BARRISTER



April 2019 Volume 31 Issue 3

INSIDE THIS ISSUE

- Upcoming Events
 RCBA Member
 Appreciation Day
- President's Page
 - Law Day CLE
 Green Line Lunches
 Save the Date: Bench
 and Bar Benefit
- Free Speech, Free Press, Free Society Member News
- LSC Notice of Grant Funds Classifieds

RCBA Happy Hours
Save the Date: Golf
Attorney Referral
Service
Placement Service
RCBA Leadership
Nominations

RCBA RAMSEY COUNTY BAR ASSOCIATION

Memorial Session

2019

Please join us on

Friday, April 12th at 2:00 p.m.

to celebrate the lives of those lawyers who have passed on. This year's Memorials will take place at

Sundin Music Hall, Hamline University, 1531 Hewitt Avenue, St. Paul

Honoring:

James J. Boyd
Philip Byrne
Hon. John J. Connelly
Hon. John S. Connolly
Leo Daly
Patrick H. Doherty
William S. Fallon
Eugene J. Flick

Buster C. Hart
Richard Hawke
Hon. Dale Lindman
Joseph Mast
Hon. Diana Murphy
Bruce D. Peck
Mary S. Ward



UPCOMING EVENTS

Green Line Lunch

Tuesday, April 9, 2019 Asian Deli 823 University Ave W, St. Paul

RCBA Happy Hour Hosted by the New Lawyers Section

Thursday, April 18, 2019 Public Kitchen 229 6th St E, St. Paul

Memorials

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

RCBA Member Appreciation Day

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

Multi-Bar Happy Hour Hosted by RCBA New Lawyers Section

Thursday, June 13, 2019

Charity Golf Tournament

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

Families First Halloween Party

Monday, October, 28, 2019 John A. Johnson Elementary School 740 York Ave, St. Paul

Bench & Bar Benefit

Saturday, November 2, 2019 The Saint Paul Hotel 350 Market Street, St. Paul



Wednesday, May 8 @ 1-5:30 pm

Enjoy free activities and services in appreciation for your membership:

1:00-3:00pm FREE Professional headshot photos

Update your photo for your website or LinkedIn profile

Free Marketing Coaching Sessions

Free one-on-one marketing coaching sessions with marketing veteran, Terrie S. Wheeler, MBC. Bring your biggest challenges/questions about marketing (websites, social media, promoting awards, articles, presentations, directories, market research, etc.)

3-4:30pm FREE CLE: Think on the Spot® Workshop CLE

Unique interactive workshop – how to use improv to build communication and effectiveness skills such as listening, thinking under pressure, and speaking spontaneously, and more! 1.5 hours CLE credit.

4:30-5:30pm Social hour

Visit with colleagues in a relaxed atmosphere, with complimentary appetizers and beverages

All activities will take place in the First National Bank Building First Floor Conference Center.

Information and registration at www.ramseybar.org/event/weappreciateyou

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Law Day: Commemorating Our Nation's Commitment to the Rule of Law

In 1958, Charles Rhyne, a 45-year-old Washington, D.C. lawyer who was serving as the American Bar Association's president, conceived an idea for a way to celebrate and highlight the United States' commitment to the rule of law. Rhyne, who had also served as President Eisenhower's legal counsel for a time, asked Eisenhower to issue a proclamation declaring May 1, 1958 as Law Day. Eisenhower agreed, and Law Day was born.

In a speech in 2000 at the Law Library of Congress, Rhyne explained why he had proposed the creation of Law Day: "The immediate inspiration for a May 1 celebration of law was directly related to the Cold War," said Rhyne. "For many years, the American news media gave front-page headlines and pictures to the Soviet Union's May Day parade of new war weapons. My idea was to contrast the United States' reliance on the rule of law with the Soviet Union's rule by force."

The Ramsey County Bar Association celebrates Law Day by sponsoring a free CLE and presenting two important RCBA awards: the Liberty Bell Award and the Distinguished Humanitarian Service Award.

Despite Rhyne's good intentions, he explained in his speech that Law Day was nearly dead in the water due to a misunderstanding among some of Eisenhower's advisers. While Rhyne was reviewing the draft Law Day proclamation with Eisenhower, White House Chief of Staff Sherman Adams "burst in yelling, 'Do not sign that paper praising lawyers!"

But Eisenhower "held up his hand for silence until he had read the entire document," said Rhyne. Then, according to Rhyne, Eisenhower explained to Adams that the purpose of the proclamation was not to praise lawyers. Instead, it was meant to praise "our constitutional system of government, our great heritage under the rule of law, and asks our people to stand up and praise what they have created." According to Rhyne, Eisenhower then said, "I like it, and I am going to sign it." And sign it, he did.

