

Farm Labor Exempt from Work Comp Laws

State law requires that most businesses operating in Missouri provide Workers' Compensation insurance for their employees. However, the statute specifically excludes certain businesses. The statute states that employment of farm labor is exempt from Workers' Compensation laws. This means that businesses employing farm labor do not need to worry about purchasing Workers' Compensation insurance for those types of workers.

Unfortunately, the laws are not so clear about which workers are considered "farm labor" and which ones are not. Courts usually decide these issues on a case by case basis. The Missouri courts have explained that there is a difference between "farm labor" and other labor that occurs on a farm, which may be included by the Workers' Compensation law.

When a court goes about determining if work is considered farm labor, they look at the character of the work performed, rather than the general business of the employer. In one case, an employee who milked cows on a dairy farm was considered a farm laborer, and therefore his employer was not subject to the Workers' Compensation Act. In a different case, a carpenter that was employed to dismantle, move, and reconstruct a barn on a farm was not considered a farm laborer, and therefore the farm owner was subject to liability for a Workers' Compensation claim.

Those who employ farm labor are allowed to choose to be part of the Workers' Compensation system if they want to. Farms might do this because they would rather handle injuries through the more flexible and less costly Workers' Compensation system than run the risk of a more expensive and time-consuming litigation through the civil court system.

Is Bigger Really Better?

A competing law firm recently started a

television advertising campaign suggesting that a bigger law firm is better. Bigger is better when a football team wants an offensive lineman, but using a bigger personal injury firm may leave clients dissatisfied with customer service. Personal injury firms with huge advertising budgets often cover expenses with a large number of quick case settlements. The value of an injury claim may be compromised to avoid attorney time commitments, litigation or even a trial.

The Law Offices of Stahlhuth & Rudder is a better choice if you want personal service, professional representation, and an office close to your home. We generally staff the Washington and Brentwood offices with at least an attorney and legal assistant. Our computer network allows us to access case information from any location. Many matters are handled on a team basis to assure quality representation. So the next time you, a family member or a friend needs a law firm, remember that a law firm that spends huge amounts on money on television advertising may not be the best choice to represent you.

Washington U. Named Top Law School

Washington University, located in St. Louis, once again climbed the charts of top law schools in the country. According to U.S. News and World Report, Washington University ranked 20th out of 177 law schools. The law school also excelled in the Trial and Advocacy Program. This program allows students to practice courtroom procedure and arguments. Faculty, judges and trial lawyers train students in pre-trial, trial and advocacy. Mark Rudder, J.D.'91, serves as an instructor for the Mock Trial team.

Currently, all attorneys at The Law Offices of Stahlhuth & Rudder, L.C. are graduates of Washington University: Bill Stahlhuth, JD '88; Mark Rudder, JD '91; Steve Wolf, JD '97; and Allan Murray, JD '00.

SETTING THE RECORD STRAIGHT**IS OUR TORT SYSTEM OUT OF CONTROL?**

The tort reform debate continues in state government. Year after year, reform advocates mistakenly claim that the system is out of control. Although insurance companies want Missouri citizens to buy into their rhetoric, the statistics show otherwise. Since 1988, the Missouri Department of Insurance reports that medical malpractice claims have dropped 42%. Since 1992, overall Missouri tort filings have fallen 14%, according to the National Center for State Courts. Meanwhile, insurance company profits continue to rise.

Relief of a different sort is in sight for physicians seeking lower malpractice premiums. The Missouri Department of Insurance will create an underwriting association and sell malpractice insurance to physicians. The association will pool the resources of Missouri insurers to underwrite the risk. Similar programs exist for automobile and fire insurance. With additional competition, the price of premiums can fall.

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