

2023 Annual Edition

Official Publication of the Ramsey County Bar Association

BARRISTER

A portrait of Kenya Bodden, a Black man with a short beard and mustache, smiling warmly. He is wearing a dark grey suit jacket, a light-colored striped shirt, and a purple tie. His hands are clasped together on a wooden surface in front of him. The background is a blurred office setting with a blue wall and a hanging light fixture.

Kenya Bodden

2022-2023 RCBA President

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RAMSEY COUNTY BAR ASSOCIATION



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KENYA BODDEN

2022-2023 RCBA President

When asked what led him to a career in the law, Kenya Bodden attributes his interest to Atticus Finch in *To Kill a Mockingbird*. “I wanted to advocate for people, just like him,” he told the *Barrister* at the beginning of this bar year.

We’d say Bodden has achieved that vision. A graduate of Mitchell Hamline School of Law, Bodden is a partner at Thompson Coe, focusing his litigation practice on casualty, transportation, insurance defense, and products liability. He also serves as a board member at Children’s Hospital Association, a program that invests in health care programs at Children’s Minnesota. Bodden’s litigation career spans two decades, representing clients in arbitration and trial. While his accomplishments are numerous, when asked about the achievement—personal or professional—that he’s most proud of, he answered that being a dad and having a family tops the list.

Bodden has also been a member of the RCBA Diversity Committee, promoting equal opportunities and diversity in the profession and the law. He credits an experience at an RCBA Families First event with showing him the value of the RCBA to the community as a whole. “The event was a bike giveaway at Johnson Elementary School on the East Side. The bikes were gently used, but refurbished, and given to young people at the event,” he recalls. “I remember the feeling of being a part of supplying a smile and a form of freedom—a set of wheels to travel—to the children.”

Bodden has brought that do-good attitude to his presidency. He recently participated on a panel about “Pro Bono Imposter Syndrome,” encouraging attorneys who feel they might not be qualified to provide legal aid outside of their practice area to find ways to dive in, as opportunities abound for attorneys to help local legal services organizations. Volunteering betters the community, but Bodden also finds that giving back helps him personally. “Focusing on tasks during volunteer activities can be a necessary break from the worries and stress that are a part of legal practice. A few hours of volunteering can provide a necessary respite,” he said shared.

Bodden remembers that, as a young lawyer, the managing attorney of his law firm encouraged him to join the RCBA, for its networking and education tools. Today, he’s helping attorneys to find a place and purpose through the RCBA, and using his platform as president to promote community engagement. While Atticus Finch might have been a source of inspiration, what we’re seeing here is all Kenya Bodden.



BARRISTER

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Fun Facts from the 2022-2023 Executive Committee



What's a great piece of advice you've received?

A very wise friend once told me, "Life is a series of adjustments," and they were right.

— Kenya Bodden *President*

What is one personal achievement that you are proud of?

Once I went to Target for a roll of packaging tape and I left with ONLY packaging tape. I have the receipt framed in my home!

— Hon. Victoria Elsmore *President-Elect*



How do you unwind and add balance to your week?

I really enjoy organizing and coaching youth sports in St. Paul. Sports are such a great metaphor for explaining the ups and downs of life—you learn more from losing than you do from winning.

— Andrew Rorvig *Vice President*

If you couldn't be a lawyer, what job would you want to try?

I would probably work in event production or arena management. When I started law school I was working at the University of Minnesota's Mariucci and Ridder Arenas as an arena manager.

— Racey Rodne *Secretary/Treasurer*



What's a song that always makes you dance?

Any Colombian Cumbia!

— Mónica Dooner-Lindgren *Past-President*

RCBA Board Members

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Dea Cortney, Sieben Edmunds

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Racey Rodne, McEllistrem, Fargione, Rorvig & Moe, P.A.

Andrew Rorvig, McEllistrem, Fargione, Rorvig & Moe, P.A.

Charlie Shafer, Collins, Buckley, Sauntry & Haugh, PLLP

Evan Tsai, League of Minnesota Cities

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Cheryl Dalby

RCBA Chief Executive Officer
cdalby@mnbars.org



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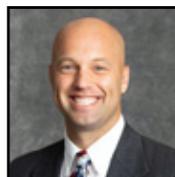
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Racey Rodne



Charlie Shafer

Flex That Social Muscle

New Lawyers Section Co-Chairs Racey Rodne and Charlie Shafer are building community beyond the Zoom happy hour

Racey Rodne (McEllistrem, Fargione, Rorvig, Eken, & Moe) and Charlie Shafer (Collins, Buckley, Sauntry & Haugh), 2022-2023 chairs of the New Lawyers Section, both agree that their involvement in the New Lawyers Section was really just the result of regular attendance.

“Racey and I both showed up one evening to happy hour and we kept coming back. We went from there, for better or for worse,” Shafer said. Rodne added, “The biggest part of [the Section] is just being there and showing up. It’s a space to share work stories and social stories. Vent about clients. You get to relate to other lawyers at the same place in their careers, and I think that led me to keep being involved, and eventually I took on a variety of roles.” In addition to his role as New Lawyers Section co-chair, Rodne is involved in the RCBA Diversity Committee and is serving as the RCBA Secretary/Treasurer in the 2022-2023 bar year.

