

January/February 2019 Volume 31 Issue 1

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Thank you Bench &
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Thanks for
attending the
2018 Bench and
Bar Benefit



**THE
TONIGHT
SHOW**
WITH **JOHN
GUTHMANN**

**COME BE A PART OF THE
LIVE STUDIO AUDIENCE!**

RAMSEY COUNTY BAR ASSOCIATION
JUDGES' DINNER
Thursday, March 28, 2019 @5pm



UPCOMING EVENTS

Green Line Lunch

Tuesday, January 8, 2019
Homi (Mexican)
864 W University Ave
St. Paul

RCBA Happy Hour Sponsored by the New Lawyers Section

Thursday, January 17, 2019
Sweeney's Saloon
96 Dale Street North
St. Paul

Green Line Lunch

Tuesday, February 12, 2019
Bangkok Thai Deli
333 University Ave W, St. Paul

RCBA Happy Hour Sponsored by the New Lawyers Section

Thursday, February 21, 2019
HKM P.A.
30 E 7th St, Suite 320
St. Paul

Judges' Dinner

Thursday, March 28, 2019
Town & Country Club
300 N Mississippi River Blvd.
St. Paul

Memorials

Friday, April 12, 2019
Sundin Music Hall
1531 Hewitt Avenue
St. Paul

RCBA Member Appreciation Day

Wednesday, May 8, 2019
First National Bank Building
Conference Center
332 Minnesota Street
St. Paul

Charity Golf Tournament

Monday, July 15, 2019
Keller Golf Course
2166 Maplewood Drive
St. Paul

LAW DAY AWARDS NOMINATIONS

The Ramsey County Bar Association is seeking nominations for this year's Law Day Awards.

LIBERTY BELL AWARD

The individual (a non-lawyer) selected has been involved in activities which: Promote a better understanding of our government. Encourage respect for the law and the courts. Stimulate a deeper sense of individual responsibility under the law. Contribute to the effective functioning of our institutions of government. Inculcate a better understanding and appreciation of the rule of law.

DISTINGUISHED HUMANITARIAN SERVICE AWARD

The individual (a lawyer) demonstrates: Substantial length of humanitarian service to the bar and the community. Outstanding professional performance. Outstanding achievement in service to the citizens of Ramsey County. Leadership in the development of law in our community. Substantial commitment to preserving and carrying out the vision of our Constitution.

EXCELLENCE IN DIVERSITY AWARD

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.

Instructions and forms for awards are available at ramseybar.org.

Nominations are due by February 11, 2019.

Contact Cheryl Dalby, RCBA Executive Director, at CDalby@mnbars.org or 651-222-0846 with questions.



Nominating Committee Seeks Nominations for RCBA Leaders

The RCBA Nominating Committee is seeking a diverse pool of nominees for election to several leadership roles in the organization in 2019-2020. Nominations are sought for the following roles:

RCBA Vice President for 2019-2020 (will lead RCBA as president in 2021-2022)

RCBA Secretary/Treasurer – One-year term

RCBA Board of Directors – Three at-large positions; three-year terms beginning July 1, 2019.

Representatives and Alternates to the Minnesota State Bar Association Assembly – Six representatives; one-year term

MSBA Council Representative – Three-year term

MSBA Secretary for 2019-2020 (MSBA president in 2022-2023).

Ramsey County Bar Foundation Board of Directors – Two positions available July 1, 2019; three-year terms

Ramsey County Law Library Board of Trustees – Two members; four-year terms

Details at www.ramseybar.org/news/nominateleadership/

Application/Deadline

Send a resume and statement of interest by **January 12, 2018**, to RCBA Executive Director Cheryl Dalby at CDalby@mnbars.org.

Additional opportunities for service through committees and sections during the 2018-2019 bar year are available. If you would like to be considered for a leadership position, contact RCBA Executive Director, Cheryl Dalby at CDalby@mnbars.org.



