# BARRISTER



January/February 2020 Volume 32 Issue 1

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# THANK YOU TO ALL WHO ATTENDED THE BENCH & BAR BENEFIT

























# 2020 Judges' Dinner

Save the date for the annual Judges' Dinner, March 26, 2020 at Town & Country Club.

#### **UPCOMING EVENTS**

#### **Green Line Lunch**

Tuesday, January 14, 2020 Tay Ho (Vietnamese) 302 University Ave (Western Ave Station)

#### **Green Line Lunch**

Tuesday, February 11, 2020 Afro Deli 5 West 7th Place (Cedar St Station)

#### **Judges' Dinner**

Thursday, March 26, 2020 Town & Country Club 300 N Mississippi River Blvd, St. Paul

#### **Member Appreciation Day**

Wednesday, May 13, 2020 First National Bank Building Conference Center 332 Minnesota Street, St. Paul

#### **Memorials**

Friday, May 15, 2020 Sundin Music Hall 1531 Hewitt Ave, St. Paul

#### **Charity Golf Tournament**

Monday, July 27, 2020 Keller Golf Course 2166 Maplewood Drive, St. Paul

#### NOMINATIONS AND AWARD APPLICATIONS

The RCBA Nominating Committee is seeking a diverse pool of nominees for election to several leadership roles in the organization for the 2020-2021 bar year. Details on the positions available can be found at ramseybar.org. *To apply, send a resume and statement of interest by January 15, 2020 to Ariana Guerra at aguerra@mnbars.org.* 

The RCBA is also seeking nominations for this year's Law Day Awards — the Liberty Bell Award and the Distinguished Humanitarian Service Award. More details and nomination forms are available at www.ramseybar.org. Nominations are due by January 15, 2020.

Contact Ariana Guerra at aguerra@mnbars.org or 612-278-6343 with any questions.

#### **EXCELLENCE IN DIVERSITY AWARD**

#### **Seeking Nominations**

The RCBA Diversity Committee is accepting nominations for the Excellence in Diversity Award. This award is intended to recognize substantial and long-term contributions to the furtherance of diversity and inclusion, civil rights, civil liberties, or human rights.

#### Nominations are due by March 30, 2020.

Please submit your nominations to Athena Hollins at ahollins@mnbars.org.

## THANK YOU FOR SPONSORING THESE GREAT EVENTS

## **Families First Halloween Party**

Game Sponsor (\$500) Nancy Zalusky Berg, LLC

## T-Shirt Sponsors (\$250)

Arechigo & Stokka Susan Buckley Charles Cochrane Jon Theobald Kathryn Timm and Dan O'Fallon

Thank you to all who attended and made these events a success.

**RCBA Holiday Party** 

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# Being Well. Doing Well.

I tried to find a quote about the nobility of our profession to start off this article. In fact, I googled that very thing and do you know what quote came up? "The first thing we do, let's kill all the lawyers." Apparently, William Shakespeare felt strongly about us.

It got me thinking though—that quote is exactly on point. The public's perception is a significant force behind why we have rules of ethics, ethics committees, and even the Lawyers Board. Indeed, the Office of Lawyers Professional Responsibility (OLPR) states as its vision and mission to protect the public and strengthen the profession.

Few things in the legal field can scare each and every one of us like a phone call from the OLPR. Seeing that call, some break out with a sweat, there are those that answer and then talk sparingly, others simply do not pick up. But, as it turns out, they are really working to help us practice law, which is something that I have learned through my service on the Second District Ethics Committee.

Recently, the Ramsey County Bar Association Board met with the Director of Minnesota's OLPR, Susan Humiston, to get an update on all things ethics. Well, maybe not all, but a lot.

Interesting to note, the OLPR receives approximately 1,100 complaints a year. Roughly 40% of those complaints are dismissed outright based upon the Office's review. The remainder of the complaints are investigated by either the OLPR staff or the volunteers that serve on the District Ethics Committee. Susan Humiston estimated that around 30% of these complaints result in non-public discipline (non-serious, isolated conduct) and that approximately 40-45 lawyers are disciplined publicly each year. The most frequent areas of complaints and/or violations are seen in a failure to communicate and in a lack of diligence.

While none of us like to see those numbers, given how large a group we are (25,000 active lawyers), those numbers are relatively small.

