



CHRISTENSEN LAW

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WINTER | 2021 | ISSUE ONE

^{*}certiorari, *noun*. From late Middle English Law Latin 'to be informed' originally occurring at the start of a writ

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NOT SO OBVIOUS

Christensen Law overcomes Michigan's unfair Open and Obvious Rule on appeal.

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REWARD & RECOGNITION

Awards, accolades, and promotions.

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SEASON OF GIVING

Employees create opportunities to serve those in need.

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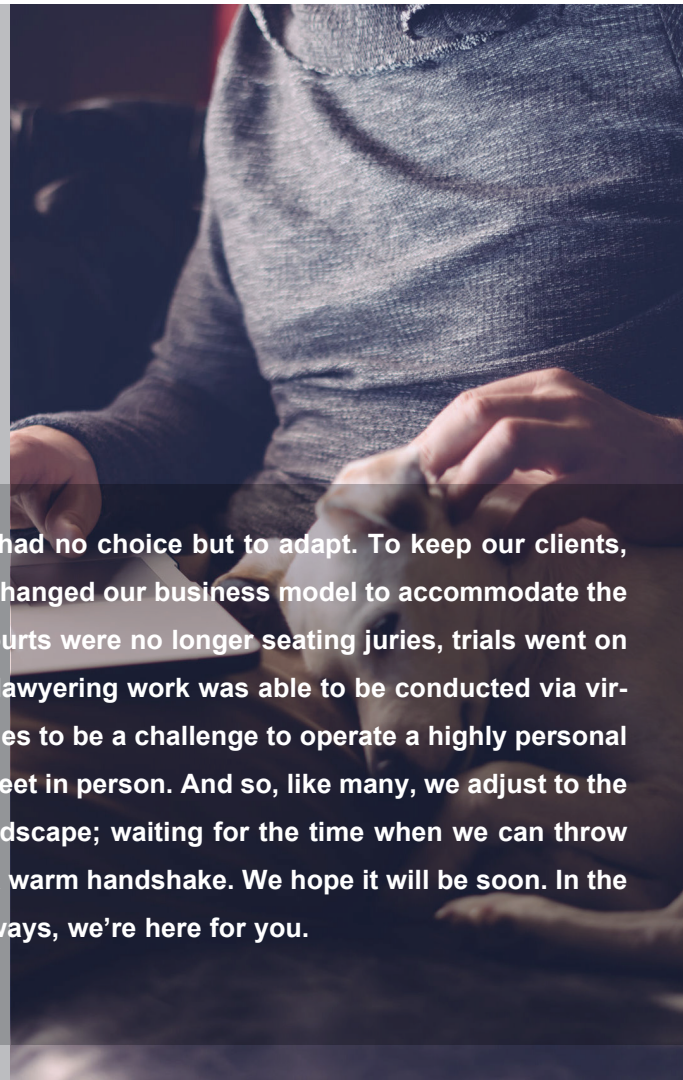
BRIEF WORDS & BLOG POST

Thoughts from founder Dave Christensen, discussion on PI case settlements.

AN UNIMAGINED YEAR | 2020 IN REVIEW

IT'S NOT UNUSUAL TO REFLECT AT THIS TIME ON THE MONTHS IN THE IMMEDIATE REAR-VIEW MIRROR. NOR IS IT UNUSUAL TO DETAIL ACCOMPLISHMENTS, TO DOCUMENT THE SUCCESSFUL PERFORMANCE OF THE CLOSING FISCAL TERM. WHAT IS UNUSUAL IS TO ACCEPT THE PREVIOUSLY UNIMAGINABLE AS OUR DAILY EXISTENCE, AND TO ADAPT TO LIVING AND WORKING IN A TIME OF SUSPENDED REALITY.

As with many families, workers, companies - literally everyone - we had no choice but to adapt. To keep our clients, our employees, and our families safe, we followed the guidance and changed our business model to accommodate the work from home mandate in the early months of the pandemic. As courts were no longer seating juries, trials went on hold, and consequently, so did many cases. Much of our day-to-day lawyering work was able to be conducted via virtual meetings and a heavy reliance on email and phone, but it continues to be a challenge to operate a highly personal service - helping people at their most vulnerable - when you cannot meet in person. And so, like many, we adjust to the immediate demands, and strive to do our best in a very different landscape; waiting for the time when we can throw open our doors and welcome you back with an unmasked smile and a warm handshake. We hope it will be soon. In the meantime, we'll reach out to let you know what's new and that, as always, we're here for you.



7 things to do at home this winter

1 UPDATE YOUR ESTATE PLANNING DOCS (YOUR WILL)
No one wants to think it, but you should consider what your end-of-life wishes are and ensure all your documents are up to date and copies provided to your executors.

