



Minnesota State Bar Association
Continuing Legal Education

Your State Bar at Work For You

Announcing
the **NEW**
4th Edition!

Minnesota Motor Vehicle Accident Deskbook and Seminar

Including a *NEW* fully
searchable Deskbook
on CD-ROM!

**Attend this fast paced seminar
on Complicated Issues in Motor
Vehicle Accident Cases and use the
Deskbook as a great reference tool
all year long!**

Paul McEllistrem and Mike Fargione have again assembled an expert faculty with excellent teaching skills to lead you through Minnesota's substantive law governing Motor Vehicle Accident Claims. This seminar highlights the issues which occur routinely, but which still manage to be complicated.

Thursday, May 21, 2009

Minnesota CLE Conference Center
Seventh Street & Nicollet Mall, Third Floor City Center
Minneapolis

**A Best Selling
Deskbook
for 20 Years!**



The *new* 4th Edition of the Minnesota Motor Vehicle Accident Deskbook and CD is *included in your seminar tuition fee!*

Editors-in-Chief Michael R. Fargione and Paul McEllistrem have supervised the production of the best reference tool available for handling motor vehicle accident cases. There are 18 chapters including Basic Concepts of Liability of Damages and Medical Subrogation Issues More than 1000 cases are indexed and the chapters contain useful forms, as well as practical advice and tips. You will find an objective analysis of the law that strikes a balance between plaintiff and defense perspectives. The Deskbook also includes an extensive table of contents, JIG index, statutory/rules index, case index and subject index, allowing you to locate what you need, when you need it.

Every attendee at one of this year's **Complicated Issues in Motor Vehicle Accident Cases Seminars** will receive, as part of the tuition fee, the *new* 4th Edition of the Minnesota Motor Vehicle Accident Deskbook and CD!

The Best Reference for Minnesota Attorneys and Judges!

Minnesota Motor Vehicle Accident Deskbook is the most important and best reference for Minnesota litigation attorneys and judges. Thirty-two dedicated authors have researched and drafted chapters in areas where they are the expert. Mike Fargione has edited the text to ensure accuracy and a balanced approach on every auto liability topic. This 4th edition of the Minnesota Motor Vehicle Accident Deskbook is a "must have!"

Whether You're Evaluating a Case, Preparing for a Hearing, Writing a Brief, Preparing for Trial or Just Searching for a Case – The Deskbook is Invaluable!

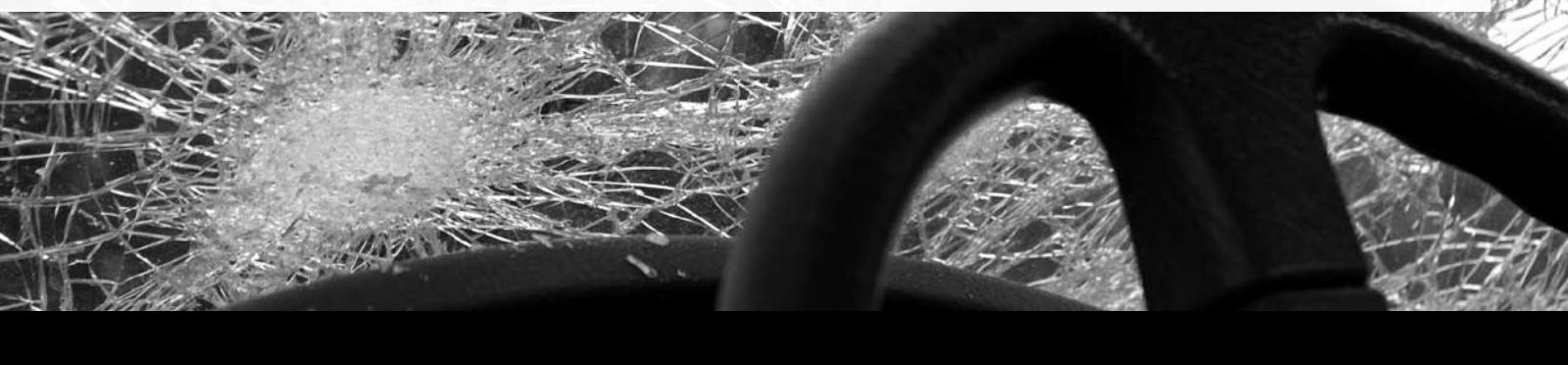
To practice auto liability law in Minnesota accurately and efficiently, the Deskbook is a must. It covers nearly every practice issue imaginable, providing you with the orientation, the analysis and the authorities you need to cite. There's no doubt – you'll be "smarter" and more effective using the Minnesota Motor Vehicle Accident Deskbook.