This sentiment—connections grow when you keep showing up—was echoed throughout our interview. “We’re small—well, maybe not that small—but in the Twin Cities, the lawyers you meet, you meet over and over again,” Rodne said. “And it builds community to go to events and see the same colleagues. Attorneys from all sorts of practices are involved in the Section, ones I never knew about, and I get to learn about those practice areas. Obviously, that has its networking benefits, but you also just get to exercise that social part of your life with people at a similar stage in their careers.”

When asked about networking and mentorship opportunities available in the Section, both chairs mentioned that being involved with New Lawyers helped their practice and their confidence in their earliest years as attorneys. “I feel like I could call up anyone in the NLS,

past or present, and ask a stupid question ... and they wouldn’t care, and they’d give me an honest answer,” Shafer said. “And it’s important to have that ability when you’re first starting out.”

Rodne added that comparing notes with others in a similar position helped him get perspective on the learning curve that new attorneys face. “Having people, when we came into the section, who were a few years into that process [of learning how to practice], and being able to talk to them now and hear their stories and watch how they’ve built up their skills? That builds a little confidence that I could do the same thing.” Now that they’re a few years into practice, Shafer and Rodne have taken on a mentoring role in the Section.

Though in-person community-building was dampened by COVID-19, New Lawyers Section leadership actually credits the pandemic with making room for some changes and new programming. It was easier for newer attorneys to commit to a virtual meeting, and many who joined virtually kept coming back once new lawyers were gathering in person again. Shafer mentioned that he and Rodne, along with social chair Thomas Johnson (Meshbesh & Spence) renewed their commitment to diversified programming during the pandemic, especially moving beyond the standard Zoom happy hour. The Section still regularly hosts happy hours, but there are also community service projects, outings, and CLEs.

“We want this to be a welcoming space for everyone,” Rodne concluded, when asked about guiding values for the bar year and the future of the Section. “If you don’t drink, you don’t know anybody, this is still a space for you. We strive to make these events more inclusive. Be inviting, include people. And it’s not all talking shop.”

New Lawyers Section Leadership

Co-Chairs

Racey Rodne
Charlie Shafer

Social Chair

Thomas Johnson

CLE Coordinator

Dea Cortney

Outreach Coordinator

Nolan Woods



RAMSEY COUNTY BAR FOUNDATION

2021-22 IMPACT REPORT

The Ramsey County Bar Foundation provides financial support to programs in the Ramsey County geographic area that benefit the legal profession, improve the quality and accessibility of justice, and would otherwise attract the interest and support of Ramsey County lawyers.



COMMUNITY GRANTS

\$51,500

Advocates for Human Rights
\$2,000

Bridges to Safety
(The Saint Paul and Ramsey County Domestic Abuse Intervention Project)
\$5,000

Children's Law Center
\$4,000

Collaborative Community Law Initiative (LegalWise)
\$1,500

Dispute Resolution Center
\$3,000

Foster Advocates
\$2,000

Gender Justice
\$500

Great North Innocence Project
\$1,000

HOME Line
\$1,000

Immigrant Law Center of Minnesota
\$5,000

Interfaith Action of Greater Saint Paul
\$500

International Institute of Minnesota
\$1,000

Lawyers Concerned for Lawyers
\$4,000

Loan Repayment Assistance Program
\$4,500

Minnesota Assistance Council for Veterans
\$1,000

Minnesota Elder Justice Center
\$2,500

Minnesota Justice Foundation
\$2,000

Minnesota Wills for Heroes
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Neighborhood Justice Center
\$2,500

Rainbow Health
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Standpoint
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Transforming Generations
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Tubman
\$2,000

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The RCBF awarded 16 scholarships totaling \$6,000 to law students who attend a Minnesota law school and who are members of a group traditionally under-represented in the legal profession.



The RCBF raises funds through the annual Bench and Bar Benefit, Charity Golf Tournament, and donations from RCBA members. The Benefit, held in the fall each year, is the major fundraiser for the foundation.

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Making your way as a new lawyer

By Dea Cortney



I've always been a "joiner." From elementary school through law school, I was the girl involved in every club, sport, committee, and event—you name it, I was on it. So, it should come as no surprise that I got involved in some of the various local, state, and national bar associations when I was still a law student, and then dove in head-first joining boards and committees once I became a lawyer. But why? Aside from the intrinsic value I receive because I genuinely enjoy board and committee work, serving in bar association leadership roles provides excellent opportunities to network with other attorneys, build mentor/mentee relationships, and develop professionally.

Networking

Despite being a self-described "joiner," I used to be terrified by the word "networking." Networking conjures up thoughts of standing alone in a large room full of strangers and having to make small talk. But networking can also mean something less formal and not at all scary. I like to think of networking as any activity I am doing that broadens or strengthens my connections with other lawyers or people who could refer cases to me.

