

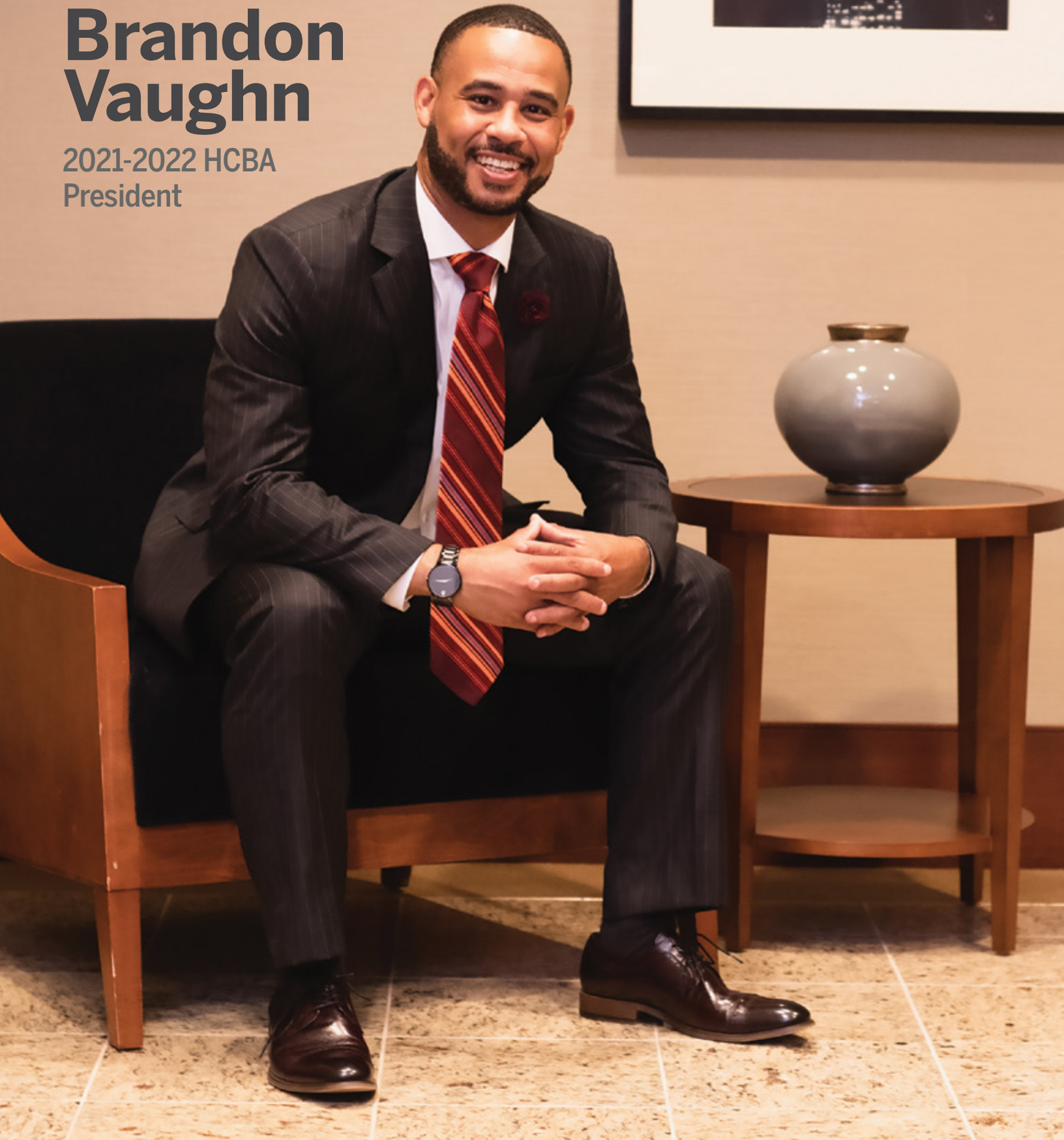
September / October 2021 Volume 90 Issue 5

Official Publication of the Hennepin County Bar Association

# HENNEPIN LAWYER

**Brandon  
Vaughn**

2021-2022 HCBA  
President





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# HENNEPIN LAWYER

Official Publication of the Hennepin County Bar Association



**Hennepin Lawyer**  
**September/October 2021**  
**Volume 90, Number 5**  
**www.hcba.org**

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# Well, Well, Well... ness.

It is surreal to be writing about attorney wellness and well-being amidst a continuing pandemic. When approached about editing this issue over a year ago, my thoughts at that time were that we would be discussing the impact of mental health and weathering difficulties while back in the workplace. Here we are, over halfway through 2021, and most of us are still working from home or running a socially distanced practice. The Delta variant has us teetering on the brink of uncertainty as we move into the fall. Is the future glib? It depends on what lessons we have learned during the pandemic.

The ability to work remotely has saved the workplace, but it has come at a cost. Technology is supposed to make our lives easier, run more efficiently, and offload labor that humans once handled. We continue to evolve as a society because we are dedicated to making things simpler so we can use our extra time to do things we enjoy (or, at least that is my reason for enjoying technology and the reason I love my dishwasher). Yet, we are producing more work than ever before. We can send 100+ emails and responses a day rather than writing 10 letters and waiting additional days for a response. We are caring for children or the elderly during the day and putting in early and late hours to catch up on work. For many, there is no down time, no promised breaks from technology. In fact, many of us are so addicted to technology that we cannot bring ourselves to set our phones down, to stop checking emails during non-work hours, or simply peel our eyes from any screen. In between caring for others and caring for our work, it appears that many of us are failing to care for ourselves.

We are humans and fight to keep going even though we need to rest. We then need to keep ourselves moving or find ways to calm ourselves down. There are many healthy ways attorneys have embraced to stay moving:

exercise (as described in this issue by Joani Moberg), meditation, therapy and support (as described in this issue by Chase Anderson and Joan Bibelhausen from Lawyers Concerned for Lawyers), focusing on spiritual health (as described in this issue by Lisa Buck), building relationships (as described in this issue by Joshua Franklin) and dealing with our feelings of being overwhelmed (as described in this issue by Dyan Williams).

There is also a dark side to dimming the constant stimulation we need to keep up with a busy practice. We drink. We smoke. We use other socially acceptable substances—I'm looking at you, coffee. And we often overdo it. A new study published this year titled "*Stress, Drink, Leave: Gender-Specific Risk Factors for Mental Health Problems and Attrition Among Practicing Attorneys*" describes the alarming mental health issues and substance abuse by our profession during the pandemic. A follow-up article to this study by Patrick Krill is also featured in this issue. It warns us that well-being issues that were brewing prior to the pandemic may be at crisis mode by the time attorneys return to the office, and we must be ready to address them.

There is a positive side to the pandemic. We are now better equipped to reach out to support networks, be it friends, physicians, or psychologists, by simply scheduling an appointment. The flexibility in our schedules means better access to beneficial resources. In addition, employers have learned to be nimble, implement new ideas, and embrace technology.

I will end with a personal anecdote. In January 2021, I was at my wits end. I couldn't sleep because I was so behind in work. When I sat at my desk (in my bedroom, across from the bed that I couldn't sleep in mere hours before), I was a zombie, and was making numerous mistakes. My 6-year-old daughter had been at home since February of 2020 due to the pandemic and I was

helping her with homework during the day in between meetings. My 3-year-old son's daycare was closed a total of six times (for a total of 12 weeks) during 2020 due to a staff member or child testing positive for COVID. I wasn't exercising. We had recently decided to put our beloved 14-year-old dog, Duke, to sleep because of his incurable cancer. I almost quit my job because I felt like a failure. Then I decided to make a call to Lawyers Concerned for Lawyers, just to see if a professional could possibly help me off the ledge. It was successful. I spoke with a fantastic therapist who helped me formulate a plan to talk to my supervisor about my workload. I implemented that plan and was able to lighten my load and stay gainfully employed. I am so grateful my employer showed flexibility and grace when I needed it most. I hope all of you can experience the same in the upcoming months, whether it be on the giving or receiving end of much needed empathy and understanding.



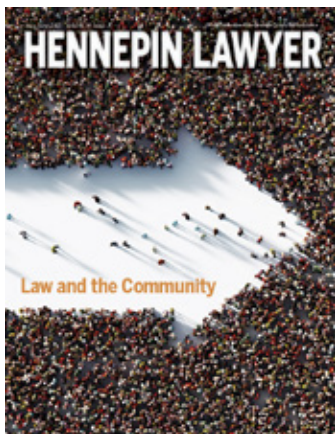
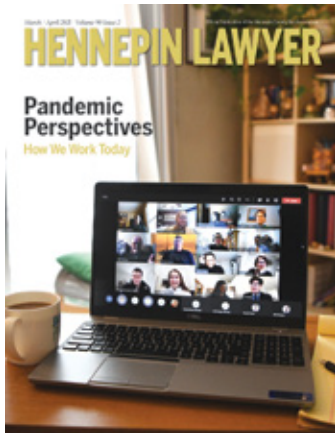
**Azure Schermerhorn-Snyder**

September/October  
Issue Editor

[asnyder@minncle.org](mailto:asnyder@minncle.org)

Azure Schermerhorn-Snyder is a program attorney at Minnesota Continuing Legal Education. She previously practiced family and juvenile law and continues to provide pro bono support in these areas. When she is not glued to her computer or bringing one of her kids to the pediatrician, she enjoys playing and coaching soccer, walking to local coffee shops with her dog Daisy, trying new restaurants with her spouse, and sending Tik Tok videos to her amazing and placating friends.

# A New Chapter for HENNEPIN LAWYER



The HCBA is a welcoming community of lawyers who advocate for the profession, foster access to justice, and provide members with support at every stage of their careers. The *Hennepin Lawyer*—the official publication of the HCBA—has been an integral part of carrying out that mission since its first issue was published in 1933.

Through the decades, the *Hennepin Lawyer* has changed its look many times, as well as its format, publication frequency, and distribution. HCBA members have always been open to change, recognizing that how communications content is delivered and digested is always evolving. Even with changes to its look and format, *Hennepin Lawyer* has remained a valued resource. Articles and features cover the local legal profession, provide updates on developments in the law, and recognize the diversity and accomplishments of bar members. *Hennepin Lawyer* provides a forum for attorneys to share their expertise, influence opinions, tell their stories, and provides a voice and vision for the profession.

Later this year, *Hennepin Lawyer* makes its next leap ahead with a significant change to how you will receive content. This, our September/October issue, will be the last of our bimonthly printed issues. We will be transforming to a primarily digital-delivery model, with *Hennepin Lawyer* features distributed to members via regular emails, social media updates, and made available online at [www.hcba.org](http://www.hcba.org). The print version of the *Hennepin Lawyer* will continue, but will no longer be published on a bimonthly basis. Instead, we will create special annual editions, with the first of these planned for later in 2022.

As we launch the new digital *Hennepin Lawyer* the HCBA publications committee and association staff will work to 1) ensure you continue to receive the content you've come to expect and rely on; 2) provide content that responds to issues in the Hennepin County Bar in a timelier manner; and 3) introduce new features during the coming year to provide additional opportunities to highlight members and allow for more contributors. The new *Hennepin Lawyer* weekly edition will also incorporate the events calendar from the current HCBA e-newsletter (which will be discontinued). The revamped *Hennepin Lawyer*—in both its weekly digital edition and printed annual—will be the best way to stay informed and connected to the bar association.

As always, we look forward to hearing your thoughts on features and content. Additionally, if you are interested in being a part of the HCBA publications committee and helping shape, edit, and contribute to the newest version of the *Hennepin Lawyer*, please reach out to us. Send your comments and inquiries to [thl@mnbars.org](mailto:thl@mnbars.org) at any time.

On behalf of the publications committee and association staff,  
thanks for your readership and contributions.

Hon. JaPaul Harris, *THL Committee Chair*  
Megan Bowman, *THL Committee Vice-Chair*

Joseph Satter, *Executive Editor*  
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Introducing  
**Brandon  
Vaughn**

2021-2022  
HCBA President



*On July 1st, Brandon Vaughn became the 103rd president of the Hennepin County Bar Association. Vaughn is a partner at Robins Kaplan, where he represents victims of medical malpractice, and individuals injured by others due to no fault of their own. In this interview, Vaughn shares what brought him to the HCBA, reflections on the last year and a half, and his vision for this bar year.*

### What are some of your priorities as HCBA president?

My biggest focus will be membership engagement. Today, there are several things competing for our members' time. That can be other bar associations, nonprofit organizations, family, or other hobbies and personal interests. We have learned that a lot can be accomplished with virtual activities when you reduce or remove travel time. Last year we saw an increase in the number of CLEs offered, as well as the number of members attending CLEs in the midst of a global pandemic. I intend to see how we can keep members engaged virtually while still affording members the opportunity to interact with each other through in-person gatherings.

I also will focus on collaborating with the leadership of the MSBA and RCBA. It is my goal to have open conversations with bar leaders to make sure we are providing attorneys in this state the best member value for their dues.

Finally, it is important for me to continue the conversation around diversity, equity, inclusion, and access to justice. The HCBA has an obligation to be stewards for the community we live and practice in, and it is my hope to make a difference in Hennepin County through encouraging our members to continue the conversation about inequities in our legal system and how we can improve them, and more importantly getting engagement from all areas of practice, location, and age within Hennepin County.

### How did you first get involved with the HCBA?

I have to thank HCBA Past-President Kim Lowe for getting me involved with the HCBA. We were working together on a Strategic Planning Committee for Twin Cities Diversity in Practice when she encouraged me to get involved with the HCBA. She appointed me to the Finance and Planning Committee at the time and I have been involved ever since. All it took was an invitation to get involved.

### BRANDON'S FAVORITES

#### Movie:

Most comedies and suspense movies

#### Television Show:

*Survivor* and *Amazing Race* (Or really any reality TV show with competition)

#### Vacation

##### Destination:

Any destination that offers an opportunity for a new passport stamp or involving a beach

#### Read:

*Native Son*  
By Richard Wright

#### Twin Cities

##### Restaurant:

Brasa and Soul Bowl

#### Thing to do on the weekend:

Compete in something (usually softball or tennis)

#### To talk about (non-work related):

Sports and family

### What's been your proudest moment as an attorney?

I have had two moments I am particularly proud of as an attorney. The first is having the opportunity to advocate for those who have been injured due to no fault of their own on the daily basis. I find it extremely rewarding to achieve justice and improve the quality of life for those who have been injured or lost loved ones due to car crashes, medical malpractice, and other unfortunate life events. I am proud to know I can make a difference for families even against the toughest odds at times.