The areas of law that see the most complaints are in family law and criminal law. However, as Susan Humiston noted: real estate, estate planning, and probate are the next biggest categories which have been increasing in complaints lodged. She also detailed that lawyers who receive the most discipline fall into the group that has been practicing law somewhere in the range of 11-20 years, with 80% men and 20% women.

However, none of this can be addressed without factoring in issues that arise in lawyer well-being. This includes mental health concerns and/or some aspect of substance abuse that has a direct correlation to discipline cases. Lawyer well-being issues constitute approximately one third of the public discipline cases tackled by the OLPR.

Knowing all of this, we need to take a step back to change how attorneys think about the OLPR. I am hopeful we can we use their services to appreciate how the OLPR can help us in our practice. That usefulness comes, in part, in the form of the "advisory opinion hotline." Not a catchy name to be sure, but it works. They receive more than 2,000 calls per year providing advice on prospective conduct and insight to our questions.

Susan Humiston noted that a significant majority of the calls address conflicts, confidentiality, and how to withdraw ethically. The OLPR keeps a log of these calls, so should you ever be in need of proof that you made such a call, they are happy to provide a copy of the information noted which includes the advice given.

In addition, the OLPR has a helpful Well-Being Tool Kit for Lawyers and Employers, Board Opinions, Trust Account guides, and a link to a 2-hour free CLE called, "Everything You Need to Know About Trust Accounts." They also support and assist the District Ethics Committee at our monthly meetings and during investigations.

In the RCBA's effort to assist in attorney well-being, we are jointly sponsoring, along with the MSBA, HCBA, and Lawyers Concerned for Lawyers, a CLE called, "Answering the Call - The Path to Wellbeing in the Legal Profession" at the Science Museum in Saint Paul on Monday, January 13 from 1-4 p.m., with a reception to follow. This event will address wellness in our profession and is \$20 for private practice attorneys and \$10 for public attorneys. I encourage us all to attend.

As practitioners in a challenging and complicated line of work, we need to know all the resources that are available. Strengthening our profession, enhancing the reputation of lawyers, and building trust in our profession is something we can all get behind.

The Path to
Wellbeing in the
Legal Profession

JANUARY 13 AT THE SCIENCE MUSEUM OF MINNESOTA

Details about this program can be found on page 8.

#### RAMSEY COUNTY BAR FOUNDATION GRANTS AND SCHOLARSHIPS

#### **RCBF Grant Applications**

The Ramsey County Bar Foundation is now accepting grant applications from local law-related charitable organizations. Applications and grant guidelines are available at **ramseybar.org**.

Applications are due by 4:00 p.m. on Friday, February 28, 2020.



#### **RCBF Law Student Scholarships**

In the spring of 2020, the RCBF will award up to \$6,000 in scholarship funds to a law student who attends a Minnesota law school and who is a member of a group traditionally under-represented in the legal profession (including race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or disability) and who contributes meaningfully to diversity in their community.

The applicant must be a current law student with a record of academic or professional achievement and must display leadership qualities through past work experience, community involvement or student activities.

For more information on how to apply, go to ramseybar.org.

Applications are due Friday, February 28, 2020.

# Thank you to the sponsors of the 2019 Bench & Bar Benefit!

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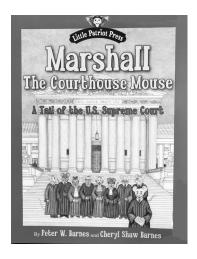
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# Reaching Out to Classrooms and the Community

Have you ever received a thank you note that you keep around forever? In my office, I have a packet of hand-made thank you cards written by fifth graders from a school here in Ramsey County. The cards say things like: "Thank you for coming to our classroom. I hope you have a fun time being a judge and I hope you come back!" and "I learned a lot. One thing that really stood out to me was how important being fair is." The cards are decorated with gavels and American flags, as well as smiley faces, bows, flowers, and an occasional pencil portrait of me.

These notes came from students I visited through a volunteer program of the RCBA's Youth and the Law Committee, which I co-chair. The Committee engages in outreach to school children in Ramsey County to encourage their understanding of the law and the legal system. Currently, the Committee promotes two programs: Claire's Court for elementary school children and the American Bar Association Law Day essay and art contest for middle and high schoolers.



