# BARRISTER



May/June 2019 Volume 31 Issue 4

# INSIDE THIS ISSUE

Golf Tournament Details

Upcoming Events RCBA Member Appreciation Day

President's Page

Judges' Dinner Solo Small Firm Summit

Liberty Bell Award Recipient

SMRLS: Social Justice Uncorked Classifieds

RCBA Happy Hours Green Line Lunches Diversity Committee CLE Attorney Referral

Service

**Placement Service** 











#### UPCOMING EVENTS

#### **RCBA Member Appreciation Day**

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

#### Green Line Lunch

Tuesday, May 14, 2019 Bid Daddy's 625 W University Ave, St. Paul

#### **RCBA Happy Hour Hosted by** the New Lawyers Section

Thursday, May 16, 2019 Eagle Street Grille 174 7th St W, St. Paul

#### **Green Line Lunch**

Tuesday, June 11, 2019 Los Ocampo 615 W University Ave., St. Paul

#### Multi-Bar Happy Hour Hosted by RCBA New Lawyers Section

Thursday, June 13, 2019 Oxcart Arcade and Rooftop 255 6th St E, St. Paul

#### **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

# 5 G L F tawmament

# Monday, July 15, 2019

Keller Golf Course | 2166 Maplewood Drive | St. Paul

Proceeds benefit the Ramsey County Bar Foundation. The RCBF annually awards grants to law-related charitable organizations such as Children's Law Center, Minnesota Justice Foundation and Lawyers Concerned for Lawyers.

> 11:30 a.m. **Lunch and Registration** 1:00 p.m. **Shotgun Start** 5:30 p.m. **Dinner and Awards Reception**

Cost: \$150 for RCBA members, \$175 for non-members; add \$10 per person after June 17th.

Foursome Discount: Only \$500 (\$125 each) Registration and sponsorship opportunities available at www.ramseybar.org/event/golf2019

For details or questions email SElmore@mnbars.org or call 651-789-3756



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

# So Long, Farewell . . . and Thank You!

One of my favorite films is and has always been The Sound of Music. I remember as a kid – before the availability of DVR recorders and Amazon Prime, and even before cable TV and VCRs became mainstream - my family would sit down together to watch the network's annual showing of The Sound of Music. It was a big deal. A once-a-year occasion that we never missed. One of my favorite scenes in the movie is the large party thrown by Captain von Trapp at the family's large home, when the von Trapp children entertain the formally-dressed, well-to-do guests by singing as they leave the party to go to bed. The children sing:

> So long, farewell, auf Wiedersehen, good night. I hate to go and leave this pretty sight. So long, farewell, auf Wiedersehen, adieu. Adieu, adieu, to you and you and you.

It is nearly time for me to say so long, farewell, and adieu to my term as President of the Ramsey County Bar Association. On the one hand, I am looking forward to handing the gavel to Sarah McEllistrem, who will do an amazing job as President for the next Bar year. Yet I also like the von Trapp children – truly hate to go!

This Bar year has been both challenging and rewarding. The challenges started early, when the RCBA Board of Directors joined the Minnesota State Bar Association Council and the Hennepin County Bar Association Board of Directors in voting to adopt a new staffing model with one executive director and a single staff serving all three Bar Associations starting in January 2019. RCBA's Executive Director Cheryl Dalby was hired to lead the three Associations under the new shared staff model. Since starting her position as Chief Executive Officer of the three Associations on January 1, Cheryl has done an excellent job of leading the three Associations with a combined staff to coordinate efforts, increase efficiencies, and improve member value and member service. I look forward to seeing how Cheryl and the rest of the dedicated and talented staff members work together for our three Associations moving forward.

This Bar year has also been extremely rewarding, thanks in large part to all of the great events and programming the RCBA was able to offer under the able leadership of our committees and sections and with the tireless efforts of our staff. I would like to highlight a few of the events and programs the RCBA offered this Bar year to give our members opportunities for networking, education, and community service.

In October, the Families First Committee held its annual community outreach event for children of St. Paul's east side. Twenty RCBA volunteers, together with Neighborhood House, hosted the Families

First Halloween Party, where 181 children and family members enjoyed fun Halloween-inspired food and games. Thank you to the Families First Committee, its co-chairs, Michael Burke and Referee Richard Stebbins, and the event volunteers for planning and hosting such a great event.