The Deskbook is Easy to Research

The Deskbook is replete with authority – case and statutory. Find what you need by detailed chapter tables of contents, a key word index, or a case and statutory index. The Deskbook helps you find what you need when you need it.

If You Can't Attend One of the Seminars, Purchase the *New* 4th Edition of the Minnesota Motor Vehicle Accident Deskbook by Using the Handy Enclosed Order Form

If you are unable to attend any of the live or video seminars, you may still purchase the Minnesota Motor Vehicle Accident Deskbook using the order form inside this brochure.



The Deskbook

Minnesota Motor Vehicle Accident Deskbook Table of Contents

Basic Concepts of Liability of Damages

Introduction; Basic Framework for Liability; Damages; Duties of Vehicle Manufacturers; Duties of Non-manufacturers; Other Bases of Liability

Legal Responsibilities of Automobile Owners

Introduction; Ownership and Title; Duty of Vehicle Owner for Condition of Vehicle; Owner's Responsibility Despite Lack of Owner's Active Negligence - Vicarious Liability; Owner's Responsibility When Merely Passenger in Vehicle; Owner's Responsibility to Entrust Vehicle to Competent Driver; Owner's Responsibility to Guard Against Injuries to Third Parties; Owner's Responsibility When Motor Vehicle Is Operated in Contravention of Licensing Regulations; Owner's Responsibility Diminished by Negligence of Others; Actions by Owner of Vehicle Against Negligent Third Parties; Indemnity and Contribution

Intersection Accidents, Rights-of-Way, and Obligation to Signal

Introduction; Definitions; Laws Establishing Right-of-Way; Unlawful Speed Forfeits Right-of-Way; Duty to Yield Right-of-Way; Duty of Driver With Right-of-Way; Issues for Jury: Comparative Fault; "Look and Not See" Issues; Rights and Duties Relating to Signals and Signaling

One-Car Accidents

Scope of Chapter; General Principles of Liability; Res Ipsa Loquitur; Collisions With Animals; Allegations of Negligence of the Passenger; Actions Against Government: Ice and Snow; Duty Owed to All Persons Using the Roads

Rear-End Accidents

Introduction; General Rule; Skidding; Rights and Duties of Leading Drivers; Rights and Duties of Following Drivers

Accidents Occurring When Crossing the Center Line and Passing

Introduction; Definitions; Generally - Driving on the Right Side of the Road; Applicability of Comparative Negligence and the No-Fault Act; Prima Facie Evidence of Negligence; Burden of Proof; Justification for Driving to the Left of the Center Line; Questions for Court or Jury; Rights and Duties of Passing Vehicles Going the Same Direction; Duty to Signal, Sound Horn; Obstructed View - Curves, Hills, Trees, Weather, Dust, Lights or Sun; Intersections and Railroad Crossings; Passing Lanes/Zones; Multiple Lane Highways; Passing Stopped Vehicle; Bicycles; Persons on Horseback; School Bus or Private Carrier Bus; One-Way Road; No-Passing Zones; Rights and Duties of Passed Vehicles; Last Clear Chance Doctrine; Rights and Duties of Vehicles Passing in Opposite Directions; U-Turns

Defenses Relating to Sovereign Immunity

Application of "Sovereign Immunity"; Duty Owed by Government; Notice of Claim Requirements; Snow and Ice Immunity; Statutory (Discretionary) Immunity; Official Immunity; The Public Duty Doctrine; Interlocutory Appeals

Standing Vehicles

Scope of Chapter; Stop and Park (169.32); Statutory Prohibitions Against Stopping or Parking a Vehicle (169.34); Good Samaritan Exception to Stopping and Parking (169.342); Parking Automobile Parallel to the Curb (169.35); Lights for Parked Vehicles (169.53); Duties of Drivers of Buses, Trucks and Trailers - Flares, Flags and Reflectors (169.75); Duty of One Opening and Closing a Vehicle Door (169.315)

Accidents Involving Pedestrians & Animals

Introduction; Pedestrians; Crossing the Street; Traveling on the Street and Sidewalks; Animals

Accidents Involving Motorcycles, Buses, Rental Cars & Other "Specialized" Vehicles

