

# COMPENSATION IN A MICHIGAN PERSONAL INJURY ACCIDENT

*If You Find Yourself the Victim of an “Accident” in the State of Michigan You Will Likely Want to Know If You Are Entitled to Compensation and, If So, How Much*



**Slusky & Walt, PC**  
Injury & Disability Attorneys



Unfortunately, the odds are favorable that you will be injured in some type of accident at some point in your lifetime. Though we use the term “accident” when someone is injured, all too often the injuries are not caused by a true

“accident”. Instead, they are frequently caused by the wrongful or negligent conduct of another person or entity. When that is the case, the victim may actually be entitled to compensation through a personal injury lawsuit. If you find yourself the victim of an “accident” in the State of Michigan you will likely want to know if you are entitled to compensation and, if so, how much. Because each “accident” involves a unique set of variables and circumstances, only an experienced Michigan personal injury attorney can review your specific case and provide you with individualized advice and guidance; however, some general information about compensation in a Michigan personal injury accident can be helpful in the meantime.

## **Are My Injuries the Result of a Personal Injury Accident?**

The first question that must be answered is whether or not your injuries were sustained in a personal injury accident. Some accidents are, truly, accidents. Of those that are not true accidents, some are handled by other areas of the law such as workers’ compensation. That still leaves a significant percentage of

situations in which a victim is injured that fall under the legal umbrella of “personal injury accidents”. Some common examples of personal injury accidents include:

- Slip and fall injuries
- Car collisions
- Trucking collisions
- Premises liability injuries
- Product liability injuries
- Medical errors
- Dog bites
- Wrongful death

## Establishing Fault

Regardless of the type of personal injury accident you were involved in, the first step in determining if you are entitled to compensation for your injuries is deciding if another party is legally responsible for causing, or contributing to, the accident. Fault can be based on intentional conduct, negligent



conduct, or strict liability. Intentional conduct, as the name implies, means that another party intentional injured you. Assault is an example of an intentional

injury. Strict liability means that the defendant is responsible for your injuries regardless of the defendant's intentions and regardless of any attempts made by the defendant to prevent injury. Dog bite injuries, for example, are based on strict liability in Michigan. Most personal injury accidents, however, are based on negligence. Negligence requires the plaintiff (victim) to prove four basic elements:

1. Duty of care
2. Breach of the duty of care
3. Causation
4. Damages

Michigan uses a comparative negligence doctrine which means that more than one party can share in the responsibility for the accident. Compensation is then adjusted accordingly. If, for example, it is determined that you were 20 percent at fault and the defendant was 80 percent at fault, the compensation to which you are entitled would be reduced by 20 percent.

## **Economic, Non-Economic and Punitive Damages**

As the victim of a personal injury accident in Michigan you may be entitled to economic and non-economic damages in most cases. Economic damages are usually out of pocket expenses such as lost wages, medical bills, or property damages. These are typically easily quantifiable as you will have a bill, receipt, or statement showing the amount. Non-economic damages are what people commonly refer to as "pain and suffering" damages. Because your non-economic damages are subjective in nature it is much more difficult to determine the value



of the non-economic portion of your injury case. Factors that are often considered when calculating the value of non-economic damages include:

- Type of physical injuries
- Severity of physical injuries
- Age and general health of the victim prior to the accident
- Future prognosis
- Scarring or disfigurement
- Family, career, and social ties of the victim

Both economic and non-economic damages are intended to compensate the victim for the injuries suffered as a result of the accident. Punitive damages, on the other hand, are intended to punish the defendant. As a general rule, Michigan does not allow punitive damages in personal injury accident lawsuits.

## Special Considerations

Certain types of personal injury accident cases are handled differently. Auto accidents, for example, must take into account Michigan's no-fault insurance laws. The victim of a car accident cannot pursue a traditional lawsuit in Michigan unless the injuries were serious, meaning they caused death, serious disfigurement, or serious impairment of a bodily function. Lesser injuries are covered by a victim's own no-fault auto insurance policy regardless of who was at fault in the collision.

In addition, damages are "capped" by law in Michigan in certain types of personal injury lawsuits. In product liability and medical malpractice lawsuits, for instance, there is a "cap" to the amount of non-economic damages a victim may receive for injuries.

If you have been injured in a Michigan personal injury accident you may be entitled to compensation for your injuries; however, because of the complexity of the laws regarding compensation, and the difficulty and valuing injuries, it is best to consult with an experienced Michigan personal injury attorney as soon as possible to ensure that you are fully and fairly compensated for all your injuries.

Center for Justice and Democracy, [Fact Sheet: Understanding Non-Economic Damages](#)

Leventhal and Dickerson, [Punitive Damages](#)

Claims Journal, [Understanding Comparative Fault, Contributory Negligence, and Joint and Several Liability](#)

AllLaw.com, [Michigan Personal Injury Laws & Statutory Rules](#)

## About Slusky& Walt, P.C.



We are experienced personal injury accident lawyers and have been successful with many settlements and jury verdicts in cases ranging from automobile accidents to dog bite injuries.

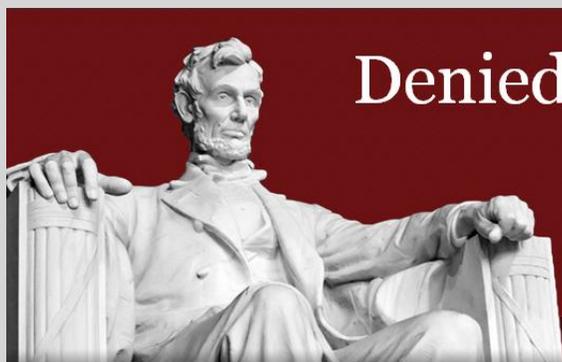
We treat every case with the aggressiveness and seriousness you would expect be given to your claim. In the event your case requires outside expertise, we have a network of trusted associates that we can refer your case to help you get the benefits you deserve.

No matter how you have been injured, please call us at 1-800-ABE HELPS. Every consultation is free and there is no fee unless we win your case.

We are experienced personal injury accident lawyers and have been successful with many settlements and jury verdicts in cases ranging from automobile accidents to dog bite injuries.

We treat every case with the aggressiveness and seriousness you would expect be given to your claim. In the event your case requires outside expertise, we have a network of trusted associates that we can refer your case to help you get the benefits you deserve.

No matter how you have been injured, please call us at 1-800-ABE HELPS. Every consultation is free and there is no fee unless we win your case.



## Denied Social Security Benefits?

# 1-800-ABE-HELPS

1-800-223-4357

*Thousands helped. Millions won.*