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HDBOB Celebrates its 60th Anniversary

Hansen, Dordell, Bradt, Odlaug & Bradt celebrates its 60th anniversary this year. Founded by Horace R. Hansen in 1946 as a general practice law firm, HDBOB quickly became known for its tough and innovative litigators. Hansen was joined over the years by a core group of dedicated attorneys including Gene Bradt and Wayne Dordell in 1963, Dave Odlaug in 1970, and Bill Bradt in 1973. This group cemented the firm's reputation and grew into today's Hansen, Dordell, Bradt, Odlaug & Bradt.

For the first fifty years, HDBOB called downtown St. Paul "home." By leaving downtown St. Paul for offices just north of the city, HDBOB gained much-needed space to conduct mediations and arbitrations, while

maintaining the charm and grace associated with the Twin Cities' "better half."

HDBOB's seventeen attorneys include several who are licensed to practice in both the state and federal courts of Minnesota and Wisconsin, meeting the ever-changing needs of HDBOB's clients. Further, HDBOB boasts a core group of associates who have played integral roles in the judicial system: one associate is a former Workers' Compensation Judge and the remainder were judicial law clerks or experienced civil litigators before joining the firm. These experiences have prepared HDBOB associates for long and successful legal careers at HDBOB. Like Horace Hansen, HDBOB's attorneys work hard to be viewed by clients and opponents as respectful, innovative, and diligent lawyers.

As we celebrate our 60th anniversary, we pledge to retain our founder's values, even as we use the latest technology to serve our clients, expand into new areas, and seek new opportunities. We are mindful of our distinguished past and are confident that decades from now, the same principles that won favor with our clients in the beginning will continue to shape HDBOB, as our traditions are passed down from year to year and from partner to associate.

Our principles never go out of style.



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*With lawyers licensed to practice
in Minnesota and Wisconsin*

HDBOB Attorneys Participate in Mentorship Programs

In an effort to give back to the legal community, two HDBOB lawyers have volunteered their time to mentorship programs with St. Paul law schools. HDBOB partner Joe Twomey spent time at the University of St. Thomas Law School while associate Karen Hatfield assisted students at William Mitchell College of Law.

Law students are required to meet with their mentor at least twice during the school year to discuss various legal topics. Students are also encouraged to attend depositions, trials, mediations, motion hearings, client meetings or anything else that interests the students. Joe and Karen find that it is beneficial for students to step out of the classroom and see how the legal system works firsthand. Joe and Karen have served as mentors for two years.

Changes in Wisconsin Trial Scheduling

Judges in Wisconsin have recently stopped scheduling a trial date until mediation has been completed. Instead of setting a trial date during the initial scheduling conference, many judges now establish deadlines up to mediation and then schedule a pretrial conference for a date after the mediation deadline. If the case has not settled by the time of the pretrial conference, a trial date is then set.

Because a case is not scheduled for trial unless it appears that no settlement is likely to occur, this new method of case management promotes settlement at mediation and leaves significant amounts of time available on the court calendar. If a case has not settled by the time of the pretrial conference, the trial date will follow thereafter, sometimes within two or three months of the pretrial conference.

This new scheduling system can present challenges to insurers and their counsel, as it may be necessary to obtain the trial testimony of the independent medical examiner on short notice. In some cases, counsel may have to anticipate tight scheduling and arrange for the trial deposition of the independent medical examiner even before the lawyer knows the trial date.

Sometimes, an insurer may prefer to proceed to mediation before incurring the expense of an independent medical examination. Insurers should identify those cases to defense counsel as soon as possible so the parties can mediate early enough to allow for an independent medical examination before the pretrial conference, should the case not settle at mediation.

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Recap of the Annual HDBOB Spring Seminar

On May 25, 2006 HDBOB once again hosted its annual Spring Seminar. The seminar was aimed at addressing emerging issues in Minnesota and Wisconsin liability and workers' compensation law. The Minnesota Board of Continuing Legal Education approved 5.25 credits for the seminar.

The seminar featured a presentation from Dr. Paul Arbisi, a renowned Twin Cities psychologist and Associate Professor of Psychology at the University of Minnesota and a presentation by Dr. David Florence, a well-respected orthopedic surgeon with 45 years of experience in the field of spine diagnosis and treatment.

Thank you to all who attended the Annual Spring Seminar. If you have questions regarding the topics discussed or want information about the materials provided at the seminar, please contact cghimenti@hdbob.com.

HDBOB ATTORNEYS RECOGNIZED AS “SUPER LAWYERS”



Bill Bradt

Minnesota *Law and Politics* recently released its annual list of “Super Lawyers”— the top Minnesota lawyers as voted upon by their peers. Among those honored are HDBOB’s Bill Bradt, J. Mark Catron, Dave Odlaug and Randy Sayers. Gerri Hilgers, who is *of counsel* at HDBOB and retired partner Gene Bradt were also named as Minnesota “Super Lawyers.”