The 2018 Bench & Bar Benefit was held on Saturday,

November 3 at the St. Paul Hotel. Over 200 tickets were sold to attendees, and the event raised more than \$45,000. Half of the money raised was given directly to Southern Minnesota Regional Legal Services on behalf of the Ramsey County Bar Foundation. The other half was awarded by the Foundation in grants to other law-related organizations. Thank you to the Bench & Bar Benefit Committee and its co-chairs, Kyle Dareff and Renee Fossen for planning another successful Benefit.

The Judges of Ramsey County showcased their talents in a variety show and dinner held on Thursday, March 28. The Judges' Dinner was another sold out show this year, with 200 judges and lawyers getting together to have fun. Thank you to the Judges' Dinner Committee, its co-chairs, Anu Chudasama, Victoria Elsmore, and Kelly Lawton Rogosheske, and the judges and referees of Ramsey County for an evening full of laughs and camaraderie.

The RCBA Memorials are held each spring to honor local attorneys and judges that have passed away in the previous year. This year's special session, organized by the Memorials Committee and its co-chairs, Scott Borchert and Elizabeth Keyes, was held on Friday, April 12. Thank you all for planning this important event.

Our New Lawyers Committee's monthly happy hours and our Diversity Committee's Green Line Lunches both offered great networking opportunities for our members throughout this Bar year. The Diversity Committee also organized a number of impactful CLEs with the goal of advancing and promoting diversity and equal opportunity at every level of the legal profession. Thank you to both Committees and their respective co-chairs, (Joe Meyer and Kirk Olimb, for the New Lawyers Committee and Greg Egan and Terrance Hendricks, for the Diversity Committee) for your great work this year.

Our Youth and the Law Committee was also busy again this year with

Continued on next page

programs that educated young people about the law and promoted volunteerism in education. Thank you to the Committee and its co-chairs, Sarah Orange and Jessica Palmer-Denig.

Unfortunately, there isn't enough space in the Barrister to highlight all of the events and programming we were able to offer our members thanks to the outstanding work of our committees and sections. Thank you to the rest of our committees and sections not mentioned above for all of their work this year:

#### **Charity Golf Tournament Committee**

(co-chairs Jim Erickson, Jr. and Martin Norder)

#### **CLE Oversight Committee**

(co-chairs Leanne Fuith and Carol Bros)

#### **Ethics Committee**

(chair Timothy J. Simonson)

#### **Criminal Law Section**

(co-chairs John Arechigo and Landon Ascheman)

#### **Family Law Section**

(co-chairs Theresa Bofferding and Andrew Meyer)

#### **Real Estate Section**

(co-chairs Mike Burke and Royee Vlodaver)

#### Solo and Small Firm Section

(co-chairs Margaret Barrett and Freya Hanson)

#### **Trusts & Estates Section**

(co-chairs Amanda Hespen and Dan Kufus)

We accomplished big things this Bar year due to our strong membership and dedicated staff that zealously stepped up to make things happen. Thank you to everyone who helped make this Bar year such a success! It has truly been an honor to serve as President of the RCBA. I want to thank each and every one of you for giving me the opportunity to serve.

Adieu, adieu, to you and you and you!

#### **Solos Moving Forward Summit**

CO-SPONSORED BY MSBA, HCBA, RCBA, MWL

Friday, May 17 | All-Day Summit: 8am to 6pm 8400 Training Room - 1st Floor Normandale Lake Office Park 8400 Tower 8400 Normandale Lake Blvd, Bloomington, MN

New conference event created by the Solo & Small Firm sections of MSBA, HCBA, RCBA and MWL along with the MSBA Practice Management & Marketing and Greater Minnesota Practice Sections. Workshops, short talks, and opportunities to socialize over food and beverages. Networking happy hour, including prizes.

4 standard and 1 elimination of bias credits applied for

#### **FREE PARKING**

Cost (includes lunch): \$20 members (MSBA, HCBA, RCBA, MWL): \$50 non-members; \$20 law students

Register at www.mnbar.org/members/cle-events



# RAMSEY COUNTY BAR ASSOCIATION

# **JUDGES' DINNER**

Thank you to everyone who joined us at this year's Judges' Dinner. Thank you to all the judges who provided the entertainment, and thank you to the committee for their inspiration and hard work.