Getting Off to a Great Start for 2019

Happy New Year! I hope you all enjoyed the holiday season and had an opportunity to spend some quality time with your family members and friends.

It is hard to believe the New Year is upon us already! Each year, January feels like a fresh start. When the New Year rolls around, many people make resolutions and set out to better themselves, both personally and professionally. According to the History Channel, the ancient Babylonians, a population living in what was then Mesopotamia 4,000 years ago, were the first people to make New Year's resolutions. They were also the first to hold celebrations in honor of the New Year, which for them began not in January, but in March with the arrival of spring.

New Year's resolutions continued on with the Romans. However, because the early Roman calendar did not synch up with the sun, Julius Caesar decided to make a change. After consulting with astronomers and mathematicians, Caesar introduced the Julian calendar. Caesar declared January 1 the first day of the year to honor Janus, the god of new beginnings, who is usually depicted as a figure with two faces since he looks both to the past and to the future. (Incidentally, the Julian calendar was later replaced in much of the world with the Gregorian calendar because the Julian calendar did not accurately reflect the actual time it takes the earth to travel around the sun.)

Importantly, the three bar associations will continue to be independently governed organizations. Each association also will maintain its own distinct identity, programing, and events.

Thus, since Roman times, people have viewed January as the perfect time for taking stock, setting goals, starting new projects, and making positive changes for the coming year. I am pleased to report that the Ramsey County Bar Association (RCBA) is doing all of these things in January 2019 in keeping with this centuries-old tradition. Last year, when long-time MSBA Executive Director Tim Groshens announced his plans to retire, the RCBA Board of Directors joined the Minnesota State Bar Association (MSBA) Council and the Hennepin County Bar Association (HCBA) Board of Directors in voting to adopt a new staffing model with one executive director and a single staff serving all three bar associations starting in 2019.

The latest development in moving to a single staff model is that the RCBA Board, HCBA Board, and MSBA Board have all voted to hire RCBA's Executive Director Cheryl Dalby to lead the three associations

under our new shared staff model. Cheryl has accepted the position and will be starting in her role as chief executive officer of the three associations this month. Susie Brown, the Executive Director of the HCBA, has agreed to accept the position of chief operating officer and will work with Cheryl in leading the three associations. Current MSBA Executive Director Tim Groshens will retire in early 2019.

Importantly, the three bar associations will continue to be independently governed organizations. Each association also will maintain its own distinct identity, programing, and events. What will change under Cheryl's leadership of the shared staff is the RCBA's ability to offer all of these excellent programs and events with even greater efficiency and utilizing staff members who can better specialize in their respective areas of expertise. This is a great step forward in realigning our three bar associations to meet the changing needs of the legal profession.

I am very excited about this new chapter for the RCBA. Cheryl will do an excellent job of leading the three associations with a combined staff to coordinate efforts, increase efficiencies, and improve member value and member service. With Cheryl at the helm, there are certainly good things ahead in 2019 for our bar associations!

And I hope there are good things ahead for all of you in 2019 as well, both personally and professionally. May each day of the New Year bring you luck, joy, happiness, and success!

MEMBER NEWS

Wendy M. Bratten has joined Larson King as an associate, practicing in the areas of business litigation, labor and employment, products liability, and professional liability.

The MN chapter of the ACLU honored **Prof. Eric Janus** with an Earl Larson Award for his commitment to justice and civil liberty work at a November 28 ceremony in Minneapolis.

Brent R. Eichten has joined Fredrikson & Byron as the firm's Chief Information Officer. Attorney **Jennifer Bouta Mojica** has joined the firm's Immigration Group. The following attorneys have joined as associates: **Samuel M. Andre** in the Bankruptcy, Restructuring & Workouts and Litigation Groups; **Mary G. Hyland** in the Real Estate Group; **Chelsey E. Jonason** in the Health Care Group; **Jessica R. Sharpe** in the Litigation Group; **Jeffrey C. Story** in the Mergers & Acquisitions Group; and **Ashley W. Wilson** in the Mergers & Acquisitions, Private Equity and Corporate Governance Groups.