For Claire's Court, lawyer volunteers visit third grade classrooms to read "Marshall the Courthouse Mouse: A Tail of the U.S. Supreme Court," by Peter Barnes and Cheryl Shaw Barnes. The book explains the U.S. Constitution and judicial review process through rodent-related rhyme, culminating in the Mouse Supreme Court's review of a law requiring all mice in the land to eat a different cheese every day and proscribing which cheese they can eat! The

question presented: "Does the cheese law deny any mice, large or small, their constitutional rights – any at all?" Ultimately, the Mouse high court rules, "unani-mouse-ly," that choosing a cheese to eat is a most basic right and that the law must be struck down. Children love this book, gathering close during the reading, and afterward the volunteer leaves the book with the classroom to keep. Over the last six years, volunteers have visited over 150 classrooms in Ramsey County, reaching thousands of children.

When able to do so, volunteer readers stay a while with the children, answering questions about the legal system and explaining their jobs. I've found that children often ask astute questions about legal issues. I've been asked if certain acts are intentional or accidental, how to tell if someone is telling the truth, and whether children ever go to jail. The children are interested in what we do all day, and I enjoy telling them about the many different kinds of jobs lawyers have.

For middle and high schoolers, the Law Day contest presents an opportunity for kids to dig in to tough issues. Over the last few years, the topics have included the 14th Amendment's extension of equal protection and due process to the states; the separation of powers doctrine; and emerging issues related to free speech and the press under the First Amendment. The 2020 Law Day topic celebrates the centennial of the 19th Amendment's extension of voting rights to women, but also requires contest participants to address complex conflicts between suffragists and advocates for extension of the franchise to African Americans. Since 2014, over 430 students have written essays or created art projects addressing these challenging constitutional issues.

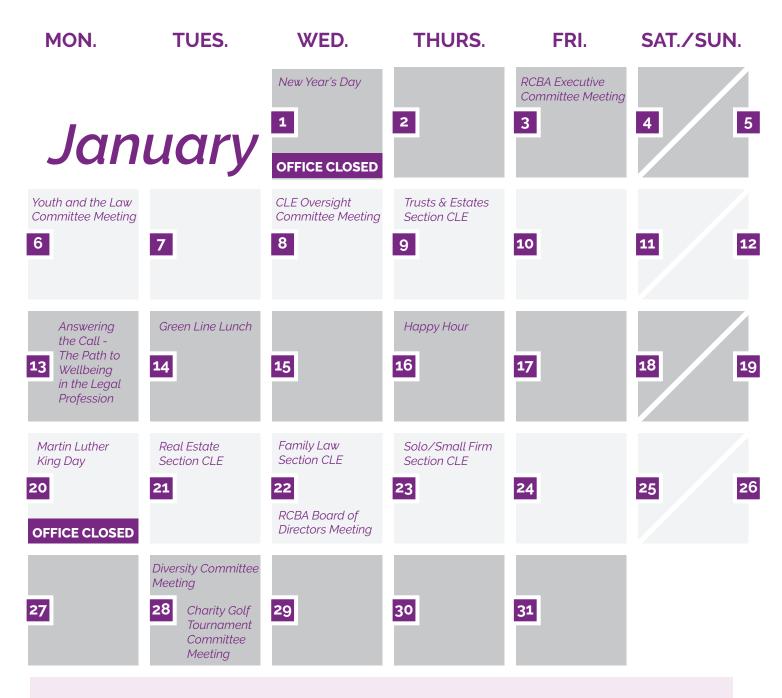
Together, members of the Committee create a question on the chosen topic, set the contest rules, and judge the submissions. Lawyer volunteers visit classrooms around the county to talk about the topic and answer kids' questions. The contest culminates in May with a celebration for the contest winners and their families at the Ramsey County Courthouse, hosted by a district court judge, followed by a social gathering in the conference room of the Ramsey County Board of Commissioners. Last May, Judge Sophia Vuelo of the Second Judicial District graciously invited the children and their families to visit her chambers and spent time talking with them about her experiences as a lawyer and a judge. This program provides students with a valuable opportunity to do real thinking about the law and to see places where important legal decisions are made.

The Committee encourages you to support its activities. We are currently seeking volunteers to staff classroom visits for both our programs. We also ask you to consider joining the Committee in its work. The Committee is looking for ideas and strategies to increase participation in our existing programs, and to determine other ways to provide other educational opportunities to students. The time commitment is small—around one hour per month during the school year—but the rewards are enormous. I encourage you to reach out to the Committee's bar staff person, Steve Marchese at 612-278-6308 or smarchese@mnbars.org, to find out how you can get involved, and maybe get your own keeper thank you notes from kids for whom you've made a difference.