The second moment I am most proud of has more historical significance as an African-American attorney. Given the lack of representation of Black Supreme Court Justices in the country, I am proud that I was sworn in by Justice Louis Butler in Wisconsin and Justice Alan Page in Minnesota. Both Justices were the first African-American judges to serve on the Supreme Court in their respective states. While that isn't a personal achievement, I felt honored to start my legal career being sworn in by trailblazers like Justices Butler and Page. I don't think many people in the country will be able to say they share a similar experience when discussing their admissions to the highest court of multiple states. To make the experience more special, my late father, who recently passed on November 26, 2020, was able to move for my admission in both states. I will look back at both those experiences fondly.

### As a partner at a big law firm, what were the biggest challenges that the COVID-19 pandemic presented to you?

One of the biggest challenges was impromptu communication and isolation. When everyone is in the office, you take for granted the opportunity to just walk across or down the hall to discuss work. I wanted to be respectful of the competing responsibilities various team members had throughout the day working from home, so a little more planning for team meetings was required to be respectful of individual schedules.

I also learned from some team members that they really valued being in the office because it provided an opportunity for human interaction they were unable to get at home. This led to an increase in virtual meetings and "check-ins" to provide some opportunity for continued interpersonal interaction.

From a practical standpoint, I am a trial lawyer. COVID-19 essentially brought all trials to a halt. Without trial dates, it essentially removed me from having the opportunity to do the thing I love: trying cases.

## How have the events of the past year surrounding calls for racial justice made you reflect on your role as a lawyer?

I'm not certain the calls for racial justice over the past year have caused me to reflect on my role as a lawyer. I have always firmly believed in equal access to justice, I have also been keenly aware that everyone does not have the same resources and outcomes in our justice system due to a number of factors. I think the events of last year have actually pointed out more than ever we need to continue the conversation and education to fight the racial inequities in this country. What is most disappointing is it appears the conversations and interest in making change have significantly died down in society. It was a hot topic and interest for many individuals and corporations immediately after George Floyd's death, but now a year later the same efforts and energy to make systemic change has died. It is my hope that everyone can figure out a way to make a small contribution individually and hopefully collectively we can improve the racial inequities in the country.

## Your dad was also a lawyer, what's the best piece of advice you got from him?

He shared a lot of advice, but the most memorable is likely surrounding work ethic. He frequently would remind me that there may be other people who are smarter, but don't let anyone out work you. You can determine how much effort you put in to accomplish a goal, and don't let lack of hard work be the factor that prevents you from achieving your goal. I apply that advice almost daily in all aspects of life.

## You are involved with the Black Big Law Pipeline organization, could you share a little bit more about the organization?

A group of friends around the country were sitting at a conference and decided we wanted to try to make a difference and reshape the landscape of Black attorneys in big law. Rather than sitting around talking about the problems with big law and the challenges in retention and advancement, we thought it would be best to try to develop an organization that strives to support and train Black lawyers in big law.

The Black BigLaw Pipeline, Inc.'s (BBP) purpose is to serve as a powerful and unique resource for reshaping diversity and, specifically, the experience of Black attorneys in the legal profession. The organization is comprised of senior Black attorneys, including law firm partners, senior associates, in-house counsel, government lawyers, and consultants. BBP was established to promote positive outcomes for Black attorneys working in large law firms through training, mentoring, and career planning.

We conduct an annual boot camp that focuses on practice skill development (litigation and transactional skills), interpersonal skills and emotional intelligence, and an open and honest dialogue about challenges in big law and how to navigate some of those challenges. In addition, our faculty serve as mentors to a number of the participants in the Pipeline devoting hundreds of hours on mentoring. The group also serves as a network to share job opportunities and a referral source given our connections with in-house legal departments.

## VAUGHN ON STYLE

Vaughn is known to have a great sense for style. He shares some of his favorites here.

### What's your favorite place to shop for clothes?

I actually hate shopping, so my favorite place is the internet generally. Nothing like a good mail day with packages being delivered to you. The only drawback is having to make time to return something if it doesn't work out.

### Who is your style inspiration?

My Dad

### What's your favorite fashion accessory?

Lapel pins and pocket squares

### Favorite non-work outfit?

Joggers and hoodies

### How has work from home influenced your style?

I have purchased more joggers and hoodies instead of suits and ties. My flannel pajama pants wear increased drastically too.



## BRANDON E. VAUGHN AT A GLANCE

### Education

2008 University of Wisconsin Law School  
2005 University of Illinois

### Bar Admission

U.S. District Court, Northern District of Illinois  
U.S. District Court, Western District of Wisconsin  
U.S. District Court, Minnesota  
U.S. District Court, North Dakota  
Minnesota  
Wisconsin

### Employment

2008-Present: Robins Kaplan

### Professional Activities

- American Association for Justice
- The Black in Big Law Pipeline (Founder, Board Member 2018-Present)
- Minnesota Association for Justice (Board of Governors 2017-Present, Executive Committee 2020-Present)
- Twin Cities Diversity in Practice (Board of Directors 2018- Present, Young Lawyers Board 2011-2016)
- Hennepin County Bar Association (Finance & Planning Committee 2012- 2016, Board of Directors 2014-2018, Secretary 2018-2019, Treasurer 2019-2020, President Elect 2020-2021, President 2021-2022)
- National Bar Association (Young Lawyers Division Secretary 2016-2017, Vice-Chair 2017-2018)
- Minnesota Association of Black Lawyers (Board Member 2010-2012)
- American Bar Association
- American Bar Foundation, Fellow
- Leadership Council on Legal Diversity (2017 Fellow)

### Community

- Minneapolis Public Schools: 100 Strong Who Care - Guest Speaker
- Big Brothers, Big Sisters - Mentor



# 2021-2022 HCBA Leadership

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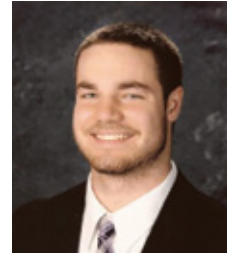
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MEET  
**MICHAEL  
BOULETTE**  
2021-2022  
HCBA SECRETARY

*The HCBA welcomes Michael Boulette to membership on its executive committee for the 2021-22 bar year. On July 1st, Boulette was introduced to the association's officer ranks as secretary, beginning a five-year leadership track that will have him serve as president for the 2024-25 bar year. Boulette is a graduate of the University of St. Thomas School of Law. He is a partner at Taft Stettinius & Hollister, where he practices family law.*

## Why did you become a lawyer?

Mostly by accident. I was one of those loud, bossy kids that everyone said, “you should grow up to be a lawyer,” because they didn’t really appreciate most of what lawyers actually do. So I got a philosophy degree and then found that I really didn’t know what to do for work, so, hey, more school right? When I talk to law students, I like to highlight that I went to law school for the worst possible reason—*no reason at all*—and have still found a profession I’m passionate about. Pretty lucky.

## What is your favorite part about your job?

Solving hard problems. You’ve heard the line from *Anna Karenina*, “...every unhappy family is unhappy in its own way.” Right. Which means there’s never a pat legal answer for clients with family law problems. Statutes and case law just can’t begin to cover all the different situations people find themselves in. I love working on cases where there isn’t an answer, or better yet where the obvious answer isn’t the right one and we have to dig deeper.

## How did you get involved with the bar associations?

My very first boss encouraged me to get involved with the bar. I had no idea where to start so I showed up at an MSBA new lawyers meeting. None of it made any sense to me, but the people were nice, so I came back the next month, and the next. By the end of the bar year, I got up the gumption to ask to be the publications committee co-chair the following year. It all just kind of snowballed from there.

## What are you most excited about with joining the HCBA leadership track?

This is a really transformative time for the Bar. We’re taking on huge issues from racial justice to the rule of law to attorney wellness. Big changes are coming to the practice, business, and profession of law and the HCBA is right in the middle of all of it. What’s not to be excited about?



Boulette enjoying a quite moment with his kids.

## You’ve been an advocate for better work/life balance in the legal community, what inspired you to talk about this issue more?

For most of my adolescent and adult life I’ve struggled with depression and anxiety. In the early years of my practice, I thought that the pain I felt from overwork or sitting with clients through their own suffering meant I was a bad lawyer. I felt like struggling with my mental health was proof I was doing the job wrong. I can’t pretend that I’m entirely past that. But I want to be sure that the lawyers coming up behind me know that they’re not alone. Other folks have had these same feelings, the same stress, the same doubts—and that doesn’t make us bad lawyers, it makes us human.

## What’s been the highlight of quarantine/working from home for you?

Probably my oral argument before the Minnesota Supreme Court in November. All of our kids were home that day, and our nanny was running late. That morning, my one-year-old was crying, the three-year-old was singing from *Frozen* loudly, and the six-year-old needed to Zoom into online school. Just before I logged in, I heard my wife say to our oldest, “Make sure your sister stays right here. If your teacher [for distance learning] asks why she’s on the screen you can say that your Papa has to argue at the Minnesota Supreme Court and Mama has to put the baby to bed.”





# BEHIND THE MASK

## The First Year Of Practice

*by Joshua D. Franklin*

Getting over graduation cancellations due to the pandemic and then studying for the bar exam were already a feat, but the class of 2020 and other new lawyers deserve an honorable mention for taking their lawyer's oath behind a computer and then practicing entirely in a remote setting for almost a year. Every new attorney has heard the stories of late nights in the war room with your class of associates, tirelessly preparing for trial or working all night exchanging versions of a brief—but to endure the same without the expected level of human interaction created both a unique set of challenges and new opportunities for creativity.

We all know law school does not fully prepare one for the practice of law, but law school certainly did not teach any of us how to schedule Zoom meetings and manage breakout rooms for

a closing or mediation. After one year of practice, it is clear that a vast majority of our training is hands-on; yet in a remote environment, the daily interaction with more senior attorneys is much different. For new attorneys specifically, we have no way of gauging whether any of our duties are easier or harder, better or worse due to the pandemic—only time will tell.

For some, the work-from-home life may have seemed like a dream, but for others, like me, it was their worst nightmare. Managing a daily laundry list of duties, from working on memorandums and reviewing documents to attending hearings and scheduling calls, all alone from home was extremely unprecedented. Although it was easier to attend back-to-back hearings in different counties on Zoom, as opposed to appearing in person, it was not as easy to do normal things like ask a question or

build relationships. Instead of seeing colleagues in the office, we were left with no choice but to either make a cold-call or schedule a meeting, sometimes for things as small as font or heading styles. I still find myself constantly measuring the urgency and importance of every question and trying to find the best technique to ask.

For the past year, even while working on day-to-day tasks, we were extremely limited in whom we could reach out to for help. Most new attorneys may only have a relationship with a handful of other people, if any at all. For some who may have prior experience with the same employer as a clerk or otherwise, navigating their role as a new attorney, even from home, may not have been as easy as expected. When working on a complex issue, not being able to walk down the hall to ask for advice on an issue was difficult. While it is so much easier

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to casually share a random thought about an issue in passing, new attorneys were left with no choice but to either cold-call a colleague or send an email asking for availability over the week. Even some extroverts were skeptical about using their cell phone to call another attorney's personal number to ask a "quick question." I still remember my first months, hesitating as I dialed, constantly asking myself:

"Is this a good question?"

"Am I being annoying?"

"Am I asking too many questions?"

"We just spoke forty-five minutes ago, should I even call again?"

Of course, all attorneys remember the first time they stated their appearance for the record, and how nervous they were. When hearings became virtual, even veteran attorneys were nervous about the new technology. Most new attorneys dreamed of the first time they would announce their appearance, head high, in the courtroom—but instead they were focused on finding the perfect corner of the house with a neutral background and making sure the kids were out of sight and the dog's barking was out of ear's reach.

Even a year later, most new attorneys still have not had the opportunity to determine whether appearing by Zoom or in person is more comforting.

Still, despite the nerves and jitters of the first year of practice, practicing in a remote environment proved how much friendly relationships make the practice of law more relaxed and enjoyable. I do not think many can disagree, working in a remote environment in some ways made practicing more personal. During any Zoom call, rather than shaking hands, we were invited into the other person's personal workspace. We were able to look at the person's background, or virtual background, which could act as an icebreaker when starting a conversation. We were able to see and hear pets, meet family and children—even sometimes unexpectedly—but this allowed new lawyers and others to connect more personally and get to know one another beyond work. All new lawyers have experienced hard days, but the interpersonal connection of seeing your superior's cat run across the keyboard during a meeting just eases the pressure and reminds everyone that we're all human.

Almost at the one-year mark since beginning our practice, the pandemic has created opportunities to build a personal strategy that allows us to find new opportunities to excel in our practice. Whether we want to meet someone new in the organization or work on a specific case or matter, technology has given us a unique opportunity to be more interconnected than ever before. For example, first-year attorneys all have had at least one opportunity to attend an event that they may not have had the chance to attend in person. Additionally, for the first time, the attorney across the country was as accessible as the attorney who sits next to you. We ultimately had an opportunity for an entire year to meet almost anybody accessible by phone or internet and could start a conversation by simply asking about their thoughts on working from home.

With more changes on the way, new lawyers must continue to seek new opportunities and be flexible. We cannot shy away from virtual trainings or happy hours, and we cannot wait until we are back in the office to build relationships. Many of us still have not been on our first business trip or had the opportunity to meet face-to-face with the people we have been working with for the past year.

For many of us, practicing law still feels brand-new. Any morning we may get thrown into a wildfire of email chains, attachments, or calendar invites on an issue we're entirely unfamiliar with, so it is important that we build our network and our toolkit with as many resources as possible. Because we do not have the luxury of another staff member or attorney secretly stopping by our office to show us how to organize our inbox, we have to be intentional. We may have to take time out of our schedules

to look through the office directory and speak to somebody in our department that we have not yet had the chance to meet. If we're looking to get involved on a specific team or project, we may have to schedule recurring meetings, even if only fifteen minutes, and get to know someone new. Intentionally making one new connection could leave an everlasting impression.

Whether an extrovert or introvert, an auditory, visual, or kinesthetic learner, the challenges of navigating the practice as a new lawyer in a remote environment should be embraced. When trying new things, consider your personality and learning style. Auditory learners may choose to dial into a virtual meeting rather than watch the presenters on screen; an introverted lawyer may choose one new person to talk to for fifteen minutes a week. We all have to master our time and our practice, and we should continue to try new things, while also finding what works best for our learning styles.

Despite the challenges of the first year of practice in a remote environment, new lawyers must remain as connected as possible, even if it means stepping out of our comfort zone. As we continue to navigate the "new normal," we must also remember that we're not in this alone. None of us have experienced what it is like to practice in a pandemic and there is no clear path of navigation. So now, more than ever, it is important that we continue to give ourselves and others grace, let our kindness lead the way, and be intentional in our actions.