Profile: Judge Adam Yang



ADAM YANG'S JOURNEY TO THE RAMSEY COUNTY DISTRICT COURT BENCH BEGAN OVER 8000 MILES FROM ST. PAUL at the Ban Vanai refugee camp in Thailand when he was 9 years old. After years of moving from city to city in Laos and camp to camp in Thailand, Yang's family had the opportunity to join Yang's older brother in St. Paul. Yang's parents followed the route of many Hmong immigrant families with a dream that all immigrant parents share – a better life for their children.

The Yang family settled on St. Paul's East Side, where Adam Yang and his siblings attended St. Patrick's Grades School and St. Bernard's High School. During his youth, his love of Sci-Fi movies, including Star Trek and Star Wars, stimulated dreams of being an Air Force pilot and an astronaut. He enrolled in the University of Minnesota, where he earned both a bachelor's degree and master's degree in aerospace engineering and mechanics. He is one person who can speak with authority when he says, "It isn't rocket science."

While at the U of M, Yang signed up for Air Force ROTC, but soon learned that his eye sight was not good enough to be a pilot and that the military did not allow him the flexibility to choose his career path. Thus, after completing his master's degree, he entered Hamline University Law School (now Mitchell Hamline School of Law). His plan was to pursue a career as a patent attorney.

He wanted to be in court and he wanted to help people who did not have the financial means to pay for legal services.

Following his first year of law school, however, Yang's experience as a law clerk at the Neighborhood Justice Center in St. Paul caused a "course correction" on his career path. He loved the opportunity to represent "real" clients in court and achieving results that had a meaningful impact on their lives. He wanted to be in court and he wanted to help people who did not have the financial means to pay for legal services. During law school, Yang also clerked for the Ramsey County Attorney's Office and Southern Minnesota Regional Legal Services. After graduation from law school in 1998, Yang took a staff attorney position at Neighborhood Justice Center and a couple years later moved to the Hennepin County Public Defender's Office as an assistant public defender.

Yang's assignment at the time of his election to the bench was in the Juvenile Unit, where he has handled both delinquency cases and child protection cases. He candidly admits that he prefers representing juveniles to adults because instead of focusing on the amount of time that the offender serves, the juvenile system focuses on providing services that help children make changes in their lives that lead them on a productive and crime-free life.

Yang was attracted to the possibility of becoming a judge after several years of observing the impact that a judge has, not only on the individual litigants, but also on the entire community.

Yang has not forgotten his Hmong roots and remains very active in the Hmong community. He believes that when we volunteer and give back to our community, "we not only make the community better, but we become better people." He has served in leadership positions in many Hmong community organizations and regularly provides pro bono legal services.

Yang was attracted to the possibility of becoming a judge after several years of observing the impact that a judge has, not only on the individual litigants, but also on the entire community. Prior to 2018, he started the process by submitting applications as positions became available. When Judge Gary Bastian announced his retirement, resulting in an open seat in the general election, Yang consulted with his wife and decided to file. He quickly learned that running a campaign was like having another full-time job. From June through early November, after completing his duties as an assistant public defender, Yang spent most evenings and weekends attending community meetings, walking in parades and reaching out to the community. He was frequently inspired by the comments of strangers who, after listening to him, thanked him for running and announced that they would vote for him.

Adam Yang's wife, Theresa, is a school teacher and the couple have three children; two sons in college and a daughter in middle school. The entire family, with Yang's gentle encouragement, helped out during the campaign.

Although Judge Adam Yang will have traveled thousands of miles and many years on a journey that has had the occasional twists and turns, his investiture as a Ramsey County District Court Judge in January 2019 will not be the end of the road. Rather, it will be a "sign-post" that will mark his continued dedication to public service.