Introduction; Motorcycles; Bicycles; Snowmobiles; Recreational Vehicles; All-Terrain Vehicles; Trucks; Emergency Vehicles; Buses; Taxis; Rental Vehicles; In-Line Skates; Electric Personal Assistive Mobility Devices

Accidents Involving Speed

Scope of Chapter; Maximum Speed Limits; Evidence as to Speed; Minimum Speed

Accidents Caused by Alcohol and Vehicular Crimes

Accidents Involving Alcohol; Minnesota Civil Damage Act; Social Host Liability; Liability for Vehicular Crimes

Commercial Trucking Insurance

Introduction; Interplay of Federal and State Law; Federal Statutes and Regulations; Minnesota Statutes and Regulations; Selected Issues With Respect to Federal and State Regulations; Coverage Issues With Respect to Leases of Vehicles; No-Fault Maintenance or Use Issues; Indemnity Under Minnesota No-Fault; Non-Trucking Use Coverage; Coverage on Semi-Trailers; Primary-Excess Issues; Insurance Services Office (ISO) Policies

Damages in Automobile Cases

Introduction; Damages in General; No-Fault Benefits; General Damages; Special Damages; Inter-Family Recovery; Factors Limiting or Enhancing Recovery; Nominal Damages; Punitive Damages; Wrongful Death

Accidents Involving Multiple Parties

Comparative Fault; Joint and Several Liability; Prior Settlements; Suing Piecemeal; Uninsured Motorist Claims; Underinsured Motorist Claims

Medical Subrogation Issues

Introduction; Practical Approach to Medical Subrogation; General Legal Principles Governing Medical Subrogation; Plans Governed by ERISA; Government Plans; Special Circumstances

Workers' Compensation and Motor Vehicle Accident Claims

Introduction; Statutory Authority; Real Party in Interest; Statute of Limitations for Subrogation Actions; No-Fault Settlements; General Legal Principles Governing Medical Subrogation; Plans Governed by ERISA; Government Plans; Special Circumstances

the Employer's Subrogation Claim; Intervention Rights; Settlement Techniques by Employee; Benefits Subject to Subrogation; Settlement Techniques by Employer; The Distribution Formula; The Employer's Third-Party Contribution Liability; Workers' Compensation Payments as a Collateral Source; Effect of 2000 Amendments

Settlements Documents and Releases

Introduction; General Bodily Injury Releases; No-Fault Benefits Close Out Releases; Minor Settlement and Incompetent Person Settlement Agreements; Uninsured (UM) Releases and Underinsured (UIM) Releases; Pierringer Releases; Wrongful Death Releases; Drake V. Ryan Agreements; Miller-Shugart; Conclusion; Appendix - Index of Release Forms

Special Verdict Forms & Jury Instructions

General Observations; Thresholds; No-fault Deductions; Deduction of Collateral Sources(548.36)

Vehicle Accidents Involving the Federal Government Under the Federal Torts Claim Act (FTCA)

Introduction; Limitations on Actions - Timing and Requirements; Basis for a Claim; Parties - the "Appropriate" Federal Agency; Jurisdiction and Venue; Right to Jury Trial; Attorney's Fees; Punitive Damages; FORM: Claim for Damage, Injury or Death

Motor Vehicle Liability Insurance Issues

Liability Coverage Under the No-Fault Act; Persons Covered; Vehicles Covered; Minnesota Law and Out of State Liability Insurance Policies; Collecting From the Liability Insurance Carrier; Multiple Liability Coverages; Garage Policies

Uninsured/Underinsured Motorist Coverage

History of Uninsured- and Underinsured-Motorist Statutes; Issues Common to Uninsured- and Underinsured-Motorist Coverages; What Is an Uninsured Motor Vehicle?; What Is an Underinsured-Motor Vehicle?; Identifying the Source of UM and UIM Coverage; Asserting UM Claims; Asserting UIM Claims; Multiple Defendants; First Step in UIM Claim; Resolve the Liability Claim; Options If UIM Insurer Substituted Draft; Multiple Parties; UIM Insurer's Right of Recovery; Amount of UM/UIM Recovery; Other Issues; Statute of Limitations

No-Fault Benefits: An Overview

When Does a Claim Arise?; Who Pays No-Fault Benefits?; What Benefits are Available?; No-Fault Issues at Trial; Relationship to Other Benefits; Miscellaneous Issues

No-Fault Claims Handling and Arbitration

Statutory Framework for No-Fault Claims; No-Fault Arbitration; Indemnity/Subrogation; Fair Claims Practices

