

Lawsuits

County officials singing the blues over settlements

By Suzie Rollins Singer
Staff writer

Officials say it's a fallacy that county governments and road commissions have fat budgets and can shell out big bucks for lawsuits.

In the long run, they contend, it's the taxpayer who subsidizes the thousands of dollars in settlements which trickle down through government agencies.

Both Wayne and Oakland county attorneys and road commission spokesmen say that in recent years, the numbers of lawsuits filed against them have skyrocketed.

"SINCE THE mid-70s, when most states abolished government immunity, there has been an abundance of lawsuits filed against governments," said John Grubba, managing director of the Oakland County Road Commission.

"In 1973, we paid about \$65,000 for liability insurance. During 1980, we paid \$1 million.

"By 1983, we estimate we'll spend more money on insurance and payment of claims than we will on road construction — and that's a disaster," he added.

OAKLAND is not the only agency being nailed by lawsuits.

Louis Sugo, director of public relations at the Wayne County Road Commission, joins Edward L. Douglas, Wayne County's chief assistant corporate counsel, and Robert Allen, chief civil counsel for Oakland County, in battling legal entanglements.

All say their caseloads have increased substantially during the past few years.

"Our caseload has doubled in the past few years," Sugo said of the Wayne County Road Commission. "Right now, we have between 500 and 700 outstanding cases. When times get tough, people are more inclined to sue organizations that they think are collectable."

BEING COLLECTABLE, in a lawsuit with multi-

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ple defendants, often works against governments, the officials explained.

Grubba gave this hypothetical case: "Let's say a man is hitchhiking on a county road and is picked up by a woman driver. Her car is hit head-on by a drunk driver who ran a red light. She dies, and her passenger becomes a paraplegic. The drunk driver gets minor injuries.

"Then the paraplegic sues the dead woman's estate, the drunk man and road commission. We find out the woman only carried \$40,000 of insurance, and the other driver was uninsured, unemployed and has no money," he said.

"The jury awards the paraplegic \$2 million in damages against the driver who ran the red light, \$40,000 against the woman driver's estate and \$200,000 against the road commission. The law says the plaintiff can collect from all or any of the parties.

"So he decides to collect the \$2.2 million from the road commission, even though the highway agency was only found 8 percent liable."

Grubba suggests that the state establish a special fund to pay plaintiffs in such cases, because the road commission doesn't have the discretionary funds and lacks any way of increasing its revenues, since it doesn't have taxing powers.

DURING 1976, 33 lawsuits were filed against the

Oakland County Road Commission, and he expects about 55 logged for 1980.

"Since 1976, we have had 197 claims for bodily injury and paid on 169," he added. "We always try to settle, if we have any evidence that we're at fault. But we try the questionable cases.

"Courts and juries are not very sympathetic to governments. Most of the cases that go to court involve very serious injuries, and juries see insurance companies and governments who they think have lots of money and they assess high judgments," he added.

All governmental spokesmen agreed that injured parties deserve payment, but they say that many times people use lawsuits as a means of lining their pockets.

"OUR CASES increase 10-15 percent a year," says Wayne County's counselor, Douglas.

"The more the media talk about the financial chaos of the county, the more lawsuits we have. We're never able to save up a contingency fund. We have between \$10 to \$12 million in lawsuits a year, and this year we have to pay \$100,000 out in settlements."

All the county arms of government are self-insured, most paying the first \$150,000 and an umbrella policy paying the remainder.

WAYNE COUNTY, which employs 20 full-time attorneys, has a lot of lawsuits claiming negligence and medical malpractice resulting from from patient treatment at Wayne County General Hospital.

"We get about 200-300 of those a year," Douglas said. All must be investigated.

"If there's a chance of prevailing, we'll go to court. But many times in the hospital cases, the doctors or nurses or other witnesses move out of town and disappear on us," he added.

Robert Allen of Oakland said his cases have "quadrupled the last five years."

Although he couldn't put a number on his case load, he said, "if we took the lawsuits at face value, they'd definitely exceed the (\$110 million) budget."

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