2 GET A FLU SHOT AND A COVID VACCINE WHEN AVAILABLE
It's in your best interests and those of everyone else to ensure you remain healthy and protected throughout the winter months and the new year.

3 LEARN A NEW SKILL
Whether it's learning how to code, a new language, or oil painting, try something new. For your career or for fun, personal development is time well spent.

Not So Obvious

Michigan has a law that eliminates a landowner's liability for dangerous conditions if a hazard is considered **open and obvious**. This rule applies to all kinds of hazards, even when a premises owner allows ice and snow to accumulate. It has been applied very strictly and has even prevented a blind person from suing – the principle has largely eliminated lawsuits for slip and fall accidents throughout the state.

Our client was seriously injured while staying at a rustic resort on Michigan's west coast, where cabins were set among large trees and manicured lawns. The outdoors was not lit at night, so it was very dark in the walking areas under the trees.

The resort operated a small bus for guest transportation. One evening, after dark, the bus dropped our client and her friends off at the edge of the treed area, leaving them to walk across the lawn to their cabins. There were no outside lights in the area, and the heavy tree canopy shielded any natural illumination.

CASE REVIEW: MICHIGAN'S OPEN AND OBVIOUS RULE IS OFTEN USED AS A MEANS TO AVOID LEGAL RESPONSIBILITY

Additionally, the resort had done some maintenance work on the lawn, leaving a one-foot-high stake in the grass that was painted dark blue, which rendered it invisible at night. Not surprisingly, our client could not see the hazard and her foot struck the stake. She suffered a terrible fracture of her ankle, requiring surgery to repair.

The trial judge found that the stake was open and obvious and threw out the case. We felt this ruling was very unfair because nobody would have been able to see and avoid the stake.

Christensen Law fought on and appealed the ruling. The Michigan Court of Appeals agreed with us and reversed the trial judge's ruling, because the facts suggested that the stake was not open and obvious due to the lack of lighting in the area. As a result, our client obtained the compensation she deserved, as well as having her medical bills paid.

Kudos & Awards

In November, trial attorney Tom Economy celebrated his 4th anniversary since joining the firm. About working with the CL team, Tom says, "I'm the happiest I've ever been in my career." Dustin Hoff was lauded by Lawyers of Distinction and Super Lawyers as a 2020 Rising Star, while Sarah Stempky-Kime, a regular on the Rising Star* annual roster since 2013, also achieved distinction from Best Lawyers on their 2020 Top Women in the Law list, a peer nominated award. Stacey Schoenfeld and Kecha Hayes were promoted in 2020, both supporting Tom on casework and trial prep. "They have all contributed enormously to making ours a successful practice," says founder Dave Christensen, "we couldn't be happier to see them grow and be acknowledged for their effort and dedication."

**Rising Stars is an exclusive list of top-rated attorneys in specific practice areas who are chosen after thorough evaluation of numerous rigorous criteria.*

CLAW EMPLOYEES: LISTENING, PROTECTING AND WINNING FOR OUR CLIENTS



clockwise from top left:
CL Attorneys
Tom Economy, Dustin
Hoff, Sarah Stempky-
Kime; Paralegal
Stacey Schoenfeld
and Legal Assistant
Lakecha Hayes

4 PLANT SOMETHING

A window garden of herbs or flowers will provide culinary delights and visual joy. If you're patient and detail oriented, try your hand at a Bonsai tree.

5 CONNECT WITH PEOPLE

We can still spend time with friends and family, albeit at a distance. Enjoy a virtual dinner party, a group learning event, wine tasting or cooking lesson.

6 START THAT PROJECT

That's right. The one you've been quietly procrastinating for the last 10 months of quarantine. Make a start; you'll feel amazing when it's complete.

7 READ A GOOD BOOK

We've all had more time available to us without access to many of our favorite activities. Reading gives us someplace to go when we have to stay where we are.



SEASON OF GIVING Serving Our Communities

Our philosophy of listening, protecting, and winning applies not only to our clients, but also to everyone we encounter, and especially to those in the communities where we work. These principles guide our daily efforts, providing a solid foundation for well-being and service.

In a year of great hardship, the employees at Christensen Law regularly demonstrated their understanding and compassion for those less fortunate. Of their own volition, they organized numerous initiatives to feed the hungry, clothe the homeless, provide meals for frontline workers, and offer time for those who needed general assistance, a chance to talk, or advice from a “big brother or sister.” Blanket donations were collected for the Humane Society, backpacks filled with toiletries and personal care items were purchased and distributed to homeless veterans, and turkeys with all the fixings were delivered to more than a dozen families in the Detroit area this past Thanksgiving. This kind of selflessness is a testimony to the character of the team, says Managing Attorney Sarah Stempky-Kime. “Volunteering together forms a bond that transcends any particular moment of charity, strengthening our culture and reinforcing our core value of service to others.”



