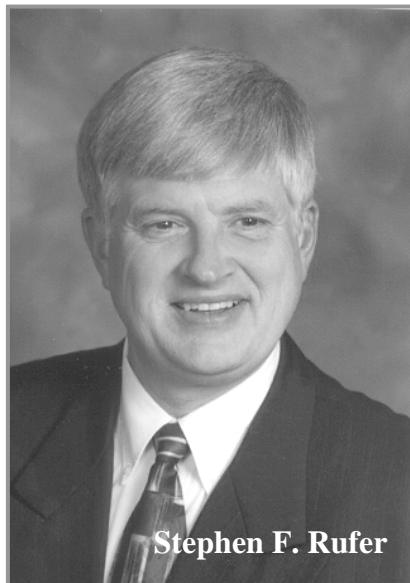




## Ask a Lawyer!



Stephen F. Rufer

Q:

***Can my car insurance company refuse to pay my medical bills when I've been in a car accident when the accident wasn't my fault?***

A:

This is really two questions: (1) can the insurance company refuse to pay the bills at first, and (2) will the insurance company ultimately have to pay the bills?

The first answer is simple. Insurance companies can and do refuse to pay medical bills for a variety of stated reasons they may believe that the treatment was unnecessary, for example, or they may believe the medical problem is due to some cause other than the car accident.

In Minnesota, we have a "no-fault" auto insurance system. That means, for most of us, our out-of-pocket losses from an auto accident are covered by no-fault insurance,

without having to get into the issue of who was at fault. Most of us have coverage limits of \$20,000 for medical bills plus another \$20,000 for other economic loss, which most commonly includes lost earnings and cost of replacement services, such as housekeeping or snow removal while the injured person is recuperating.

There are complex rules for determining which insurance company pays the no-fault benefits, but most often they are paid by our own insurance company, rather than the other driver's. (There is a whole separate system for "liability" coverage that also comes into play with certain more serious injuries, and that cost falls to the other, at-fault driver.)

Your no-fault insurance carrier has the right to have you examined by its own doctor. Somewhat strangely, this is called an "independent" medical examination. Very often, this exam is followed by a refusal to pay more benefits.

If your no-fault insurance company refuses to pay benefits or cuts off the benefits after a period of time, you do have legal recourse. You may challenge its decision, sometimes through arbitration and sometimes through a court action.

Q:

***If someone falls in my house and gets hurt, am I responsible for their medical bills or lost wages?***

A:

We are all responsible to others to act reasonably and responsibly. If there is a slippery rug at home that we know has already caused several falls, and we leave the rug in place, failing to warn visitors about it, that would not be responsible.

But if a freak accident happens (they do call them "accidents"), you as the homeowner are no more responsible for the accident than anyone else.

None of us would allow a defective and dangerous condition on our property without warning our guests. If we did, the law would hold us accountable.

What if a guest does make a legal claim for medical bills, lost wages, or pain and suffering against a homeowner? The claim should promptly be turned over to the homeowner's insurance agent, to see if the insurance company can get it resolved. If the company doesn't resolve it, then the injured person might choose to sue. If that happens, then the insurance company will defend the homeowner by hiring an attorney for him or her and by paying the damages, if any, up to the limits of coverage under the policy (often \$50,000 or \$100,000). (But a jury would have to find that the homeowner was more negligent than the injured person, before there would be any award at all.)

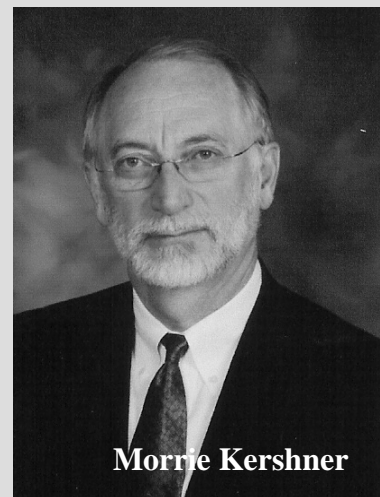
"Liability" essentially means "fault." A person has "liability" to an injured person when he or she is at fault in negligently or unreasonably causing the injury. The discussion above refers to "liability," and the insurance coverage referred to is called "liability insurance."