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# Moving Back to the Courtroom

## What to Expect and How to Be Prepared *By Judge JaPaul J. Harris*

**F**rom the first formal session of the Supreme Court for the territory of Minnesota on January 14, 1850, Minnesota courts have gone through the establishment of the state, the Civil War and Reconstruction, multiple world wars, the Industrial Revolution, Great Depression, internet age, and many other significant events. Through each of these events one thing remained constant—legal proceedings were conducted in person. In March 2020, that changed when the COVID-19

pandemic required courts to immediately leave the courthouse building and rely on virtual hearings. COVID-19 significantly impacted how we live and work. It introduced us to masking, social distancing, and Zoom courtrooms. We went from packed courtrooms to packed Zoom “breakout rooms.” We were in quarantine, then out of quarantine, then back into quarantine once again. In the late spring and early summer of 2021, we entered a new phase of the pandemic, the return to in-person contact.





On May 25, 2021, the Minnesota Supreme Court issued Administrative Order 20-8001, outlining the expansion of in-person operations in Minnesota courts.<sup>1</sup> Administrative Order 20-8001 outlined a phased return to in-person hearing.<sup>2</sup> The order specified that effective June 14, 2021, criminal jury trials, grand jury proceedings, criminal settlement conferences, major criminal matters, juvenile protection hearings, juvenile delinquency trials and contested hearings, and criminal settlement conferences would be held in person.<sup>3</sup> The order also indicated that mandatory misdemeanor criminal trials and contested hearings would be in person as of August 2, 2021, and that all other district court hearings would continue remotely, subject to the approval of the chief judge of the district to have



an in-person hearing.<sup>4</sup> On June 6, 2021, Administrative Order 20-8001 was amended to end the face-covering requirement in court facilities.

In this edition of the *Hennepin Lawyer* we discuss wellness. How does an article about the return to in-person hearings relate to wellness? Prior to March 2020, we packed courtrooms with little care or awareness about space and public health. In March 2020 that changed as we were told to stay away from these courtrooms and as we became keenly aware of social distancing, masking, hand sanitizer, and plexiglass shields. Now we are going back into the places we were told to stay away from for our safety. In this article, I will discuss the challenges we face as we return to the courtroom and the steps attorneys can take as we move to in-person court appearances.

## "If this year has taught us anything, it is that practices and routines that we assumed were static are, in fact, fluid."

### Adaptability Is the New Normal

The American Psychological Association defines adaptability as "the capacity to make appropriate responses to changed or changing situations; the ability to modify or adjust one's behavior in meeting different circumstances or different people."<sup>5</sup> Lawyers and judges are creatures of habit, as I've discovered over my years of practice. If this year has taught us anything, it is that practices and routines that we assumed were static are, in fact, fluid. Another thing that I've learned is that changing routines is difficult. It is an adjustment that takes time and effort. Over the last year, we've grown accustomed to getting out of bed, walking over to our computer, turning it on, and instantly being in court. We grew accustomed to spending time at home with our families, not having to dress up, and not having to worry about the commute to work. It is well known that there is sometimes resistance to change. There were growing pains when we transitioned from in-person hearings to virtual hearings, and there will be growing pains again now that we are transitioning back to in-person hearings from virtual hearings. Both the court and the attorney must be adaptable.

In March 2020 the court and the country came to a halt due to the COVID-19 pandemic. On March 13, 2020, the Minnesota Supreme Court issued Administrative Order 20-8001, imposing limitations on the operations of the Minnesota judicial branch.<sup>6</sup> What followed was a summer, fall, and winter of fluctuating COVID-19 infection rates, increasing deaths, uncertainty, and a pause on trials in late November 2020, when the COVID-19 pandemic reached a critical stage. Over this period the Minnesota Supreme Court issued over 18 orders with various changes to accessing the courts and requirements when in the courthouse. Throughout this period courts moved to reopen and then scale back based on rising and falling COVID-19 infection numbers. The changing requirements of the court affected the way attorneys practiced. As the spring came and a vaccine was developed, we moved into a new phase, the return to in-person hearings. While the return to in-person hearings is a welcome sign for many people, it comes with apprehension.

It is natural for people to be concerned about returning to in-person court hearings. First, we will be returning to stressors that we were able to leave behind for a year, such as commuting into downtown and our old work routines. However, an additional layer of stress is associated with becoming acquainted with new practices and procedures, as well as interactions with people who may or may not have a different perspective on the virus and may or may not be fully vaccinated. Allow time for readjusting. It will take some getting used to being in a courtroom with so many different people in the short term. It is critical that attorneys who have been appearing virtually recognize that the courts' in-person trials went off without a hitch during this past few months. During the pandemic, I had several trials and spoke with many jurors, all of whom felt safe throughout the proceedings. As we adjust to moving back to in person, we must be prepared to adapt further as the Delta variant spreads and we receive new infection numbers. The Supreme Court is also adapting, as it considers which hearings can be

continued as virtual hearings. People are sometimes resistant to change. We've been isolated for a year, and many of us are afraid of the virus. These concerns are well known and appreciated. However, do your research, ask questions, and be open about your concerns as we return to the courthouse.

### Trust the Facts

On December 4, 1770, John Adams rose to deliver his closing argument to a jury in the trial of British soldiers in the Boston Massacre. As he advocated for his clients he said, "[F]acts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence." COVID-19 facts and evidence have been a stubborn thing because we continue to allow our wishes, inclinations, and the dictates of our passions to alter the facts. We need to trust the facts. Given the novel nature of this pandemic, often there were conflicting messages and, at times, outright lies. As we return to in-person hearings, here are the facts:

1. The Court has a plan for the safe return to in-person hearings. Throughout the pandemic and currently, the Court has been looking at the pandemic information and planning for the phased return to in-person hearings. The Court has balanced two equally important interests, protecting public health and constitutional rights. Returning to in-person hearings involves some risk, which will be accompanied by some anxiety.
2. According to the U. S. Centers for Disease Control, all COVID-19 vaccines currently authorized in the United States are effective against COVID-19, including serious outcomes like severe disease, hospitalization, and death.<sup>7</sup>
3. The CDC reports that COVID-19 vaccines currently authorized in the United States are effective against the Delta variant.<sup>8</sup> Vaccination is a critical preventive measure that will aid in the end of the COVID-19 pandemic.

The successful reopening of the courthouse depends on the public's being immunized. I recognize that the vaccination decision is one that each of us must make with the assistance of our medical provider but make no mistake: the decision affects us all as we return to in-person gatherings. The good news is that 65.3% of Minnesotans are fully vaccinated, with 73.5% of Hennepin County residents being vaccinated.<sup>9</sup> As we continue to follow the facts, we will have a safe reopening while addressing the cases before us.

### Deal with Mistrust and Safety Concerns

People today are skeptical of the information they are given. As we return to in-person interactions, many questions arise: should I wear a mask or not, what about social distancing, are the people around me vaccinated? Additionally, how will this more contagious Delta variant of COVID-19 affect the courts reopening, are the courts moving ahead just to resolve their backlog, and what steps are the courts taking to protect me?



## Judge JaPaul J. Harris

Judge JaPaul J. Harris was appointed to the Second Judicial District by Gov. Mark Dayton in June 2018. He previously served as a judicial referee in Hennepin County from 2012 to 2018.

Judge Harris serves as a member of the Minnesota Supreme Court Committee for Equality and Justice, where he serves as the chair of the education committee. In addition to his bar activity, Harris coaches youth sports at Jimmy Lee recreation center in Saint Paul.

Everyone has had a traumatic year, and it is understandable that returning to in-person court hearings will cause some anxiety or mistrust. It's unsettling to think that we might be working closely with people who aren't following pandemic safety protocols. It's also difficult when we don't believe an organization's commitment to safety.

The Minnesota Supreme Court has thorough COVID-19 safety procedures and each district also has protocols. Review those protocols and inquire of the judge presiding in your case of any procedures that they may employ. Understand the court's expectations and spell out your expectations. Visit the physical courtroom to get a sense of the layout and the spacing. When addressing your concerns, remember not to be combative, and be clear regarding your safety concerns. The court is acutely aware of the anxiety and concerns about returning to in-person hearings and is willing to collaborate with attorneys to address courtroom safety concerns.

## Zoom Courtroom Etiquette Is Not In-Person Courtroom Etiquette

You may have seen the "I'm-not-a-cat" attorney in the Texas Zoom hearing or been in a Zoom hearing where a judge told a person to pull over and park in order to participate or watched as a person participated in a hearing while shopping, resting, or smoking or vaping, or appeared without a shirt or proper clothing. We all have our funny or shocking Zoom courtroom story. (I'm sure you have been in a Zoom hearing where a litigant got caught on a hot microphone saying inappropriate things.)

This behavior could be viewed as disruptive and perhaps contemptuous, but virtual hearings have increased the selective blindness and situational hearing loss in judges. In balancing the administration of justice and the unique pandemic court proceeding, judges needed to pick and choose the battles they were willing to engage in. While courts attempted to make the requirements and expectations for virtual hearings the same as in-person hearings, they are not the same. Courts gave more leeway in virtual hearings because we were all adjusting to the new normal. To be clear, judges still made it a priority for all parties to respect, observe, and preserve the dignity of the legal proceedings. There is something about being in person that increases the ability of the court to control the action in the courtroom. Over the past number of years, our society has become considerably less formal and, in many instances, considerably less polite. Virtual hearings gave judges an ability to allow some lack of formality to effectively move cases forward. However, your conduct in the Zoom courtroom should not follow you into the in-person courtroom. Attorneys should brush up on the rules of court decorum. You should know and observe basic courtroom decorum. This is more than being polite; it is about ensuring that the court hearing is orderly and fair. Research and understand the courtroom requirements of the judge you are appearing before. Judges have different preferences for courtroom behavior, and they will gladly share those with you. While judges will continue to have selective blindness and situational hearing loss, there will be a more stringent requirement to adhere to the

rules of courtroom decorum. Of course, most lawyers are professional and courteous, even when zealously representing their clients, but the relaxed atmosphere of the virtual courtroom is not the same as the atmosphere of the in-person courtroom, so act accordingly.

## Take Care of Yourself

This is the *Hennepin Lawyer's* wellness edition, and we all must be mindful of our mental health during this pandemic. Attorneys' mental health has long been a source of concern, but the pandemic has elevated the urgency of those concerns. As we return to in-person court it will affect attorneys' thought processes, how they organize their lives, and how they handle the adjustment to being in the presence of unfamiliar people. There will be social anxiety because we will be going from isolation to full interaction. The resumption of in-person hearings will surely enhance pandemic-related stress and anxiety. It is critical for attorneys to address this issue because it is a very real concern. Addressing your needs and concerns is critical for your personal health. Find the places to get guidance and support, like Lawyers Concerned for Lawyers.<sup>10</sup>

Earlier in the article, I stated that the court must strike a balance between two equally important interests: public health and constitutional rights. However, another factor to consider is our profession's mental health and well-being. Lawyers must consider how they intend to alleviate their concerns, anxieties, and hesitation about returning to in-person hearings. Mental distress and mental health conditions impair your ability to do your job. The everyday stresses of life and stress associated with fears of you or your family being exposed to or infected by COVID-19 only exacerbate the problem. My final piece of advice as we start to see one another in person is take care of yourself.

## Notes

<sup>1</sup> See *Continuing Operations of the Minnesota Judicial Branch Under Emergency Executive Order No. 20-33*, No. ADM20-8001 (Minn. filed May 15, 2020).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Andrew J. Martin MAPS MCEDP, "Adaptability: A Key Capacity Whose Time Has Come," *InPsych* Vol. 39, issue 6 (December 2017). Available at <https://www.psychology.org.au/for-members/publications/inpsych/2017/dec/Adaptability-A-key-capacity-whose-time-has-come> (last visited July 28, 2021).

<sup>6</sup> See *Continuing Operations of the Minnesota Judicial Branch Under Emergency Executive Order No. 20-33*, No. ADM20-8001 (Minn. filed May 15, 2020).

<sup>7</sup> See Center for Disease Control and Prevention: *Vaccines & Immunizations* <https://www.cdc.gov/vaccines/covid-19/effectiveness-research/protocols.html> (last visited July 27, 2021).

<sup>8</sup> *Id.*

<sup>9</sup> See Minnesota Department of Health COVID-19 vaccine database <https://mn.gov/covid19/vaccine/data/index.jsp> (last visited July 27, 2021).

<sup>10</sup> Lawyers Concerned for Lawyers: <https://www.mncl.org>. For confidential assistance call (651) 646-5590 or 1-866-525-6466.

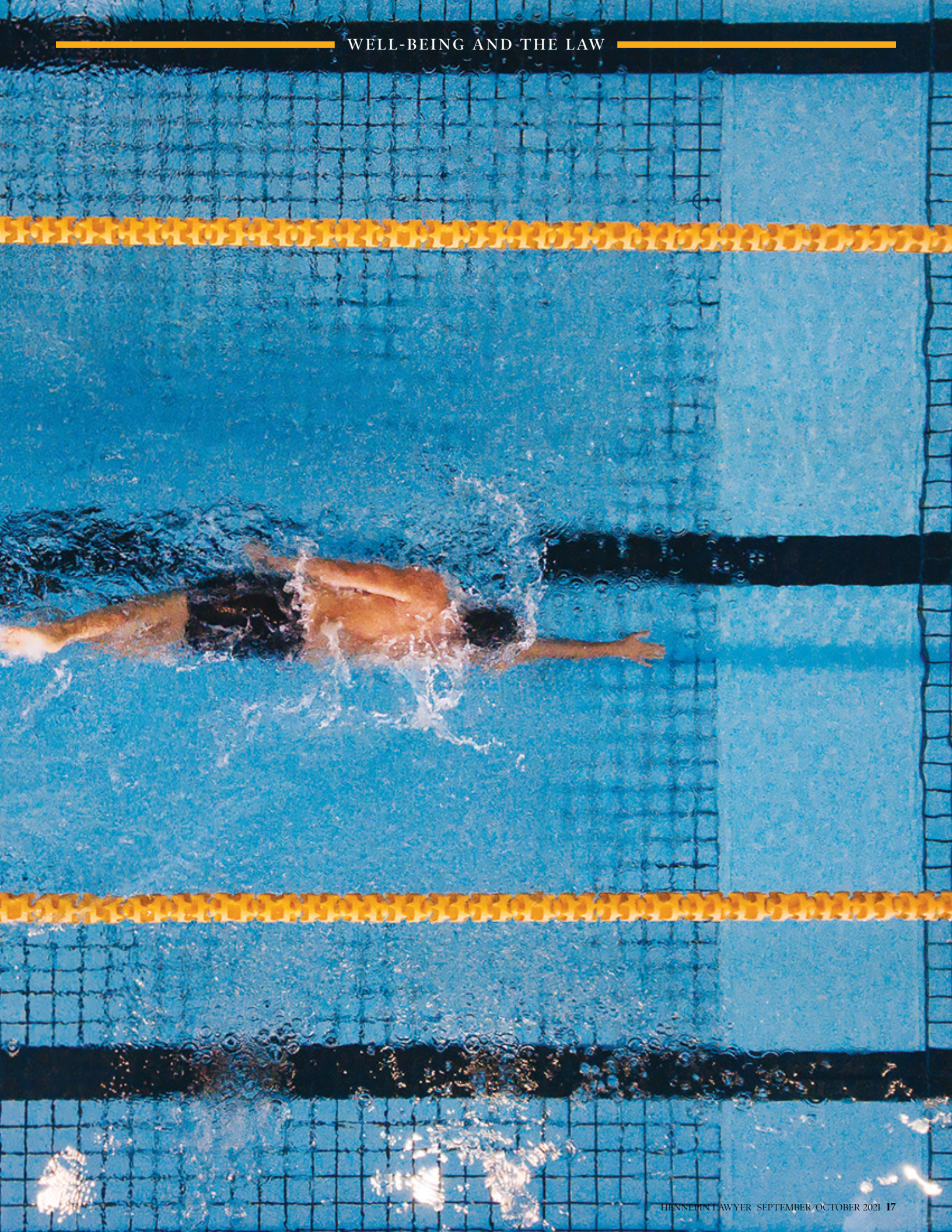


**The Best Life Hack for  
Being a Good Lawyer**

# EXERCISE

*By Joani Moberg*









As lawyers and busy professionals, especially during a pandemic, life feels like an endless list of things we should or must do. Too often, self-care becomes another tedious and overwhelming item on that list. From there, we fall into a cycle of feeling too busy to care for ourselves, which in turn makes life feel more stressful and we are less likely to care for ourselves even when that is what we need most. It's an endless and toxic cycle.

