

# KH LAW NEWS

Bringing You Our Best  
June 2010



In this month's issue:

- Injured Passengers Have Rights Too
- KH Birthdays—KH Anniversaries
- Free Seminars
- Selecting an Estate Planning Attorney - Wisely
- Running for Our Communities
- KH Gives Back
- Happy Father's Day—From All of Us

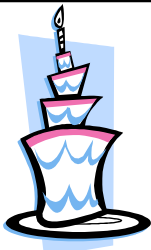
## INJURED PASSENGERS HAVE RIGHTS TOO

We all know that if you are driving a car and get injured by another negligent driver, you can pursue a claim against that driver or, under certain circumstances, against your own automobile insurance company. This depends on whether the other driver was insured, uninsured or underinsured. These situations get more complicated if you are a passenger in the vehicle that is involved in an accident. If this happens, you, as the injured passenger, have several options for recourse.

First, it does not matter if you are a passenger in a vehicle driven by a family member or a passenger in your own vehicle. As long as you are not the person driving, you are considered a passenger. Of course, you can pursue a claim against the other driver and/or motor vehicle involved in the accident. However, to do so you would need to establish that the other driver was negligent or at least more negligent than the driver of the vehicle in which you were a passenger. If the other car was driven by someone other than the owner you may have claims against both the driver's insurance company as well as the insurance company of the owner of the vehicle.

In addition, if you are a passenger in a vehicle in which the driver of your car was solely responsible, such as in a single car accident or if the driver of the vehicle was more negligent than the other driver, you can pursue a claim against the driver of the vehicle in which you were a passenger. If the driver has insurance but does not own the vehicle and the owner of the car also has insurance then you could pursue a claim against both. As indicated, this is true even if you are a passenger in your own vehicle being driven by another person including a family member. We were involved in a case in which the passenger was the spouse of the person driving the car in their own vehicle. In that case, the driver negligently operated the vehicle, lost control and the spouse/passenger was seriously injured. We were able to collect policy limits from the injured passenger's own car insurance based on the negligence of their spouse.

You may also be able to recover from your own automobile insurance company in situations in which responsible drivers are either uninsured or underinsured. To be underinsured, the other driver has to have less liability insurance than the amount of your underinsured coverage. What looks as a simple two car accident, under certain circumstances, could involve five or six different insurance policies. Cases involving multiple insurance companies are complicated and require the services of an experienced personal injury attorney. Attorney Mark Krueger has represented individuals injured as the result of the negligence of others for 25 years. Krueger & Hernandez SC does not represent insurance companies, but only those victims injured in accidents. If you or a family member have been injured, whether as a driver, a passenger, or as the result of the negligence of another person, under any circumstance, please contact Attorney Mark Krueger for a free consultation. Be sure to check our website at [www.KH-LAW.net](http://www.KH-LAW.net) for more free articles about your rights if you've been injured. Call us today at (866) 455-2993 for more information or to schedule your consultation today.



### June Birthdays

**Shelley Craker—6/9**  
**Kayleigh Robinson—6/22**

Happy Birthday Ladies!

### KH ANNIVERSARIES

Krueger & Hernandez would like to recognize two dedicated employees this month. Office Administrator Eileen Shanks has been a member of the team for 12 years this month! Eileen makes it easier for all of us to help all of you. Our offices wouldn't be the same without her. Also, Atty. Dera Johnsen-Tracy has dedicated the past 10 years to the firm! Her devotion to her clients and providing quality legal service has only grown over the past decade. Thank you both!

### For all your legal needs:

- |                   |                              |                    |
|-------------------|------------------------------|--------------------|
| Divorce           | Injuries from Accidents      | Estate Planning    |
| Real Estate       | Vaccine Injury Litigation    | Family Matters     |
| Adoption          | Workers Compensation         | Products Liability |
| Criminal/Traffic  | Professional Malpractice     | Mediation          |
| Guardianship      | Employment/Discrimination    | Business Needs     |
| Personal Contract | Probate/Trust Administration | Funeral Trusts     |
|                   | Personal/Business Litigation |                    |

Want to protect your future and assets for your loved ones? Learn more at one of our **FREE** Estate Planning Seminars. Held this month on June 29th and 30th in the Madison area, these seminars will explain how you can protect your legacy! Call today at (608) 824-9540 or register online at [www.KH-LAW.net](http://www.KH-LAW.net) to reserve your spot!

### Disclaimer

The information provided in this newsletter is not intended to serve as specific legal advice. Viewing this information does not constitute an attorney-client relationship. All testimonials are released by express consent of our clients.