#### LawHelpMN.org Community Outreach Needs You

Help educate the community about this valuable tool, including its navigational tool, the LawHelpMN Guide. Check out the site at www.LawHelpMN.org and contact State Support to learn how you can help: statesupport@mnlegalservices.org

# Ringing the Bell of Liberty, Justice, and Fairness: 2019 Liberty Bell Award



#### FOR OVER 80 YEARS THE RAMSEY COUNTY LAW LIBRARY has

softly and constantly rung the bell of liberty, justice, and fairness for its citizens and law colleagues atop the 18th floor of the Ramsey County Courthouse, making it this year's much deserving recipient of the RCBA's Liberty Bell Award. The RCBA's prestigious Liberty Bell Award is presented annually to honor one non-lawyer's activities that greatly benefit our legal community and our Ramsey County citizens by increasing the effective functioning of our government and courts through understanding, encouragement, and respect for our institutions and the rule of law.

The Ramsey County Law Library achieves all the ideals for which the Liberty Bell Award stands through its numerous activities that are reaching into the community of legal practitioners and the community at large. None of this could be achieved without the dedication, innovation, and kindness of three extraordinary public legal servants: Sara Galligan, Mike Florin, and Pauline Afuso. This team of three is the Ramsey County Law Library, and the Ramsey County Law Library has become the bridge between our citizens and the legal system.

The Law Library has taken up many challenges without hesitation when asked by various organizations, including the Ramsey County Courts and RCBA itself. The successful Housing and Conciliation Court Clinic was the Law Library's innovative 2009 answer to the gap experienced by the judges and the pro se litigants in the area of Landlord Tenant law, an area of law where many citizens must self-represent. Every Tuesday from 1:00-4:00 p.m., pro se litigants are encouraged to fill the rooms of the Library to briefly consult with a volunteer attorney. Since 2011, the Law Library has also hosted a successful Criminal Expungement Clinic Workshop run by the Ramsey County Court, and held on the 2nd and 4th Thursday of each month from 1:00-4:00 p.m. in the Library.

Our Ramsey County citizens are not the only benefactors of the Law Library's outreach. The Library frequently collaborates with the RCBA to offer our members valuable and informative CLEs and speaker

events. This simply is not your grandfather's law library. Mike Florin has dedicated over 25 years to the Ramsey County Law Library. He has seen the landscape of law libraries change with their Westlaw subscriptions (new expanded version has excitingly just hit the 18th floor) and online catalogues. But one thing remains the same, the staff's commitment to learning where the answer to any question lies, no matter what format or form. In the wisdom of Mr. Florin, "[b]eing interested is a big piece in being able to learn and being able to offer information to help people."

In 2018 alone, the three staff members handled a staggering 5,800 inquires. 74% of those inquires came from the general public. The Law Library has worked hard to promote itself away from that old notion that the Ramsey County Law Library is a place only for lawyers and judges. When asked how it felt to receive such a prestigious award, each staff member referenced what a great spotlight the recognition provides to remind people of the library's existence and resources. While the Law Library has taken great strives to expand its resources to the citizens, it has not forgotten its law practitioners. Across from the main room, the staff has worked hard to expand its legal book collections, including new additions to the sole practitioner collection.

The resources of the Law Library are not only housed within the four corners of the library itself, but can also be found on and through its website. A particularly fun and unexpected resource of the Library is a blog authored by staff member Pauline Afuso. The blog covers a wide range of topics from tips on how to find appellate briefs to practical advice on staying warm during this winter's extreme weather.

The Law Library promotes our institutions and courts not only through services and book collections, but it also houses one of the most unique lessons in Ramsey County judicial history. The two main rooms of the Law Library are ornate with the portraits of past Ramsey County judges. This unique preservation of our history could not have been accomplished without the initiation of Sara Galligan. Behind the scenes, Galligan sought the hard-earned funds and grants to restore these paintings to their former glory, but always with an eye to the future. She is instrumental in seeing the portrait collection grow to reflect and memorialize the current and ever changing bench.

The Ramsey County Law Library goes above and beyond in its support of our legal community, and when asked what support could we give in return — the answer: volunteers. If you are interested in volunteering with the Ramsey County Law Library, please contact Sara Galligan. Volunteers attorneys are always needed for the Library's Housing and Conciliation Court Clinic. Congratulations to the Ramsey County Law Library on being RCBA's 2019 Liberty Bell Award recipient!

