

## Company Promotion Profile

### Baill Firm Observes 35th Year in Its Subrogation Niche

When Larry and Jeff Baill heard the news of the 35W bridge collapse around 6 p.m. on August 1, 2007, they knew they and their colleagues at the Yost & Baill subrogation specialty law firm were going to be busy.

"We were concerned about friends and colleagues driving on the bridge at the exact time of the collapse," Jeff Baill said. In addition this was the kind of incident where many claims arise. "So we knew we were going to be involved. At that point, however, we did not realize it would be our dominate case for the next four years."



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The firm, which is observing its 35th anniversary this year, was appointed by the court to be the lead subrogation firm in the case. The major problem from a recovery perspective was that the State of Minnesota, which had responsibility for maintaining the bridge, had by law a \$1 million limit to its liability, Baill explained. The Minnesota legislature eventually appropriated \$40 million to help compensate the victims, 13 of whom died and others who were injured or otherwise affected by the catastrophe. It was an amount, however, far short of the actual damages. Two high-profile Minneapolis plaintiff firms, Robins Kaplan (with a consortium of volunteer attorneys) and Schwebel Goetz, represented the victims against private firms involved in a construction project that was taking place on the bridge at the collapse as well as those responsible for the bridge's inspections.

The personal injury portion of the litigation dragged on until late 2010. In 2012, when the last part of the case settled, it was finally determined that debris from the collapse would no longer be needed as evidence, officials opened a two-day window that permitted public access to the damaged parts of the bridge to parties involved in the litigation. "When we heard that," said Jeff's brother and law partner Larry, "we thought that given the impact the event had on our firm and the time we spent on the recovery, a part of the bridge might be a fitting memorial for our office as well as a way to remember the effect this incident had on so many lives."

Realizing that it would be important to have a tasteful presentation, the firm retained nationally recognized Minneapolis sculptor Bruce Stillman, best known for his Big Stone Golf and Sculpture Garden, who personally inspected the wreckage to find a suitable remnant. He selected an 800-pound piece of steel and brass speckled with paint and rust. Stillman personally shepherded its transfer through the lobby of U.S. Bank Plaza building in downtown Min-

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Larry and Jeff Baill with a sculpted piece from the 35W bridge collapse. The firm was the court-appointed lead subrogation counsel on the case.

neapolis, up an elevator to the 20th floor, then into the firm's conference room where he constructed a base and otherwise put his touches on the piece.

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It has not been the giant cases like the 35W bridge collapse, however, that have sustained the Yost & Baill firm for the past 35 years. Rather its bread and butter is much smaller ones. "We have thrived because we actually helped to create the precise niche in which we now practice," explained Jeff Baill. "There aren't a lot of firms in the nation that do what we were one of the first to do, which is build a dedicated subrogation law firm." The Baills created that niche 35 years ago partially by visiting insurance defense firms with an offer to handle the subrogation work that the firms were doing solely as an accommodation for their clients. "We essentially said to them: let us handle these files that you really don't want," Jeff Baill said. "They were happy to let us do so."

Most subrogation cases (in which an insurer seeks reimbursement from the responsible party for a claim it has already paid) the firm handles are routine. They typically involve auto accidents, fires, water intrusions and occasionally explosions. Others, such as one involving comedian

Tracy Morgan, injured in a crash with a Wal-Mart truck, can be national and high profile. Still others can only be described as quirky, such as the one involving "turkey bowling." In this case a former employee returned to visit the super market at which he had worked. Noticing a former fellow worker stocking shelves at the end of a long food aisle, he grabbed a frozen turkey from a display case and playfully scooted it along the floor. He scored a strike of sorts. The shelf stocker was knocked to the floor, leading to a work comp claim severe enough to generate an award. In its subsequent suit, the Baill firm recovered a substantial sum from the bowler's homeowner's insurance. ■

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