Joining bar association groups, boards, committees, etc. gives me an opportunity to feel like I am doing something specific and being helpful in a

tangible way—and helps me build connections with other lawyers. By coming together with a common purpose, boards and committees often become cohesive units where conversation flows easily, friendships are formed, and the talk doesn't feel so small. Once I have established a zone of comfort with a base group of people, it becomes much easier to branch out and network with a larger group. That way, the original definition of networking seems more manageable because I got to know a smaller group first.

If you feel this way, try connecting with a smaller group before a larger meeting. For example, the RCBA New Lawyers Section Board of Directors meets for a business meeting prior to each of our monthly happy hours. If you are more of a 1-1 or small group person, feel free to connect with anyone on our board before the happy hour and we would be happy to introduce you around!

On the flip side, though, I have also learned that I sometimes need to just step outside of my comfort zone and network in the room full of strangers. Generally, the nervousness passes and I find myself enjoying the conversation, meeting interesting people, and being glad that I chose to show up in that way. And, the bar provides a ton of fun events throughout the year that won't feel like traditional networking events such as the annual golf tournament and the Bench & Bar Benefit.



Bar association involvement creates networking, mentorship, and professional development opportunities to boost your career.

Mentorship

Bar association membership is a great way to get involved in a mentor/mentee relationship, whether formal or informal. I have certainly met many lawyers over the years through the bar association and other associations that I consider informal mentors because I admire their work, practice, ethics, attitude, style, etc. There are others with whom I have a formal mentor/mentee relationship established through a specific leadership program. I think both types of mentorship are invaluable to a new lawyer. If you are interested in forging a mentor relationship but do not know who you would like to approach, you could try talking to your New Lawyers Section or a committee in your practice area to see if they know anyone who may be interested.

Professional Development

Bar associations at local, state, and national levels provide tons of amazing professional development opportunities throughout the year. Between in-person, online, and on-demand CLEs, courses, workshops, conferences, trial schools, and other offerings on just about every legal topic under the sun, there is no shortage of ways to supplement your existing knowledge and/or pick up some new information. The bar association is a great place to

hone skills you might not necessarily use every day—like how to conduct an expert deposition—or get updates on things that may impact you indirectly such as the new cannabis law’s effects on employment law—or things that affect all lawyers such as wellness and work/life balance tips.

Whether you choose to dive headfirst into a bar association and become super involved or you want to dip a toe in and test the waters, there is something here for everyone. I truly believe that, like most things, the more you put into it, the more you will get out of it. I have found that the bar association is a place that provides amazing networking, mentorship, and professional development opportunities all in on—all while being a fun place to serve the legal community.

Dea Cortney is a criminal defense attorney at Sieben Edmunds Miller where she has worked since she was a clerk in law school. She is a 2020 graduate of Mitchell Hamline. Dea serves on several boards and committees, including the RCBA Board of Directors and the RCBA New Lawyers Section Board. In her free time she enjoys traveling, reading, doing crossword and jigsaw puzzles, and watching true crime shows.



— Signature Events —



The New Lawyers Section holds regular socials to engage and connect new and experienced lawyers.



Solo Small Section Breakfast.



Monthly Green Line Lunches, held at St. Paul restaurants are a regular opportunity to network and support local businesses.



Former RCBA President (2021-22) Mónica Dooner-Lindgren passes the presidential gavel to Kenya Bodden.



The 2022 Bench & Bar Benefit took place in November at the Saint Paul Hotel. The event honors pro bono service and supports the legal services community, with proceeds benefitting the Ramsey County Bar Foundation.

The summer Golf Tournament brings members together for a day of golfing for charity. Proceeds benefit the Ramsey County Bar Foundation, which awards grants to law-related charitable organizations.



MID-CAREER ATTORNEYS

Navigating Speed Bumps and Finding Purpose

By Joan Bibelhausen

A popular 1977 cartoon from Sidney Harris shows two professors reviewing a chalkboard with complex math formulas on either side. In between is the phrase “Then a miracle occurs ...” The more senior professor counsels “I think you should be more explicit in step two.” As we review the research about our profession, we find early (defined as the first 8-10 years of practice and in some cases 30 years of age and under) and later career initiatives (the ABA automatically enrolls lawyers 62 and over in the Senior Lawyers Division and they get their own magazine) but very little discussion about Step 2. One might argue that this group is everything else, but that ignores unique challenges and opportunities. This article aims to provide some perspective, recognize challenges, and recommend strategies for the vast middle.

Defining the Middle

What is mid-career? For the purposes of this article, we will divide it into three parts. In part one, you are becoming established and have developed confidence, but have many other opportunities to focus your interests, build your expertise, and plan your career advancement. Your professional relationships are deepening, and you are experiencing success for which you are directly responsible. If you are thinking of your legacy, it seems far away.

In part two, you are either stable or have made a significant transition, such as a judgeship. You begin to receive recognition and greater responsibility. You may realize that you have put work ahead of family and your own self-care and you may begin to question whether your work fits your values.

