the insurance industry. Auto accidents victims are often confronted with overly aggressive insurance adjusters who look for virtually any reason to deny their claims. The tactics

used by some insurance companies include conducting recorded interviews with the accident victim immediately following the accident. Unbeknownst to the victim, the adjuster is often seeking statements that the insurance company can later use to deny the victim's claims for benefits.

Furthermore, some adjusters will inaccurately explain the law or demand that the victim provide information that he or she is not actually required to provide.

Adjusters will also arrange for the accident victims to undergo so-called "*independent*" medical examinations. Too often, these examinations are done by doctors who, instead of treating patients, work primarily for insurance companies. In fact, recent lawsuits have uncovered that many of these "*independent*" doctors perform hundreds or sometimes thousands of insurance company examinations each year. Not surprisingly, these insurance company doctors often disregard the recommendations of the victim's medical providers and render conclusions that the adjuster uses to "*cut off*" further medical treatment. Unfortunately, the Michigan Legislature has done nothing over the past few decades to provide the people of Michigan with any further protection against this kind of insurance company conduct.

In sum, auto accident victims are not out of harm's way following an accident. To protect their legal rights, victims must exercise their own due diligence. They should be cautious about who they trust, whether it be lawyers or insurance companies. Moreover, while the Legislature considers changes to the Michigan Auto No-Fault Law, it should consider reforms that protect people from all unscrupulous conduct — including that of insurance companies.