For me, although I was a competitive athlete in high school and college, in law school, survival was the goal. Without the structure of competition and coaches, I didn't regularly exercise. Then, as a young lawyer and a new mom, I couldn't imagine taking time to exercise. Years later, I signed up to walk 60 miles in three days for charity. I fell in love, again, with movement. Now, I am training for a marathon, taking group strength/fitness classes every weekday morning, walking my dogs, and kayaking, swimming, paddle boarding and hiking at my cabin.

Approximately 10 years into my middle-aged fitness journey, I'm a better human and lawyer because of what I've learned. Here are some words of wisdom that have helped me:

### Put Your Own Facemask On First

Flight attendants know their stuff and it applies to lawyers too. We cannot take care of our clients (or anyone else) if we aren't taking care of ourselves. My clients are surprised when I show up for trial and mention that I've already worked out. That's just me putting my facemask on first. I feel good and I'm sharper when I rely on exercise in the morning instead of caffeine.

## The Power of Setting Goals

Remember when your kindergarten teacher gave you gold stars? That worked because it's exhilarating to be recognized for setting and achieving a goal. At the beginning, those goals can be simple. Maybe just get 10,000 steps in every day. Or goals can be more aggressive. Several years ago, my goal was to be able to do an unassisted pull up. I set up micro goals along the way to get there and celebrated each success. When setting goals, remember that S.M.A.R.T. goals are Specific (clear and direct), Masurable (helps in creating objective to reach the goal), Action-oriented (something to work towards), Realistic (they need to be obtainable) and Timely (set a time limit and stick to it). For example, a goal to lose weight is too vague. If that is your overall goal, what is your first step in getting there? When my goal was to run a marathon, I broke down the steps. First, I routinely ran a certain amount of miles each week. Once that was established, I followed a multi-month training schedule that told me what to do every day. One day at a time, I set goals, met goals, and by the end, I ran a marathon. Whatever your goal, making a plan and meeting the goal makes you feel great.

## Take Care of Your Body and It Will Take Care of You

Don't underestimate the mind-body connection. Our bodies and brains work best when properly fueled by oxygen, food, sleep and movement.

In 2018, Yale University introduced a course called "Psychology and the Good Life," which was created and taught by Professor Laurie Santos. The course instantly became the most-popular course in Yale's 316-year history. Professor Santos says that "[w]e should be seeking out not good grades and not a big salary but we should be seeking out healthier practices."<sup>1</sup> She highlights sleep and exercise, which is a foundation highlighted by significant research.

Similarly, in the popular book *The Seven Habits of Highly Effective People*, author Stephen Covey's seventh habit is "preserving and enhancing the greatest asset you have—you."<sup>2</sup> He goes on to say:

Most of us think we don't have enough time to exercise. What a distorted paradigm! We don't have time not to. We're talking about three to six hours a week.... That hardly seems an inordinate amount of time considering the tremendous benefits in terms of the impact on the other 162-165 hours of the week.<sup>3</sup>

## Don't Let Life "Should" All Over You

Comparing ourselves to others is common, but it's not helpful. What works for one person might not and need not work for you. The point is to move our bodies consistently and in a way that is enjoyable and that enhances our capacity to work and enjoy life.

So be wise in developing an exercise program. Mr. Covey writes that a new exercise program should be thoughtful. There will be a tendency to overdo, based on what you think you "should" be doing. That can lead to pain and injury. Instead, start slowly and be consistent.

To quote Voltaire, "don't let perfect be the enemy of the good." It's ok if you can't train for a marathon. But if you can walk 30 minutes every day—do it.

## Make a Plan and Follow Through

Gretchen Rubin, author of *The Happiness Project*, agrees that exercise is a pillar of happiness. She offers these tips to start and maintain an exercise routine:<sup>4</sup>

**A. "Always exercise on Monday."** The snooze button is seductive on Monday mornings, but if you push past that and *always* exercise on Monday, it sets a powerful psychological pattern for the week.

**B. "If at all possible, exercise first thing in the morning."** Just get it done. I love checking it off my list before work, knowing that as the day wears on, the will to exercise wanes and the excuses may become insurmountable.

**C. "Never skip exercising for two days in a row."** Make a deal with yourself. You can skip a day, but you can *never* skip two days. This allows some grace, but not enough to derail your progress.

**D. "Give yourself credit for the smallest effort."** My mantra is that the most important part of finishing something is starting it. For my 6:00 a.m. fitness classes, the hardest part is getting out of bed. After that, I just do as I'm told. Or I often trick myself into running by telling myself I won't go too far or too fast. Most of the time, once I'm underway it feels good and I do much more than I intended.

**E. "Look for affordable ways to make exercising more pleasant or satisfying."** I bought a Garmin watch that tracks many different activities and enters me into challenges



that motivate me to do new activities. Other people find it motivating to upgrade their gym or hire a trainer. Whatever reinforces this discipline is money well spent.

**F. “Be prepared.”** The last thing I do before I go to bed at night is set out what I need to exercise for the next morning, whether that is clothes for the virtual class from my back porch, a leash and shoes for a run with the dog, or packing my bag to shower at the gym. This removes trivial barriers and makes the morning easier.

In the end, I hope you’re inspired to do this for yourself. Exercise is the best gift I give to myself and I hope you are doing the same or choose to start doing the same. And when all else fails, we should always listen to Mister Rogers. On the topic of self-discipline, he said:

I like to swim, but there are some days I just don’t feel much like doing it—but *I do it anyway!* I know it’s good for me and I promised myself I would do it everyday,

and I like to keep my promises. That’s one of my disciplines. And it’s a good feeling after you’ve tried and done something well. Inside you think, “I’ve kept at this and I’ve *really* learned it—not by magic, but by my own work.”<sup>5</sup>

We can better meet our obligations to our clients when we first meet our obligations to ourselves. Find ways to move your body every day. Then make a promise and set a goal. Keep that promise and crush that goal.

#### Notes

<sup>1</sup> Yale University has offered Professor Santos’ entire course at no cost at <https://www.coursera.org/learn/the-science-of-well-being>

<sup>2</sup> “The 7 Habits of Highly Effective People: Powerful Lessons in Personal Change” by Stephen R. Covey, 1989, p. 288.

<sup>3</sup> Id., p. 289.

<sup>4</sup> <https://gretchenrubin.com/2010/08/12-tips-for-nudging-yourself-to-exercise-regularly/>

<sup>5</sup> The World According to Mister Rogers: Important Things to Remember, Fred Rogers, 2003, p. 105



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Ms. Moberg earned her B.A. in psychology and family studies from St. Olaf College and her J.D. from Mitchell-Hamline School of Law. After a clerkship at the Minnesota Supreme Court, she began a 21-year practice in family law that includes founding her own firm, Henschel Moberg, P.A., with partner, Ben Henschel. She has been recognized as a Top 100 Super Lawyer and Top 50 Women Super Lawyer. She has lectured attorneys, taught law students, and trained judges.

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*“Faith and prayer are the vitamins  
of the soul; man cannot live in  
health without them.”*

— Mahalia Jackson

# Spirituality and Well-Being

by Lisa Buck



When we think of health, we often envision exercise and eating well (physical health) or stress reduction and therapy (mental health). But a third facet of health—spiritual—is often overlooked. Emerging research indicates that spirituality is as important to our well-being. This article explores what spirituality is and the role it plays in our lives.

## What Is Spirituality?

The Oxford dictionary defines spirituality as “the quality of being concerned with the human spirit or soul as opposed to material or physical things.” Spirituality is related to but broader than religion (a set of organized beliefs and practices shared by a group) and means different things to different people.

“Spirituality is deeply connected to purpose,” said Dr. Mary Jo Kreitzer, director of the Earl E. Bakken Center for Spirituality & Healing at the University of Minnesota. “It’s finding meaning in life and applying your values, passions, and abilities for the greater good.”



Muteeat Lawal

**“I think of spirituality as guiding principles which hold people morally accountable for their actions,” said Assistant Hennepin County Attorney Muteeat Lawal. “I don’t necessarily think that spirituality has to be tied to a religion but can be a mind-set or lifestyle as well.”**



Samir Islam

**“To me, spirituality is a set of principles used to provide structure and a sense of calmness in one’s life,” said Wells Fargo Bank Senior Counsel Samir Islam.**

“Spirituality is anything and everything beyond our physical existence,” said Rev. Dr. John F. Ross, senior minister at Wayzata Community Church. “We can tend to our physical and mental health, but unless we invest the same time and effort in our spiritual well-being, we will not be fully whole and healthy.”



## Spirituality Promotes Well-Being

Spirituality is increasingly recognized as an essential element of health and healthcare. Research indicates that spirituality can boost immunity, increase optimism, reduce stress, and improve resilience.

“Research shows that having purpose is linked to longevity,” said Kreitzer. “People who believe their existence has meaning have lower levels of cortisol, which affects stress. People without a sense of purpose are at greater risk of mortality.”

According to intuitive energy healer Dana Aschoff, “Healing is, fundamentally, a spiritual process.” Aschoff uses energy therapy to stimulate and clear the energy flow of patients at her Lake Minnetonka-based studio. “When we reclaim our power and energy, we are able to face challenges from a place of balance, strength, and clarity,” she explained.

Palliative care nurse practitioner Christin Ament says that spirituality can affect patient outcomes. “We are learning that having a strong sense of spirituality and positive mind can be a greater healing tool than medicine,” Ament said.

Spirituality helps some people find balance in a stressful profession like the law. “Spirituality is a way for me to recenter,” said Islam. “Even if my work or life presents stress, spirituality helps me to focus my thoughts and search for relative calmness.”

“As a Muslim, it is important to me that I try to maintain peace not only within myself but also in my everyday life,” shared Lawal. “Spirituality keeps me centered and I attribute it to my optimistic outlook on life regardless of the circumstances. Having a positive place to turn to when I’m feeling happy, sad, or even frustrated is essential for me.”



Angelique EagleWoman

**Spirituality can also improve the health of communities. “Native people are reclaiming our cultural practices and spiritual ways,” said Angelique EagleWoman (Sisseton-Wahpeton Dakota Oyate), co-director of the Native American Law and Sovereignty Institute at Mitchell Hamline School of Law. “This is strengthening and healing our communities which have experienced intergenerational trauma.”**

## Incorporating Spirituality into Your Life

There are many paths to spiritual health and most are related to life purpose, connection with others, and quiet reflection.

### Find Purpose

“It is likely that lawyers who find their work fulfilling and connected to issues they care about are more engaged and happier with their work,” said Kreitzer. To identify your life purpose, Kreitzer suggests looking at your talents and values. “What are you passionate about? Match that with the needs of the world.”

“A lot of Native people believe a career is a spiritual calling,” said EagleWoman. “I have a strong spiritual core that gives me strength to speak up and be a voice for my people, which is my purpose.”



David Kempston

**David Kempston’s life purpose affects the lens through which he views his career. “I’m here to glorify God, not to make a buck,” said the Mottaz & Sisk litigator. “I’m going to function best when I live as I was created to live. My view is: Be excellent at what you do because it reflects well on God.”**



## Connect

Spirituality can influence our interactions with and connectedness to others. “I try to make it my mission each day to treat others how they would want to be treated,” said Lawal.



Terri Krivosha

Maslon corporate attorney and mediator Terri Krivosha starts each day with *daf yomi*, a program of reading and studying a page a day of the Talmud (the primary source of Jewish law). The *daf yomi* cycle is 7.5 years, after which participants will have read all 2,711 pages of the Talmud. “It anchors me,” Krivosha said. “It also makes me feel connected to a community all over the world of Jews who are learning the same things I am that day.”

“It’s not about me, it’s about serving others,” said Kempston. He tries to make availability a priority. “In the Bible, Christ was available, so I try to be available to others, not just my clients but also younger attorneys and the law students I mentor.”



Ryan Johannsen

Ryan Johannsen, a shareholder at Stich Angell, points to Bible verse Galatians 5:14: *Love your neighbor as yourself*. “Basically, just be kind!” he said. “We are surrounded by a world filled with hate, greed, selfishness, and envy. Practice justice toward your fellow human beings; it will bring unexpected joy.”



Connecting with a higher power through prayer can be a spiritual practice. “Sometimes before an important meeting or contentious court session, I will call on the Creator and my ancestors for inner strength and the ability to make wise decisions,” said EagleWoman. In addition to prayer, she uses smudging, a Native ritual of burning sage in an abalone shell, to purify the air and take away negativity.

On his daily commute to the office, Kempston prays for the day ahead. He also prays throughout the day and considers this an essential part of his relationship with God.

Prayer need not be memorized or traditional. Simply put, it is a conversation. Author Anne Lamott defines prayer as “communication from the heart to that which surpasses understanding.” Lamott distills prayer into three categories: help, thanks, and wow.

## Be Still

Disconnecting from devices, tasks, and noise on a regular basis can boost spiritual health.

“A simple daily practice of being quiet and centered can be like putting on a fresh pair of eyeglasses through which we then see the whole world differently for the rest of the day,” said Pastor Ross. “We are human *beings* but the world tells us that unless we are *doing* something we have no value. Nothing could be further from the truth. We were created to be and we need to just be, at least for a portion of every day.”

Krivosha disconnects from technology, including her phone, laptop, and car, for 25 hours each week as she observes the Sabbath. Sabbath begins shortly before sunset on Friday. “You can’t negotiate when the sun sets, and I find that comforting,” she said. “When Sabbath starts, I often breathe a sigh of relief for my weekly ‘vacation in time.’ When the Sabbath ends shortly after sunset on Saturday night, I am refreshed and reenergized.”