By Mollie Teaster, Larry B. Stevens & Associate



Southern Minnesota Regional Legal Services invites you to join us at our largest annual findraiser

## Social Justice **UNCORKED!**

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Thursday, June 6, 2019 5:30 pm - 8:15 pm **Target Field** 

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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)

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# **RCBAHAPPY**HOUR

Thursday, May 16 @ 5-7pm Eagle Street Grille, 174 7th St W, St., St. Paul SPONSORED BY: **ASCHEMAN** 

MULTI-BAR HAPPY HOUR

Thursday, June 13 @ 5-8pm **Oxcart Arcade and Rooftop** 255 6th St E, St. Paul

**GOLD SPONSORS:** 

**Atticus Family Law** Collins, Buckley, Sauntry & Haugh, PLLP **Findlaw JAMS** Mason & Helmers

SPONSORED BY THE RCBA DIVERSITY COMMITTEE

# The Principles of Equality. The Practice of Inequality.

June 5 @ 9:00 to 11:00 a.m.

Although in 2013 the Minnesota legislature gave same-sex partners the right to marry, and although in 2015 the U.S. Supreme Court in Obergefell gave same-sex people the right to marry, many people are surprised to learn that in Minnesota, same-sex parents still do not have access to the same basic fundamental rights that heterosexual couples enjoy. Many thought the Minnesota 'marriage equality' statute put an end to all sex-based distinctions in marriage. Unfortunately, in practice, the door to the courtroom is closed to same-sex parents seeking to establish their rights following the breakup of the relationship with their partner.

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

Credits: 1.5 Elimination of Bias CLE credits applied for Cost: FREE for RCBA members; \$30 for non-members Teleconference: FREE for RCBA members:

\$30 for non-members The Excellence in Diversity Award will be presented to Melitta Drechsler at the CLE.

#### 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

# SAVE THE DATE

#### 2019 Bench & Bar Benefit

Saturday, November 2, 2019 | The Saint Paul Hotel

#### **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, May 14 at Noon

Bid Daddy's (BBQ)

625 W University Ave (Dale St Station)

#### Tuesday, June 11 at Noon

Los Ocampo (Mexican)

615 W University Ave (Western Ave Station)



#### **RCBA PLACEMENT SERVICE**

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



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# MAY/JUNE 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. –

12:00 p.m.

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

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

Credit: 1 standard credit

applied for

May g I Trusts & Estates Section: Scraping Probate Litigation off Your Plate

Presenters: John A. Wehrly, Foster Brever Wehrly, PLLC: James Crist, Steinhagen & Crist, P.L.L.P

Explore strategies to efficiently resolve disputes that arise in the course of estate administrations, trusts, guardianships, and conservatorships.

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

Presenter: Eric Larson, General Counsel, St. Paul Port Authority

PACE permits property owners to finance energy savings infrastructure investment by agreeing to a special assessment. Given the utility savings, the investment more than pays for itself. May 22 I Family Law Section: Guardians ad Litem and Family Court: All Your Questions

Presenter: Laura Miles, Guardian ad Litem Manager, Second Judicial District

Information about the Guardian ad Litem (GAL) program: mandatory and permissive appointments, GAL role in paternity cases, orders for protection, and custody and parenting time matters. Bring questions!

June 12 | Joint RCBA/HCBA Family Law Sections - Even the Best Make Mistakes: Common Mistakes Attorneys Make in ADR Processes

Panelists: Steven Schmidt, Mediator; Susan Olson, Family Law Attorney and Mediator; Mike Black,

#### Mediator

New and well-seasoned attorneys all have room for improvement in ADR processes. How to best prepare yourself, your client, and the ADR provider? How might your relationship with the client or opposing counsel affect the ADR

process? Panelists share mistakes they see most often during mediations, FENEs, SENEs, Moderated Settlement Conferences, and child inclusive mediation.

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

Registration: 11:30 a.m. -

12:00 p.m.