INDEXES

Statutes/Rules/Jig Index
Case Index
Subject Index

The Schedule

8:30 – 9:00 a.m.	REGISTRATION AND CONTINENTAL BREAKFAST	1:30 – 2:00 p.m.	Motor Vehicle Claim Involving Worker's Compensation Subrogation Claims A review of different tactics in dealing with Naigs; reverse Naigs; Easterlin notices and Henning hearings. – <i>Wilbur W. Fluegel</i> <i>Fluegel Law Office; Minneapolis</i>
9:00 – 9:30 a.m.	Government Programs One purpose of government programs is to ensure reimbursement for any payments made on behalf of an injured person when a primary payer exists. Issues arise in dealing with medical assistance and medicare in personal injury recoveries. This session will explore these issues and the risks faced by clients, lawyers and insurers. – <i>Laurie Hanson</i> <i>Long Reher & Hanson, PA.; Minneapolis</i>	2:00 – 2:30 p.m.	Multiple Underinsured Motorist Claims Many potential pitfalls exist in claims involving multiple underinsured motorist claims arising out of a single crash. Learn how to avoid the pitfalls and protect your client. – <i>Michael R. Fargione</i> <i>Mid-Minnesota Legal Services & Hauer, Fargione, Love, Landy & McEllistern, PA.; Minneapolis</i>
9:30 – 10:00 a.m.	The Uninsured Motorist Claim How to protect your underinsured motorist claim in litigation, arbitration or settlement of a bodily injury claim. – <i>Paul F. McEllistern</i> <i>Hauer, Fargione, Love, Landy & McEllistern, PA.; Minneapolis</i>	2:30 – 2:45 p.m.	Break
10:00 – 10:30 a.m.	Minnesota's New "Good Faith" Law An analysis of the new law and its effect on insurers and first party bodily injury claims. – <i>Paul S. Hopewell and B. Jon Lilliberg</i> <i>Johnson & Condon, PA.; Edina</i>	2:45 – 3:15 p.m.	Defense of No-Fault Arbitrations and No-Fault Claims This presentation cuts through the complexities of Minnesota no-fault insurance law and keeps you abreast of the latest changes. – <i>Tammy M. Reno</i> <i>Provo-Peterson • O'Neill, PA; Saint Paul</i>
10:30 – 10:45 a.m.	Break		
10:45 – 11:15 a.m.	ERISA Liens Discussion of issues involving subrogation/ reimbursement claims governed by ERISA and the implications to both plaintiffs and insurers who settle claims which include these liens. – <i>Kevin P. Hickey</i> <i>Bassford Remele, PA; Minneapolis</i>	3:15 – 3:45 p.m.	Medicare Set Aside Trusts It now appears that CMS will begin enforcing regulations on claims involving bodily injury recoveries and future medical treatment of a medicare recipient. This session will look at Medicare Set Aside Trusts as a means to protect payments for future medical expenses which will not be covered by Medicare and the impact of MSA's on other government benefits such as Medical Assistance and Supplemental Security Income. – <i>Donald G. Fernstrom</i> <i>Arthur, Chapman, Kettinger, Smetak & Pikala, PA.; Minneapolis</i>
11:15 – 11:45 a.m.	Claims Involving Alcohol Punitive Damages Claims and issues relating to BAC of the defendant driver. Hear from a plaintiff's lawyer how alcohol affects prosecuting and evaluating bodily injury claims. – <i>Andrew J. Rorvig</i> <i>Hauer, Fargione, Love, Landy & McEllistern, PA.; Minneapolis</i>	3:45 – 4:15 p.m.	Mediation How to successfully mediate a motor vehicle accident case; who to select as mediator; when to mediate the case; what information to share with the mediator; and how involved to get the mediator. These and other important issues will be reviewed by two defense lawyers who have also served as mediators. – <i>Lee A. Miller</i> <i>Arthur, Chapman, Kettinger, Smetak & Pikala, PA.; Minneapolis</i> – <i>B. Jon Lilleburg</i> <i>Johnson & Condon, PA.; Edina</i>
11:45 – 12:00 noon	Questions and Answers		
12:00 – 1:00 p.m.	LUNCH (on your own)		
1:00 – 1:30 p.m.	Governmental Immunity Defenses Learn about recent developments in motor vehicle accident claims with potential governmental immunity defenses. Hear from a lawyer practicing in this area for the Attorney General's Office. – <i>Daniel L. Abelson</i> <i>Minnesota Assistant Attorney General's Office; Saint Paul</i>	4:15 – 4:30 p.m.	Questions and Answers

Registration / Order Form

Announcing
the **NEW**
4th Edition!