In 1961, Congress issued a joint resolution designating May 1 as the official date for celebrating Law Day, which was subsequently codified in the United States Code. Every President since then has issued a Law Day proclamation to celebrate our nation's commitment to the rule of law.

Rhyne passed away in 2003, but his Law Day creation is still going strong. Today, Law Day is a day when the ABA, state and local bar associations, schools, and other organizations commemorate the importance of the rule of law in a free society. Each year, the Ramsey



County Bar Association celebrates Law Day by sponsoring a free CLE and presenting two important RCBA awards: the Liberty Bell Award and the Distinguished Humanitarian Service Award.

The Liberty Bell Award is awarded to a non-lawyer individual or organization who works to promote a better understanding of our government, encourage respect for the law and the courts, stimulate a deeper sense of individual responsibility under the law, and contribute to the effective functioning of our institutions of government.

I am pleased to report that this year's Liberty Bell Award recipient is the **RAMSEY COUNTY LAW LIBRARY.** The mission of the Ramsey County Law Library is "to provide the best legal information services" to residents of Ramsey County and recognizes that "[l]egal information is a basic component of access to justice." As eloquently stated by Sarah McEllistrem of Collins, Buckley, Sauntry & Haugh, P.L.L.P., who nominated the Library for the Award, the work of the Library and its staff under the able leadership of Library Director Sara Galligan "exemplifies the qualities that the Liberty Bell Award embodies. The Library promotes a better understanding of our government and access to justice for all citizens. It encourages respect for the law and the courts. . . . Because of their efforts, they contribute to the effective functioning of the courts and each person's responsibility under the law." The Library provides a free clinic for individuals facing Housing or Conciliation Court, hosts criminal expungement workshops, plans and offers CLEs, and provides shadowing opportunities for law students. Based on these outstanding efforts, Ramsey County Law Library is a very well-deserved recipient of the Liberty Bell Award for 2019.

The Distinguished Humanitarian Service Award is awarded to a lawyer who demonstrates humanitarian service to the bar and the community, outstanding professional performance, achievement in service to the

Continued on next page

citizens of Ramsey County, leadership in the development of law in our community, and commitment to preserving and carrying out the vision of our Constitution.



This year's Distinguished Humanitarian Service Award recipient is JUDGE KELLY OLMSTEAD, who clearly embodies all of the qualities and characteristics the Award was intended to recognize. Judge Olmstead was born and raised on the east side of Saint Paul and attended William Mitchell College of Law. Following law school, Judge Olmstead worked at Robins Kaplan LLP. During those years, Judge Olmstead actively

participated in the firm's pro bono program, including representation of domestic violence victims, and also took an intervening year away from Robins to serve as a judicial law clerk to the Honorable Jill Flaskamp Halbrooks of the Minnesota Court of Appeals. After leaving Robins, Judge Olmstead worked as a prosecutor in the adult criminal division of the Ramsey County Attorney's Office, where she handled a variety of victim crimes. In 2018, Governor Mark Dayton appointed Judge Olmstead to be a District Court Judge in Minnesota's Second Judicial District in Ramsey County, where she serves with distinction.

Judge Olmstead has long been involved with and committed to the Ramsey County Bar Association. During her distinguished legal career, she has actively participated in the RCBA's Judiciary, Communications, Bench and Bar Benefit, and Judges' Dinner Committees. Judge Olmstead also served on the RCBA Board of Directors, becoming its President in 2015. In addition, Judge Olmstead served as President of the Ramsey County Bar Foundation and as President of the Minnesota Lavender Bar Association. As part of her deep commitment to the greater community outside of the law, Judge Olmstead has coached youth softball and has volunteered with Habitat for Humanity.

Judge Olmstead's demonstrated commitment to and leadership in the bar and the community, her outstanding professional performance, and her passion for assisting others all make her the ideal recipient of the Distinguished Humanitarian Service Award for 2019. With her newest role in the District Court, Judge Olmstead will continue her exemplary efforts to support our Ramsey County legal community and the greater community at large.

I couldn't think of a more fitting way to celebrate Law Day 2019 and to commemorate our nation's commitment to the rule of law then to recognize and honor the Ramsey County Law Library and Judge Kelly Olmstead with these Awards. Congratulations to you both!

