

# Friday Feature

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## 'Know' Fault

*'Sensitivity' to client needs continues to drive attorney*

By TOM KIRWAN  
Legal News

In his soft spoken and understated way, attorney Arthur Liss is a proponent of practicing law in "old-fashioned" terms, when a handshake created a bond and professional civility underscored every act of advocacy.

"It's the way I go about my business and how we as a firm operate collectively," said Liss, founder of the Bloomfield Hills firm Liss, Seder & Andrews, P.C., which specializes in no-fault insurance litigation involving catastrophic brain or spinal cord injuries. "We are focused on the principle of 'do the right thing by the client,' which guides us throughout every case we take."

And some of those cases can take more than a decade to resolve, whether in terms of a settlement or a successful trial outcome, according to Liss, a Detroit native who graduated from Wayne State University Law School in 1972, working his way through school as a process server.

"We have a very thorough case evaluation and selection process, and we as a team are committed to truly making a difference in the lives of the clients we represent," Liss explained. "We represent individuals and families who are dealing with accidents and injuries that have literally turned their lives upside down—physically, emotionally, and financially. They come to us for help, and for answers to their problems."

Which largely explains why Liss and his partners, Karen Seder and Nicholas Andrews, can be secure in their promotional claim that "We Know Fault," a statement with a dual purpose for a firm that has helped shape the no-fault litigation landscape.

Many (Michigan) Supreme Court and (state) Court of Appeals cases are our own and have helped define the responsibilities of insurance companies when it comes to long term care for the catastrophically injured," said Liss, who spent the first 20 years of his legal career in practice with his brother before forming his own firm 25 years ago. "Michigan's No-Fault law for auto accidents was adopted in 1973, and we are proud to be part of the evolution of the case law in this area to help those dealing with life-altering injuries."

Liss said that his desire to "help make a difference" for such clients can be traced to his childhood when a cousin was severely injured after falling from a roof.

"From that fall he became a quadriplegic, forcing his family to provide round-the-clock care," Liss related. "Seeing how his life changed in an instant, and how his family dealt with his care, gave me a real sensitivity to the needs of people thrust into such situations. You can't fully appreciate the scope until you know someone who is catastrophically injured, then it becomes real and deeply personal."

Liss then related the story of a 13-year-old boy, Owen Hawkes Jr., who was hiking to his



Attorney Arthur Liss and his partner Nicholas Andrews, the son of retired Oakland County Circuit Judge Steven Andrews, posed for a photo with members of the Hardrick family, whose lawsuit for attendant care benefits took 10 years to successfully resolve, according to Liss.

home in Highland Township in the fall of 1979. His seemingly uneventful day suddenly turned tragic.

"He was hit by a car and catapulted into a ditch, landing on his head," Liss said of the boy. "He suffered serious brain damage and was in a coma for more than six months. But that was just the beginning of the challenges for the boy and his mother, who spent the next 20 years taking care of her son at home instead of placing him in a nursing home."

For that act of compassion, the mother was paid a paltry \$2.68 per hour by the insurance company, a fraction of what the care cost and what a caregiver deserved, according to Liss.

"When we got involved more than 20 years after the boy's accident, we filed suit in Oakland County Circuit Court under the state's No-Fault Act, seeking greater compensation retroactively for the care the mother had provided and a higher rate of pay for future care. The result was a

multi-million-dollar settlement for past benefits and a guarantee of significantly higher rate of pay for future care."

Then there is the "Villaflor case," said Liss, as he begins to recount the legal odyssey involving plaintiff Ricardo Villaflor and his insurance carrier.

In 1994, Villaflor was seriously injured in an auto accident, to such a degree that he would require attendant-care benefits for the balance of his life.

"Over the past 20 years, we have been forced to sue the insurance company not once, not twice, not three times, not four times, but five times to have his benefits paid," Liss said in exasperation. "The case finally ended up in federal court in Detroit and then was appealed to the U.S. Sixth Circuit."

"That case should never have gotten to that stage, but there is nothing simple about playing 'David' to the insurance industry's 'Goliath' when it comes to no-fault litigation," said Liss. "All we seek is rightful compensation for our clients, not a penny more or a penny less than what they deserve. Unfortunately, in the era of tort reform, plaintiff attorneys like us have gone from 'prosecuting' a case of liability to 'defending' the cause—and conduct—of our clients. It is just part of the insurance carrier's strategy to limit payments and to shield their overall financial exposure."

Liss credits a "team approach" for his firm's success, heaping praise on his partners, Karen Seder and Nicholas Andrews.

"They each bring incredible skillsets to the firm," said Liss. "They are each extremely talented and are dedicated to the cause of the client. You probably couldn't find three more different personalities in one firm, but we are united in our legal approach and our desire to serve our clients, however much we have to invest in a case and however long it takes."

The ultimate payoff comes in the form of "thank you" notes and cards that Liss has collected and cherished since founding the firm.

"When I get a note of gratitude, I know it comes from their heart," said Liss. "That makes all the hard work and the time we've invested in a case so worth it to me. I view myself in simple



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— Arthur Liss

terms—a lawyer doing God's work."

A graduate of Mumfords High School, Liss grew up in Detroit near 7 Mile and Livernois. His father, George, was a partner in U.S. Lumber Co., a family-owned business in Detroit. His mother, Rose, was a stay-at-home mom who placed "family, friends, and community above herself," said Liss.

"Both my parents died young, at age 67, but they left a lasting mark on the lives of me and my brother Robert," said Liss. "They each placed great value on the importance of education. In that day and time, you were told to seek a career as a 'professional.' So that's what my brother and I did."

The brothers were law partners for two decades before Liss decided to branch out on his own with a firm focused solely on catastrophic personal injury work.

"I really believe that I was somehow destined to do this kind of work," said Liss. "It can be demanding and exhausting, but the opportunity to represent people who have suffered great harm

makes it all worthwhile."

Liss and his wife, Beverly, have been married for 46 years after meeting, somewhat fittingly, at a wedding reception in Houston.

"It was a case of love at first sight," said Liss. "That may sound like a cliché, but in our case it was true."

Beverly, a graduate of the University of Texas at Austin, earned her bachelor's degree in social work and nursing, and now serves as president of the Jewish Federation of Metropolitan Detroit.

"She is an amazing person who has devoted her life to good causes," said Liss of the love of his life.

The couple has three children and nine grandchildren. Their son Jeremy is a lawyer in Chicago, while daughter Lindsey owns an art studio in the Windy City. The couple's youngest, son Zachary, is a pediatric urologist in Birmingham.

"We have been blessed with wonderful children and grandchildren," Liss said. "We are a tight-knit group and we find great joy in each family get-together."



In a photo from early in his legal career, Arthur Liss used a prop to drive home a point on the long-term consequences of a serious head injury.



Arthur Liss and his wife, Beverly, who is the 28th president of the Jewish Federation of Metropolitan Detroit and just the third woman to head the organization.