In part three, you may feel that you have proven yourself and yet opportunities for advancement or change may be surprisingly limited. A judicial position may be possible, you may be able to move firms if you have business, but a full transition may be less available. At the same



time, the security you have developed may allow you to focus on more outside of your job and you can gain a new level of satisfaction.

What Does the Data Tell Us?

In the seminal study, *The Prevalence Of Substance Use and Other Mental Health Concerns Among American Attorneys*, data was displayed according to age. 20.6% of the attorneys reported drinking at a level that is consistent with problematic use. It has been heavily reported that the percentage of problematic use for those under 30 (32.3%) was significantly higher than the average. Seldom reported are the numbers for the next groups, those in mid-career: 31-40 = 25.1%, 41-50 = 19.1%, and 51-60 = 16.2%. While the rate of problematic use is lower for these age groups, it is still significantly higher than the US adult average which ranges between 6.4 and 8% depending on the year. The December 2020 article, *Stress and Resiliency in the US Judiciary*, reported that

9.5% of judges drink at problematic levels. This is lower than for lawyers in those age groups beyond 30, but still higher than average.

The results for anxiety and depression also showed the highest level for those 30 and younger, with decreasing numbers for each decade. The data for judges overall was consistent with lawyers in their middle career.

Mid-Career Speed Bumps

Is that all there is? Law firms and other organizations typically have a strategic on-ramp for new attorneys, and a few will have off-ramp strategies for partners moving into retirement. While those in mid-career may be the most productive and stable, they feel most underutilized and unappreciated across all industries. In 2022, *People, Professionals, and Profit Centers: The Connection between Lawyer Well-Being and Employer Values*, authored by Patrick Krill and others, shows that people who

are appreciated for what they personally offer are happier and will stay in their law firm or other legal organization the longest. Those who feel appreciated only for cranking out billable hours are less satisfied and more likely to leave. Those who have no idea why they are valued are the least satisfied with their careers.

A feeling of displacement may arise when we are removed from a role in which we felt valued. If you're a parent, think of how you made sure your older child was not left out when the new baby arrived. In this way, law firms and other legal organizations are like families. There must be more of a role and a sense of being appreciated than simply as the older brother or sister who is supposed to know what to do and stay out of the way. This can stifle motivation and yet other obligations can feel limiting.

Most of the sandwich generation is in the mid-career stage. You are saving for college tuition while supporting and sometimes managing your parents' needs. The challenges of COVID added to the squeeze and gave rise to challenges for which we had no mentors. Loss of connections with remote work and loss of loved ones caused questioning of our identity and values.

We are working more hours, with more demands: a recipe for burnout. Late night activities coupled with early meetings mean less sleep, poor eating habits and lack of time for exercise. Time with family and friends is the easiest to eliminate. And sometimes another drink (or more) is easiest to add. Exhaustion, feeling less connected to and more cynical about our work, and our level of efficacy are all contributors to a feeling of burnout. Being overloaded at work is recognized as a critical contributor to burnout, and research by Christina Maslach shows that additional factors can be cumulative. Here are additional considerations. Do you feel a lack of control over the work you do? Are the rewards sufficient – monetarily or otherwise? Do you feel actively engaged in a community in your job? Is there fairness, either overall or involving you? Does your work (this changed for many during COVID) conflict with your values? All of these are additional predictors and put us at great risk for burnout. Each of these factors are recognized as commonly arising in mid-career.

As a profession that reacts (we don't have work until someone has a problem), it can be difficult to be proactive on our own behalf. Here are some ways to do just that.

Recipes for Resilience

Eleanor Roosevelt said:

Probably the happiest period in life most frequently is in middle age, when the eager passions of youth are cooled, and the infirmities of age not yet begun; as we see that the shadows, which are at morning and evening so large, almost entirely disappear at midday.

These strategies for resilience, and others you can learn in LCL groups, programs, and elsewhere, provide a way to re-examine opportunities and options.

Appreciate your grit. While you may be experiencing stress, can you appreciate the challenges you have faced and dealt with. Grit is courage, resolve, and strength of character. We are problem solvers, and we sometimes don't appreciate all that we have tackled. Ask yourself where your character is strongest (the exercises at U Penn's Positive Psychology Center will help you define your strengths) and vow to exercise those muscles.

Commit to learning. If you feel you are a billing automaton, learning beyond what is absolutely necessary can seem like an overwhelming burden. When life expectancies were short, we became a master in one area. We live longer, and mastery in more than one area will engage curiosity and provide more opportunities for growth and change. Where can you stretch beyond your comfort zone? What do you want to be known for, your personal brand? As you develop your reputation and begin to think about your legacy, what will that be? It may change, and that's ok. Remembering that we are reactive, rather than proactive, a reminder may be necessary that you need to be the one in charge of your growth. What are your goals for a distinct period of time, how will you measure success, who will help you, and what will help you commit to this? This is self-care and you deserve it.

Embrace a sense of purpose. The Japanese term *ikigai* means "reason for being" and it encompasses all aspects of well-being: intellectual, occupational, spiritual, emotional, physical, social, and cultural. What is your reason for getting up each morning? That is your *ikigai*. This is an amalgamation of what you love, what you are good at, what you can be paid for, and what the world needs. Look for those opportunities in your work and in your learning. A counselor or coach can help you reframe.