At the Bakken Center for Spirituality & Healing, Kreitzer advises people to slow down and make time for reflection and introspection. “This can be done while going for a run, walking in nature, or practicing mindfulness,” she said. “Mindfulness does not have to be meditation. It simply means being in the present moment, to tune into our feelings.”



Jon Dettmann

For many people, nature has tremendous healing power. Jon Dettmann, a litigation partner at Faegre Drinker, spends time in nature reenergizing. “The outdoors provides a perspective and connection that is essential nourishment,” Dettmann said, “whether it’s the sound of snowmelt rushing over granite rock, the feel of the strength of a brown trout turning and making a run, or the sight of the sky over a lakeside cliff.”

David Motzenbecker, a certified forest therapy guide with Motz Studios, leads individuals and corporate teams on immersive nature walks based on the Japanese tradition of *Shinrin Yoku*, or forest bathing. “Forest bathing encourages wellness through intentionality paired with permission to disconnect and be still,” said Motzenbecker. “We have a saying: The forest is the therapist; the guide just opens the doors.”

## Conclusion

Consider adding a spiritual practice or two to your life. By identifying your purpose and values, connecting with others, and making time for quiet reflection, you can strengthen your spiritual muscle and enhance your well-being.



**Lisa Buck**

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Ms. Buck practiced corporate law in Minneapolis and was an adjunct professor at William Mitchell College of Law. When she isn’t writing for the *Hennepin Lawyer*, you can find her behind the lens at Lisa Buck Photography.



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A close-up photograph of a tree trunk with a small green plant growing from a crack in the bark. The bark is dark, textured, and cracked, showing signs of age and weathering. A small, vibrant green plant with several leaves is growing out of a crevice in the bark, symbolizing growth and resilience. The title text is overlaid on the left side of the image.

# POST- TRAUMATIC GROWTH AND YOUR CAREER

*By Joan Bibelhausen*





The National Task Force of Lawyer Well-Being (Now the Institute for Well-Being in Law) identified six pillars of well-being in its seminal report *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*: occupational, intellectual, emotional, physical, social, and spiritual. As we ponder our work lives in the near and distant future, this article will focus on occupational well-being while recognizing that all six areas are equally important. How can you do your best thinking and best work if other aspects of your well-being are at risk?

Our profession is on the front lines of every crisis and every important issue in our society. We advise, we counsel, and we represent. Although it is sometimes a strain to understand why, every crisis and important issue is controversial. We represent every position. Many we represent or counsel are grieving and many of us are grieving not only loss of loved ones but also lost opportunities and connections as well. How does this impact us and how do we make choices in the wake of these challenges?

Our duty to our clients begins with a duty to ourselves. You would not review a contract or lease without basic training, experience, or guidance. Self-care and awareness are as responsible for our competence as CLEs, mentors, and other professional resources. Jeena Cho, co-author of *The Anxious Lawyer*, reminds us that elevated and continued stress can trigger an ongoing “fight, flight, or freeze” response and prevent us from returning to baseline and optimal competence. Mindfulness tools, such as breathing practices, walking meditation, and active noticing allow us to process and be attentive to experiences beyond our negative stressors.

### The Call to Make a Difference

In the past year and a half, a central theme has emerged as members of our profession have called upon Lawyers Concerned for Lawyers (LCL) for career guidance and support to navigate unknowns and consider options. *At its simplest, this theme is the desire to feel we are making a difference.* The pandemic, increased calls for reckoning on racial justice issues, and economic challenges have resulted in opportunities as well as additional stress and anxiety for us and those we serve. As a result, our priorities for our lives and careers may have changed.

How does this search for difference manifest itself? These examples are amalgamations as all calls to LCL are confidential, and LCL hears from judges and law students as well as lawyers. The need to be seen and heard in a workplace in the wake of racial trauma was one theme and prompted us to write a blog post for our website “Today I watched George Floyd die again, but sure, I’ll have that memo to you by 5:00.” A lawyer told us, “I got a law degree to make a difference. I got a job and make a lot of money and feel no purpose. How do I communicate to my family that I desperately need to make a change when they count on my income?” A lawyer reported the exhaustion of working with small business clients who were struggling to stay afloat when limited legal remedies were available. We can lose sight of our boundaries in such situations.



## What Are Our Options?

When considering career changes or adjustments, where do we start? These three directions may help you take steps on your journey, and they are not mutually exclusive: change something about the work you do, change jobs, or go deeper—the changes are within.

**Changing something about your job.** Some of us had no choice as practice areas slowed and needs arose elsewhere. Think about change not as whether you practice real estate or family law, but as how you approach the work. Each day we begin again. For your clients, a visit or other connection may be the most important part of their day, and they may be experiencing some stress about it. After all, most people who need lawyers wish that what led them to see a lawyer had not happened. You remind them of that difficulty. If you can mindfully think about the connection you will make with clients so they feel better after talking with you (yes, this is even possible with bad news), how will you view the day? If that client is simply one more thing to finish on your to-do list, how will you view the day? Of course, there are other aspects, such as challenging co-workers or processes, that you simply do not enjoy, and you can apply a similar approach to each of these. What part can you control and how will you do that? If you cannot control something, can you let it go? If it is sufficiently stressful, the next option might be to change jobs.

**Changing jobs.** As you think about a job change, your law school career services office continues to be a resource for you. In the world of recovery, there are warnings against a “geographic cure,” a change that is avoidance, not growth. If you change jobs, how can you view it as moving forward, not running away? Start with your resume. Are your skills described in a way that highlights what you like least about what you are leaving? After all, that’s what you think about. Focus on where you are going, not what you are leaving.

**Changing within.** The past 18 months have upended our lives in so many ways. For some, we wonder where the time has gone. Did we miss opportunities? As we look at returning to “normal,” that may be the last thing we should do. We were forced to adapt quickly to circumstances outside of our control. We did it. Now how do we take the best and keep it? Think of moving from post-traumatic stress to post-traumatic growth.

Katy Milkman, Wharton professor and author of *How to Change: The Science of Getting from Where You Are to Where You Want to Be*, talks about the “fresh start effect” that occurs with temporal landmarks. These allow us to make resolutions or other changes at a recognizable time that we associate with a new beginning, such as New Year’s. Now we have a rolling landmark—the COVID-19 pandemic and we may feel less control. How do we take it back? Thinking of this as a strategic inflection point is one way. Andrew Grove, former CEO of Intel, wrote, “A strategic inflection point is a time in the life of business when its fundamentals are about to change. That change can mean an opportunity to rise to new heights.” Our year is a rolling strategic inflection point. Some of us feel malaise because we don’t have a specific, recognizable landmark, or we are simply exhausted by the magnitude and the continuation of the challenges. There is much we cannot control in these times or any other. By focusing on what we can influence or control, we are more likely to direct what happens next. We can take advantage of the fresh start and the inflection point.

## Pulling It All Together

Disruptions are a trigger for change. All of us have experienced changing and disrupting events earlier in our lives and careers. Think about which of those experiences, for you, opened a new door that might never have been available. Maybe one of those led you to law school. I grew up in a family where alcohol was an issue. Today, I have an extremely fulfilling career supporting people in recovery because that door was opened.

Is this a blank slate? That can seem overwhelming as we analyze or overanalyze every possible step. It need not go that far. What worked well for you? What was okay, but given the chance you would now proceed differently? And there are small things. You still have lunch; instead of a microwave soup cup at your desk, begin with adding the physical (healthier) and social (not alone) pillars of well-being once a week.

More recently, a common theme for LCL has been uncertainty and anxiety about what happens next. This may include the burden of many decisions, a fear that one will be subject to decisions that do not feel safe or supportive, or symptoms of burnout. In her article “The Mental Health Factor: Accounting for the Emotional Toll of the Pandemic” for the ABA’s *Law Practice Magazine*, lawyer and resilience coach Laura Mahr discusses the impact of trauma, fatigue, and uncertainty in our work lives and offers guidance on flexible adjustments for lawyers and managers. She notes that as we again proceed without a playbook, we should consider mental health from day one. As you face and await decisions that will affect your work life, how will you incorporate mental health and encourage others to do so as well? It should be a priority.

Well-being awareness is growing in our profession and as this momentum continues, there will still be depression, there will still be substance use disorder, there will still be other trials. While well-being practices can reduce our risk, there are life-threatening challenges in our profession. No one develops a substance use problem or gets depression because they did not do well-being well enough. We need to reduce risk and we need to support those who are struggling. We can do both; our profession is filled with outstanding lawyers and judges in recovery because they were and are supported in getting the help they need.

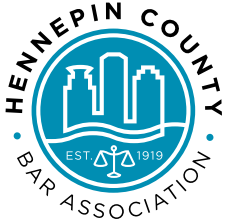
When you look back on the pandemic, on our profession’s growing awareness and initiatives around racial justice, on new relationships and opportunities, what will be your turning points? You get to decide, and there is always someone available to help you. Remember, Lawyers Concerned for Lawyers offers free and confidential support and counseling on any issue that causes stress or distress, including working through most of the questions posed in this article. We’ll be here to help.



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Joan Bibelhausen is executive director of Lawyers Concerned for Lawyers. She facilitates a career support group and is committed to supporting colleagues as they navigate professional and personal opportunities and challenges. [www.mnlcl.org](http://www.mnlcl.org).



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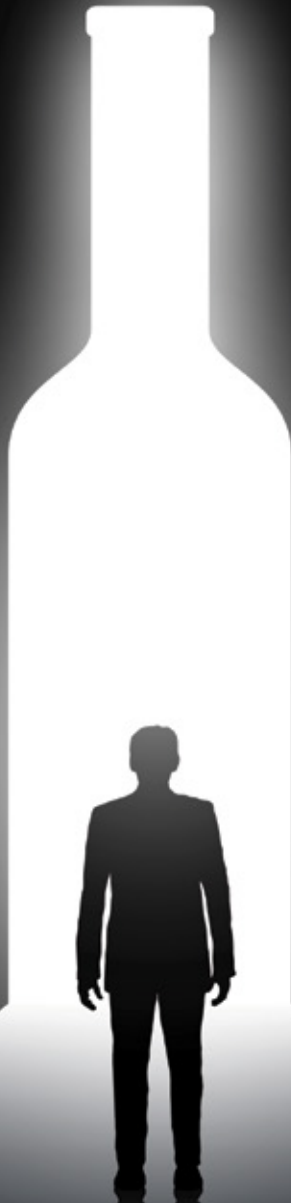
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# STRESS, DRINK, LEAVE

Warnings and Opportunities Around  
Lawyer Mental Health in a Post-COVID Era

*by Patrick R. Krill*



With summer now behind us and many legal professionals in the process of returning to an office either full- or part-time, this is a pivotal moment that warrants pausing and thoughtfully checking in with our mental health and personal well-being. It would be an understatement to say we've been through a lot over the last year-and-a-half, with the minds and bodies of many of us enduring stresses that won't soon fade. In the legal profession specifically, data published earlier this year clearly demonstrate that reality.

In mid-May, a new study of lawyer mental health, substance use, and attrition that I co-authored was published online in the peer-reviewed scientific journal *PLOS-ONE*. If you and others in your organization have not yet read the paper—entitled *Stress, Drink, Leave: Gender-Specific Risk Factors for Mental Health Problems and Attrition Among Practicing Attorneys*<sup>1</sup>—I strongly suggest that it is worth your time. This is especially true for employers who are seeking to build a successful return-to-office paradigm for the post-COVID era. I will address just a handful of our many useful findings here.

The study, part of a wide-ranging research project we conducted in collaboration with the California Lawyers Association and D.C. Bar, revealed alarming levels of mental health problems and hazardous drinking among practicing attorneys, findings which may not have come as a surprise to anyone who has been tracking the profession's great mental health awakening in recent years. Even if we are not surprised, however, we should avoid resignation toward and acceptance of widespread problems whose effects ripple well outside of law. Clients, family members, society—they all lose when lawyers are unwell.

Our data, drawn from a large, random, bicoastal sample of practicing attorneys, demonstrate an ongoing well-being crisis among lawyers, one that was clearly worsened by the attendant stressors of COVID-19. While many of the articles that initially reported our findings focused on the prevalence of the problems, the more instructive data lie in the risk factors we identified for stress, hazardous drinking, and attrition. Also of significant note are the clear and meaningful gender disparities associated with each of those problems.

For women, who according to our study are experiencing higher levels of stress, depression, anxiety, and hazardous drinking than men, work-family conflict was the factor most predictive of thoughts about leaving the profession due specifically to mental health, burnout, or stress. Thoughts, by the way, which one in four women is having. Not to put too fine a point on it, but those numbers will not exactly help the profession achieve its longstanding gender diversity goals. Not now, not ever. (It is worth noting that work-family conflict was a significant stressor for men as well, albeit less so than for women.)

## Burnout and Boundaries

For purposes of charting a path forward around return to work, the implications of these findings may be obvious. As we state in our study, “a career in law should not be antagonistic to the full expression of a lawyer’s humanity, including their ability to undertake and navigate familial obligations should they so desire. Strategies and interventions aimed at alleviating work-family conflict would be wise pursuits for legal employers hoping to reduce unwanted turnover and increase the likelihood that their attorneys will be able to thrive across all dimensions of their lives.” If work-family conflict can be alleviated, even partially, by retaining more flexible policies around remote working post-pandemic, employers should be willing to explore those options with commitment and creativity.

To be clear, and as all my law firm clients have heard me say on numerous occasions, work-from-home can be the proverbial double-edged sword, and therefore must be approached very thoughtfully if it is going to be a successful endeavor for the legal employer as a business enterprise and its lawyers and staff as healthy human beings. There are real and tangible risks and downsides to working from home on a protracted basis, and legal employers have an obligation to account for and seek to reduce those risks.

Specifically, those downsides include that many lawyers are unwell, struggling with mental health and burnout, and often engaging in unhealthy self-medication in the form of excessive substance use. As our research makes clear, depression and anxiety are rampant, and more than one-third of lawyers are engaging in high-risk hazardous drinking, including while working from home. In a remote environment, when people are not able to be observed on a regular basis, these problems can be much more difficult to detect. Mental health and substance use problems are also more likely to grow and flourish if someone is regularly isolated or holed up at home alone. Loneliness and isolation are well-known risk factors for mental health problems and addiction.

These facts present a clear risk-management problem that cannot be ignored, and they can also undermine an employer’s best efforts to make mental health assistance available to people in need. Work-from-home enthusiasts and proponents would be well-served to not discount these risks and downsides, but rather to identify and propose effective mitigation strategies that are workable within the context of their organization. I believe that solutions to these challenges are only as scarce as the creativity deployed in the search for them.