By Mark Hallberg, Hallberg Law, PA

New Lawyers Section CLE and RCBA Happy Hour Hosted by the New Lawyers Section

Thursday, February 21

Offices of HKM, P.A.
30 E 7th St, Suite 320, St. Paul

Navigating the First Years of Practice: A Roundtable Discussion

Panelists: **John Paul Gatto**, HKM P.A.,
Cassandra Granos, Assistant Second District Public
Defender, **Maximilian L. Mixon**, Internal Revenue
Service Local Taxpayer Advocate

Moderator: **John R. Schroeder**, Law Clerk, Minnesota Tax Court

Starting a law practice may seem daunting and at times overwhelming. To help ease this tension, three seasoned practitioners representing diverse fields of practice and experiences will share their insights on the first years of practice. Bring your questions!

3:30 – 4:00 p.m. Registration/Open Networking
4:00 – 5:00 p.m. CLE
5:00 – 7:00 p.m. RCBA Happy Hour

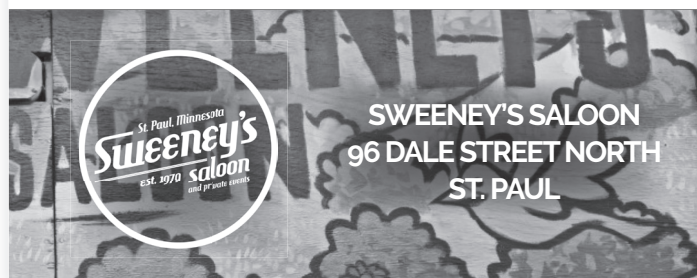
1 standard CLE credit approved

Cost: FREE for RCBA members; \$10 non-members
Teleconference Cost: FREE for RCBA members; \$20 non-members
All law students attend for FREE.

RCBA HAPPY HOUR

HOSTED BY THE NEW LAWYERS SECTION

Thursday, January 17, 2019
5 P.M. TO 7 P.M.



CONSIDER PARTICIPATING IN THE Attorney Referral Service Modest Means Program

In an effort to increase access to legal services for low-to-moderate income individuals, the RCBA invites you to join the Attorney Referral Service Modest Means Program. We need attorneys that practice in the areas of immigration law, family law, consumer law, and real estate.

For more information, contact Thea Anderson,
TAnderson@mnbars.org or 651-224-1775

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 11-15, 2019. 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 Cheryl Dalby at
CDalby@mnbars.org or 651.222.0846.



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Thank you Bench & Bar Benefit Sponsors

The Bench & Bar Benefit raised over \$48,000 for the Ramsey County Bar Foundation. Thank you to all who donated their time, resources and auction items to make this year's event a success!

A check for one half of the proceeds was presented to Southern Minnesota Regional Legal Services at the Fall Appreciation Luncheon.

Magistrate Sponsors (\$5000)

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Kathleen R. Gearin *Ramsey County District Judge, Retired*



During 26 years as a Ramsey County District Judge, 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, which includes the state Capital, she frequently dealt with politically sensitive cases involving issues such as free speech, 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. | Hon. James M. Rosenbaum (Ret.) | Hon. Janice M. Symchych (Former)

JAMS Minneapolis
333 South Seventh Street
Suite 2550 | Minneapolis, MN 55402
www.jamsadr.com | 612.332.8225

GREEN LINE LUNCHES

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

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

Tuesday, January 8, 2019 at Noon

Homi (Mexican)

864 W University Ave (Victoria St Station)

Tuesday, February 12, 2019 at Noon

Bangkok Thai Deli

333 University Ave W (Western Ave Station)

For more dates see the RCBA calendar at www.ramseybar.org/events

CLASSIFIED ADS

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

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Judicial Ride-Along allows lawyers to see first-hand how judges spend their time. Ride-Along participants may choose the judicial rotation they wish to "ride-along" with (criminal, family, juvenile or civil).

Contact Cheryl Dalby at CDalby@mnbars.org or 651.222.0846 for more information.



RCBA PLACEMENT SERVICES

Place legal staff in law firms at lower rates than for profit placement agencies. **Sabina Zeenat** SZeenat@mnbars.org or 651-222-0846.