By: Hon. Jessica A. Palmer-Denig, Administrative Law Judge
Office of Administrative Hearings



# RCBA CALENDAR



For CLE course presenters, descriptions, and registration information, please see page 8.

Regular Section Meeting Times (Dates subject to change)

Criminal Law Section - Dates vary

Family Law Section - Fourth Wednesday of each month

Real Estate Section - Third Tuesday of each month

Solo and Small Firm Section - Fourth Thursday of each month

Trusts & Estates Section - Second Tuesday of each month

TUES. FRI. MON. WED. THURS. SAT./SUN. 2 **February** RCBA Executive Committee Meeting 6 5 8 Green Line Lunch Trusts & Estates Valentine's Day Section CLE 11 10 12 14 15 16 13 Real Estate New Lawyers Presidents' Day Section CLE Section CLE 18 19 20 Happy Hour **OFFICE CLOSED** Family Law Solo/Small Firm Diversity Committee Section CLE Section CLE Meeting 24 Charity Golf 26 28 29 25 27 **Tournament** Committee Meeting

# **GREEN LINE LUNCHES**

The RCBA Diversity Committee continues its series of "Green Line Lunches" in celebration of the vibrant University Avenue neighborhoods along the light rail line.

No reservation is necessary. Participants order off the regular lunch menu and pay for their own lunch.

Tuesday, January 14, 2020 at Noon - Tay Ho (Vietnamese) 302 University Ave (Western Ave Station)

Tuesday, February 11, 2020 at Noon - Afro Deli

5 West 7th Place (Cedar Street Station)

### JANUARY/FEBRUARY CLE OPPORTUNITIES

#### (Unless Otherwise Noted)

#### Location:

First National Bank Building Training Room 332 Minnesota St, St. Paul

Time: Noon - 1:00 p.m.

#### Cost, includes lunch:

\$15 RCBA members \$30 non-members

**Credit:** 1 standard credit applied for

Register at ramseybar.org or call (651) 222-0846.



RCBA is offering flexible CLE packages again for the 2019-2020 CLE season. Great savings over buying individual CLEs High Quality, Relevant CLEs presented by local experts

> 5 CLEs \$60 10 CLEs \$110 15 CLEs \$150

Any length: 1 credit hour, 1.5 hours, 2 hours, 3 hours Any format – live, remote access Includes lunch, if applicable.

To purchase a package, email info@ramseybar.org or call (651) 222-0846.

# January 9 | Trusts & Estates Section: Of Prenups and Probate: Probate Litigators Discuss How to Advise Clients Through Love, Death, and the Death of Love

**Presenters:** Emily Valentine-Grimm, Associate, Mason & Helmers; Karin Ciano, Of Counsel, Mason & Helmers

What happens when your client's estate planning hasn't kept up with your client's relationship status?

#### January 13 | Answering the Call - The Path to Wellbeing in the Legal Profession

Sponsored by the MSBA, HCBA, RCBA, and Lawyers Concerned for Lawyers. Join us for a candid discussion about the current state of attorney wellness, followed by a meditation and reception.

Time: 1:00-5:00 p.m.

**Location:** Science Museum of Minnesota, St. Paul **Credit:** 2.0 standard credits will be applied for

Cost: Attorney Rate - \$20

Public Attorney Rate - \$10 (Call Jennifer Carter at 612-278-6309 to receive this rate)

Law Student Rate - free

Register online at www.mnbar.org.

# January 21 | Real Estate Section: How to Develop (and Maintain) a Successful Real Estate Practice

Presenter: John H. Brennan, John Brennan Law

Basic tips, including finding and keeping clients, how to be a smarter, better, and more successful lawyer.

#### January 22 | Family Law Section: Changes to Family Court Rules in 2020

**Presenters:** Hon. Elizabeth Referee Clysdale, Referee, Ramsey County District Court; Patrick Busch, Attorney, State Court Administrator's Office | Legal Counsel Division

The January 1, 2020 changes to court rules that apply to family court.

# January 23 | Solo Small Firm Section: 5 Rules to Improve Your Life and Your Law Practice

Presenter: Jess Birken, Birken Law Office

What if you could design (or re-design) your practice to be more efficient, make clients happy, and enjoy your work more? Join us for this session to learn 5 key rules to get you there.