Make a change. As reactors, we may struggle to find out way forward or out of a tough situation. You may see news of a colleague's career change and wonder "how did they do that?" Consider why you want a change. If you are simply getting away from something, you are less likely to make meaningful change. Your resume will cover what you really do not want to do, because that's what you think about. If you make a major change (and many do) are you ready for the intense on-boarding that will be necessary. Are you willing to build your reputation anew? These can be positive challenges, they can be scary, and they can be both. It is critical to have a forward goal rather than merely a desire to escape; this will impact the success of your transition. You may have had a future goal earlier in your career, such as a judgeship. What can you do now to make those dreams closer to reality? Viewing your current job, even if you wish to leave, as a steppingstone can make each day more meaningful and tolerable. If you have no choice because of changes beyond your control, these considerations will still provide a more positive outcome. In researching challenges and opportunities in midlife, the most common sources discussed mid-career job change. You will find many resources to help you consider and navigate change. LCL's Lawyers in Transition group may be helpful as well.

Talk it out. If you feel trapped, frustrated, exhausted or more, this is a good time to connect with a counselor to untangle the elements that are contributing to this. Therapy helps you to understand the sources of your feelings and begin to make decisions. The therapist may assess you for depression, anxiety, substance use concerns, or other issues that can be treated medically. Your stress is a predictor for all of these and more. LCL provides an initial four free counseling sessions and referrals to additional resources. You don't have to do this alone.



Joan Bibelhausen is executive director of Lawyers Concerned for Lawyers (LCL). LCL provides free and confidential, peer and professional support, including free counseling for any issue that causes stress or distress. Services are available to lawyers, judges, law students, law office staff, and immediate household family members. www.mnlcl.org, help@mnlcl.org, 651-646-5590. LCL is here to support you every step of the way.



Can I Retire Yet?

Personal and Practice Considerations for Attorneys

By Susan J. Mundahl

It is now Wednesday afternoon, the week after two divorce trials, and I am sitting at my desk with over 200 emails that need to be sifted through and answered. I was a single mom for most of my adult life. Now, my two children are grown, and I am lucky enough to have two grandchildren who are about to enter middle school. I am in year 34 of practice and year 11 of owning my own law firm. I am 67 years old. Thankfully, my law firm made it through the pandemic and business is picking up.

I just entered into partnership this year with one of my associates, and we recently hired another new associate. We always seem to be looking for another good paralegal. In addition to human resource issues, I am dealing with rising costs of everything, including marketing, utilities, supplies, and staff benefits. I've also had to invest in technology and marketing to transition my business to a post-pandemic world. There is an excellent book called *Minding Your Own Business*, in which the author, Ann Guinn, states that as a small law firm owner, I have to be an entrepreneur, administrator, marketing expert, and, finally, practice law.

So here I sit wondering: *Can I retire yet?*

There are myriad concerns that we baby boomers face as we figure out how to transition from working full-time as attorneys to the glorious promise of retirement and beyond. As I consider the next stage in my life, I've been asking myself questions about retiring.

Question 1:
Am I healthy enough to continue to work full-time days and handle the ongoing stress of a law practice?

My first consideration needs to be my health and well-being. An attorney recently opined that the law is the only profession other than professional boxing where one is up against a skilled opponent whose only job is to take you down. And I admit that after 34 years of practice, some days I feel very beat up by opposing counsel, judges, and even some of my own clients. Being in my sixties, my eyesight isn't as good, and neither is my hearing. While I'd like to live to 100, I really don't know if I will become disabled or when I will die. A colleague and family law attorney recently died of a heart attack at 65. It was very sudden. As we age, we need to consider whether it's time to slow down or retire from the practice of law. Our health and wellbeing may depend on it.

Question 2:
Can I afford to retire?

The next consideration is financial. Retiring is a real challenge for us boomers now, since a lot of us are still partially supporting our children and maybe even our parents. With the price of everything going up, the stock market going down, and interest rates for savings accounts at less than one percent, we need to ask, "Do I have enough money saved to retire?" I know a lot of folks on fixed retirement incomes, and many are concerned about the rent going up, along with all the other necessities of life, including groceries, gas, etc. They worry if they can afford to eat out, travel, or take vacations. If you don't know whether you can afford to retire, then now is the time to talk with a good financial advisor and start planning.

Question 3:
Who needs to know that I'm retiring, and how will they be affected by my plans?

I have several people to consider when I think about retirement. First is my family: are they ready or willing to have me around more often? Right now, I'm working five days a week, so I only have time to see my grown kids a few times a month. How will they feel if I want to chat or stop by every day? If I had a spouse,

I would have to consider how they are going to handle retirement: mine and theirs. What are the two of us going to do all day with each other? And I have to think about my staff. How will my retirement affect them? Will some staff lose their jobs? And what about my clients? Are they going to want to have someone else take over their case? All the important people in your life need to be considered prior to making the decision to retire.