Location: Town & Country, 300 N Mississippi River Blvd, St Paul

Credit: 1.0 standard CLE credit applied for; 1.0 ADR CE credit approved

Cost (includes lunch): \$25 RCBA members; \$35 nonmembers

#### MAY/JUNE Calendar of CLF Events

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
			2 Law Day CLE INSERT BACK	
		8 Think on the Spot INSERT BACK	9 Trusts & Estates: Probate Litigation INSERT FRONT	
		<b>15</b> Law & Literature: Lawyering and Addiction <b>INSERT BACK</b>		17 Solos Moving Forward Summit PAGE 4
	21 Real Estate: PACE (Clean Energy) INSERT FRONT	22 Family Law - Guardians ad Litem INSERT FRONT	23 Solo Small Firm: Difficult Clients INSERT BACK	
		5 Principles of Equality. Practice of Inequality. PAGE 7		
10 Ramsey County Judicial History INSERT BACK		12 FamilyLaw: Mistakes Attorneys Make in ADR INSERT FRONT		

# MAY/JUNE 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 (Unless otherwise noted).

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

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

The Masterpiece Cakeshop case shows the collision of religious beliefs and anti-discrimination laws, and the challenge of balancing free speech rights against the State's interest in enforcing anti-discrimination laws.

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

**Registration**: 11:30 a.m. – 12:00 p.m.

**Credit:** 1 standard CLE credit applied for

Location: Room 40, Ramsey County District Courthouse, 15 W Kellogg Blvd, St. Paul Cost: FREE for members, \$10 for non-members

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

# May 8 | Think on the Spot® Workshop CLE

Presenter: Toni L. Halleen, Fun with Law; SchaefferHalleen, LLC

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

Time: 3:00 p.m. - 4:30 p.m.

**Registration:** 2:30 p.m. – 3:00 p.m.

**Credit:** 1.5 standard CLE credits applied for

Cost: FREE RCBA members; \$40 non-members

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

Presenter: David Schultz,

Hamline University Professor of Political Science; U of MN Professor of Law

Studies show that the legal profession faces one of the highest percentages of depression and addiction. often impacting work, family, and personal lives. We think it can never be us and it is someone else's problem. But could it be you? Drawing upon Brian Cuban's memoir, The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption, examine the traits of the addicted lawyer, how the legal professional potentially enables this behavior, and what we learn from it in terms of how to help ourselves and others.

Please read the following portions of The Addicted Lawyer before attending the class: preface, introduction, chapters 3, 11-14, 17, 19...

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

Registration: 2:30 p.m. – 3:00 p.m.

Credit: 2.0 elimination of bias

CLE credits approved

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

#### June 10 | Ramsey County Judicial History Revealed

Presenter: Paul Godfrey, Law Office of Paul W. Godfrey, Hon. John Guthmann, Chief Judge, Ramsey County District Court; Hon. Gordon Shumaker (Retired), Minnesota Court of Appeals

Insights about the Ramsey County bench, illustrative and historic cases, and winning strategies from the perspectives of current and former Ramsey County judges.

Time: 12:00 p.m. - 1:00 pm

**Registration:** 11:30 a.m. – 12:00 p.m

**Credit:** 1.0 standard CLE credit applied for

Location: Ramsey County Law Library, 1815 Courthouse, 15 W Kellogg Blvd, St. Paull

Cost: FREE

## **Solo Small Firm Section** CLE Opportunities

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

Every fourth Thursday (excluding summer) -Informal CLE presentation and networking gathering at the Louisiana Cafe (613 Selby Avenue) in St. Paul

**Registration and networking:** 8 a.m. – 8:30 a.m.

CLE presentations: 8:30 a.m. – 10 a.m.

Cost (includes breakfast): \$20 RCBA members\* \$30 non-members May 23 I Difficult Clients: How to Spot Them, How to Manage Them and How to Part with Them

Presenters: Patty Beck and Danielle Perry, Claims Attorneys, Minnesota Lawyers Mutual Insurance Company

Practical ways to navigate ethical issues and avoid malpractice pitfalls when dealing with difficult clients. Common red flags to help spot difficult clients before undertaking the representation, how to manage relationships that have begun to deteriorate, and how to end representation in a way that reduces the likelihood of a subsequent malpractice or ethics complaint by the client.

1.5 ethics credits approved

'MSBA Solo Small Firm Section members may attend at the RCBA member price (\$20). To do so, send an email to info@ mnbars.org.

Gather with other solo/ small firm attorneys this summer to help plan next year's CLEs. Watch for more information coming soon.