SAVE THE DATE

2019 Bench & Bar Benefit

Saturday, November 2, 2019 | The Saint Paul Hotel

LAW DAY CLE

Post-Masterpiece Cakeshop: Anti-discrimination Law and Freedom of Speech and Religion Thursday, May 2

Presenter: Mike Steenson, Bell Distinguished Professor of Law. Mitchell Hamline School of Law

The Masterpiece Cakeshop case is just the beginning of the collision of religious beliefs and anti-discrimination laws. The narrow decision, based on the Colorado Civil Rights Commission's hostility to master baker Jack Phillips' free exercise claim, is not likely to provide a ready basis for resolving similar conflicts that arise because of the large shadow of compelled speech doctrine. The free speech claim is a different matter. Thomas's concurring opinion contends that requiring Phillips to design a cake constitutes compelled speech. Because the regulation is content-based, so the argument goes, strict scrutiny applies. The compelled speech issue is a key to determining how free speech rights are balanced against the State's interest in enforcing antidiscrimination laws.

Time: 12:00 p.m. to 1:00 p.m.

Location: Room 40, Ramsey County District Courthouse,

15 W Kellogg Blvd, St. Paul

Credit: 1.0 standard CLE credit applied for

Cost (and Teleconference Cost): FREE for RCBA

members; \$10 non-members

Tour the Ramsey County Law Library after the CLE

Sponsored by the Ramsey County Bar Association and the Ramsey County Law Library.

GREEN LINE LUNCHES

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

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

Tuesday, April 9, 2019 at Noon

Asian Deli

823 University Ave W (Victoria St Station)

Tuesday, May 14, 2019 at Noon

Bid Daddy's (BBQ)

625 W University Ave (Dale St Station)

Free Speech, Free Press, Free Society



Can an anti-discrimination law that requires services to a same-sex couple violate the right to free speech and freedom of religion? That topic will be presented at a Law Day celebration featuring Michael Steenson, Bell Distinguished Professor of Law at Mitchell Hamline. His program is entitled "Post-Masterpiece Cakeshop: Anti-discrimination Laws and Freedom of Speech and Religion," and he will focus on compelled speech.

The Masterpiece Cakeshop, Ltd. V. Colorado Civil Rights Commission, 138 S. Ct. 1719 (2018) case came before the U.S. Supreme Court and raised questions about the free exercise claim, anti-discrimination laws, and the compelled speech doctrine. There were two questions presented in Masterpiece Cakeshop that were not resolved by the Court: Would requiring services violate the free exercise clause of the First Amendment? Would requiring services be impermissible compelled speech in violation of the First Amendment? Professor Steenson will examine these questions.

While first amendment cases generate ongoing argument and differing opinions, they also reflect opposing points of view among the general population. New research describes differing perspectives based on age. According to a 2015 Pew Research Center poll, 40% of Americans, ages 18-35, felt that the government should be able to suppress speech that is offensive to minority groups. In contrast, only 12% of individuals ages 70-87 agreed with offensive speech suppression. Percentages were less extreme among 35-50-year-olds and Baby Boomers (ages 51-69) with 27% of the former group agreeing with speech suppression and 24% of the latter group. These results suggest there may be a generational divide on the appropriate role of government in dictating what speech should be regulated. *

The Ramsey County Bar Association and the Ramsey County Law Library will commemorate Law Day 2019 and its theme "Free Speech, Free Press, Free Society," and we hope bar members will participate. The RCBA/RCLL CLE featuring Professor Michael Steenson will take place on Thursday, May 2. (See page 4 for details). The one-hour

*See ABA Law Day Planning Guide (2019)

program will take place at noon in Room 40 of the Ramsey County Court House. The program is open to the public.

On May 1, we observe "Law Day"—our country's tribute to the rule of law. While Law Day is officially designated for May 1, activities around the country typically take place all during the month of May. In 1958, President Dwight D. Eisenhower established Law Day for national dedication to the principles of government under law. Law Day was also endorsed by the American Bar Association which has embraced the celebration and promoted its observance.

The Ramsey County Law Library honors the importance of Law Day by recognizing pro bono services for self-represented litigants who use the Ramsey County Housing and Conciliation Court Self-Help Center. With the help of pro bono attorneys, almost 500 individuals were served in 2018.

We would like to acknowledge the services of the following pro bono attorneys who assisted clinic clients over the past year:

Kristen Bullock	Barbara McDonald		
Jason Carney	Sarah McEllistrem		
John Del Vecchio	Jon Paulson		
Michael Fondungallah	Ryan Peterson		
Gary Hird	Joe Vaccaro		
Nancy Krieg	Mike Zwickey		
Dave Madgett	MJF Student Volunteers:		
Marie Martin	Michael Pfau		
Robert McClay	Jeongyoun Kim		
Haroun McClellan	Tian Yao		

For further information: The law library has two new books on freedom of speech. They are: The Schoolhouse Gate: Public Education, the Supreme Court, and the Battle for the American Mind by Justin Driver; The Free Speech Century by Geoffrey Stone. Please contact the law library at 651-266-8391 if you'd like to borrow these books.