## Continued Risks

Another opportunity for improving mental health that our data revealed pertains to a legal employer’s ability to influence the likelihood of hazardous drinking among its attorneys. Our study found that workplace attitudes and permissiveness toward alcohol significantly influence the likelihood of problematic drinking among attorneys. In fact, workplace permissiveness toward alcohol use was more predictive of risky drinking than both age and high levels of work overcommitment, a finding which clearly underscores the need for employers to be more conscious of the cultures and environments they are cultivating. Social and peer influences and pressure are well understood risk factors for problematic substance use regardless of the setting. In the legal profession, this is the first empirical evidence of how pronounced this connection can be.

As a profession, we have made at least some minor progress in this arena thanks in large part to the ABA Well-Being Pledge. Launched in 2018, more than 200 legal employers are now signatories. As the person who conceptualized the Pledge framework, I have long understood that the work environments of lawyers plays a meaningful role in their substance use. As such, the second plank of the Pledge calls for employers to deemphasize the expectation of alcohol use. The Pledge does not seek to ban alcohol entirely or adopt overly draconian measures to discourage its use, but rather to actively seek to reduce the expectation that all forms of socializing, networking, and business development involve drinking.

Now that we have data demonstrating the link between workplace permissiveness toward alcohol and the likelihood of hazardous drinking, it is my hope that more employers will either sign the Pledge or approach their obligations under it with greater intentionality. As we return to work and find ourselves thrust into professional networking and socializing situations once more, employers’ ability to influence drinking behaviors will be critical for them to understand. This is particularly true due to the increase in hazardous drinking that occurred during the pandemic.

## COVID Trends

Make no mistake, the workforce that was sent home by legal employers in early 2020 is not the same workforce that employers are in the process of welcoming back to the office. This is true in multiple ways, some very tangible and some more philosophical. On the tangible side, a meaningful number of lawyers will emerge from the COVID-era experience with a notably less healthy relationship with substances. Our data revealed that 35% of women and 29% of men reported that their drinking increased during the pandemic. Perhaps the more alarming fact, however, is that the nature of that increased use appears to be problematic for many.

Men who reported an increase in drinking due to COVID were almost four times more likely to engage in risky drinking. Women who reported an increase in drinking due to COVID were seven times more likely to engage in risky drinking. As we note in the study, these inauspicious findings may signal the early manifestation of what will ultimately prove to be a long-term problem for some lawyers. It is reasonable to conclude that many who were drinking more were doing so because of heightened anxiety and stress associated with the pandemic, and research




has shown that drinking to cope with negative affect and anxiety can greatly increase the risk of persistent alcohol dependence. Educational interventions and the provision of structured advice about drinking behaviors have been widely shown to reduce problematic drinking in a variety of populations, and legal employers would be well-served to make those types of resources available to their teams at this pivotal time.

Overall, my prediction is that the employers who are most successful at navigating a return to work and the post-COVID era will be those who fully acknowledge that the composite mental health profile of their workforce has changed. Additionally, they must be willing and prepared to offer support and accommodations that reflect that change. Employers who fail to acknowledge or understand the altered behavioral health landscape now present before them will be caught flat-footed. They will likely experience higher levels of workplace mental health crises, problematic behavior, and attrition, all coupled with lower levels of job satisfaction among their workforces. As the world emerges from the COVID-era, legal employers are confronted with both warnings and opportunities around lawyer mental health. How they respond could shape their organization's trajectory for years to come.

For individuals seeking to reduce their alcohol consumption, eliminate unhealthy behaviors, or just generally strive for greater physical and mental well-being, I would recommend getting started sooner rather than later, but that does not necessarily mean making dramatic changes overnight. Often, slow but steady and consistent change leads to better results. One of the most widely accepted and well-studied models for explaining how people accomplish change in their personal lives is called the Transtheoretical Model of Change, or TTM for short. It operates on the assumption that people do not change behaviors quickly and decisively (such as through a New Year's resolution), but instead that behavior change, especially habitual behavior, occurs through a cyclical process.

According to this model, behavior change occurs incrementally, with the individual moving from either being apathetic, unaware of the problem, or unwilling to make a change (known as the precontemplation stage), to a point where he or she is considering a change (contemplation), to deciding and preparing to make a change. Meaningful, committed action is then taken, with ongoing attempts to maintain the new behavior occurring over time. Relapses and returns to old behaviors are common and considered part of the process of achieving lasting change. Wherever we might find ourselves in the change process, having support is key. Whether it is our own established support network, an employer-sponsored resource like an employee assistance program, or the confidential and helpful services of Lawyers Concerned for Lawyers, allowing others to be part of our journey to improved health and well-being is the best way to improve the odds of reaching our goals.

<sup>1</sup> <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0250563>

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Patrick Krill is an attorney, licensed and board-certified alcohol and drug counselor, author, researcher, and advocate who has spearheaded numerous groundbreaking efforts to improve mental health in the legal profession. Recognized globally as a leading authority in the field, he is the founder of Krill Strategies, a behavioral health consulting firm exclusively for the legal profession. In that role, he serves as a trusted advisor to large law firms and corporate legal departments throughout North America and Europe, working to help them protect and improve the health and well-being of their attorneys and staff.

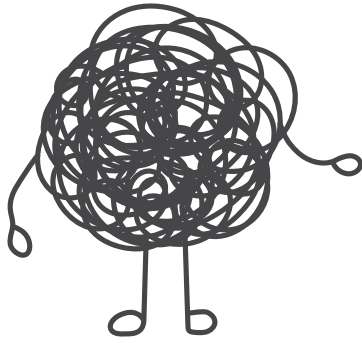


# THERAPY:



## BEING A ZEALOUS ADVOCATE FOR YOURSELF

*By Chase Andersen*



*Things aren't that bad...*

*I'm sure it'll eventually get better...*

*I'm too busy to ask for help...*

*I don't want to appear weak...*

*I just need to power through it...*

**W**ould you say those things to yourself about physical ailments or diseases such as a broken ankle or diabetes? Now, would you say those things to yourself about mental health issues such as stress, anxiety, or depression? How about a substance use issue involving alcohol or other drugs? Were your answers different? If so, why?

## Overview

In March 2020, our world changed, and we were faced with new stressors that weren't previously on our radar. Rates of anxiety and depression almost quadrupled from 2019 and preexisting mental health and substance use issues were only exacerbated through the pandemic. While nearly 30 percent of Americans saw a therapist during the pandemic, there are still millions of Americans—including lawyers—who are resistant to seek help from a mental health professional. This article will discuss why some attorneys are reluctant to seek counseling. We will dispel those reluctancies and identify the numerous benefits of being proactive with one's mental health. Most importantly, we will hopefully convince those of you that may be on-the-fence that not only is it okay to seek therapy but also that it will help you in all areas of your life.

## The Benefits of Therapy

The National Task Force on Lawyer Well-Being starts off its 2017 report, *The Path to Lawyer Well-Being*, with this statement: "[t]o be a good lawyer, one has to be a healthy lawyer." And we all want to be good lawyers, right? Accordingly, we should all strive to be healthy. But just as physical health requires time and effort, so does mental health. And counseling is one of the best ways to better your mental health.

Generally speaking, "therapy" or "counseling" refers to the process of meeting (in-person or virtually) with a trained mental health or substance use professional to discuss and resolve problematic feelings, issues, or behaviors. While there are different kinds of therapy modalities geared toward helping specific issues, this article will focus on the most common form: one-on-one talk therapy.

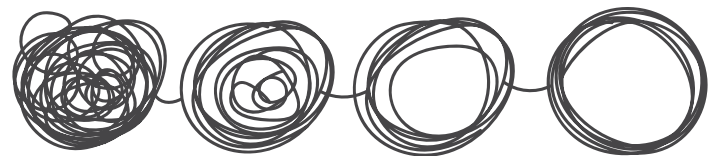
To begin, there are several ways to set up counseling, including calling Minnesota's Lawyers Concerned for Lawyers (see more information at the end of this article), contacting your employer's employee assistance program, or going directly through your insurance provider.

Not only does counseling help you process the personal and professional stressors we all face, it can also provide you with skills to help you deal with stressful situations that might arise in the future. Comparing physical health to mental health: if you have a healthy diet and exercise regularly, your body will be better prepared if-and-when you are faced with injuries or illnesses. Likewise, the more effort you put into having a healthy mental health baseline, the better-suited you will be to handle future curve balls thrown your way.

In addition, the more one can deal with stressors in a healthy manner, the less likely one will resort to coping with their issues in unhealthy ways such as problematic drinking and using other substances. As you may know, these issues are prevalent among lawyers. The 2016 ABA/Hazelden Betty Ford study entitled "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys" found that the rate of substance use issues among practicing attorneys was approximately double that of the general population.

Furthermore, therapy can assist you to address and move on from previous negative events and traumas, help you become more in-tune with your own feelings, and enable you to pass along these learned lessons to others in your life, whether it be family members, friends, or co-workers.

Most importantly, at least from my personal experiences with my therapist, it is a great resource for just venting. Sure, I talk regularly with my spouse, family, friends, and co-workers, but it is so helpful to have a neutral, unbiased, and trained professional whose primary purpose during our time together is to help me and provide feedback and advice with handling life's ups-and-downs.



## Barrister Barriers

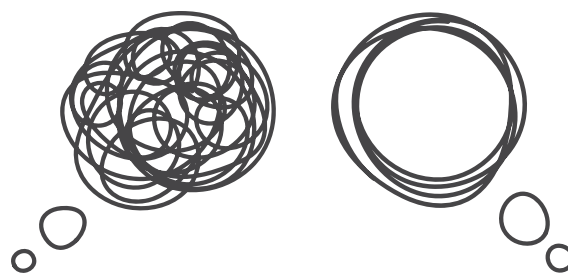
Ofentimes, attorneys will feel as though they can handle their stressors on their own. Most of our professional life is spent in our own heads and we tend to feel as though we should be able to figure out our own issues or just "power through it." But handling our own mental health challenges is much different from handling a challenging client or case. One cannot just "power through" severe mental health issues until they are gone, unlike being able to just "power through" that challenging case until it settles. Accordingly, those issues rarely resolve themselves.

Like I always say, if you keep sweeping those issues underneath that proverbial rug, eventually that rug will be pushing up against the ceiling and it will be dang hard to breathe. Therapy can be a great way to help you sweep those issues out of that room (and your life) and teach you to keep that broom nearby for future messes.

Another common excuse that lawyers cite regarding therapy is "I'm too busy." Yes, attorneys live busy lives, juggling caseloads and family life, but there should always be time to make one's own well-being a priority. And I have found that the benefits from a therapy session make up for those

“Put your oxygen mask on yourself  
first before helping others.”

How can you be expected to  
properly help your clients, you  
family, and your community if you  
aren’t taking care of yourself first?



missed billable hours tenfold in terms of stress reduction. Plus, in today’s world of virtual appointments and telehealth therapy, seeing a counselor is easier than ever.

I often compare prioritizing self-care to being on an airplane when the flight attendant advises, “Put your oxygen mask on yourself first before helping others.” How can you be expected to properly help your clients, you family, and your community if you aren’t taking care of yourself first? It’s that simple!

## Overcoming Stigma

Over the last decade, at least from my experience, there seems to be a decrease in the stigma surrounding seeking therapy and asking for professional support when needed. However, it is still an obstacle facing many attorneys, judges, and law students.

It is important to recognize that there is often an internal stigma regarding mental health and substance use issues so that an individual may try to ignore or disregard signs of these issues. These stigmas can originate from a number of places, including an individual’s upbringing and their family’s attitudes toward mental health and addiction or even a general misunderstanding about these issues. A particular challenge lawyers face is that we often view ourselves as society’s problem-solvers and, accordingly, any self-recognition of these issues could affect our own self-esteem or image.

Even after one starts to internally come to grips with the fact that an issue exists—maybe it’s admitting to yourself that your anxiety is overwhelming, that you’re not as happy as you’d like to be, or that you’ve been drinking too much—there are still external stigmas that lawyers face that may impede seeking help. In fact, the ABA/Hazelden Betty Ford study states that the two most common barriers attorneys cited in the way of asking for help were (1) not wanting others to find out they needed help and (2) concerns regarding privacy or confidentiality. As a result, some attorneys may go years without asking for help for those very concerns.

However, with mental health and substance use issues now on the forefront of today’s legal discussions, the general view about asking for help or support isn’t what it used to be. Now, well-being and taking care of oneself is an important priority and topic for education and discussion in our profession. Nowadays, there is profession-wide support for lawyers to be healthy. And taking actions to get yourself healthy should never be viewed as a negative.

## A Counselor’s Perspective

In a discussion with Jill Carlson, MA, LPCC, and case manager at Lawyers Concerned for Lawyers, she explained what someone new to counseling should expect. Counseling sessions are usually held in a private setting. Right now, most counseling sessions are still virtual; however, face-to-face sessions are slowly returning. Most therapy sessions are 45 to 50 minutes in length, but some therapists prefer longer first sessions of up to 90 minutes. Sessions can start off as weekly, biweekly, or monthly, depending on a number of factors.

The whole client/therapist intake process is very similar to when a new client retains an attorney, with information gathering done first via questionnaires and initial meetings. Next, goals are established and a road map to meeting those goals is set.

Jill explained that, throughout the process, attention is given to the client’s history (mental health and/or substance use, family, social, professional, etc.), how the existing issues are affecting the individual’s life (symptoms, behaviors, consequences, etc.), and how the client and the therapist—together as a team—can meet the client’s goals.

Next, Jill and I discussed the importance of confidentiality. The trust and confidentiality shared between a therapist and client is a principal part of the counseling experience, as clients must be able to trust that the information shared with their counselor will not be shared with anyone else. With that being said, most counselors are mandatory reporters and must report immediate threats regarding a client’s health and safety, so please make sure that is discussed with your counselor.

Finally, we discussed the biggest benefit to counseling: achieving one’s goals. Whether your goal is to overcome your anxiety, not to drink anymore, to be a better family member, or to just be the best lawyer you can be, counseling can definitely be one of the biggest tools in your well-being toolbox!

If you have further questions about counseling or would like to schedule free therapy sessions, please call Lawyers Concerned for Lawyers (LCL) at 651-646-5590. We provide up to four free counseling sessions per issue for lawyers, law students, judges, and their immediate family members. As always, Lawyers Concerned for Lawyers is confidential and no information is shared with licensing boards, employers, or anyone else.



## Chase Andersen

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# “OVERWHELM”

## Five Productive Principles to Overcome It

*By Dyan Williams*

**W**hether you're a solo lawyer or a partner at a big firm, you're bound to experience "overwhelm." It's the feeling of not being able to manage the depth, breadth, and complexity of your situation. You feel buried with work, overloaded with responsibilities, and saddled with deadlines.

You have limited time, energy, and attention to do all the things in all the domains of life. You experience emotions like fear, anxiety, worry, guilt, or anger, which you cannot link directly to a specific stressor. You have cognitive drain that impairs your ability to concentrate, problem-solve, think clearly, understand complicated issues, and recall vital information.