Minnesota Motor Vehicle Accident Deskbook

Thursday, May 21, 2009
Minnesota CLE Conference Center

PLEASE "✓" APPROPRIATE BOX BELOW:

240-09 [hgl]

LIVE – 5/21/09:

\$325 MSBA member \$325 paralegal \$375 standard rate

VIDEO:

\$295 MSBA member \$295 paralegal \$345 standard rate

Location _____ Date _____

DISCOUNT FOR OWNERS OF THE THIRD EDITION!

I own Minnesota Motor Vehicle Accident Deskbook, 3rd Edition and have deducted \$30 from the registration fee marked above.

NEW LAWYER DISCOUNT!

I was first admitted to the bar after May 21, 2006, and have deducted \$60 from the registration fee marked above.

I have a Minnesota CLE Season PassSM. Pass # _____

Check here if address below is new.

Name (first) _____ (mi) _____ (last) _____

Firm _____

Address _____

City/State/Zip _____

Phone _____ Fax _____

E-mail _____

Profession, if non-attorney _____

Attorney License Number (if applicable) _____

PROGRAM MATERIALS:

I cannot attend. Please send me the following:

_____ copy(ies) of the *Minnesota Motor Vehicle Accident Deskbook*, 4th Edition at \$185 each.
(Available 5/28/09)

Cost of materials \$ _____

Shipping & Handling \$ _____

Subtotal \$ _____

Tax \$ _____

TOTAL \$ _____

COST OF BOOK(S)	S & H
\$25.01 – 50	\$6
\$50.01 – 75	\$7
\$75.01 – 100	\$8
\$100.01 – 150	\$9
\$150.01 – 250	\$12
\$250.01 +	\$15
Expedited shipping available	

TAX ON SUBTOTAL
Pick the appropriate tax based on where the book is received.

Minneapolis, MN	7.4%
Saint Paul, MN	7.25%
Hennepin Co. (outside Mpls.)	6.9%
Ramsey Co. (outside St. Paul)	6.75%
Anoka, Dakota, Washington Co. ...	6.75%
All other MN	6.5%
Outside MN	exempt

ENCLOSED IS \$ _____ BY:

Check (payable to Minnesota CLE)

VISA MasterCard Discover AmEx

Card No. _____ Exp. _____

Signature _____

Seminar Information

LIVE PRESENTATION

Minneapolis – 5/21/09
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

VIDEO REPLAYS

Schedule times are subject to change due to abbreviated lunch and break periods. Start times remain as indicated below. Please register at least one week in advance to secure a copy of the course materials on the day of the seminar.

Minneapolis – 6/17/09 & 7/16/09

Registration 8:30; Replay 9:00
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center

Brainerd – 7/17/09

Registration 8:30; Replay 9:00
Brainerd Public Library
416 Fifth Street South

Duluth – 6/26/09

Registration 8:30; Replay 9:00
Radisson Hotel Duluth - Harborview
505 West Superior Street

Mankato – 7/10/09

Registration 8:15; Replay 8:30
Farrish Johnson Law Office
Eastwood Industrial Centre
1907 Excel Drive

Moorhead – 6/23/09

Registration 9:00; Replay 9:15
Moorhead City Hall,
City Mall, Basement Room East

Rochester – 6/26/09

Registration 8:30; Replay 9:00
Kahler Hotel
20 Second Avenue Southwest

Saint Cloud – 6/23/09

Registration 8:45; Replay 9:00
Kelly Inn
Highway 23 & Fourth Avenue South

Walker – 7/10/09

Registration 8:45; Replay 9:00
3rd floor Jury Room, Cass Cty Courthouse
300 Minnesota Avenue

CREDITS

Minnesota CLE is applying to the Minnesota State Board of Continuing Legal Education for **6.0 CLE credits**.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who do not cancel, yet fail to attend, will receive the written materials. Passholders may purchase the materials for 50% of the full retail price.

QUESTIONS?

For further information, please call Minnesota CLE at **651-227-8266** or **800-759-8840**. Or, visit us on the web at www.minncle.org.