By Sara Galligan, Ramsey County Law Library Director

MEMBER NEWS

Larson King, LLP is pleased to announce that **losif V. Sorokin** has joined the firm as an associate, focusing his practice in the areas of immigration, labor and employment, and business litigation.

Minnesota Lawyers Mutual Insurance Company (MLM) announced it is returning \$4.1 million to its policyholders as dividends in 2019 - a 9% increase over the previous year's disbursement, making it 31 consecutive years of returning a dividend to policyholders, over \$60 million total returned since 1988.

LEGAL SERVICES CORPORATION

Notice of Availability of Grant Funds for Calendar Year 2020

The Legal Services Corporation (LSC) announces the availability of grant funds to provide civil legal services to eligible clients during calendar year 2020. The Request for Proposals (RFP), which includes instructions for preparing the grant proposal, will be available at http://www.lsc.gov/grants-grantee-resources/grantee-login during the week of April 8, 2019. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. On or around the week of March 11, 2019, LSC will publish the list of service areas for which grants are available and the service area descriptions at https://www.lsc.gov/grants-grantee- resources/our-grant-programs/basic-field-grant/lsc-service-areas. Applicants must file a Notice of Intent to Compete (NIC) and the grant proposal through. LSC's online application system in order to participate in the grants process. The online application system will be available at https://lscgrants.lsc.gov/EasyGrants Web LSC/ Implementation/Modules/Login/LoginModuleContent. aspx?Config=LoginModuleConfig&Page=Login during the week of April 8, 2019.

Please visit https://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant for filing dates, applicant eligibility, submission requirements, and updates regarding LSC grants process. Please email inquiries pertaining to the LSC grants process to LSCGrants@lsc.gov.



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Kathleen R. Gearin Ramsey County District Judge, Retired



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

The JAMS Minneapolis panel also includes:

Philip L. Bruner, Esq. | Hon. James M. Rosenbaum (Ret.) | Hon. Janice M. Symchych (Former)

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

RCBAHAPPYHC

HOSTED BY THE NEW LAWYERS SECTION



Thursday, May 16 @ 5-7pm **Eagle Street Grille** Sponsored by: **S** ASCHEMAN

SAVE THE DATE

Multi-Bar Happy Hour THURSDAY, JUNE 13

CONSIDER PARTICIPATING IN THE

Attorney Referral Service Modest Means Program

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

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



RCBA PLACEMENT SERVICE

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





RCBA Nominations for 2019-2020 Officers and Leaders

The Ramsey County Bar Association Nominating Committee, chaired by RCBA Past President Paul Peterson, has compiled the following list of candidates for 2019-2020 officers and other leadership positions.

President – Sarah McEllistrem

President Elect – Susan Buckley

Vice President – Monica Dooner Lindgren

Secretary/Treasurer - Elizabeth Clysdale

Past President - Caryn Boisen

Board of Directors – Joseph Meyer, Heather Gilbert, Kenya Bodden

Voting Representatives to Minnesota State Bar Association

Assembly - Landon Ascheman, Victoria Brenner, R. Leigh Frost,

Hon. Thomas Gilligan, Jessie Nicholson, Kelly Rogosheske

Alternate Representatives to Minnesota State Bar

Association Assembly - Hon. Shawn Bartsh, Mike Bradley,

Hon. Juan Hoyos, Tom Plunkett

MSBA Council Representative – Caryn Boisen

MSBA Secretary for 2019-2020 (MSBA President in 2022-

2023) - Paul Peterson

Ramsey County Bar Foundation Board of Directors -

Renee Fossen, Tom Plunkett

Ramsey County Law Library Board of Trustees -

Tom Boyd, John Trojack

OTHER NOMINATIONS

Article VII, Section 2 of the RCBA Bylaws provides that, "Nominations for any official position in the Association, other than President, in addition to the nominees selected by the nominating committee, may be made by a petition signed by any twenty-five (25) Regular members of the Association. Such petition shall be filed with the secretary of the Association at least five (5) weeks prior to the annual meeting. Upon verification, the nominee shall be included on the election ballot. No nominations shall be made except as provided in Sections 1 and 2 hereof."

Other nominations must be received in the RCBA office by April 10, 2019.