In my productivity coaching work, I speak frequently with lawyers and legal professionals who struggle with overwhelm. When everything seems important and time-sensitive, you often resort to working longer and harder. Or you might seek to work smarter or plan better, but you're not sure how to get there.

I know one lawyer who shifted her wake-up time from 7 a.m. to 5 a.m. to get a head start on legal writing projects. But she wound up using the extra morning hours on emails and continued to work into the evenings on her legal briefs. Another lawyer designated office hours for paralegals to ask questions on their assignments. Although this was more efficient than the open-door policy, he failed to protect time for creative, high-level work. Both of these lawyers continued to be overstressed and overworked despite tweaks in their work habits.

To overcome the feeling of overwhelm, you could integrate and implement the five productive principles that I discuss in my book *The Incrementalist: A Simple Productivity System to Create Big Results in Small Steps*.

## One: Prioritize and Re-prioritize

Overwhelm stems from a lack of clarity. If you treat all things on your to-do list as a priority right now, then nothing really is. It is pointless to do tasks and engage in activities that keep you busy, but don't serve a meaningful purpose. While you might not want to stop, pause, or slow down, this is exactly what you need to do when you're off track.

To prevent mental overload, do a brain dump of all the tasks swirling around in your mind. Get them on your task list or into your task management system, be it analog, digital, or hybrid.

In his book *Getting Things Done*, David Allen writes that "open loops" are a cognitive drain. These are undone tasks that you keep in your mind and need to be captured in a reliable task management system. When you trust your system, you will review it daily and weekly to plan tasks, activities, and commitments that connect with your goals and purpose. With planning, you make progress strategically on the things that matter and weed out what does not. You also pinpoint legacy projects that you need to drop because they no longer add value.

Prioritize means you organize your tasks in the order of importance. You could use the Priority Matrix to categorize different types of activities into four quadrants:

**In Quadrant 1**, you have the important and urgent. These are high-value, high-impact tasks that often involve real emergencies and deadline-driven projects. They include finishing a legal memorandum for an appeal and preparing for an upcoming trial. Do these tasks first, preferably when you have the most focus, energy, and willpower.

**In Quadrant 2**, you have the important, but not urgent. These tasks have high value and high impact. They include writing an article for an industry publication, creating a marketing strategy, or designing a course in your field. Because they are not as time-sensitive as Quadrant 1 activities, you need to decide when you will do them, schedule time for them, and set due dates and milestones to make progress.

**In Quadrant 3**, you have the urgent, but not important. Urgent does not mean important. These tasks have low value and low impact, but they seem urgent nonetheless. They include random communication like incoming emails, text messages, and telephone calls from clients and prospects. Delegate these tasks to the fullest extent possible.

**In Quadrant 4**, you have the not urgent and not important. These tasks consume a lot of time and attention but add no real value or impact. They include scrolling social media, watching YouTube videos, and catching up on the news. Delete them or don't do them (unless they are time-capped and a deliberate part of your downtime).

In setting your priority for the day, choose your Most Important Task. Your MIT is your high-value, high-leverage activity. It contributes directly to your short-term objectives and long-term success. If you neglect your MIT, you will hurt your business, damage your reputation, or harm your career, your employer, your clients, and the people you serve.

Limit your priorities list to three MITs. Decide which tasks will make the most difference if you accomplish them or make significant progress on them today. Any additional tasks are secondary and may be deferred to a later date. When you know what's most important, you're more equipped to say no, set boundaries, negotiate deadlines and deliverables, and suggest alternatives.

## Two: Break Projects into Smaller Tasks

Overwhelm stems from a lack of confidence. When you have a disproportionate challenge-skills ratio, it's harder to focus and get in the state of flow. Renowned psychologist Mihaly Csikszentmihalyi defines flow as the optimal state of consciousness in which you're so involved in an activity that nothing else seems to matter. This is when you're performing at your peak.

The sweet spot is where the challenge is 4 percent greater than your skill level, says Steven Kotler, author of *The Art of Impossible*. You want your goals to be just right for your skill level, not too hard and not too easy. Peak performers tend to go too big and then burn out. When you're overwhelmed by the challenge, back off and go smaller.



Break the challenge down into sub-challenges that slightly exceed your skillset but are not too far outside your comfort zone and not too overwhelming. Chunk down your big projects into tinier action steps that are specific and manageable. Build momentum and gain traction by dividing project components into smaller tasks you can identify and execute more easily. Make smaller commitments that allow you to gain traction and celebrate wins consistently.

### Three: Set Time Blocks for Essential Tasks and Activities

Overwhelm stems from a lack of intention. Channel your focus on your high-priority task by blocking time for it on your calendar. Time blocking protects time and reserves space for tasks that need attention.

You set time blocks with a start time and end time to work on a specific activity. You could single-focus on one difficult, high-leverage project like a strategic marketing plan, or you could batch-process similar, low-level tasks like responding to emails and returning telephone calls. You can move around time blocks if true emergencies and unexpected delays come up. You can schedule new time blocks if you need more time to finish the task.

Time blocks tell you when you will do a task, in what context, under what circumstances, and for how long. Time blocking encourages you to take deliberate action steps, block out distractions and interruptions, and avoid multitasking and task switching. It allows you to control your time, train your mind, and build focus muscle to do important work.

Along with time blocking, you can also use time boxing, which is limiting the amount of time you spend on a project. This discourages unnecessary perfectionism and prompts you to complete projects efficiently and effectively.

### Four: Synch with Your Natural Rhythm

Overwhelm stems from a lack of intrinsic motivation. Your focus and energy levels ebb and flow throughout the day. Your natural rhythm affects your willingness to engage in productive work or creative work at certain times of the day.

Your circadian rhythm is an internal timing device that controls when you are most alert and when you are most tired. It is your brain's sleep-wake cycle in a 24-hour period that determines your natural wake-up time and bedtime. A group of about 20,000 nerve cells (neurons)—referred to as the suprachiasmatic nucleus (SCN) in the hypothalamus part of the brain (behind your eyes—affects the secretion of hormones, like cortisol (which triggers your body to wake up) and melatonin (which tells your body to go to sleep), as well as your body temperature and blood pressure.

Your sleep chronotype is the behavioral manifestation of your circadian rhythm. It is genetically set and is linked to your Period 3 (PER3) or “clock” gene. In the field of chronobiology, Early Birds tend to have a longer version of the PER3 gene than Night Owls. They need more sleep and wake up and go to bed earlier.

In his book, *When*, Daniel Pink recommends that if you're a morning person (Lark), you should do focused, analytic work in the early morning when you have the highest energy and mental sharpness (peak stage); your routine, administrative tasks in the early to midafternoon when your energy and focus levels drop (trough stage); and your creative, insightful tasks in the late afternoon or early evening when your energy, but not your vigilance, picks up (recovery stage). If you're an evening person (Night Owl), you follow a reverse pattern: you do heads-down work and linear thinking in the late afternoon and evening, and your creative work and diffused thinking in the morning.

### Five: Rest and Recharge

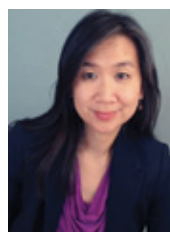
Overwhelm stems from a lack of rejuvenation. Your ultradian rhythm is the basic rest-activity cycle that repeats in a 24-hour day. Your heart rate, hormonal levels, and brain-wave activity rise during the first part of the cycle. After about 90 to 120 minutes, these physical measures begin to drop. And your body starts to need rest and recovery.

Following every 90 to 120 minutes of focused work, it's generally ideal to take a 20- to 30-minute break. Your work-rest split (e.g., 25 minutes work to 5 minutes rest or 50 minutes work to 10 minutes rest) depends on your own focus muscle, energy level, the type of task, the time of day, your work schedule, and other factors.

Some types of breaks are more restorative than others. They may involve alone time (e.g., meditating, taking a nap, reading a calming book); interaction with nature (e.g., looking out the window, sitting on a park bench); social connections (e.g., chatting with a colleague, having lunch with a good friend); relaxation (e.g., daydreaming, sketching, listening to music); and movement (e.g., taking a walk, stretching, cleaning up your desk). Go offline and ditch the digital devices that deprive the brain of downtime and add to the sense of overwhelm.

In the book *Rest*, author Alex Soojung-Kim Pang says seven to eight days of vacation help a person to reach maximum restoration. Aim to take a vacation every two to three months for peak performance. At the very least, switch off completely from work on weekends. Engage in a creative hobby, take a scenic hike, or experience a new environment to relax and decompress.

When practiced consistently and holistically, these five principles will help you overcome overwhelm, regain control, get back on track, and work and live more intentionally.



### Dyan Williams

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Dyan Williams practices U.S. immigration law and legal ethics at Dyan Williams Law. She is also a productivity coach for lawyers, consultants and other overwhelmed professionals. She is the host of a productivity podcast and author of the book, *The Incrementalist*. She blogs at [dyanwilliams.com](http://dyanwilliams.com) and [dyanwilliamslaw.com](http://dyanwilliamslaw.com).

# Member News

Submit your HCBA member news to [thl@mnbars.org](mailto:thl@mnbars.org) for consideration.



**James C. Kovacs** has joined Bassford Remele as an associate.

Larkin Hoffman shareholders **Daniel J. Ballintine** and **Timothy A. Rye** were elected to the law firm's board of directors. **Tamara O'Neill Moreland** was re-elected to the board and **Paul R. Smith** was re-elected as president of the firm.

Maslon is pleased to announce the addition of **Brittany Kennedy** to the law firm.

CBS&H is pleased to announce that attorney **Lucas Wilson** has joined the firm.

Stinson announces that **Krista Larson** has been named the firm's director of well-being.



Meagher + Geer announces that **Caitlin Deal** has joined the firm's Family Law practice group and its Minneapolis office as an Associate. The firm also announces that **Stacy Broman** has been appointed as the firm's managing partner and **Gregory Simpson** has been elected to its management committee.



**David Aafedt**, a shareholder with Winthrop & Weinstine, has been re-elected to his eighth term as Chair of the Board of Directors for the Better Business Bureau (BBB) of Minnesota and North Dakota.

**Robert Q. Williams** has joined Best & Flanagan.

HCBA New Lawyers Section Treasurer/ Secretary and Fredrikson & Byron attorney, **Roxanne N. Thorelli** will be awarded the Volunteer of the Year Award by Volunteer Lawyers Network at its Riverfront Celebration.



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*You've been representing Chris for about six months. They have quite a few challenges: in addition to the employment litigation that you are handling, you know that Chris lost two close relatives to COVID last winter and their child is struggling with an eating disorder. Although you initially exchanged calls and e-mails with Chris regularly, you haven't heard from them in over three weeks despite leaving messages in multiple forms. Written discovery responses were due a week ago and opposing counsel has been hounding you to schedule Chris' deposition. You really want to help Chris but you are becoming concerned that you could be on the receiving end of a motion to compel and that opposing counsel or the court may think that you are the problem. What should you do?*

# Navigating Your Clients' Mental Health Issues

By Eric T. Cooperstein

Lawyers are not, by and large, trained as mental health professionals. Yet mental health is a recurring issue in representing clients, particularly in litigation matters. A client with a legal matter is often in pain: physical pain from an accident or exposure to toxic substances; financial pain from the loss of a job or the risks of bet-the-company disputes; or emotional pain from a divorce or probate feuds. As if these stressors were not enough, clients bring with them their past struggles with depression; substance abuse; anxiety disorders; traumas born of child abuse, military service, or racial discrimination; and a multitude of other conditions. Clients may not share these latter issues, sometimes leaving a lawyer with little more than speculation about a client's ability to handle the tensions of a legal matter.

The Rules of Professional Conduct offer little guidance to lawyers about how to navigate a client's mental illness. Rule 1.14 tells us only that when a lawyer "reasonably believes that the client has diminished capacity . . . the lawyer shall, as far as reasonably possible, maintain a normal relationship with the client." Neither the rule nor the comments offer a definition of diminished capacity, but Comment 8 warns us that disclosure of the client's diminished capacity could "adversely affect the client's interests," so don't do that. Nevertheless, it is on the lawyer to determine "the extent of the client's diminished capacity," weighing such factors as the client's apparent reasoning ability, ability to appreciate the consequences of a decision, and "variability of state of mind." See Rule 1.6, cmt. 6.

None of that really helps the lawyer figure out what to do about a client who does not respond to the lawyer's messages, insists the lawyer pursue bizarre or frivolous investigations or legal theories, or fails to follow court orders.

The easy answer might be to withdraw. Walk away. The lawyer did not create the client's problems and the lawyer is unlikely to be able to solve them. The Rules say a whole lot more about how to get out than they do about how to stay in. If withdrawal would not have a "material adverse effect" on the client's matter, i.e. no real prejudice on the client's case, the lawyer is free to go. If the client has "failed substantially to fulfill an obligation to the lawyer" or "rendered [the representation] unreasonably difficult," the lawyer may be able to withdraw even if there is some prejudice.

For many lawyers, this is a wholly unsatisfactory answer. Lawyers quickly develop tremendous loyalty to their clients and hesitate to abandon them, even when the client has, perhaps through no real fault of their own, been unreasonably difficult. Here are a few thoughts on managing these situations:

## Assess the Client

You may not be trained in mental health but, as discussed in a prior column, you have past client experiences that help guide you. When a client's speech pattern, thought process, emotional reaction, and other conduct deviates from your observations of many past clients, you can trust your gut that there is more to the situation than just the stress of litigation.

## "Lawyers quickly develop tremendous loyalty to their clients and hesitate to abandon them, even when the client has, perhaps through no real fault of their own, been unreasonably difficult."

### Raise the Issue

Find ways to delicately raise whether your client has any history or treatment for mental health issues.

- "I hear how upset you are. Many of my clients have found therapy or medication to be helpful. Do you have a therapist you can connect with?"
- "This kind of case can be emotionally draining. Is there anyone you can talk to about this besides me?"
- "I'm so glad you called. I've been wondering whether you are experiencing some depression."
- "What I have found over the years is that when clients find it difficult to respond to my messages, they are experiencing some type of depression or anxiety and do not even really know it."

When clients exhibit signs of paranoia or delusion, they may reject the notion that there is anything wrong with them. I believe a lawyer may truthfully say that if the client received an evaluation from a medical professional supporting the client's perspective, that report could be used to bolster the client's case.

### Encouraging Compliance and Re-evaluation

I have represented multiple clients who were taking medication for depression or anxiety, but the effectiveness of the drugs had waned and the doctor refilling the prescription was not thoroughly evaluating the situation. Similarly, I have had clients who were prescribed anxiety medication to be taken on an "as-needed" basis, except the client never saw the need. Do not be shy about asking your client questions about

the extent of their treatment and medication. If the client has a history of substance abuse, ask whether they are sober and how their program of relapse prevention is going. Clients may benefit from their lawyers' urging them to re-connect with their support systems.