## *Kershner and Rufer are "Super Lawyers"*

H. Morrison "Morrie" Kershner and Stephen F. Rufer (pictured above) have both been named "Super Lawyers" by Minnesota Law & Politics, a state-wide publication.

Only six percent of Minnesota attorneys received this distinction in 2004. Super Lawyers are selected by a state-wide peer vote. More than 18,000 ballots are mailed to attorneys across the state asking them to vote for the best lawyers they have personally observed in action.

Both Kershner and Rufer have received this honor several times before and both are certified "Civil Trial Specialists" by the Minnesota State Board of Legal Specialist Certification, a specialty reserved for a small number of Minnesota attorneys.



Morrie Kershner



## Hastings named "Up and Coming" Attorney

The partners in the Pemberton, Sorlie, Rufer & Kershner, P.L.L.P., law firm congratulate Kristi A. Hastings on being named one of fifteen "Up and Coming" Minnesota Attorneys of 2004. *Minnesota Lawyer* gathered nominations from bar associations, law schools, judges, lawyers and other members of the legal community before making their selection. To be eligible for consideration, nominees had to have been admitted to the bar within the last six years. Selection was based upon professional accomplishment, significant involvement in the bar or community, taking on a leadership position, and demonstrating great promise.

### Kristi A. Hastings

Named one of fifteen "*Up and Coming*" Minnesota Attorneys of 2004 by Minnesota Lawyer.

PEMBERTON, SORLIE,  
RUFER & KERSHNER, P.L.L.P.  
— Attorneys at Law —



110 N. Mill Street (218) 736-5493  
Fergus Falls, MN 56537 1-800-862-3651



Out of the fifteen recipients of the award, only two were from outside the Minneapolis/St. Paul metropolitan area. Hastings has been with the firm since 2001. Her work is primarily focused in the areas of litigation and employment law. She has also been named a "Rising Star" by *Minnesota Law and Politics* on two occasions. Hastings is active in the firm as well as in the community. She is on the board of Children's Corner, a member of Rotary, the American Association of University Women, the Chamber of Commerce membership committee and serves as treasurer for the Otter Tail County Bar Association. Hastings and her husband, Jason, also an attorney, reside in Fergus Falls.

## Welcome Summer Associates Chad Felstul & Reed Mahlke

Chad Felstul and Reed Mahlke have joined the firm for the season as summer associates. Felstul and Mahlke are in the summer before their second year of law school at William Mitchell College of Law in St. Paul, Minnesota.

Felstul grew up in Morris, Minnesota. He obtained his undergraduate degree in Business at Concordia College in Moorhead, Minnesota. He and his fiancé, Kelsey Knutson from Spicer, Minnesota, will be married in August of 2005.

Mahlke grew up in Frederick, South Dakota. His undergraduate degree is in Ag Business from South Dakota State University. He and his wife, Carrie, are expecting their first child in June.

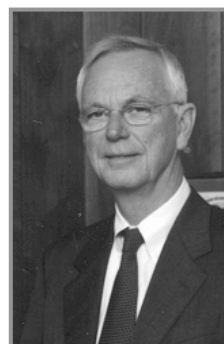
### Satellite Offices



Kent Mattson

**Kent Mattson**  
**First National Bank**  
**of Battle Lake**

Every Wednesday  
1:30 p.m. to 3:30  
p.m.  
(or by appointment)



Oscar Sorlie

**Oscar Sorlie**  
**First National Bank**  
**of Henning**

Every Thursday  
1:00 p.m. to 3:00  
p.m. (or by  
appointment)