#### Thanks to our sponsor: Olsen Thielen CPAs and Advisors

Registration (and breakfast): 8:00-8:30 a.m.

CLE Presentation: 8:30-10:00 a.m.

Location: Louisiana Cafe, 613 Selby Ave, St. Paul, MN

Credit: 1.5 standard credit applied for

Cost (includes breakfast): \$20 RCBA members; \$30 non-members

#### February 13 | Trusts & Estates Section: The View from the Bench

**Presenter:** Hon. Joel Olsen, Ramsey County Probate Court Referee

Hear from Referee Olsen about recent initiatives at the court and tips for appearing in Ramsey County Probate Court.

# February 20 | New Lawyers Section: That's Why They Call it Practicing Law Presenter: David Kempston

Providing excellent service means focusing on the client relationship. Kempston will share his vision of how to do the ordinary tasks better and by doing so, the client becomes the focus — resulting in improved representation.

Happy Hour hosted by the New Lawyers Section will follow the presentation. See page 9 for more details.

CLE Presentation: 4:00-5:00 p.m.

Location: First National Bank Building Training Room Credit: 1 standard credit applied for

Cost: FREE for RCBA members; \$10 non-members

# February 26 | Family Law Section: Legal Paraprofessional Pilot Project Update Presenter: Justice Paul Thissen, Minnesota Supreme Court

Update on the progress of the work of the Taskforce on the Legal Paraprofessional Pilot Project. Justice Thissen would like to engage in a discussion with lawyers about the direction of the pilot program, about both concerns and hopes for the idea.

February 27 | Solo Small Firm Section: Employment Law Issues for the Solo/Small Firm Practitioner

**Presenters:** Matthew Hartranft, Lommen Abdo; Sabina Zeenat, Placement Director, RCBA

An overview of the small-firm hiring process; how to hire effective support staff and avoid the top five small-firm mistakes.

Registration (and breakfast): 8:00-8:30 a.m.

CLE Presentation: 8:30-10:00 a.m.

Location: Louisiana Cafe, 613 Selby Ave, St. Paul, MN

Credit: 1.5 standard credit applied for

Cost (includes breakfast): \$20 RCBA members; \$30 non-members

#### March 3 | Clarence Darrow: Crimes Causes and the Courtroom

Join us for CLE Movie Night at the History Theatre! A master of the courtroom stage, who possessed an uncanny understanding of human character, Clarence Darrow was arguably the greatest trial lawyer of the twentieth century. Yet, while commanding respect as a trial lawyer, Darrow was often embroiled in bitter controversy for his unpopular stands on many issues and criticized for his purported unethical professional behavior.

Replete with humor, humanity and intense courtroom drama, the movie engages in four of the great defense lawyer's most famous cases between 1910 and 1928. Using Darrow's own thoughts and courtroom summations, the movie explores timeless social, legal and ethical issues and provides a fresh and engaging tool to facilitate discussion of ethical behavior in and out of the courtroom.

**Reception with appetizer buffet:** 5:00-6:00 p.m. **CLE Movie and audience discussion:** 6:00 p.m.

Location: The History Theatre Credit: 2.5 ethics credits applied for Ticket Cost: \$25 adults; \$15 students

CLE Registrants: \$55 RCBA members; \$75 non-members

Purchase Tickets at the History Theatre Online: www.historytheatre.com By phone: 651-292-4323 In person: Box Office at 30 East Tenth St, St. Paul



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# RCBAHAPPYHOUR

# HOSTED BY THE NEW LAWYERS SECTION

Join us for a free drink, appetizers, and an opportunity to socialize. New and experienced lawyers are encouraged to attend. If you're interested in getting involved with the New Lawyers section, please come early (4:30) for a section meeting.

**Thursday, January 16, 2020** 5 p.m. - 7 p.m.

The Loon Cafe St. Paul 426 Saint Peter St, St. Paul

Sponsored by: Walsh & Gaertner

Thursday, February 20, 2020

5 p.m. - 7 p.m Following the New Lawyers Section CLE (4-5 p.m., First National Bank Training Room)

Rival House 411 Minnesota St, St. Paul

Sponsored by: Ascheman Law

# **MINNESOTA**

# Lawyer Referral

The Ramsey County Bar Association and the Hennepin County Bar Association are pleased to announce the launch of the Minnesota Lawyer Referral and Information Service (MNLRIS). MNLRIS combines the current RCBA and HCBA referral services into one merged and expanded non-profit program designed to serve attorneys and those seeking legal services. Members of the public with legal needs can contact MNLRIS by phone or email for assistance. Bar association staff members are trained to identify legal issues and make referrals to attorneys based on areas of practice and geographical location. When a referral to a private attorney is not appropriate, referral counselors will direct individuals to relevant public service and government agencies.