HOLIDAY PARTY

Members enjoyed mingling and socializing at the Ramsey County Bar Association 2018 Holiday Party and Reception at The Lexington in St. Paul on December 13th.

Thank you Sponsors

Clippert Law Firm, PLLC

Thomas C. Plunkett, Attorney at Law

Thank you to all who attended!





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JANUARY AND FEBRUARY CLE OPPORTUNITIES

Midday Section CLE Opportunities

Register at www.ramseybar.org/continuing-legal-education

Location:

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

Time: Noon - 1:00 p.m.

Registration:

11:30 a.m. to 12:00 p.m.

Cost (includes lunch):

\$15 RCBA members; \$30
non-members

Teleconference Cost:

\$20 RCBA members; \$35
non-members

January 10 | Trusts & Estates Section: Ethics in Probate

Presenters: Binh Tuong,
Senior Assistant Director,
Office of Lawyers
Professional Responsibility;
Ed Kautzer, Ruvelson &
Kautzer, Ltd.

Discussion of ethics issues
that arise in the probate
and estate planning world.

Credit: 1 ethics CLE credit
applied for

January 18 | Criminal Law Section: DHS: Background Studies, Expungements, and What You Need to Know

Presenters: Catherine
Ryan, Legal Manager,

Legal Counsel's Office,
Office of Inspector General,
MN Dpt. of Human
Services; Rebecca Rhoda
Fisher, Staff Attorney, Legal
Counsel's Office, Office of
Inspector General, MN Dpt.
of Human Services
How do the MN
Department of Human
Services and MN
Department of Health
background studies under
Minn. Stat. Sect. 245C work
- who gets disqualified,
why they get disqualified,
and how the appeal
process works.

Credit: 1 standard CLE
credit applied for

January 21 | Family Law Section: Representing Clients in Complex Family Law Cases, f/k/a "High Conflict"

Presenters: Hon. James
Street, Referee, Ramsey
County Court; Mary Jamin
McGuire, MA, Director,
Adler Center for Family &
Community

This program will share
the progress of an ad hoc
group of lawyers, mental
health professionals,
Guardians ad litem,
alternative dispute

resolution providers and
judicial officers who have
been meeting for over two
years to develop strategies
for professionals to more
effectively handle these
cases to keep children
safe and the parents out
of court. A similar training
was recently presented
to judicial officers from
Minnesota and this one will
focus on how attorneys can
better address these cases
from the perspective of
judicial officers and mental
health professionals.

Credit: 1 standard CLE
credit applied for

February 14 | Trusts & Section: Probate Mediation and Litigation

Presenters: Rod Mason,
Mason & Helmers; Michael
T. DeCourcy, DeCourcy
Law PLLC; Chris Tymchuck,
Unique Estate Law
Panel discussion about
probate litigation and
mediation.

Credit: 1 standard CLE
credit applied for

February 19 | Real Estate Section: Ethics for the Real Estate Lawyer

Presenter: Susan
Humiston, Director, Office
of Lawyers Professional
Responsibility

Common ethics issues in
real estate practice, and
how to address them, as
seen by the OLPR. Join us
for an informative session
on conflicts of interest,
negotiations, law-related
services and more!

Credit: 1 standard CLE
credit applied for

February 27 | Family Law Section: The Nuts, Bolts and Other Implements to Work Through a Complex Case

Presenters: Susan M.
Gallagher, J.D., R.N.,
Gallagher Law Office, L.L.C.;
Victoria Brenner, Collins,
Buckley, Sauntry & Haugh,
PLLP

A review of an acquired
case in the district court
through the appellate court
and Minnesota Supreme
Court and on remand at
the district court following
the Supreme Court
decision. The processes
and tools to work through
and track difficult cases.

Credit: 1.0 standard CLE
credit applied for

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10 CLEs \$110
15 CLEs \$150

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RCBA OFFERS



DEMAND CLES

www.ramseybar.org/on-demand-cles
for more details.