TO REGISTER:



MAIL TO:

Minnesota CLE
2550 University Ave. W. #160-S
St. Paul, MN 55114



ONLINE AT:

www.minncle.org



FAX TO:

Minnesota CLE at 651-227-6262



OR CALL:

Minnesota CLE at 651-227-8266
or 800-759-8840



Minnesota
State Bar
Association

Continuing
Legal Education

2550 UNIVERSITY AVE W #160-S, SAINT PAUL MN 55114

Nonprofit Org.
U.S. Postage
PAID
Minnesota Continuing
Legal Education

DATED MATERIAL — PLEASE EXPEDITE!

Editors and Authors

Michael R. Fargione

Editor
Mid-Minnesota Legal Services &
Hauer, Fargione, Love, Landy
& McEllistrem, P.A.
Minneapolis

Paul F. McEllistrem

Editor
Hauer Fargione Love Landy &
McEllistrem, P.A.
Minneapolis

William M. Bradt

Hansen, Dordell, Bradt, Odlaug &
Bradt, P.L.L.P.
St. Paul

John W. Carey

Sieben Grose Von Holtum & Carey Ltd
Fairfax

Karen Cote

Brett Olander & Associates
Saint Paul

Paul K. Downes

Sieben Grose Von Holtum & Carey Ltd
Minneapolis

Steven D. Emmings

Sieben Grose Von Holtum & Carey Ltd
Fairfax

Wilbur W. Fluegel

Fluegel Law Offices
Minneapolis

David W. Fuller

United States Attorney's Office
Minneapolis

Daniel M. Gallatin

Provo-Petersen • O'Neill, P.A.
Saint Paul

Jeremiah Gallivan

Attorney at Law
Minneapolis

Roger H. Gross

Gislason & Hunter LLP
Minneapolis

Jan M. Gunderson

Bassford Remele
A Professional Association
Minneapolis

Kevin P. Hickey

Bassford Remele
A Professional Association
Minneapolis

Kay Nord Hunt

Lommen, Abdo, Cole, King
& Stageberg, PA
Minneapolis

Mary Ivory

Attorney at Law
Plymouth

P. Kenneth Kohnstamm

MN Attorney General's Office
Saint Paul

Brian Love

Hauer Fargione Love Landy &
McEllistrem, P.A.
Minneapolis

Thomas Lyons, Sr.

Thomas J. Lyons & Assoc.
Victor, MT

Christopher P. Malone

Cousineau McGuire Chartered
Minneapolis

Michael W. McNea

Cousineau McGuire & Anderson
Minneapolis

Honorable Helen M. Meyer

Minnesota Judicial Center
Saint Paul

Honorable Ann D. Montgomery

United States District Court
Minneapolis

Jeffrey R. Mulder

Bassford Remele
A Professional Association
Minneapolis

Robert Murnane

Murnane Brandt
Saint Paul

Tamara L. Novotny

Cousineau McGuire & Anderson
Minneapolis

Nicholas J. O'Connell

Murnane Brandt
Saint Paul

Daniel B. O'Leary

Mansur & O'Leary, P.A.
Saint Paul

Jeannie Provo-Petersen

Provo-Petersen • O'Neill, P.A.
Saint Paul

Andrea E. Reisbord

Cousineau McGuire Chartered
Minneapolis

Tammy M. Reno

Provo-Petersen • O'Neill, P.A.
Saint Paul

Paul J. Rocheford

Arthur, Chapman, Kettering, Smetak
& Pikala, PA
Minneapolis

Elizabeth J. Roff

Arthur, Chapman, Kettering, Smetak
& Pikala, PA
Minneapolis

Andrew J. Rorvig

Hauer Fargione Love Landy &
McEllistrem, P.A.
Minneapolis

William Sieben

Schwebel Goetz Sieben PA
Minneapolis

Friedrich A. P. Siekert

United States Attorney's Office
Minneapolis

Rolf E. Sonnesyn

Tomsche, Sonnesyn & Tomsche, PA
Minneapolis

Andrew T. Shern

Murnane Brandt
Saint Paul

Theodore J. Smetak

Arthur, Chapman, Kettering, Smetak
& Pikala, PA
Minneapolis

Matthew R. Smith

Tomsche, Sonnesyn & Tomsche, PA
Minneapolis

Cally E. Swanson

Murnane Brandt
Saint Paul

Steven J. Terry

Terry, Slane and Ruohonen
Bloomington

Michael D. Tewksbury

Tewksbury Kerfeld Zimmer, PA
Minneapolis