Question 4:

What do I do with my practice?

Do I sell it? Do I enter into an agreement with other attorneys for a long-term buy out? Do I simply close the doors and say good-bye? To entertain any of these options, you need to know what your practice is worth and if there is someone interested in taking over for you. You'll need to get a business valuation done and to talk with other attorneys about each of the above options. You also need to work on a succession plan now, just in case something happens when you least expect it. As attorneys, we have an ethical duty to see that our clients' needs are taken care of, even if we get sick or die. A good succession plan will help alleviate your concerns about what happens when you are finished practicing law.

Question 5:

Who am I if I'm not an attorney?

What do I do every day if I am not working? It can help to have other passions or interests that you plan to pursue once you retire. As a prelude to retirement, I moved into an age 60+ apartment community last January. There are always activities going on, like bridge, canasta, nickels, mahjong, pickle ball, table tennis, yoga, and swimming. Getting into such a community has helped me—and a lot of folks around my age—make the transition from working every day to playing and relaxing. But after a lifetime of service to others, what do I do next? I wonder, if I am no longer a part of the working world, why am I still here?

Everyone should be thinking about end-of-life issues. A lot of folks still have not gotten wills or health care directives set up. As we age, we need to start thinking about preparing for our probable infirmities, but it's also a time that we start thinking about our death. The bottom line is that our bodies don't live forever. As we think about retiring and the next phase of our lives, it's important to prepare. While this isn't an exhaustive list of questions, I hope it helps you think about the physical, mental, and financial plans you should be making.



Susan J. Mundahl, owner and president of Mundahl Law, is a family law attorney of over 34 years and an expert in divorce and child custody matters in the state of Minnesota. She has written over 200 blogs and recorded over 60 podcasts on these topics. Her passion, integrity, and personal experience guide her. Her motto is "Children are not a prize to be won."

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Uncertainty, Anxiety, and the Rewards of a Solo Practice

By Cresston Gackle



The thought of practicing law on one's own can seem foreboding. Most law students enter the field in search of financial certainty, often with eyes on a salaried job as an associate in an established law firm, preferably as prestigious and high-paying as possible. We are trained to be issue-spotters and problem-identifiers and we're expected to both recommend and take the safest path, not set out upon the less-traveled ones.

To many, uncertainty and fear are interchangeable synonyms. Why face the uncertainties of going without a salary and of trying to build a practice you don't know will succeed? It can strike many as foolhardy and unnecessary to take the risk of failure in the world of small business.

At first glance, solo practice is daunting. You take responsibility for finding clients, maintaining case files, and running a business. There's uncertainty about earning money and earning it consistently. But these uncertainties are far less abstract and unsolvable in practice than they may seem at a distance. We need to remember that as lawyers, our training is to identify and solve problems, not simply to fear and avoid them.

Set a Budget for Business and Life

Starting a solo practice, as with starting any small business, does not mean risking it all. It means planning one's personal budget carefully

over at least a 12-month period: what are my core costs for housing, medical care and insurance, and other necessities? Solo practice doesn't require a reduction in quality of life, but it does mean planning for the possibility of not earning consistent or significant money for several months. To approach this uncertainty, I ran budget analyses that included the potential of not making money beyond breaking even with business expenses for the first six months. Health insurance can easily cost over \$10,000 per year out-of-pocket on the open market and housing costs, whether in rent or mortgage, as well as debt, can and must be factored into budgeting before starting a solo law practice.

Recent analyses of law student debt data indicate that, on average, a law student graduates with over \$160,000 in debt.¹ Over half of those graduating with debt have equal or more debt than they did when they graduated.² Many law graduates are postponing buying homes and cars, having children, and choosing jobs that pay more instead of jobs they really want to do.³ Law school debt and its consequences have fallen more heavily upon law students of color than their white peers.⁴

Finding paying clients and legal work is uncertain unless one is continuing with clients from a pre-existing firm. There are other avenues to find consistent work, however, and these depend on connections with other attorneys. When I began my practice, I was fortunate to have networked with established attorneys who were

willing to entrust research and writing projects to me through independent contracts. Building a reputation of consistently and reliably doing the work is critical to maintaining those connections and continuing to receive legal work.

In budgeting for the business, it's most important to minimize upfront costs and avoid long-term contracts. There's no need for a fancy research package, use the local law library or the State Law Library for free or low-cost use of legal research resources. Fend off the constant attempts to tax your firm's budget by online legal referral services and instead invest your time in bar associations and networking with practitioners within your field. Establishing trusting and friendly connections with other attorneys, particularly within your legal area, can quickly lead to referrals from those attorneys for work they simply don't have time to take on. Networking, bar association involvement, and writing for bar association publications have easily led to more paying leads of potential clients than ads on social media. Investing your time is far more impactful than investing your money.

The biggest and most easily avoided overhead cost is maintenance of a separate physical office. In the days of the pandemic and since, I've found most clients have no expectation of ever meeting me in person, let alone dealing with the hassle of coming downtown and trying to find parking. Cutting out rent for a space that won't be used to its full potential is a great way to cut costs.