Bill Bradt’s practice focuses on personal injury, products liability, medical negligence, construction litigation, and third party liability alternative dispute resolution.

Minnesota Law and Politics honored Bill for his work in personal injury defense.



J. Mark Catron

A well-respected trial attorney, J. Mark Catron’s current practice focuses on mediation, arbitration and neutral evaluation, which includes insurance coverage, personal injury, commercial and construction issues and claims. Mark was honored for his work in alternative dispute resolution.



Dave Odlaug

Dave Odlaug has been practicing workers’ compensation law for 36 years, all of them at HDBOB. Widely regarded as one of the most experienced and knowledgeable workers’ compensation lawyers in the state, Dave has been a “Super Lawyer” every year since 1991.

Randy Sayers has been practicing in the areas of wills, trusts, probate and taxation of estates and trusts for 24 years. During the last 10 years he has also been teaching estate planning and taxation at area law schools. Randy was honored as a “Super Lawyer” for his work in estate planning and probate.



Randy Sayers

Minnesota Law and Politics also honored Gerri Hilgers for her accomplishments in estate planning and probate. Gene Bradt received praise from his peers for his work in alternative dispute resolution.

Announcements



HDBOB is pleased to announce that Trisha Vicario has joined the firm. Trisha is a 1999 graduate of the University of Wisconsin – Madison, where she received a B.A. in Political Science. She is a 2003 *magna cum laude* graduate of Hamline University School of Law, where she was Notes and Comments Editor of the *Hamline Law Review* and a member of the National Moot Court Team. Trisha also received the Dean’s Scholarship for high academic achievement and upon graduation was named an Outstanding Law Student by the National Association of Women Lawyers.

Following law school, Trisha worked as a judicial law clerk for Stearns County District Court Judge Kris H. Davick-Halfen.

Trisha is licensed to practice law in Minnesota and Wisconsin and is a member of both the Minnesota and Wisconsin State Bar Associations.

Provided by the law firm of Hansen, Dordell, Bradt, Odlaug & Bradt, P.L.L.P. Quarterly is only a general summary of the topics discussed here and is not a substitute for legal advice. If you have any questions regarding these topics, please call us at (651) 482-8900.

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Minnesota Supreme Court Limits Subcontractor Liability

The Minnesota Supreme Court recently held that the 10-year Statute of Repose under Minn. Stat. § 541.051(1)(a) (2006) bars a contribution and indemnity action by a general contractor against a subcontractor or material supplier that did not accrue and was not brought within the 10-year period. *Weston v. McWilliams & Associates, Inc.*, 716 N.W.2d 634 (Minn. 2006). Minn. Stat. § 541.051(1)(a) prevents the accrual of a cause of action arising out of the defective or unsafe condition of an improvement to real property after 10 years from the completion of construction. In *Weston*, the plaintiffs sued the general contractor two months before the Statute of Repose expired, and the general contractor did not serve the third-party complaint until after the expiration of the 10-year period. Reversing the Minnesota Court of Appeals, which held that the claims against the subcontractors were not barred, the Minnesota Supreme Court decision in *Weston* serves to limit subcontractor liability if a claim falls outside the Statute of Repose.

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Engler Expands Negligent Infliction of Emotional Distress

With its decision in *Engler v. Illinois Farmers Ins. Co.*, 706 N.W.2d 764, 767 (Minn. 2005), the Minnesota Supreme Court expanded its definition of who may recover for the tort of negligent infliction of emotional distress. Minnesota has not recognized the rights of bystanders to recover damages for negligent infliction of emotional distress. However, in the *Engler* decision, former Chief Justice Kathleen Blatz, writing for the majority, adopted a number of circumstances in which a bystander can recover for witnessing an accident. The Court held that plaintiffs may recover damages caused by fearing for another's safety or witnessing serious injury of another if they can prove all elements of the tort, which include: being in the zone of danger of physical contact; having an objectively reasonable fear for their own safety; suffering severe emotional distress with a pendant physical manifestation; standing in close relationship to the third-party victim; and suffering serious bodily injury caused by the defendant's negligent conduct.

Fortunately for defense lawyers and insurance companies, the Minnesota Supreme Court crafted the tort narrowly, purposefully deciding not to adopt the more liberal standards which have been implemented by 30 other states and which were adopted from the California Supreme Court Decision of *Dillon v. Legg*, 68 Cal.2d 728, 69 Cal.Rptr. 72, 441 P.2d 912 (1968). In *Dillon*, the court permitted negligent infliction of emotional distress recovery by a mother who was outside the zone of physical danger when she witnessed her daughter being struck and killed by a car.

The next time you have a serious personal injury claim, be cognizant of the expansion of negligent infliction of emotional distress and make sure all the elements of the tort are met. There may very well be a substantial amount of future litigation interpreting the Minnesota Supreme Court's ruling in *Engler*.

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