This newly expanded Lawyer Referral program is an excellent example of the benefits of bar associations collaborating to meet the needs of attorney members and addressing the evolving needs of consumers seeking legal services. Formerly, the RCBA and HCBA each hosted their own individual attorney referral programs. Collectively the services helped over 13,000 members of the public and generated over a million dollars in revenue for participating bar members per year. By consolidating their programs and marketing efforts into a combined service, the MNLRIS will serve the bar and the public in a collaborative and expanded way.

Contact Dana Miner at dminer@mnbars.org for more information or to join the new referral service.



## PLACEMENT SERVICE

Let the Bar Association help you find the right staff for your law firm. We specialize in the placement of full-time and part-time legal office support staff: Paralegals | Legal Assistants | Receptionists | Office Administrators

#### What law firms say...

"The best part about working with the RCBA is how it simplifies the hiring process. The Placement Service has consistently met our expectations by finding good, qualified candidates. The service is also very reasonably priced compared to their competition. It's a win-win experience."



**GET STARTED!** Contact Placement Service Director Sabina Zeenat at szeenat@mnbars.org or 651-222-0846



"Every law firm has unique staffing needs. I'm here to help you find the right person for your office. Let's work together."

Sabina Zeenat, Placement Director



"For over 30 years, the RCBA Placement Service has been a go-to-resource for local lawyers and law firms."

Cheryl Dalby, Chief Executive Officer

#### **RCBA MEMBER NEWS**

Collins, Buckley, Sauntry & Haugh is pleased to announce that Mark H. Gehan and Amy Krupinski were elected as partners and Charles R. Schafer was named an associate.

Fredrikson & Byron has welcomed eleven new associates. Nancy S. Anton, Lukas S. Boehning, and Erin M. **Edgerton** have joined the employment and labor group. Olivia E. Cares and Charles J. Urena have joined the energy group. Kayla C. Hoel has joined the immigration group. Rachel Leitschuck Dougherty has joined the litigation group. Tash S. Bottum, Jacob D. Levine, and Chantal M. Wilson have joined in the mergers and acquisitions group. David M. Streier has joined in the energy, real estate, and renewable energy groups.

Submit your news to selmore@mnbars.org

#### **SPRING JOB SHADOW**

The Ramsey County Bar Association partners with Mitchell Hamline School of Law to provide law students unique job shadow opportunities, giving them a firsthand look at what the legal world is really like outside of law school.

The Spring Job Shadow program runs March 9-13. Please consider volunteering to have a Mitchell Hamline law school student shadow you for a few hours on one of those days.

Past job shadow volunteers have invited students to observe hearings or client meetings, tour their company or law firm, or just talk about their work over lunch. Lawyers from all size firms or public agencies, prosecutors, public defenders and corporate counsel are all needed.

To volunteer, please contact **Steve Marchese** at smarchese@mnbars.org or 612-278-6308.

#### **CLASSIFIED ADS**

#### Achieve Your Goals.

Attorney coach/consultant Roy S. Ginsburg provides marketing, practice management and strategic planning services to individual lawyers and firms. Contact: roy@royginsburg.com (612) 812-4500.

#### Mediation Training in St. Paul.

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# Kathleen R. Gearin







During 26 years on the bench, Judge Gearin presided over a wide range of civil cases, from family law to complex commercial matters, and gained a reputation for her integrity, decisiveness and sensitivity. As Chief Judge of her district, she frequently dealt with sensitive cases, including the Coleman-Franken Senate recount and the longest government shutdown in U.S. history. She is available as a mediator, arbitrator, special master and discovery referee in cases involving business/commercial, employment, family law, governmental/public agency, insurance, personal injury/torts, professional liability and real property matters.

The JAMS Minneapolis panel also includes:

Philip L. Bruner, Esq. • Daniel H. Mabley, Hennepin County District Judge, Retired Hon. James M. Rosenbaum (Ret.) • Hon. Janice M. Symchych (Former) • Lawrence Zelle, Esq.

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