Finally, value yourself and your time. Charge a reasonable billable rate and require reasonable upfront retainers for the work you do. If a client is unable to pay your rate or retainer, it may be best to refer them to another organization rather than undertake a matter on which you will be underpaid but still expected to provide competent and diligent representation.

Make an Exit Plan

In my business plan, I acknowledged the possibility the whole solo practice thing wouldn't work out. I formulated a brief exit plan within my business plan with some ideas for what I would do if, after 12 months of trying solo practice, I found it unsustainable. Again, try approaching the uncertainty of what comes next not as a fear-inducing exercise, but instead an evaluation of new opportunities. For me, that meant considering seeking salaried legal employment, going to graduate school, or leaving the legal profession to try something different.

There is a fear of failure built into our profession. We have been taught to constantly define success

by the yardsticks others lay out for us and to seek one linear model of success by becoming a law firm associate. Starting a business and going out on one's own, we get the opportunity to define for ourselves what success is. Is it breaking even? Is it making a certain dollar amount or building a larger law firm? Is it that we tried at all? Being an attorney does not need to be just treading a well-worn path to financial security, but instead can be defining the value of a career for yourself. What do you want out of the law? What do you want out of your career? How do you want your career to fit into your life?

The natural reaction to uncertainty is fear, but the reasonable response to uncertainty is to see opportunity. Every day in solo practice brings opportunities to decide how we are going to do things better, more efficiently, and with more attention to what makes us happy. In the uncertainty of solo practice, I've found the opportunity to define my legal career on my own terms. I truly believe there is no more rewarding way to practice law.

Notes

¹ American Bar Association Young Lawyers Division. *2020 Law School Student Loan Debt Survey Report*. American Bar Association and AccessLex Institute, 2020.

² *Id.* at 10.

³ *Id.* at 13-17.

⁴ *Id.* at 17-19. See also American Bar Association Young Lawyers Division. *Student Debt: The Holistic Impact on Today's Young Lawyer: Selected Findings from the 2021 American Bar Association (ABA) Young Lawyers Division Student Loan Survey*. Brandeis University, Heller School for Social Policy and Management, Institute on Assets and Social Policy, *Stalling Dreams: How Student Debt is Disrupting Life Chances and Widening the Racial Wealth Gap*. September 2019. Center for Responsible Lending. *Quicksand: Borrowers of Color & the Student Debt Crisis*, 2019.



Cresston Gackle is a solo practitioner of juvenile and family law and a part-time public defender of children in child protection and delinquency matters. Before entering solo practice, he was a law clerk in the Fourth

Judicial District. Originally from Iowa, Gackle pursued his education at the University of Minnesota as an undergraduate and then as a law student. Pre-COVID-19 pandemic, Gackle was an avid fair and festival-goer and he now spends most of his leisure time learning and playing modern board games online.

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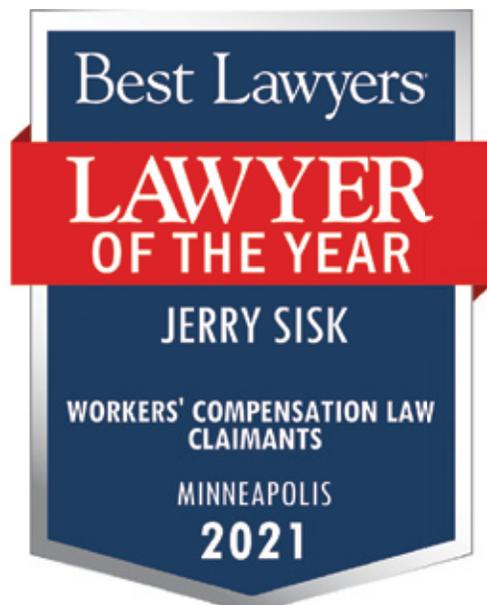


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Kathy Eveslage

2022 Distinguished
Humanitarian Service Award

This year's recipient is Kathy Eveslage, a staff attorney at Southern Minnesota Regional Legal Services. Eveslage, who has worked at SMRLS for over 30 years, has been a champion of protecting the rights of vulnerable communities throughout the state. She has become an expert in the rights of Medical Assistance recipients, particularly for non-English speaking seniors. She has also been pivotal in establishing the SMRLS hotline, which helped expand access to justice for clients

The Distinguished Humanitarian Service Award is given to an individual who demonstrates outstanding leadership in the development of law in the community and commitment to humanitarian service to the bar and the community.



Larry McDonough

2022 Pro Bono Award

Lawrence (Larry) McDonough is a Senior Fellow at the National Housing Law Project and a consultant on housing law. During his career, McDonough estimates that has had nearly 10,000 low-income clients and has handled hundreds of trials, motion hearings, appellate, and federal cases. McDonough has been on the forefront of advocating for change at a systemic level, lobbying and advocating on housing issues.

The Pro Bono award is given annually to an attorney in recognition for their involvement in delivering legal services to low-income clients, innovating approaches to pro bono work, or achieving legislation that contributed substantially to improved access to justice for low-income clients.



