

# MICHIGAN LAWYERS WEEKLY

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## WALID FAKHOURY ROYAL OAK

LAWYERS  
OF  
THE YEAR 2002



**Born:** 1964

**Education:** Wayne State University Law School; Oakland University

**Admitted to bar:** 1988

**Legal Experience:** Koory & Fakhoury, PLC (1998-present); Goodman, Eden, Millender & Bedrosian (1991-98); Elias Brothers Restaurant, Inc. (1990-91); Butzel, Keiden, Simon, Myers & Graham (1987-90)

**Affiliations:** Michigan Trial Lawyers Association; American Trial Lawyers Association; mediator — Wayne, Oakland and Macomb County Mediation Tribunals (1994-present); assistant professor, Oakland University (1991-99); District Court Magistrate, 52nd District Court (1989-93); instructor of law, American Institute of Paralegal Studies (1989-91)

*This past year, Walid Fakhoury's faith in the American Legal System was tested and, eventually, strengthened.*

*Faced with a wrongful death and civil claim involving an Arab-American young man, Ronny Hashem, Fakhoury feared that the matter might be complicated by the aftereffects of the "tragic events" of Sept. 11 on the Arab-American community. Fortunately, his fears did not materialize.*

*"It was an extremely clean trial," Fakhoury commented.*

*"The verdict is really a tribute to the jury system in the United States after 9-11."*

*The jury returned a \$12 million verdict in Fakhoury's case. The highest offer was \$265,000.*

*From his use of a jury consultant to assure an unbiased trial, to relying on his extensive background in civil litigation — and his unwavering focus on the Hashem family — Fakhoury was able to secure a positive outcome in the face of a family's tragedy.*

**Q.** *How and when did the Hashem case come to your attention?*

**A.** In August 1999, a personal friend of the Hashem family, an attorney, referred them to me. I then called Mr. and Mrs. Hashem to schedule a meeting to discuss the facts surrounding the untimely death of their son, Ronny. At this meeting, I not only had the opportunity to meet with Ronny's parents, but also with his three surviving brothers. I was immediately struck with compassion for their loss and fractured relationship due to the loss of Ronny.

**Q.** *Tell me a little about the case.*

**A.** The plaintiffs' 18-year-old son, Ronny, was a belted front-seat passenger in a car driven by defendant Mohammad Bazzi and owned by de-

fendant Les Stanford Oldsmobile, Inc.

On July 22, 1999, Bazzi drove at speeds of more than 90 mph in the right lane of I-75 in Oakland County. He overtook a tractor trailer truck traveling at 60 mph, waited until the last second to avoid a collision, tried to veer into the next lane of traffic, and failed to clear the edge of the truck.

Ronny Hashem died instantly of massive head trauma.

Approximately one hour after the collision, the driver's blood alcohol exceeded 0.11.

Prior to the collision, defendant Hassan Bazzi was driving his car in the lane adjacent to Mohammad Bazzi, which he contended was the reason the accident was unavoidable.

The driver suffered minor injuries and was subsequently convicted of negligent homicide, OUIL causing death, and other criminal offenses. He is currently serving a prison sentence as a result.

**Q.** *Did you know it would be a big case when you took it?*

**A.** At the time I started working on the case, I began to realize that, at the very least, it was a solid liability case involving the death of a child. However, I did not fully comprehend the magnitude of the case until started dealing with the professionals who were treating the Hashem family — specifically, the psychiatrists and other health care professionals. I then began to realize the devastating loss that this family incurred.

The other remaining question was whether there would be enough coverage to fully compensate the Hashem family for their loss.

**Q.** *Were you confident in your chances of winning the case?*

**A.** I was extremely confident about our chance of winning the case in front of an impartial jury. However, one of my fears was whether or not I would be able to select an impartial jury to decide the facts of the case. The tragic events of Sept. 11 made me extra cautious during selection.

Another concern I had was whether a jury could fully comprehend the devastating loss suffered by the family in the relatively short three-week trial period. However, as the trial progressed, I grew confident that the outcome was going to be favorable for the plaintiffs.

**Q.** *What was your primary argument?*

**A.** We sued Les Stanford Oldsmobile, Inc., for liability under the Civil Liability Act, MCL 257.401. In the pre-trial proceeding, the court ruled that this dealership was liable

under the statute because it had not transferred legal title and its employee voluntarily permitted a prospective buyer, Mohammad Bazzi, to use its vehicle. Once this was established, the issue became determining the “value” of the life of a young man killed by a reckless driver.

torney, one who is more willing to really listen to the needs of my clients.

Having met with the family multiple times in their home, I feel I was given an opportunity to feel the loss of Ronny with his family. After my experience with the Hashems, I have promised myself that I

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**“The verdict increases our faith that, despite the Sept. 11th tragedy, jurors will reject racial, ethnic and religious stereotypes and will treat citizens from the Middle East in a fair and compassionate manner.”**

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**Q.** *What is the significance of the decision?*

**A.** The significance of this decision is twofold. First, the jury assigned to the case proved that when presented with substantial, credible evidence, jurors can appreciate the devastating impact of the loss of a child, taken suddenly and needlessly by the negligence of an alcohol-fueled driver.

Second, the verdict increases our faith that, despite the Sept. 11 tragedy, jurors will reject racial, ethnic and religious stereotypes, and will treat citizens from the Middle East in a fair and compassionate manner.

**Q.** *How has this affected you as a lawyer?*

**A.** It has been a distinct privilege to represent the Hashem family. By meeting, communicating and socializing with the family, I came to realize how desperately the family missed Ronny. This has made me a more compassionate at-

will put myself in the position of the decedent’s family in an attempt to understand their feelings about their loss. I honestly think it offers a totally different, yet necessary, perspective on the case.

**Q.** *What can other practitioners learn from your experience?*

**A.** The primary goal of a lawyer should be to get to know his or her client. An attorney must know the facts of the case, as well as the law in the area.

Second, an attorney must take care to develop the damages to help fully explain to lay people the extent of the psychological damage a family experiences when dealing with the unexpected loss of a child in an accident.

I would also strongly suggest this to other attorneys: know your case well. Do not take anything for granted, and uncover every piece of evidence possible. Make sure that no surprises come out at trial.

You can avoid this simply by cross examining your clients as if you were opposing counsel. Question every remark your client makes. Then, when you think you have completed your examination, don’t stop; keep going. The only way to fully understand how opposing counsel will treat your clients is to cross examine them, and re-cross examine them, until you are satisfied that nothing in their testimony will damage the case at trial.

Also, you must fully prepare all of your experts for trial. Retain a jury consultant if necessary. Finally, meet several times with your witnesses, as this will help to eliminate any surprises.

**Q.** *Have you handled any other interesting cases recently?*

**A.** I am currently representing the family of two persons who were burned in a fire within the City of Detroit. The house was fire bombed by several criminals. However, our case is against the City and the firefighters who watched the flames consume the house without taking any action.

Detroit’s firefighters were not trained to use the new fire engines purchased by the City. Additionally, the firefighters failed to extend any ladders or attempt to put out the fire, possibly saving these people’s lives.

I also represented four young men who were incarcerated in the Clare County jail. The deputy sheriff wanted to scare them, so he placed them in a cell with sexual offenders. Although the men were not physically assaulted, they suffered extreme psychological distress as a result of the experience. The case was resolved when the county paid a substantial amount to settle the matter short of trial.

— MELISSA A. PENRICE

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