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Vice President

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APRIL CLE OPPORTUNITIES

Midday Section CLE Opportunities

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

Location:

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

Time: Noon - 1:00 p.m.

Registration: 11:30 a.m. to

12:00 p.m.

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

non-members

Teleconference Cost: \$20 RCBA members: \$35

non-members

April 11 | Trusts & Estates Section: The View from the Bench Presenter: Hon. Joel Olson, Ramsey County Probate Court Referee

Hear directly from Referee Olson about tips for practice in Ramsey County Probate Court, including minor conservatorship versus protective orders, commitment proceedings, and more.

Credit: 1 standard credit applied for

April 16 | Real Estate Section: Negotiating and Drafting the Residential Construction Contract - Including an

Annotated Document

Presenter: Gina Fox, Kraft Walser Law Office, PLLP

Focus on residential construction, including the biggest pitfalls to address when representing either an owner or a builder in new home construction or remodeling. Considerations from both the owner and builder perspective will be discussed, and a sample form provided.

Credit: 1 standard credit applied for

April 24 | Family Law: Kramer vs. Kramer 2019

Presenter: Shawn Bulgatz, MA, LMFT, Twin Cities Play Therapy Center

Learn about the impact of parents in high conflict on their children, and the number of ways play therapy can support children who are stuck with parents in high conflict dissolution proceedings.

Credit: 1 standard credit applied for

APRIL Calendar of CLE Events

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
			11 Trusts & Estates: The View from the Bench	
	16 Real Estate: Residential Construction Contracts			19 Trademarks for Business Organizers
		24 Family Law: Kramer vs. Kramer 2019	25 Solo Small Firm: Housing Crisis & What Solo Small Attorneys Can Do	
	30 Assisting Tenants in Housing Court: Landlord Tenant Issues & Eviction Expungement			

UPCOMING CLEs

May 2 | Post-Masterpiece Cakeshop: Antidiscrimination Law and Freedom of Speech and Religion

May 8 | Think on the Spot® Workshop

May 9 | Trusts & Estates

Section: Scraping Probate Litigation Off Your Plate

May 15 | Law & Literature
- A Tale of Two Bars:
Lawyering, Addiction, and
the Problem of Coping

May 21 | Real Estate Section: Property Assessed Clean Energy (PACE): A Financing Tool All Real Estate and Development Attorneys Should Know

May 22 | Family Law Section: Guardians ad Litem

May 23 | Solo Small Firm Section- Difficult Clients: How to Spot Them, How to Manage Them and How to Part with Them

June 12 I Joint RCBA/ HCBA Family Law Sections: Common Mistakes That Attorneys Make During ADR Processes

APRIL CLE OPPORTUNITIES CONT.

Additional CLE Opportunities

Register at www.ramseybar.org, send an email to info@mnbars.org, or call 651-222-0846

Location:

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

April 19 | Trademarks for Business Organizers – Helping clients avoid trap and costly mistakes when naming their business and establishing brands.

Presenter: Kenneth L. Kunkle, Kunkle Law PLC

What is a trademark?
Trademarks vs. Business
Names (USPTO/US Patent
and Trademark Office vs.

Minnesota Secretary of State). When do you need to register your trademark and when is it a waste of time?.

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

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

Credit: 1 standard CLE credit

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

Teleconference Cost: \$20 RCBA members; \$35 nonmembers

April 30 ∣ Assisting Tenants in Housing Court: Common

Landlord Tenant Issues and Eviction Expungement

Presenter: Hon. Elizabeth Clysdale, Ramsey County Court Referee; Caitlin Guilford, Southern Minnesota Regional Legal Services

Overview highlighting issues and procedures faced by tenants going through housing court, including eviction expungement procedures. Attendees will be urged to consider signing up for pro bono opportunities that are affiliated with housing court in St. Paul.

Time: 12:00 p.m. to 1:30 p.m.

Registration: 11:30 p.m. to

12:00 p.m.

Credit: 1.5 standard CLE credits applied for

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

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

Solo Small Firm Section CLE Opportunities

www.ramseybar.org, send an email to info@mnbars.org, or call 651-222-0846

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

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

CLE presentations: 8:30am-10am

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

Upcoming topics:

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

Presenters: Ann Juergens, Professor, Co-Director of

Clinics, Mitchell Hamline School of Law; David J.S. Madgett, Madgett & Klein, PLLC

Overview of landlord/ tenant law from the tenant perspective and discussion of how to insure revenue streams when representing tenants in Minnesota.

Credit: 1.5 standard CLE credits applied for

May 23 I Difficult clients: How to spot them, How to manage them and How to part with them

(1.5 ethics CLE credit approved)

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