UPCOMING MARCH CLES

March 5 | Diversity Committee: Diversity
and Journey to the Bench

March 14 | Trusts & Estates Section CLE

March 19 | Real Estate Section CLE

March 27 | Family Law Section CLE

March 28 | Solo Small Firm Section: Best
Practices: eFS for Minnesota Filers

March 29 | Human Trafficking

JANUARY AND FEBRUARY CLE OPPORTUNITIES CONT.

Additional CLE Opportunities

Register at www.ramseybar.org/continuing-legal-education

Location:

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

January 30 | Law & Literature

A Tale of Two Bars: Lawyering, Addiction, and the Problem of Coping

Presenters: David Schultz, Hamline University*

Studies show that the legal professional faces one of the highest percentages of depression and addiction, often impacting work, family, and personal lives. We think it can never be us and it someone else's

problem. But could it be you? This CLE draws upon Brian Cuban's memoir, *The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption*, to examine the traits of the addicted lawyer, how the legal professional potentially enables this behavior, and what we learn from it in terms of how to help ourselves and others.

*David Schultz is Hamline University Professor of Political Science and University of Minnesota Professor of Law, the latter of which where he has taught Professional Responsibility for nearly 15 years.

Attendees are expected to read portions (preface, introduction, chapters 3, 11-14, 17, 19) of The Addicted Lawyer before attending the class.

Time: 3:00 p.m. to 5:00 p.m.

Registration: 2:30 p.m. to 3:00 p.m.

Credit: 2.0 elimination of bias CLE credits applied for

Cost: \$20 RCBA members; \$30 non-members

February 22 | Trademarks for Business Organizers – Helping clients avoid traps and costly mistakes when naming their business and establishing brands.

Presenter: Kenneth L. Kunkle, Kunkle Law PLC

What is a trademark?

Trademarks vs. Business Names (USPTO/US Patent and Trademark Office vs. Minnesota Secretary of State). When do you need to register your trademark and when is it a waste of time?

Time: 12:30 p.m. to 1:30 p.m.

Registration: 12:00 p.m. to 12:30 p.m.

Credit: 1.0 standard CLE credit applied for

Cost (includes lunch): \$15 RCBA members; \$30 non-members

Teleconference Cost: \$20 RCBA members; \$35 non-members

RCBA Solo Small Firm Section CLE Opportunities

Join us for an informal CLE presentation and networking gathering at the **Louisiana Cafe (613 Selby Avenue)** in St. Paul the fourth Thursday of every month.

Registration and networking: 8 a.m. to 8:30 a.m.

CLE presentations: 8:30am-10am

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

January 24 | Solo Small Firm Section Nobody Likes Rejection: Document Recording Tips

from the Ramsey County Recorder's Office

Presenters: Molly Lekander, Ramsey County Recorder and Registrar of Titles; Todd Uecker, Ramsey County Recorder and Registrar of Titles

Common errors in document drafting and general recording tips real estate, trusts and estates, and family law attorneys. Topics: fees, well certificates and eCRVs, acknowledgements and jurats, legal descriptions, delinquent taxes, calculating Mortgage Registry Tax and State Deed Tax, advantages of electronic recording, and

accessing county records for research or abstracting purposes. Questions are welcome.

Credit: 1.5 standard CLE credits applied for

February 28 | Solo Small Firm Section: Transition Planning

Presenter: Rodney J. Mason, Mason & Helmers

Transitions for lawyers: change, moving (new jurisdiction city), moving in/out of government, moving to/from big-firm setting, firm breakups, office fire, deployment, judicial appointment, health changes or you just plain want to quit.

Ongoing duties to clients in each situation. Informal discussion of those obligations, governing Rules of Professional Conduct and practical considerations.

Credit: 1.5 ethics credits applied for

March 28: Best Practices: eFS for Minnesota Filers

April 25: The Housing Crisis: What Solo/Small Firm Lawyers Can Do About It

May 23: Difficult Clients: How to Spot Them, How to Manage Them and How to Part With Them