### Document Discretely

Take good notes of your oral communications with clients. Remember that your notes are part of the client's file and you will likely have to provide those notes if asked. "Client's thinking is disjointed today; rambling" is better than some derogatory reference.

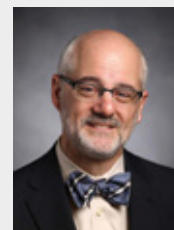
### Bottom Lines

Compassion is important in the practice of law but each of us must figure out our limits. Some of our clients have deep-seated issues that we, as lawyers, are not going to solve. Where might you draw the line? There is no one right answer but here are some ideas:

- The client's conduct will likely result in you failing to comply with a court order or deadline.
- The client only responds when you threaten to withdraw. This will inevitably lose its effectiveness the more times you use it. Draw the line on the second or third threat, then stop negotiating with the client over their cooperation.
- The manifestation of the client's illness is coupled with verbal abuse of you or your staff.
- The client is using their illness or difficult situation to manipulate you emotionally to remain in the case but continues to fail to cooperate.

- The difficulty in representing the client is creating a mental health issue for you, which could manifest itself in heightened anxiety (beyond what you usually experience in representing clients), becoming "frozen" and unable to complete work in the client's case or other cases, an urge to relapse, or other symptoms. These are also good times to call Lawyers Concerned for Lawyers for a confidential discussion about what you are experiencing.

It may be that you reach your own bottom line and choose to exercise your option to withdraw. The lawyer in the hypothetical above is likely close to their bottom line. By the time a lawyer decides to withdraw from such a situation, the lawyer's own mixed emotions sometimes manifest themselves in an angry termination letter. Try to leave your own emotions out of it. Write a letter summarizing what has happened, describe the efforts you have made to work with the client, and state in an emotionally neutral way your decision to end the relationship.



**Eric T. Cooperstein**

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Eric T. Cooperstein, the "Ethics Maven," defends lawyers and judges against ethics complaints, provides lawyers with advice and expert opinions, and represents lawyers in fee disputes and law firm break-ups.





# Managing Our Relationship with Time

by Shaun G. Jamison

*Do you feel like you do not have enough time for your personal and professional growth? Are you frustrated with time? Angry about waiting? Feel like everyone's wasting your time? Is your response to anything new, "Who has time for that?" You are not alone. In this busy, stressed out, and overloaded world, even your stress has stress and it is especially true for lawyers.*

While this article does aim to help with time management, the goal is even bigger than that. The goal is to help you improve your relationship with time so you can have less stress and actually be more effective.

A good place to start is thinking about how you would like your life to be. Would you like less anger, drama, and slow creeping tension, and fewer health problems? What saps your energy that you would like to change?

People make changes when they recognize their pain point or are motivated by a potential positive outcome. The next step is to figure out what is causing the pain or getting in the way of your goal.

Finding satisfaction or status can overwhelm a person. This is nothing new, but it is certainly prevalent in our society today. People brag about huge caseloads, lack of sleep, and impossible deadlines. As a professional, it is not unusual to work long hours, especially when in trial or concluding a large transaction. That is not the issue. The problem is working impossible hours week after week, year after year, without real breaks or vacations. But what can be done?

## Change Your Mindset

When people ask if your practice is busy, don't go for "I worked 100 hours last week." Instead focus on other aspects: "We're making a difference for our clients," or "We're meeting our goals; we're serving the client well, thank you." Focus on outcomes rather than inputs (like tons of hours).

## Get Rid of Activities that are Unprofitable, Either Money-wise or Emotionally

Take stock of clients and case types. Are they actually worth it to the bottom line? Are they so disruptive or draining that they are taking away from more productive activities? Get rid of them. Look at activities you do in your law practice and consider whether you have to do them at all, whether you can delegate to someone else, or simply automate them. Yes, this also takes time, but it is a great investment toward a better life.

Time-wasting activities creep back into your life, so calendar some time once or twice a year to revisit this process. It is easy, especially if you are a solo practitioner, to convince yourself that you cannot let go of that unreasonable client or soul-draining case type. However, getting rid of timewasters will open up space in your practice for clients and cases that you can throw yourself into willingly.

## Add Activities that Sustain You

Set goals to do activities you enjoy or help you relax. Relaxing could be as simple as five minutes with your office door closed and the lights off or as grand as a two-week ocean cruise.

When I'm especially stressed, I find breathing exercises helpful. Take a couple of minutes now and then to breathe. One method is to breathe in, expanding the belly slowly for four seconds and then exhaling slowly for four seconds. Maybe the first time you try a breathing exercise, you won't feel the relaxation, but give it a chance. It can be a simple way to improve your life.

What sustains a person is different for every one. Personally, I know my workouts have helped me manage stress and are definitely worth my time. Here is the hard part: Fully embrace what you are doing. When you are working, your work deserves your focus; but so does "not working." If it's time with the kids or grandkids or a vacation or lunch with a friend, set work aside. It will be there when you are done.

## Avoid Getting Angry or Frustrated about Interruptions

Like so many people these days, you may be working from home, where there are many extra interruptions, particularly from family members or even the door-to-door salesperson. I teach online and one of the strategies I suggest to students is to set up a time where someone else is taking care of the household so they can work uninterrupted. I encourage them to set boundaries so other people understand they have a set time to work on their homework. Some of you are laughing at me because you've tried that and it didn't work.

If the interruption is from persons you would like to see (just not at that moment), shift to focusing on them for a short time until you can get them on their way. Even though it was unplanned, that focus will buy you some time and, certainly, an angry response doesn't help relationships and is also a form of attention; so oddly, getting mad still acts as reinforcement for interruptions. If the interruption is from someone I didn't want to hear from, like a sales guy, I'm in the "no thanks, take-me-off-your-list" camp. No need to get upset, just get rid of them quickly. I had to put up a "No Soliciting" sign for the first time in years, but what a great investment.

## Learn to Deal with Delays

Finally, delays can be frustrating, to be sure. Here are some ideas: First and foremost, plan them out of your life as much as possible. You are much less likely to be late for a meeting or court appearance if you leave your office with enough time to make it to your destination plus a little cushion time. No need to drive aggressively through traffic or seethe about slow drivers when you know you are going to make it on time anyway. Likewise using project management techniques to avoid meeting deadlines at the last minute will help any delays be less significant and less stressful.

But, despite our best efforts, we will have frustrating delays. What can we do? If you truly have no control over a delay, accept that. Take steps to lessen the damage like calling people to say you will be late. You can repurpose the time. Sometimes I'll do a little stretching or breathing exercises if I'm in a long line at the grocery store. (Just don't breathe out so hard everyone thinks you're exasperated with them.) You could use the delay to check in with the office or check your email. Or, you could just take a break.

If you are stuck in a bad relationship with time, there is hope. You can make changes and make your life better. You do not have to accept constant and overwhelming stress. Being more aware of the choices we make, how we react to our lives, and how we plan and design our lives greatly impacts the quality of the lives we lead.



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# HCBA SOFTBALL

CONGRATULATIONS TO BERGER MONTAGUE/NICHOLS KASTER et al. FOR TAKING FIRST PLACE IN THIS SUMMER'S HCBA SOFTBALL TOURNAMENT!

Thank you to all 11 teams who took part in HCBA softball this year. A special thank you to HCBA Softball co-commissioners Allison Plunkett and Maria Plese for their work organizing the league. Interested in playing next summer? Email Sheila Johnson at [sjohnson@mnbars.org](mailto:sjohnson@mnbars.org)





Riverfront Celebration

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# BETT TOGETHER

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2021



Thursday, Sept. 9

4:30-7 p.m.

Nicollet Island Pavilion

and via livestream



Making Pro Bono Happen Since 1966

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Keynote Speaker

Jerry W. Blackwell

*Blackwell Burke P.A.*

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# 10 QUESTIONS

## with **PATRICE KLOSS**

*Partner, Fox Rothschild*

### **1 What does a typical day at the office look like for you?**

Most days involve a lot of telephone calls and Zoom meetings advising clients, who consist of mostly medical device companies, venture capitalists, and strategic investors. I also prepare and negotiate transaction documents pertaining to debt and equity financings, mergers and acquisitions, loan facilities, and other corporate matters. Luckily, the issues I deal with are varied, so I am never bored and always learning.

### **2 Why did you go to law school?**

My first job after college was at a bank and part of my duties involved working with legal counsel regarding real estate issues. Although I did not enjoy the work I was doing, I did like the transactional work I saw the lawyers doing and decided to apply to law school. I continued working at banks while I went to law school at night, which ended up being a great experience because I was able to see how the legal concepts I was learning about applied in actual business transactions. This helped me understand the connection between the law and business that I continue to use in my practice today.

### **3 You co-chair Fox Rothschild's medical technology practice group. What do you enjoy about working with medtech companies? What traits or skills are important for a medtech lawyer to have?**

I have always been interested in medicine and biology, along with business. Working with medical technology companies combines these interests in a way that is challenging and always interesting. Medtech companies have unique legal needs and those needs change based on the stage of the company, ranging from a start-up with an idea, to the development and testing of a medical device, to regulatory approval and commercialization. You need to address current needs, but also prepare for the future.

This requires both creativity and nimbleness. It is also very rewarding to play a role in helping clients commercialize new medical technology that can save, extend, and improve lives.

### **4 If you weren't a lawyer, what would you be?**

I am fortunate to love what I do and I cannot think of anything that would suit me better.

### **5 You serve on the board of the Minneapolis Heart Institute Foundation. Why is this organization meaningful to you?**

The Minneapolis Heart Institute Foundation is a leader in cardiovascular research and is committed to improving the lives of all people through research and education. Because of my background in medical technology, MHIF's mission of creating a world without heart and vascular disease

really resonates with me.

### **6 How does wellness fit into your life? What do you do to stay healthy and manage stress?**

Early in my legal career, I discovered that exercise was a key antidote to the stress that goes along with being an attorney. I started doing a Pilates-type workout called the Tracy Anderson Method and it has been a constant in my life for over a decade. Sometimes I am not able to get my workout in until 10:00 at night, but I never complete a session without feeling my stress level drop in half.

### **7 What is an ideal fall Saturday?**

My ideal Saturday would include getting my workout in and then going on a hike or bike ride with my husband and kids, followed by dinner at Broders' Pasta Bar or Revival.

### **8 Now that venues are opening up, who would you like to see in concert that you haven't yet?**

Definitely Willie Nelson. I've always been a fan of his music and songwriting, but now I find it inspiring that he remains so sharp and active well into his 80s.

### **9 If you could have coffee with any person from history, who would it be?**

Notorious RBG.

### **10 Complete this sentence: Everyone who knows me knows I love ...**

To laugh, a lot! The people who office on either side of me probably need earplugs, but luckily, they never complain!

BACK IN THE SWING OF THINGS

# 2021 TEE IT UP FOR JUSTICE



 **PEDAL FOR JUSTICE**

 **AND Game-Set-Match FOR JUSTICE**

**Reserve Your Spot Early.  
Guarantee Your Place!**

*A Perfect Day to Spend with Colleagues  
and Clients. Join the Fun!*

**Monday, September 27**  
Oak Ridge Country Club  
700 Oak Ridge Road, Hopkins

**Proceeds benefit the Hennepin County Bar Foundation**—the charitable giving arm of the Hennepin County Bar Association. Since 1968, HCBF has made a positive impact on the community by funding over \$3 million in grants to nonprofit legal organizations that support our mission "Promoting Access to Justice for the People of Hennepin County."

**Register at [www.mnbar.org/hcbf-golf](http://www.mnbar.org/hcbf-golf)**

*Call Sheila Johnson at 612-752-6615 regarding  
sponsorship opportunities or to register/pay by phone.*

**NOT A GOLFER, BIKER OR TENNIS PLAYER?**  
Join us for the beer tasting, cookout dinner and prizes!  
**\$50 PER PERSON**

## **GOLF REGISTRATION: \$250 PER GOLFER**

Includes green fees, golf cart and lunch

**11:00 AM: REGISTRATION & BOX LUNCH**

**12:00 PM: SHOTGUN START**

*Please note: This tournament is scramble format.  
Golf registration above \$190 is a tax deductible contribution to HCBF.*

### **PLAYERS CARD** *Includes All*

- ✓ 2 Mulligans
- ✓ Closer shot at one hole
- ✓ One toss out of bunker
- ✓ Putting Contest

### **Add-ons:**

< **+\$25 Players Card**  
Per Person

**+\$40 per team**  
Bernie Zimpfer Memorial  
Cup Challenge

## **BIKE OR TENNIS REGISTRATION: \$75 PER PERSON**

**1:30 PM: REGISTRATION & SNACK**  
**2:00 PM: BIKE RIDE**

**2:30 PM: REGISTRATION & SNACK**  
**3:00 PM: TENNIS MIXER**

**5:00 PM: DINNER & PRIZES**  
**ALL TICKETS INCLUDE BEER TASTING,  
COOKOUT DINNER AND PRIZES**

**Register at [www.mnbar.org/hcbf-golf](http://www.mnbar.org/hcbf-golf)**

**In 2021 your Hennepin Bar Foundation granted \$259,500 to justice related nonprofits. Your support provided grants to the following:**

180 Degrees  
Cancer Legal Care  
CASA Minnesota  
Children's Law Center of Minnesota  
Civil Society  
Conflict Resolution Center  
CornerHouse  
Discapitados Abriendose Caminos

HOME Line  
Immigrant Law Center  
Lawyers Concerned for Lawyers  
LegalCORPS  
Legal Rights Center  
Loan Repayment Assistance Program  
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Minnesota Assistance Council for Veterans  
Minnesota Justice Foundation

Missions Inc.  
Rainbow Health  
Restorative Justice Community Action  
Seward Longfellow Restorative Justice  
Sojourner  
Standpoint  
The Advocates for Human Rights  
Tubman  
Volunteer Lawyers Network





## Joining the Human and Electronic Elements Together

**Computer Forensic Services (CFS)** and **360 Security Services (360)** are two organizations with one mission: To address your investigative and security needs.

Our digital landscape has dramatically increased the amount and quality of information that is useful to investigations. While electronic information can prove to be the most important factor to consider, it is still one factor. For this reason, Computer Forensic Services ([www.compforensics.com](http://www.compforensics.com)) is proud to announce its new strategic partnership with 360 Security Services ([www.360security.services](http://www.360security.services)).

360 takes a holistic approach to conducting investigations. 360's team is comprised of former federal & state investigators and security professionals who possess an array of experience, ensuring clients receive the targeted expertise they need. 360's diverse team together with CFS is positioned to assist with a variety of investigations including, but not limited to:

- Financial, tax, and complex fraud (forensic accounting);
- Employment and backgrounding;
- Personal injury;
- Corporate espionage;
- Family (custody, marital dissolution);
- Criminal (financial, cybercrime, extortion, stalking, violent offenses);
- Investigative and security auditing.

The strategic partnership between CFS and 360 provides clients with a comprehensive and seamless team-based approach to investigations and security.