Sahan Journal

2022 Liberty Bell Award

This year, the award was given to the Sahan Journal. Launched in 2019, the Sahan Journal is a news organization that is dedicated to reporting for immigrants and communities of color in Minnesota. They have provided vital civic information to communities that are often overlooked, such as voter guides for specific communities and critical coverage of important trials here in the Twin Cities.

The recipient of the Liberty Bell Award is an individual or organization who has been involved in activities that promote a better understanding of the law and our government.

*Photo credit:
Jaida Grey Eagle and the Sahan Journal*



Athena Hollins

2021 Excellence in Diversity

In 2021, the Diversity Award was given to Athena Hollins. Hollins has championed equity, equality and diversity for her whole career, introducing those new to these concepts to D&I work and helping organizations, including the Bar, navigate difficult but necessary topics and conversations about equity and inclusivity. Currently, Hollins serves as State Representative for District 66B in St. Paul.

The Excellence in Diversity Award is given to a person who has a history of encouraging, supporting or promoting diversity and equal opportunities for women, minorities and other members of historically under-represented groups. The 2022 award will be given this winter.

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Why My Therapy Dog is an Essential Part of My Law Practice

By Rachel T. Schromen

In a professional field filled with forms and drafts and data, as attorneys it can be easy to lose sight of our humanity. But ultimately, we are humans first and attorneys second. I've been able to maintain that focus in my own practice with Mabel Mae by my side.

Mabel, a certified therapy dog, is a 7-year-old “Cava-Tzu” (a Cavalier Shiatzu mix). She is not only a cherished member of my family, but she also plays a role in helping my estate planning and elder law clients feel at ease.

I knew about the therapeutic power of pets long before I was aware of the research. I originally had Mabel certified as a therapy dog so that I could bring additional benefit to the hospice volunteering that I do in my spare time. What I thought would be a fun and light-hearted addition to my visits ended up being something much more impactful.

My first visit with Mabel was to a gentleman with Parkinson's and dementia. When I arrived at the care facility, I was informed that he was particularly anxious that day. Upon entering his room, it was apparent he was quite uncomfortable. His breathing was shallow and rapid, and his eyes darted rapidly around the room. The involuntary movements from his Parkinson's were also significant that day. I lifted Mabel up onto his lap, and within minutes his breathing slowed, his eyes rested down on her, and his arms and legs stopped moving as he rested his hands around her. I was floored and could not believe how quickly and significantly her presence made a difference for this particular patient.

The research backs up my personal experience: interactions with animals are good for our physical and emotional health. According to the National Institute of Health, connection with animals “has been shown to decrease levels of cortisol and lower blood pressure.” In our work as attorneys, however, the mental health benefits

might be even more important, with research proving “that animals can reduce loneliness, increase feelings of social support, and boost your mood.”

All of these benefits have occurred with Mabel and my clients.

In *Atlas of the Heart*, Brené Brown writes, “The more difficult it is for us to articulate our experiences of loss, longing, and feeling lost to the people around us, the more disconnected and alone we feel.” Mabel has helped with this by encouraging communication during challenging planning meetings with clients who are grieving the recent loss of a loved one or facing a life-altering diagnosis. Her fluffy presence can help a reticent client, who has otherwise struggled to find the right words, open up and communicate clearly.

Mabel is only in the office, or in meetings, upon request by a client. Shortly after I decided to extend this option on my website, a woman scheduled an appointment and requested Mabel to be a part of the meeting. This woman had lost one of her children to suicide and was estranged from her other child. Consequently, meeting to talk about her estate planning was incredibly challenging for her. Mabel sat by her, almost unnoticed, for much of the meeting. However, whenever the topic of her children came up, she would wrap her arms around Mabel and pull her close. When tears came, she stroked Mabel's head faster. I watched in awe as Mabel's presence supported this client in having conversations she had avoided for years.

Brené Brown also writes, “We need to know we're not alone—especially when we're hurting.” As an estate attorney, many of my clients are hurting, and I want them to know they aren't alone. I work hard to hold space for their pain, practicing deep listening and reinforcing my



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understanding of trauma by reading books about grief like *It's OK That You're Not OK*¹ and *Bearing the Unbearable*² I dig in and excavate my own struggles with trauma and grief, learning to identify my triggers and pain points so I'm better equipped to help my hurting clients. But for some of my clients, my human presence isn't enough. For them, a sweet snuggle with Mabel can remind them they aren't alone.

Being a grief-informed attorney takes time and energy. It's difficult work, but it's work worth doing as we walk alongside our hurting clients. And as I work to center my humanity in my estate planning practice, I'm thankful to have Mabel—with her soulful eyes, furry paws, and wagging tail—with me.

Notes

¹ Megan Devine, *It's OK That You're Not OK: Meeting Grief and Loss in a Culture That Doesn't Understand* (2017).

² Joanne Cacciatore, *Bearing the Unbearable: Love, Loss, and the Heartbreaking Path of Grief* (2017).



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