PART II

THE MICHIGAN AUTOMOBILE INJURY SURVEY
Introduction

A. THE TARGETS

The Michigan automobile injury survey was undertaken because there is so much that needs to be learned and objectively recorded before citizens can make valid judgments about the reparation of personal injuries.

There was indeed much valuable information already at hand. It was possible to determine from published laws and statistics how much is paid to disabled persons, and to the survivors of deceased persons; in some areas one could even tell how much went to the automobile victims. One could also obtain estimates of total disability and death losses due to all causes, and specifically to automobile injuries. But these figures would not tell whether in individual cases everyone gets repaid three-fourths of his economic loss, or whether some get paid none of it while others get paid 200 percent. They would not tell whether most individuals draw on one or many sources of reparation. Least of all would they tell what factors seem to cause one individual to be better compensated than another, or how the beneficiaries of reparation systems perceive and appreciate their benefits.

There is much information in the reports of insurance companies on the number of claims made and paid, but it is oriented around the insured, rather than the injury victim. Although liability insurance adjusters estimate how much a claim is "worth," this is far from being an estimate of what the claimant lost; it is mingled with considerations of the degree of fault on both sides, the persuasiveness of the claimant's evidence, and the combative-ness of the claimant and his lawyer. Furthermore, insurance companies do not record how much is paid by uninsured motorists, or even by insured motorists who are required to pay beyond insurance limits.

Attorneys' fees have been studied extensively in New York City,
but these studies tell nothing about the fortunes of injury victims who put their claims forward without benefit of counsel; nor do they tell anything about attorney representation in areas less urban than New York.

The survey was therefore designed in part to get information related to that available from other sources, but filling in the gaps, and covering neglected sectors. It was to show the overlaps and gaps in reparation, as well as the aggregates; it was to show the losses of individual victims, as well as what they are paid; it was to show the collection problems of unrepresented claimants, as well as of those with attorneys.

But the survey was also aimed at kinds of information which have not been collected at all. For instance, what kinds of people are the accident victims, in terms of wealth, education, and race? Are they representative of the entire population, or peculiarly bunched among the poor, the rich, the employed, or the unemployed? How do people feel about injury reparation? Are they satisfied or unhappy with its results? What are the reasons why people recover large or small amounts of reparation? Are they occasioned chiefly by differences in accident causation, in skill of attorneys, in availability of witnesses, or disposition to litigate?

These targets seemed enough for a single safari, and experience was to prove that they were more than enough. Left aside, therefore, were such alluring subjects as the ways in which accidents are caused, or in which they could be diminished or their severity alleviated. Inquiry into subjects such as these would have required teams of engineers, psychologists, and physicians, with attendant expenses and organizational problems which were beyond the reach of the present project.

B. ORGANIZATION OF THE SURVEY

From its preliminary stages, the survey has been jointly planned and directed by lawyers and economists, the latter being also researchers in the University of Michigan Survey Research Center.
Survey elements—the sampling design, the questionnaires, the response codes, the analytical patterns, and the statistical tables—were drawn up in the Center by teams of trained specialists.

Interviews were conducted by professional employees of the Center, except in rare instances which required completion of an interview by one of the supervisors or directors of the project.

C. The Plan of the Survey

In order to get a fair picture of automobile injuries, it was necessary to select a source of information from which a representative sample could be drawn. The police files of accident reports were chosen as the most nearly complete and unbiased source.

The choice of a year for observation presented greater difficulties. It had to be recent enough so that facts could be remembered, but long enough past so that most case histories would be complete (that is, so that the case would be "closed"). No year fitted the specifications exactly, so a combination of years was taken.

The primary time segment taken was 1958, and cases were taken at random from the police records of accidents in that year. These cases were generally closed by 1960, when the interviewing began, unless they had led to lawsuits. But in cases which had been sued on, the history was often incomplete. Therefore, no attempt was made to follow the history of cases which resulted in lawsuits. Instead, a sampling was made of cases filed in court in 1957. These cases involved accidents which had taken place in 1954, 1955, 1956, or even 1957, and they were now closed cases. The histories of these cases were substituted in the sample for the histories of the 1958 injuries which had gone to suit.