WINNING FOR YOU

Our commitment to excellence drives our performance in representing our clients. Despite the challenges of 2020, Christensen Law brought over 350 cases to successful conclusion through jury verdicts and settlements. We proudly defend the rights of our clients, working diligently to obtain the compensation they deserve.

248.213.4900
davidchristensenlaw.com

serving Michigan from our offices in

SOUTHFIELD | ANN ARBOR
DETROIT | GRAND RAPIDS



BRIEF WORDS FROM DAVE CHRISTENSEN

“Unimagined” does not begin to describe this year: a pandemic, a recession, racial turmoil bubbling to the surface, political division, working from home, and courts closed to jury trials. 2020 was a stew of challenges on so many personal and professional fronts; I’m extremely grateful to my family, the Christensen Law team, and our clients for seeing us through, steady and strong.

Despite these historical challenges, we have remained steadfast in our mission to care for clients and deliver results. In a year where

courts nearly stopped cases dead in their tracks, we settled over 350 cases. We expanded our charitable activities seven-fold: collecting blankets, clothes, and personal items for homeless veterans, food for frontline workers, and supported many local organizations including the Robert DeLonis homeless shelter, Detroit Horsepower, Big Brothers/Big Sisters, the Brian Injury Association, Beaumont Hospital, and many others.

We also embraced innovation in managing *how* we work, opening the Christensen Academy

to provide a safe classroom setting for our employees’ children. With personally tailored curriculum for each child, and 1:1 tutoring, the program relieves working parents from having to be part-time teachers at home as well. Two retired teachers support online learning and oversee educational and recreational activities in our classroom. We’re very proud that all our students made the honor roll this past term!

As we head into 2021, we look forward to a safe, successful, and prosperous new year for everyone.

Blog Post

PERSONAL INJURY SETTLEMENTS: HOW MUCH GOES IN MY POCKET?

Injuries caused by another party’s recklessness are painful and often costly to treat. In Michigan, accident victims can demand compensation for their losses through a personal injury claim. But how much money will you get in a settlement? That’s a difficult question to answer. Here’s the bottom line: There’s no way to know *in advance* exactly how much money you will receive in a settlement.

First, you should know that the responsible party in your case (often an insurance company) will be fighting to have your claim minimized or dismissed. In addition, the amount you are able to collect may also be impacted by state laws and insurance policy limits. The best way to learn how much you could potentially receive is by talking to an experienced attorney.

How Much Do Detroit Personal Injury Lawyers Charge

Many people worry that they cannot afford to hire a personal injury lawyer. The good news is that the majority of personal injury law firms, including us, take cases on a contingency fee basis. That means that you pay no upfront expenses for an attorney to begin work on your claim. Instead, the lawyer will charge a percentage of any settlement that you receive at the conclusion of the case. In this arrangement, the lawyer only gets paid if your case wins.

In Michigan, attorneys are permitted to collect up to one third (33.33 percent) of the total settlement amount after expenses (like filing fees, etc.) are repaid. Your financial obligations should always be spelled out clearly in your fee agreement and thoroughly explained by your attorney, so be sure that you understand what you’ll owe before you sign it.

How Much Money Will I Take Home From My Settlement?

No one can guarantee how much money you will take home. No lawyer can truthfully promise you a win. The most experienced lawyers will not mislead you by pretending that you will “likely” receive a specific amount. After all, at the beginning of a case, the lawyer has no medical records, does not know the insurance policy limits, and has not investigated any of the facts that will ultimately determine how much money a client will receive. In Michigan, you can be compensated for losses including but not limited to:

- past, current, and future medical expenses in some cases
- lost wages
- loss of future earnings
- property damage in some cases
- pain and suffering

Certain types of personal injury cases, such as medical malpractice claims, are subject to caps on the amount of money people can recover for their injuries. In other cases, the total amount of a settlement can be limited to the insurance policy limits of the responsible party. If the cost of your injuries exhausts the full amount of the at-fault party’s insurance policy, your ability to collect full compensation may be limited.

Even if you receive the full settlement you deserve, certain costs will reduce the amount you ultimately have in your pocket. The attorney’s fees and out-of-pocket expenses will come out of the settlement, as well as any medical liens or expenses that you incurred prior to receiving the award. Once those outstanding expenses are paid, the remainder of the settlement is what you will take home.