## Selecting an Estate Planning Attorney—Wisely

When you plan your estate, you are putting together the road map to your legacy. Your estate plan determines who will be entitled to your assets, how they can use them, and the protections which they and the assets you leave them may have from creditors, divorcing spouses, etc. The attorney whom you select to assist you in creating that plan is integral to its success. That is why you need to choose wisely.

When Bill and Mary were planning their estates, they went to an attorney who was a family friend, had a general practice and dabbled in many areas of the law. Their attorney, Frank, was very nice and even gave them a discount because of their friendship. Frank drafted Wills for them that appeared to work on the surface. Bill wanted one-half of his assets to go to Mary and one-half of his assets to go to his children from his first marriage. His Will seemed to do this. However, when Bill died, it did not work out that way. Bill had \$750,000 in assets at his death. His one-half interest in the house he owned with Mary was worth \$250,000. His one-half interest in the ranch he owned with his brother, Sam, was worth \$300,000. Finally, his IRA was worth \$200,000. Unfortunately, but unbeknownst to Bill and Mary, estate planning does not just entail writing down your wishes in a Will, like Frank did for them. It takes knowledge and experience to create an effective estate.

When Bill died, they discovered that the house was held in joint tenancy, so his \$250,000 interest in the \$500,000 house passed to Mary automatically at his death. It was not controlled by his Will at all. Likewise, the ranch was held in joint tenancy with Sam. Bill's \$300,000 interest in the ranch automatically passed to Sam, even though the Will provided otherwise. Finally, the IRA had a beneficiary designation naming Bill's mother. After Bill's first marriage ended, he had changed the designation to his mother. He forgot to update the designation when he remarried. Frank, though meaning well, did not think to ask about the beneficiary designations because he did not focus in estate planning and did not have the experience to know better.

So, of his \$750,000 in assets, Bill wanted one-half, or \$375,000, to go to his kids from his first marriage and \$375,000 to Mary. Instead, Mary only got \$250,000 and his kids from his first marriage got nothing—even though that's not what his Will provided. An experienced attorney would have recommended that Bill change title of the house and ranch and would have made sure the beneficiary designation was updated. That way, Bill would have provided for his family as he had wanted.

Don't make the same mistake that Bill and Mary did. Be sure to go to a qualified estate planning attorney who focuses his or her practice in estate planning. Make sure they get continuing legal education to stay updated on the latest developments in the field of estate planning. For example, the American Academy of Estate Planning Attorneys requires its members to earn 36 hours of training in estate planning or elder law annually. Once you select a qualified estate planning attorney, have confidence that your legacy is in good hands.

*Attorneys Michelle T.L. Hernandez and Dera L. Johnsen-Tracy are members of the American Academy of Estate Planning Attorneys and have extensive legal experience in the area of estate planning. To schedule your free consultation today, simply call (800) 431-9776.*

## Running for Our Communities!

**Krueger & Hernandez prides ourselves on being active in our communities and giving back when we can.**



**In April, Shelley Craker and Renee Nehring took part in the Reedsburg Vet Fest run to benefit the Reedsburg's Veterans Memorial.**

**April also marked the annual Crazylegs run in Madison, WI, with a record breaking 20,450 participants! Among this record breaking crowd were KH's own Atty. Mark Krueger and his son Andrew Krueger. Crazylegs proceeds go to benefit the UW Athletic Department.**

**This month Reedsburg is holding it's Butter Run during the annual Butter Festival. Scheduled to run this year are Mark Krueger, Shelley Craker and Renee Nehring. Good luck to you all!**

## KH Gives Back

In May, the Pink Army Angels held their Breast Cancer Benefit in Lodi, WI, which featured a silent auction, raffles, live music by the High Chaparrals. Krueger & Hernandez was happy to participate again this year by donating an Estate Planning Package to the silent auction.

This month, Sundara Inn & Spa is sponsoring their 2nd Annual Golf & Spa Classic to benefit Breast Cancer Recovery. Attorneys Mark Krueger and Michelle Hernandez will be participating in the days events! Breast Cancer Recovery is a group based in Madison, WI dedicated to the physical and emotional recovery of those diagnosed with breast cancer.



Happy Father's Day to all of the Dads out there! Show yours how much you care by making sure their legacy lives on!

Call today for a free Estate Planning consultation or to receive our Estate Planning Survival Kit!  
(800) 431-9776

**Enjoy the Weather!  
From All of Us at Krueger & Hernandez!**

Mark L. Krueger—Michelle T.L. Hernandez  
Dera Johnsen-Tracy, Eileen Shanks, Renee Nehring,  
Shelley Craker, Stacie Ray, Kayleigh Robinson,  
and Kara Malston