In order to keep the survey within a manageable size, it was decided to make detailed studies only of relatively serious injuries in the police sample, and to be content with very general information about the minor injuries in the police sample. In order to sift the police-reported injuries for serious cases, a two-page
mail questionnaire was sent to 2782 persons drawn from the police reports. This yielded some basic information on all classes of injuries, and also revealed 297 cases which were classified as "serious" and which were selected for more detailed investigation.

The 297 serious cases from the police sample, and the 207 cases from the court sample, became the subjects for the heart of the survey—a 40-page personal interview questionnaire administered by experienced interviewers in visits to the homes or places of business of the subjects. Each subject was asked an average of about 200 questions, covering the injury, the expenses and losses of all kinds incurred by the subject, the race, sex, education, and income of the subject, and his feelings about the injury, about how he had been treated, and about a number of related subjects. A fuller explanation of the survey design is given in Chapters 9 and 10.

Although this personal interview was the most complete which has yet been administered to a large sample of injury victims, it was not entirely satisfying. The survey directors were not sure that all injury victims were accurate about the amounts of the gross settlements which had been paid on their account, nor the amounts of their legal expenses. Responses to questions in the interview indicated that many of the respondents had rather vague ideas about what were the factors which aided or obstructed their recovery of a settlement, and which accelerated or delayed it. In order to get more light on these questions and others, a further study was designed which sought information from claimants' lawyers, defendants' lawyers, individual defendants, and hospitals, on various aspects of the same cases.

These supplemental surveys are of particular value for several reasons. First, they permit an evaluation of claimants' answers. Since a great many surveys have been conducted, and probably will be conducted, on the basis of the answers of injury victims alone, information on the biases likely to be found in victims' answers
will have manifold applications, in addition to improving the accuracy of the present survey.

Second, these answers permit an investigation of how other people—especially defendants—are affected by present reparation procedures.

Third, these answers supply opinions of a representative group of lawyers who have actual experience with injury cases on what happened and why it happened in specific cases.

Finally, the extent of difference in the way various interested parties see the same event provides a measure of one of the barriers to easy settlement of disputes.

D. RESULTS OF THE SURVEY

A summary of the results of the survey is presented in the following chapters.

The first of these (Chapter 4) presents estimates on Michigan injuries as a whole—those which were compensated and those for which no one even presented a claim, the serious and the minor, the litigated and the unlitigated.

Chapter 5 reports in much greater detail on the serious injuries: what kinds of injuries they were, how much loss was suffered by their victims, how much of the loss was paid for and from what source.

Chapter 6 also deals with serious injuries, but focuses attention on the process by which damages for injuries are claimed and recovered. It deals with the victim’s decision to sue or not to sue, the “offer” which he gets from the defendant’s insurance company, and how he reacts to it, how much lawyers are paid, and how long injury victims have to wait for payment.

Chapter 7 is devoted to cases filed in court. To some extent it is repetitive of material in prior sections, because most of what is true of “serious” injury cases is also applicable to court cases, most of which involve “serious” injuries. However, court-filed cases include some which were not classified as serious, so that the
quantities are a little different. It seems useful to present a separate view of the facts about court-filed cases because of their special interest to many persons concerned with judicial administration, and because many other studies have been and will be focused on this category of cases.

Chapter 8 is pointed in a rather different direction than the rest of the report. It might be called (if it were more complete) "The Psychology of Injury Reparation." It deals with what people who are involved in injury reparation think and feel about their experiences in this ordeal.

Chapters 9 and 10 contain condensed statements of survey methods and of technical measures of survey success. More detailed information, for the use of professional statisticians, can be obtained on request from the Survey Research Center.

One reminder should be given to the reader before he launches into Chapters 4 to 8, inclusive. In these chapters, he will find a large number of assertions about automobile injury victims—how they are involved in accidents, how much they lose monetarily, how much they get paid, and how they feel about various aspects of the aftermath of the accident. Most of these assertions are summaries of the statements of the accident victims, or of survivors of decedents and parents of injured children; a few of these assertions, where specifically indicated, are summaries of the statements of claimants’ lawyers, defendants’ lawyers, or individual defendants. In no case do they rest upon the personal observations of the study staff.